

FRANCE¹

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1. Historical perspective: cultural policies and instruments

The history of cultural policies in France, from their origins under royal patronage in the 16th century until the present, is marked by the central role the state has played in promoting and organising knowledge (*Collège de France*, the National Library), the arts (*Comédie-Française*, the Louvre Museum) and culture, and the gradual deployment of administrative structures and budgeted funds (creation of the Fine Arts Secretariat in the 19th century and the establishment of a separate Ministry of Culture in 1959).

A ministry in its own right since 1959

As head of the first Ministry responsible for cultural affairs, André Malraux opened up the path that was to be taken, except for occasional interruptions, by all his successors: heritage protection, contemporary artistic creation, dissemination and training, the regulation of cultural industry markets and the *déconcentration* of administration (transfer of power and resources from central level to local level while remaining under the state government administration.).

The Ministry under André Malraux (1959-1969)

In 1959, André Malraux set up a Ministry of Cultural Affairs from the existing directorates of the Ministry of Education and the National Film Centre (Ministry for Industry). The new administration's primary aims were to promote contemporary creation in all artistic disciplines and a broader participation in cultural activity, especially in the areas of theatre, music and heritage. André Malraux wanted to set up Arts Centres (*Maisons de la Culture*) in each French *département* in order to stimulate contemporary artistic creation and disseminate culture on a broad scale (France is geographically divided into 96 administrative divisions known as *départements*). Only nine cities were ultimately provided with these centres. As part of the move towards *déconcentration*, three regional cultural affairs directorates were set up in 1969.

The Ministry under Jacques Duhamel (1971-1973)

Jacques Duhamel carried out a simultaneously interdisciplinary and interdepartmental policy aimed at integrating culture into society. He set up procedures to establish partnership contracts between the government and cultural institutions (television, cinema industry, theatre companies). A Cultural Projects Fund (*Fonds d'intervention culturelle – FIC*) was created in order to finance innovative partnerships with other ministries. In the field of visual arts, the 1% system (which ruled that 1% of the construction costs of a public building must be set aside for the funding of an art work for that same building) was extended to include all public buildings.

Six succeeding ministers: Maurice Druon, Alain Peyrefitte, Michel Guy, Françoise Giroud, Michel d'Ornano, Jean-Philippe Lecat (1973-1981)

While continuing to follow the policy lines initiated by André Malraux and Jacques Duhamel, the six ministers succeeding Jacques Duhamel introduced their own changes. In 1974, Michel Guy created a breakthrough for young artists and contemporary art by signing the first of a series of cultural development agreements with municipalities and regions (*chartes culturelles*).

In 1977, the Georges Pompidou National Arts Centre was inaugurated, the Museums Finance Act was adopted in 1978, and 1980 was declared a "National Heritage Year".

The two Jack Lang ministries (1981-1986 and 1988-1993)

During this period, the Ministry of Culture stepped up its moves towards modernisation and its involvement with contemporary society. Measures included an increase in cultural funding; the widening of the ministry's scope of activities to include new art forms; the integration of culture into the economic world; the development of audio-visual communications. The Ministry received ongoing support from the President of the Republic, who gave his stamp of approval to a series of major construction projects known as the '*Grands Travaux*' (*Arche de la Défense*, the Bastille Opera House, the Grand Louvre, the National Library...). The Ministry's budget was doubled in 1982, then was gradually levelled out to almost 1% of the state budget, increasing from 2.6 billion francs in 1981 to 13.8 billion in 1993. Moves towards *déconcentration* were stepped up with the completion of a network of regional cultural affairs directorates. The policy involving contracts with local authorities was reintroduced. Several major training institutions were either restored or established: the *École nationale du patrimoine* (heritage), now known as the *Institut national du patrimoine*, the two *Conservatoires nationaux supérieurs de musique* (Paris and Lyon) and the *École du Louvre*. Over a period of 12 years, more than 8 000 jobs were created in the cultural field. Arts education in schools was modernised, new disciplines were taught (theatre, cinema, art history...), and a range of schemes were organised to raise the awareness of children such as arts projects, school visits to the cinema, heritage projects etc.

As a result of economic changes and the growth of "home-based" cultural activity, the Ministry began to place more emphasis on cultural industries (books, records, cinema, audio-visual) with a view to regulating the market (aid mechanisms for the film industry, price regulation on books, radio broadcasting quotas for French-language music...). This new alliance between culture and economics was also reflected in the measures adopted to encourage arts patronage (tax incentives, sponsorship).

Three ministers with varying scopes of activity: François Léotard, Jacques Toubon, Philippe Douste-Blazy (1986-1988 and 1993-1996)

During the above periods, the sections responsible for Communication and the French-speaking Community were both included in and excluded from the Ministry's scope of activities. The law on the use of the French language was adopted in 1994. A range of initiatives aimed at the "problem" districts was introduced. Culture was included in regional development initiatives.

The Ministry under Catherine Trautmann (1997-March 2000)

Over a period of three years, the Minister of Culture carried out a policy aimed at broadening cultural participation with emphasis on the development of heritage, the performing arts, new technologies and *déconcentration* – i.e. the delegation of responsibility and financial resources devolved to local and regional state departments, namely the Regional Directorates of Cultural Affairs (DRAC).

Catherine Tasca (March 2000-May 2002)

Catherine Tasca's initiatives were mainly directed towards cultural diversity, across-the-board access to arts education and state reform via decentralisation. During her term of office, her personal objectives were: to create a partnership with local and regional authorities in order to foster and guarantee creative dynamism throughout France; to help enrich individual lives by making heritage more accessible through education; and to support the major institutions of both Paris and the regions in their indispensable development. In regard to audio-visual communication, she sought to reinforce the government's regulatory function and increase high quality production in France without curbing the dynamism of the private sector. She also wanted to develop the European audio-visual market, making it more fluid and interactive, thus enabling it to flourish..

The 2002 budget allocation for the Ministry of Culture exceeded 1% of overall state expenditure.

Jean-Jacques Aillagon
(Mai 2002-...)

In May 2002, in the first government of President Jacques Chirac's second term of office, Jean-Jacques Aillagon, former president of the Georges Pompidou National Art Centre, was appointed Minister of Culture and Communication. In one of his first interviews he stated that 'The right wing, heedful of modernity, is capable of [implementing] a far-reaching cultural policy.'

The development of cultural
devolution

During these last forty years, local and regional authorities have also increased their public support for culture. For a good many years the municipalities have been the owners of certain cultural facilities such as museums, municipal theatres, libraries and music schools and are now the main providers of government funds for culture. Prompted and encouraged by the Ministry of Culture and going as far as to draw up their own cultural policies, the municipalities, followed by the *departments* and regions, have become involved in local public cultural action to a degree far exceeding the obligations laid down in the devolution laws of 1982 and 1983.

2. Competence, decision-making and administration

2.1 Organisational structure (organigram)

Chart 1: Key actors in public cultural policy

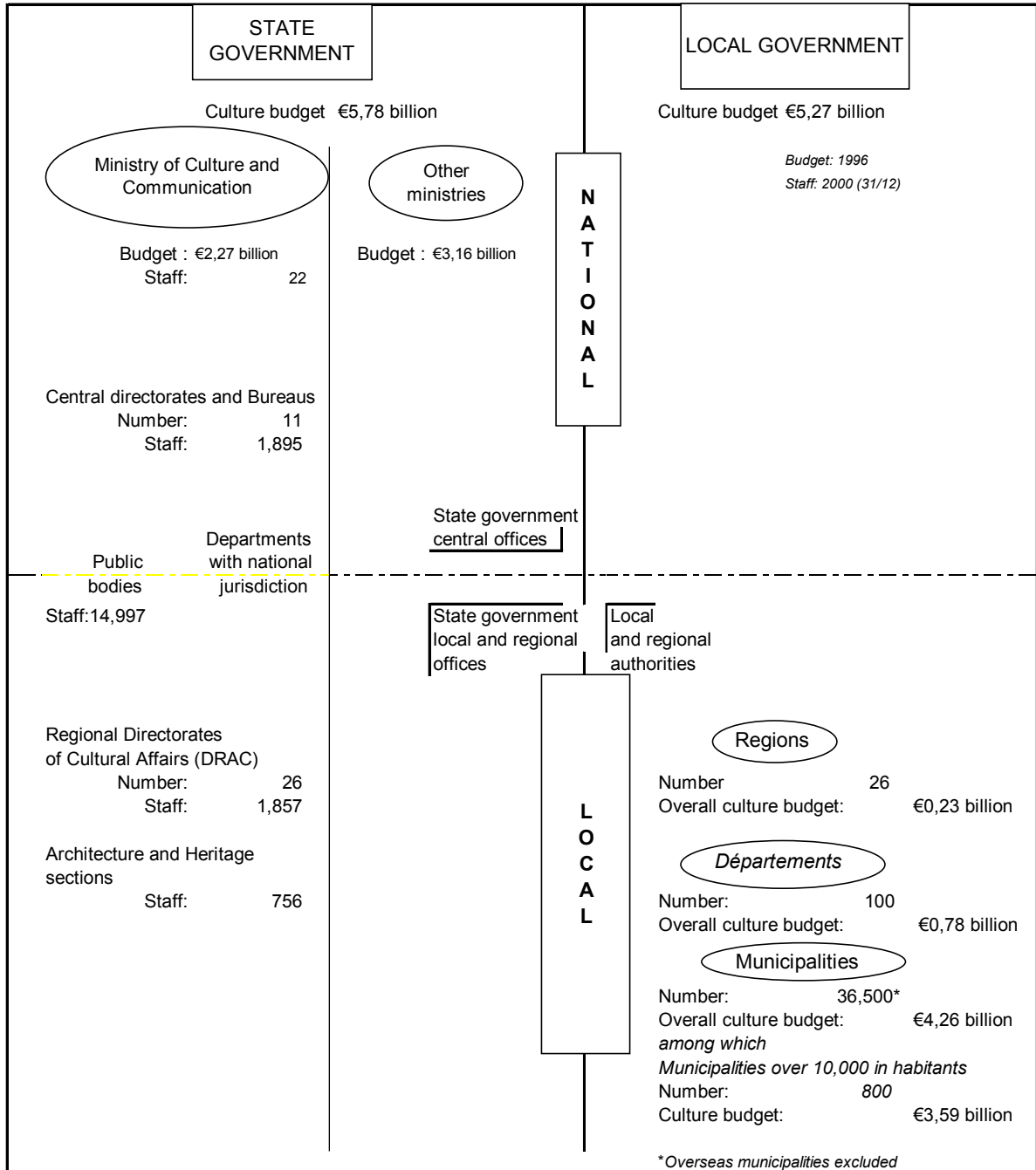
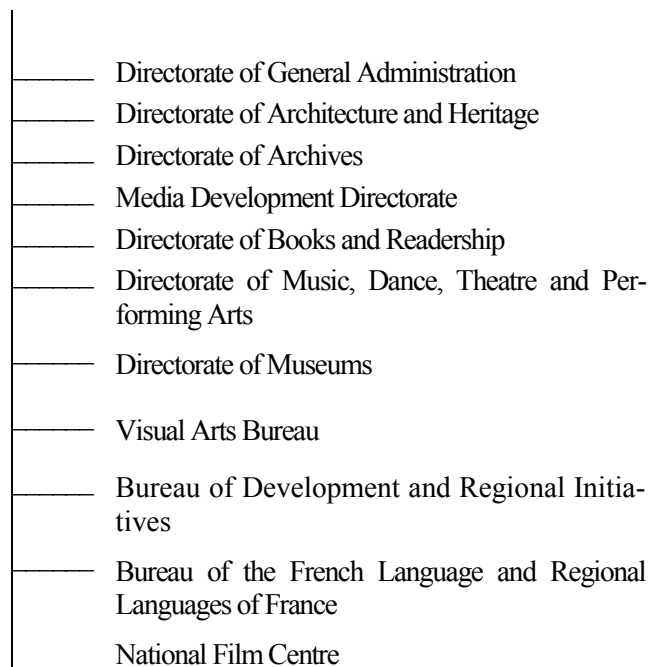


Chart 2 : Fields of action of the Ministry of Culture: Central Directorates and Bureaus

Minister

Departmental staff



The Ministry acts under the authority of the minister and is comprised of:

Central directorates and bureaus responsible for conception, orientation, inspection and assessment at national level;

Regional bureaus representing the government at local level including: the Regional Directorates of Cultural Affairs (Directions régionales des affaires culturelles – DRAC), which implement national policies adapted to the regional context, and the Architecture and Heritage sections (Services départementaux de l'architecture et du patrimoine – SDAP);

Public bodies: organisations to which the state has accorded a specific legal status and financial autonomy; public bodies are state-supervised legal entities under public law;

Departments with national jurisdiction (including numerous national museums).

2.2 Overall description of the system

France is a parliamentary (presidential) democracy of which the principal representative bodies are the National Assembly and the Senate. The President of the Republic appoints the Prime Minister, who is responsible for forming the government and whose task it is to define and implement the nation's policies. The government is made up of ministers, each with specific responsibilities, who exercise their authority over the national departments relevant to their portfolios. Within the government, the Minister of Culture participates in the definition and implementation of national policies and is specifically responsible for cultural affairs.

The Minister of Culture exercises political authority over the directorates and other services of the Ministry of Culture. It is the minister's task to define the overall priorities and guidelines for ministerial initiatives. Accordingly, he/she decides on how funds are to be

distributed between the directorates and oversees their allocation. The distribution of funds is determined at the draft budget stage and subjected to the overall guidelines defined by the government under the authority of the Prime Minister and with parliamentary endorsement.

The Ministry of Culture is not the only government body that provides financial support for culture. A certain number of other ministries allocate substantial funds to the provision of cultural services. These funds can be allocated either directly (in the context of the ministry's brief) or indirectly. Those principally concerned are the Ministry of Youth, Education and Research and the Ministry of Foreign Affairs. A wide range of cultural projects is initiated by other ministries: training in the arts; conservation of specialised libraries, national museums, monumental heritage and the historical archives of ministries; cultural initiatives outside of France; communication.

The Ministry of Youth, Education and Research supervises, for example, the natural history museums the *Institut de France* and the French Academy. The Ministry of Foreign Affairs is responsible for cultural and linguistic exchanges and French language teaching outside of France through a network of French cultural institutions, French schools, *Alliance Française* and the French-Language Teaching Agency.

Directly elected local authorities (regions, *départements* and town councils) are responsible for local administration throughout the Republic of France. They are not answerable to the state, manage their own affairs in total freedom, and, in compliance with the laws of the Republic, are independent of each other. France's devolution laws define each council's scope of activity.

Local authorities – the town councils in particular – are highly active in the cultural field. Town councils manage most local cultural facilities and organise a large number of cultural events in their area (festivals), partly in collaboration with the Ministry of Culture.

2.3 Inter-ministerial or intergovernmental co-operation

Co-operation between the Ministry of Culture and local and regional authorities

The government, via the Ministry of Culture, controls and supervises certain cultural activities put in place by local and regional authorities. These comprise the keeping of archives, the scientific and technical inspection of museums and libraries, the scientific, technical and pedagogic inspection of cultural and arts training establishments (music schools, art colleges...).

One of the principal features of public cultural development in France is joint action between the various public actors, and numerous institutions, cultural initiatives and facilities at national, regional and local levels are co-funded by these actors, who form lasting partnerships. The main examples of the above are: regional associations for the development of music, and choreography (and occasionally drama); music and dance institutes and teacher training centres; contemporary arts centres; cultural exchange centres; national theatres; regional opera houses and orchestras; regional co-operation agencies for books; and heritage restoration centres... Many of these institutions benefit from a quality classification and/or are part of a national network. The funding potential of the different public actors varies according to the nature of individual structures and sometimes varies between structures of a similar type.

Specific measures have been drawn up: the two funds *Fonds régionaux d'acquisition des musées* (FRAM) and the *Fonds régionaux d'acquisition des bibliothèques* (FRAB), are supplied on an equal basis by the Ministry of Culture and the regions. These funds are in-

tended for the acquisition of art works and the enlargement of the collections of museums and libraries under the control of local and regional authorities. The funding association *Fonds régionaux d'art contemporain* (FRAC) was also created to set up contemporary art collections in each region and to carry out awareness-raising and diffusion actions in the sphere of contemporary art.

In addition, specific contractual agreements between the Ministry of Culture and the local and regional authorities were signed in order to implement cultural development at a given regional level: the 'cultural development agreements' – which have the broadest scope – support the definition and implementation of local cultural projects; the 'villes d'art' and 'villes et pays d'art et d'histoire' agreements; agreements covering the Heritage Inventory and ethnology in regard to heritage development; the 'ville-architecture', 'ville-lecture' (books), and 'ville-cinéma' agreements benefit joint initiatives and cultural development in the fields in question.

There are also broader partnership and contractual frameworks (not specifically cultural) involving the government and the local and regional authorities, such as the state/region project contracts and the city contracts.

The project contracts define the priorities for joint investment over a period of 7 years, and are aimed at the economic, social and cultural development of the regions. The city contracts define an overall group of joint initiatives between the different ministries and municipal councils that encounter problems of an economic, social or urban nature.

The state/region project and city contracts frequently include a large cultural content covering, for example, arts teaching, vocational training, and regional cultural development.

The laws on inter-municipal co-operation and regional development (dated 25 June 1999 and 12 July 1999) led to the creation of new inter-municipal co-operation structures and mechanisms in which the Ministry encourages the inclusion of cultural aspects.

Co-operation between the Ministry of Culture and other ministries

Ministries other than the Ministry of Culture participate directly in public cultural development. Other than their own expenditure and cultural programmes, joint initiatives are carried out with the Ministry of Culture, usually in the context of inter-ministerial agreements.

The Ministry of Education and the Ministry of Culture are putting into place a five-year plan covering art and culture in schools (see also chapter 4.2.8). This measure is complemented by the protocol signed on 31 October 2001 by the Minister of Culture and the Minister of Youth and Sport, which confirms 'a joint effort by the two ministries to provide government support for arts activities, [and their commitment to] harmoniously develop educational projects that bring art and culture to children and young people.

In regard to international cultural relations, the Ministry of Foreign Affairs, responsible for cultural co-operation, is encouraging cultural and artistic exchanges and the use of the French language around the world. The *Association française d'action artistique* (AFAA) is the operator assigned by the Ministry of Foreign Affairs and the Ministry of Culture to supervise international cultural exchanges and development aid (see also chapter 2.4).

Agreements have been signed between the Ministry of Culture and other ministries: the Ministries of Agriculture (for the development of socio-cultural education in agricultural teaching establishments), Tourism, Health (for culture in hospitals, for example), and Justice (for the development of cultural activities in penal establishments).

In the context of urban policies, an agreement between the Inter-Ministerial Delegation to Cities and the Ministry of Culture is aimed at developing the cultural aspects of city contracts.

2.4 International cultural co-operation

In addition to its long-standing approach of promoting French culture in foreign countries, France is developing a policy of international co-operation aimed at promoting cultural pluralism and diversity. Several government departments and local authorities share the responsibility for initiatives in this area.

Promoting French culture outside of France

The promotion of French culture abroad is one of the oldest elements of France's foreign policy. Mainly the responsibility of the Ministry of Foreign Affairs, it involves a wide range of activities including the promotion of the use of the French language, education and academic exchanges, scientific and technical co-operation, exchanges in the arts, books, and the promotion of French films, radio and television. The policies laid down by Ministry of Foreign Affairs are put into place abroad by an external cultural co-operation network comprised of the cultural departments of French embassies and consulates, French cultural centres and institutions (numbering approximately 150), 25 human and social sciences research centres, and the Alliances Françaises (approximately 1 000 of varying size).

The Ministry of Culture plays a key role in the field of cultural industry exports via the organisations partly co-funded by the Ministry of Foreign Affairs and the culture industries (*Unifrance* for cinema, *France Edition* for books, *Bureau export de la musique française*, and a partnership with the *Association française d'action artistique* – AFAA). Established in 1922, the AFAA facilitates the cultural exchange policies defined by the Ministry of Foreign Affairs in collaboration with the Ministry of Culture. The AFAA also works in partnership with numerous local and regional authorities in France (municipalities, *départements*, regions). It carries out distribution initiatives and implements co-operation, co-direction, training and residential projects around the world. It is also co-ordinates foreign cultural seasons in France.

The promotion of foreign cultures in France

In order to foster the expression of other cultures, the Ministry of Culture encourages culture operators to expose French audiences to foreign productions. In collaboration with the Ministry of Foreign Affairs, the Ministry actively participates in the organisation of foreign cultural 'seasons' and supports a large number of initiatives that place particular emphasis on foreign cultures in their programming, festivals and institutions (*Maison des cultures du monde*) throughout France. As a result, many hundreds of events and structures are helping to extend foreign culture in France.

Cultural co-operation

The vitality of France's cultural scene and its experience in cultural administration and management give rise to a significant demand for co-operation (in the form of expertise and training) with foreign governments and culture operators. In addition to the programmes '*Courants*' (Streams) and '*Formation Internationale Culture*' (International Cultural Training), a good number of the Ministry of Culture's directorates and establishments provide training for foreign professionals, and numerous expert missions covering a wide range of fields are organised yearly.

Promotion of European and multilateral co-operation

The Ministry of Culture attends all European Community negotiations pertaining to culture. It informs French operators on European funding, provides support for certain European networks, and participates in the activities of the Council of Europe and UNESCO. The Ministry pays particular attention to cultural diversity issues dealt with by the numerous multilateral establishments (WTO and OECD in particular).

3. General objectives and principles of cultural policy

3.1 Main elements of the current national cultural policy model

The French model for cultural policies is characterised by substantial action by the public authorities. In addition to the legal and regulatory aspects administered by the state government concerning cultural actors, goods, and activities, national, local and regional governments allocate substantial funds to a range of cultural fields. This action is written into the overall objectives of public cultural policy and is mainly administered by specialised public service departments.

Equal access to culture by citizens is written into the French Constitution: it is incumbent on the state to ensure that all people are potentially able to participate in cultural life. More generally, it is widely recognised in France that culture is an integral part of overall development (including social and economic development). Culture is thus a key factor in ensuring the quality of life and fulfilment of each and every individual.

A range of policies have been devised to correct recognised inequalities due to geographical, economic and social obstacles impeding participation in cultural life. They are aimed at extending and diversifying audiences, and fostering the development of the widest possible range of cultural and artistic activities in all cultural fields. These policies take shape in, for example, initiatives that benefit certain sections of the population and priority geographical areas.

In accordance with the law, government action also covers, on the one hand, the protection, maintenance, conservation, development, promotion, diffusion and enhancement of cultural and artistic heritage, considered to be common property to be shared by the nation, and, on the other hand, the protection, promotion, encouragement, support and diffusion of and for cultural and artistic creativity. In these areas, government support is aimed at preventing and correcting the risks inherent to the functioning of the economic market: the disappearance – for lack of short-term feasibility, concentration and standardisation – of cultural products, which are not considered to be ordinary marketable commodities.

Moreover, the government has the same spread of responsibilities in artistic and cultural education and training as it has in general education. This educational and pedagogic aspect of government cultural action is, of course, closely linked with the issue of the access and participation of individuals in cultural life.

The Ministry of Culture is responsible for the implementation of government-initiated action in the field of culture throughout French territory. Certain other ministries take action in specific areas of cultural policy (the Ministry of Foreign Affairs and the Ministry of Education for example). Regional and local authorities are also responsible for the implementation of cultural policies in their particular spheres (municipal, intermunicipal, regional); cultural action carried out by the various public actors often overlaps and is thus increasingly co-ordinated or carried out conjointly.

The Ministry of Culture undertakes action in two ways: *regulatory action* (in the context of laws passed by Parliament) and *direct action* by means of public funds allotted to the Ministry in the context of the national budget.

Regulatory action

The Ministry of Culture is responsible for the implementation and supervision of laws and provisions relating to culture. Legal regulations involve, for example, heritage protection, the duties and the scientific and technical standards of archives and collections, literary and artistic property, artists' welfare, the institution of taxes and fees for certain cultural activity sectors (cinema, live entertainment), and obligatory production and diffusion quotas (broadcasting quotas).

These regulations do not necessarily imply the commitment of public funds on the part of the government. On the other hand, they could have substantial financial consequences for local and regional authorities and cultural actors (private television networks, owners of cultural heritage goods, etc.). Regulatory action by the Ministry of Culture also includes: initiatives aimed at endorsing the quality, professionalism and incorporation of activities included in political policy objectives – for example, by declaring them as state-approved (general interest).

Direct action

One of the most direct actions of the Ministry of Culture involves the direct management of public cultural institutions², the maintenance and development of public cultural, artistic and historical heritage, artistic commissions and constructions, the delegation or allocation of grants to institutions and cultural actors as well as to regional and local authorities for their cultural initiatives.

State intervention in the cultural field endeavours to be open to all artistic and cultural genres, forms and aesthetics and not only 'the fine arts'. It rejects the interventionist approach of promoting 'official' art and culture and 'good taste' and avoids censorship and control. Decisions relating to artistic commissions, allowances, the allocation of government grants, heritage protection, and the recruitment of culture specialists, are usually made with advice from consultative bodies, which include independent specialists recognised in the appropriate fields.

The state government (the Ministry of Culture in particular) does not hold a monopoly on cultural action – it is also, to a large degree, the province of the local and regional authorities. While the public sector plays a major role in supporting culture in France, significant support also comes from the private sector. Parenthetically, a large part of state-supported cultural activity is organised by private actors (in the same way as numerous associative structures in the cultural sector).

The role of local and regional authorities

Devolution laws

France's larger town and city councils have been actively engaged in culture for a good many years. Since the 19th century many of them have been administering and funding libraries, museums, theatres and municipal conservatories and subsidising cultural associations and learned societies. Since the 1960s, other much smaller municipalities have also been developing their own – often ambitious – cultural policies.

The devolution laws of 1982 and 1983 have confirmed this role and encouraged their initiatives in the way of support from the Ministry's decentralised departments *Directions régionales des affaires culturelles* (DRAC). The spheres of competence of central lending

2. Including thirty national museums, national theatres, etc.

libraries and *département* archive services have been transferred to the *départements* under these same laws.

Spheres of competence

Municipalities, *départements* and regions have become fully-exercising regional or local authorities, each fully responsible for cultural matters. Between the *déconcentration* of government departments and devolution, this is a new mode of public action based on prevailing co-operation. While the state government has continued to play a substantial role in the public funding of culture, the contribution of local and regional authorities (municipalities, *départements* and regions) has significantly increased and now represents 60% of overall funding.

Municipalities can take action in all cultural sectors – heritage conservation and presentation, production and diffusion of performing arts, promotion of books and reading, and arts education. In this regard, a growing number of municipalities now have (since the period 1960–1970) elected representatives assigned to cultural affairs and developed increasingly potent cultural departments. The degree to which the municipalities invest in culture is dependent solely on their political will, except in the case of public archives, which they are under obligation to conserve and make accessible to both researchers and the general public. The procedures for cultural intervention are subject to state regulatory authority.

Partnerships

Co-operation between the various public and private cultural actors is organised in accordance with a range of contractual procedures with varying degrees of specialisation: cultural development agreements, the 'Art and History Cities and Areas', 'Cinema City' and 'Visual Arts Cities' agreements, local arts education contracts, together with the cultural sections of the 'City Contracts', the 'Major Urban Projects' and the 'State-Region Plan Contracts'. With the increase in their number and their occasional overlapping, these measures often prove difficult to handle.

In the field

A good number of towns and cities are partners in national facilities and thus endeavour to develop cultural policies initiated by the state government. However, as they are much closer to the realities of their localities and their inhabitants, local and regional authorities are also endeavouring to increase cultural coverage in their areas by developing readership and arts education by supporting cultural events (festivals, etc.) and by protecting and developing heritage. They also provide the principal and often the only support for cultural associations and amateur and emerging cultural and artistic activities.

The future of devolution

There are two emerging major trends which are likely to lead to substantial changes in public support for culture in the years to come: the first is the emergence of 'inter-municipal co-operation'* which will eventually affect the cultural field. The second is the possibility of increased devolution, particularly in the areas of heritage and arts education (experimental actions being currently discussed).

* France is comprised of over 36 500 municipalities, of which 35 700 have less than 10 000 inhabitants (including 27 800 municipalities with less than 1000 inhabitants). Although they are of greatly varying sizes (with subsequently varying available resources), they all have the same competence. In order to provide certain of them with sufficient means to carry out certain initiatives adapted to local scale, municipalities have the possibility of delegating the implementation of certain of their assignments to 'inter-municipal co-operation' structures.

3.2 National definition of culture

In the context of the French government's cultural policies, culture is defined in a far broader sense than the strict definition of the word would suggest which, if adhered to, would be excluding, elitist and totalitarian. To the contrary, France's cultural policies are based on a far-reaching assignment and a universal vision of cultural phenomena. This is clearly evoked in the Ministry of Culture's brief, which states: 'The Ministry of Culture shall be responsible for making the major works of humankind accessible to the maximum number of people, with particular emphasis on French works.' Accordingly, the Ministry administers a policy aimed at 'protecting and developing all facets of cultural heritage, encouraging the creation of works of art and other creative works, and fostering the development of arts training and activities.' (decree of 15 May, 2002, Art.1). Contrary to certain former regimes, France's cultural policies have never claimed to 'contain', 'shape' or *a fortiori* 'be' culture. They do, however, have fixed aims: to foster creation; protect national heritage; develop cultural industries; broaden access to cultural activities; and to promote cultural diversity.

3.3 Cultural policy objectives

From the French government's viewpoint, cultural diversity should be considered in relation to globalisation. Respect for cultural diversity is primarily a matter of cultural identity. 'Cultural goods and services are vital to the protection of the identity of populations and social ties. They serve as a vehicle for values, ideas and meaning. Their special nature must be clearly recognised. They are not tradable commodities like other products'. (Catherine Trautmann, Minister of Culture, in an address to UNESCO, 1999). To affirm the importance of cultural diversity is also to respond to the basic economic necessity to promote European cultural industries. Moreover, respect for cultural diversity corresponds to a fundamental political exigency, since cultural diversity has an impact on the pluralism of ideas and artistic expression. Cultural diversity and cultural exception are tightly linked. 'Cultural exception is therefore not a 'typically French' notion, it corresponds to the will to defend all cultures. From this perspective, it is the very foundation of cultural diversity.' (Jean-Jacques Aillagon, Minister of Culture, May 2002).

Respect for the freedom of expression, association and opinion (see the European Human Rights Convention) were affirmed by several major French laws that are still current: the law relating to freedom of the press (29 July, 1881); the law on the freedom of assembly, which abolished the prior need to request permission (1881); and the law covering the contract of association (1 July, 1901). Conflicts surrounding freedom of expression in France have essentially shifted from the press and cinema (despite the request to ban Costa Gravas' film *Amen* and the suggested impact of the film *Scream* on fragile teenagers in 2002) to the Internet. There has been a steady increase in the calls for the regulation of Web content (subversive sites attempting to justify terrorism, neo-Nazi, revisionist and racist sites, and sites organised by religious sects, paedophiles, etc.). How can freedom of expression accommodate respect for other basic freedoms (protection of minors, for example)?

Developing participation in cultural activity and broadening access to culture in general is a main cultural policy objective. The decree laying down the brief of the Minister of Culture (2002) states in the opening passage that the Ministry 'shall be responsible for making the major works of humankind accessible to the maximum number of people, with particular emphasis on French works.' This same phrase already existed in the 1959 decree establishing André Malraux' Ministry for Cultural Affairs.

The results of the moves to democratise culture have been both complex and disappointing. Surveys on the cultural activities of the French (see also chapter 9.1) indicate, for example, that the socio-cultural characteristics of theatre and museum audiences are highly stable. New cultural activities have, however, emerged that are not included in the attendance figures for cultural facilities. In addition to the 'spectacular diversification in the modes of access to art and culture linked to the growth of the audio-visual industry (Olivier Donnat), this diversification is linked to the increase in street theatre, festivals, son et lumière shows and other outdoor touristic events, and the overall growth in amateur arts activity.

4. Current issues in cultural policy development and debate

4.1 Cultural policy priorities in the past 5 years

Over the last five years, cultural policy in France was marked by:

- the defence of cultural diversity (see also chapter 3.3);
- devolution and decentralisation (see also chapter 3);
- action aimed at fostering arts education and, in particular, the Five-Year Plan for Arts and Culture in Schools (2000) (see also chapter 4.2.8).

Jean-Jacques Aillagon, Minister of Culture since June 2002, has stated his intention to continue these policies and to extend devolution. The role of the government and local and regional authorities will be clearly divided and graded. "At regional level, the government is to concentrate on formative initiatives and facilities, major diffusion facilities, programmes (particularly those aimed at attracting new audiences), and to rectify the deficiencies in regional cultural development."

A major new initiative is to increase the autonomy and responsibility of public bodies under the Ministry of Culture's supervision. Public bodies will be given more management autonomy within the context of government contracts defining objectives and means.

National public bodies will be developing a dynamic audience attendance policy, with particular focus on youth and the handicapped (opening hours, more spaces open to visitors...).

4.2 Recent policy issues and debates

4.2.1 Provisions for cultural minorities

The government has reaffirmed that France does not recognise minorities, whether they be ethnic, religious, linguistic or other. Under French law, all citizens have equal rights, and the law is not intended to accord specific rights to given 'groups' defined by their community of origin, culture, beliefs, language or skin colour. The use of a minority language does not, for example, generate rights or signify the existence of a specific ethnic group.

France's population is made up of people from numerous origins and cultural traditions. Cultural development, which obviously leans on these patrimonial elements, artistic activities, and, in particular, languages – whether they be regional languages or those resulting from immigration, is an important and privileged approach to creating identity and encouraging exchange within the French community as a whole.

From a general standpoint, France has been committed for the last several years to the development of multilingualism, in particular by increasing the number of language teaching establishments. The following examples illustrate this point:

- In regard to non-French languages, dialectal Arabic and Berber are the most highly represented. These languages are taught to thousands of students at varying levels of education and are included in the School Leaving Examination (baccalauréat).
- A highly eloquent example is the Public Information Library at the Centre Georges Pompidou in Paris, which proposes self-teaching methods in over 120 languages, another is the network of major French reference libraries which own collections of France's regional and immigration languages in current use.

- The French language courses on radio (RFI) are presented in French and in the language being taught.
- There are reading and writing workshops involving the Théâtre national de la Colline and migrant women.

Encounters and festivals such as 'Les Belles Etrangères' and language forums (in several large cities) together with numerous local cultural gatherings with the support of local and regional authorities and the *Directions régionales des affaires culturelles* (focussing on cinema, live performance, information and communication technologies, visual arts and museums, architecture and heritage, and archives) are all working on the exchange of knowledge between cultures.

The Bureau of French Languages and the Languages of France within the Ministry of Culture in collaboration with the *Agence nationale de lutte contre l'illettrisme (ANLCI)* has set up an interdepartmental work group to harmonise language teaching courses open to the general public.

France's legal and administrative texts avoid naming populations according to their ethnic origin, but this does not exclude a recognition of an individual's social activities or lifestyle, such as for example 'travellers' (non-sedentary, mobile populations). This is another way to pose the question of the equality of citizens. Certain initiatives indicate a will to contribute to reconstructing a feeling of identity in the various administrative and geographic regions of France by developing and reconstituting the memories and stories of migrant populations both within and from outside of France. Several national interdepartmental or regional organisations and associations supervise and assist in the smooth regulation of this policy, for example: the *Commission départementale d'accès à la citoyenneté (CODAC)*, the *Groupe d'étude et de lutte contre les discriminations (GELD '114')*, the *Agence nationale de lutte contre l'illettrisme (ANLCI)*, the *Fonds d'action et de soutien pour l'intégration et la lutte contre les discriminations (FASILD)*, the *Association pour le développement des relations interculturelles (ADRI)*...

From the above it can be concluded that a third way, to be found somewhere between ethnic community models and those of strict assimilation/integration is being sought and put into practice.

4.2.2 Gender equality and cultural policies

In March 2001, women accounted for 45% of the workforce in the cultural sector (the same proportion as in the overall employed population). Sectors close to this average percentage include: cultural heritage administration, book publishing, radio, the arts and subsidiary occupations in the entertainment field. More women than men are employed in magazine publishing; the retail trade; entertainment venue management and libraries (women represent 75% of library employees). In certain sectors, however, there is a predominance of male employees. Men represent approximately 2/3 of the workforce in newspaper publishing, television production and broadcasting, architecture and press agencies.

A current survey on the music profession confirms that the vast majority of musicians are male. In 1999, the Caisse des congés spectacles (France's holiday insurance scheme for performing artists) listed only 24% of performing musicians as female. This average does however vary significantly according to the musical genre in which the musician specialises: Women are in the minority (only 17%) mainly in the 'non-classical' genres (jazz, rock, light music, dance music...), but reasonably well represented (43%) in the 'classical' world (classical, opera and contemporary music). Women are, however, paid much less than their male colleagues.

Most of France's larger companies have programmes aimed towards gender equality. Because of the nature of the companies of which it is comprised, the cultural sector is not affected by these programmes.

4.2.3 Language issues and policies

French, the official language of the French Republic, acts as a cohesive element throughout France and is spoken by over 100 million people in the world's francophone communities. In the face of globalisation and the emergence of new communication networks, the defence of the French language and its ongoing use as an international language has become a priority. Accordingly, the policy in regard to the francophone community has been reinforced over the last fifteen years and now covers multilingualism and cultural diversity (see also chapters 2.4 and 3.3).

Within the Ministry of Culture, the Bureau of the French Language and Regional Languages of France (Délégation générale à la langue française et aux langues de France – DGLF-LF) is responsible for fostering the enrichment of French in France and the francophone communities, and actively promoting a policy of multilingualism; the Directorate of Books and Readership administers the support for French language books, reviews, magazines and scientific publications; the Regional Directorates of Cultural Affairs (*Directions régionales des affaires culturelles* – DRAC) contribute to the initiatives promoting awareness of the French language, particularly those relating to multilingualism and the reception of foreign tourists.

On June 15, 1999, France ratified the European Charter for Regional or Minority Languages, but did, however, accompany its signature with a Declaration stating its interpretation of the Charter. The reference in the Charter to ‘groups’ of language-speakers did not appear to be compatible with the preamble to the French Constitution, which ‘guarantees the equality of all citizens before the law and recognises one French nation composed of all its citizens regardless of their origin, race or religion.’ (Declaration). The Declaration also stipulated the obligatory use of the French language by all government departments, public services and users, that the teaching of regional and minority languages be optional, and that all official versions of legislative texts be published in French.

Language is an extremely sensitive matter and has led to different interpretations of such concepts as ‘state’, ‘Europe’ and ‘region’. In May 2001, the Minister of Education drew up a draft agreement aimed at integrating the Diwan network of schools (an association of schools teaching the entire syllabus in Breton) into the national education system. The agreement was suspended by the Council of State in October 2001.

4.2.4 Relation between media and culture

The supply and consumption of audio-visual programmes have been increasing at a rapid rate over the last twenty years. In 1980, for example, France had 3 public television networks; today it has over 100.

The law of 30 September 1986 confirmed the termination of the state monopoly of radio and television broadcasting. It also authorised the privatisation of the capital of the network *Télévision Française 1*.

The public broadcasting service is made up of the radio broadcasting companies Radio-France, Réseau France-Outremer and Radio France International, and the television companies France Télévision and Arte France. The *Institut national de l'audiovisuel* is responsible for the conservation and development of national audio-visual heritage.

There are four public television networks, of which three are further regrouped in the company France Télévision. The fourth network, Arte, was established following a Franco-German agreement.

In accordance with the law, national companies must comply with the following general interest assignments: to foster democratic debate, social integration, and citizenship; to promote the French language and develop linguistic and cultural heritage in all its regional and local diversity; and to work towards the development and dissemination of intellectual and artistic creations, civic, economic, social, technical and scientific knowledge, and audio-visual and media education.

The radio and television licence fee is the principal source of funding for the national radio and television companies.

Commercial television supply consists of three terrestrial networks and numerous theme-based networks diffused by cable or satellite. Radio broadcasts are diffused by several hundred commercial and associative radio stations.

The independent authority *Conseil supérieur de l'audiovisuel* is assigned to ensure the quality and diversity of programming, the development of the national television production and creation, and to defend and promulgate the French language and French culture. The authority can draw up proposals for the upgrading of programmes and quality of content. For the obligations of television networks and radio stations (investment in cinematographic production, distribution of French and European cinematographic and audio-visual works, and the diffusion of French-language songs) see also chapters 5.3.1 and 5.3.3.

The contribution to cultural, educative and consumer protection initiatives is laid down in the terms and conditions of all audio-visual companies requesting broadcasting licenses.

4.2.5 Cultural industries: development and partnership programmes

In France, the field covered by culture industries is generally defined as that involving reproducible cultural goods and/or the extension of audiences. It covers the chain creation-production-marketing for the following products: books, press, record-players, VCRs, cinema, multimedia products, games and by-products. The field is more limited than that of 'content' industries and does not include databases, design, fashion and advertising or the manufacture of materials and content products of a unique nature (works of art).

Culture industries have undergone a series of major changes over the last twenty-five years. The range of products is continually expanding (books, records, film, then video, compact disks, CD-ROMs...). Their production and distribution have become more centralised and internationalised, and trading policies have become much more sophisticated.

In the face of highly competitive markets, government initiatives aim to guarantee a broad range of cultural productions and to distribute them as widely as possible by means of the following support and regulation measures:

- tax incentives (reduction of VAT on press, books, cinema, audio-visual);
- establishment of a fixed book price;
- regulatory measures such as broadcasting quotas for French language productions. (see also chapter 5.3.1).

Special accounts provisioned by levies and fees (National Book Fund, the film and television industry support account) finance support measures (either selective or automatic such as, for example, support for film exhibition).

Over the last 15 years, the audio-visual industry (radio and television) has seen an increase in the number of television stations (general interest and theme-based private networks, terrestrial, cable and satellite networks).

The government is now involved at three levels:

- regulation of the overall sector via the allocation of frequencies by the French regulatory body (Conseil supérieur de l'audiovisuel – CSA);
- funding public television (via licence fees) and licensing guidelines;
- regulatory measures: quotas on the music content of radio broadcasts and the programming of films on television.

4.2.6 Employment policies for the cultural sector

In 2001, 464 000 people were employed in the cultural sector (i.e. creative, administrative or technical occupations in organisations whose principal activity is directly related to culture). The cultural industries sector (books, press, audio-visual) employs the greater percentage of the above figure (246 000). Live entertainment (including performance, venue administration, related services...) employs approximately 25% of the overall sector's workforce (123 000).

A distinctive characteristic of employment in the cultural sector is that the percentage of the non-salaried workers (101 000 persons – 22% of the workforce) is twice that of the percentage of non-salaried workers in the overall working population (11% of employees in all sectors combined). The entertainment, architectural, publishing and bookselling sectors employ a particularly large number of free-lance workers.

Over the last several years, there has been a substantial increase in 'intermittent' employment – an employment status specific to the cultural sector and applying to artists and technicians in theatre, cinema, television and live entertainment. Based on term contracts, this status enables employers to take on artists and technicians for short-term productions and for these same artists and technicians to work for a wide range of different employers and, once they have completed a specified number of hours in any one year (507 hours), to receive unemployment benefits. The generalisation of this form of employment has contributed to the growth of employment in the entertainment sector, but has been accompanied by an increase in job insecurity (a drop in the average annual number of working hours per individual and related payments).

A number of general government policies have had a substantial impact on cultural employment. One example is the New National Youth Employment Scheme (*Nouveaux services-emplois jeunes*), put into place in 1997 to support new or inadequately developed activities by granting them government financial assistance over a five-year period. The scheme has provided salaried employment for over 20 000 young people in the cultural association sector.

4.2.7 New technologies and cultural policies

The digitalisation of national cultural heritage documents of all state-owned collections regardless of the medium used: ancient manuscripts, maps, plans, paintings, drawings, films, regional stories and songs, etc. Close to 2 million documents and over 1 300 hours of sound recordings were digitised during the period 1998–2000. Since 2000, the Ministry of Culture has also provided support for the digitisation projects of local and regional authorities and associations. France plays an active role in European co-operation in the sphere of the digitised diffusion of culture. In this capacity, it participates in several Euro-

pean programmes aimed at harmonising and diffusing cultural content in digital form on the networks (the Minerva, EMII-DCF and Strabon projects).

The diffusion of digitised cultural heritage documentation takes into account the diversity of the recipients (heritage professionals, the general public, teachers and students) and the diffusion mode: CD-Rom, data base, interactive products accessible via the internet.

A great deal of research work was carried out to upgrade digitisation processes, document indexing and digitised content. The adoption of rules governing the description of documents using the standard XML is aimed at guaranteeing the compatibility of different information systems. As the internet is a world-wide network (50% of connections to the Joconde database are from outside of France), there is a need for a firm policy on the multilingualism of the sites that diffuse digitised cultural heritage documents.

See also chapter 9.2

The Ministry of Culture and the bodies responsible for legal deposit – the National Library of France and the National Audio-visual Institute in particular – are working together to define the aims and procedures for the legal deposit of the Internet with a view to setting up a Web archive, with its content in a lasting format that can be dynamically restored.

The spaces *Espaces culture multimédia (ECM)* were set up within cultural and socio-cultural structures to facilitate access to multimedia cultural content and present the latest creations in the field. They enable experiments on multimedia technologies to be carried out and organise multimedia presentations. There are now 150 ECM active throughout France which are complemented by other spaces (municipal libraries, etc.). These measures come within a wider policy aimed at providing broader public access to multimedia.

The adaptation of the legal environment to the development of digitised content is addressed in chapter 5.4.1. Aid to multimedia production is addressed in chapter 5.3.3.

4.2.8 Arts education: programmes and models

(Higher arts education and vocational training for artists are not covered in this chapter.) Arts education is a field in which all cultural policy actors play a part. The field includes arts education in schools, for which the government is mainly responsible, and arts education during free time, which is either partially or totally administered by local and regional authorities, the major share of responsibility falling on the municipalities. Great importance is placed on the partnership between the different ministries and between ministries and local and regional authorities.

All French children receive a basic education in the arts within the context of the Ministry of Education's general education portfolio. The Ministry of Education determines the national syllabuses and timetables for all public and private educational establishments. Arts education is included in the obligatory syllabus of primary (6 to 11 years) and secondary (11 to 15 years) schools. Arts options are proposed in high schools (15 to 18 years). The importance of arts teaching in general education was affirmed by the Law of 6 January 1988.

In 2000, the Five-Year Plan for Arts and Culture in Schools, conjointly introduced by the Ministry of Education and the Ministry of Culture, established the priority of arts and cultural education in educational policy. For many years sacrificed to the benefit of what was considered more 'basic' education, art and culture now enjoy a central position in the educational system, schools having been recognised as the ideal places in which to bring art to all and to increase accessibility to art and culture.

Since 1983 the Ministry of Culture has been co-operating with the Ministry of Education to broaden the field of arts education to include all disciplines, to increase collaboration be-

tween educational establishments and cultural structures, and to further involve culture professionals in the various action projects.

The Five-Year Plan for Arts and Culture in Schools, conjointly introduced by the Ministry of Education and the Ministry of Culture in December 2000, provides arts and cultural structures (over 6 000 cultural establishments: museums, theatres, cinemas...) with the necessary means to enable them to carry out initiatives together with partners in the field of education. The main lines of the Plan were defined as support for innovative educational initiatives and the training of arts and cultural contributors, mediators and teachers.

Moreover, the central directorates of the Ministry of Culture administrate programmes appropriate to their field (e.g. heritage classes and secondary school visits to cinemas). The Bureau of Development and Regional Initiative (*Délégation au développement et à l'action territoriale*) is co-ordinating the initiatives of the different directorates of the Ministry in the educational environment, administrating across-the-board measures (arts activities workshops, cultural classes, twinning), and maintaining constant dialogue with the Ministry of Education.

Programmes covering art and culture at regional and *département* levels, fix objectives, draw up inventories of existing mechanisms and available resources, and organise co-operation between the bureaus of the Ministry of Education, the Regional Directorates of Cultural Affairs (of the Ministry of Culture) and the local and regional authorities.

The two ministries for culture and for education are increasingly collaborating with local and regional authorities with which they occasionally draw up agreements on arts education. The local and regional authorities involve themselves in cultural action in schools in a variety of ways such as the planning and fitting out of school premises under their authority and the funding of cultural initiatives (music appreciation programmes in schools for example).

Arts education is one of the most important areas of municipal competency. In 1996, it took up 17% of the cultural budgets of municipalities with over 10 000 inhabitants and was the second largest outlay in terms of cultural expenditure. In the same year, municipalities spent an average of 23 euros per inhabitant on arts education. A large majority of the outlay was devoted to musical education, an area which has been steadily increasing over the past several decades. Other areas of arts education (such as the visual arts, audio-visual media, etc) are not developed to such a degree.

Approximately 3 000 public music schools and associative schools subsidised by the local and regional authorities provide music teaching and a progressively increasing amount of teaching of dance and dramatic art. These schools are mainly funded by the municipalities – 144 schools (national conservatories in the regions and national music schools) receive supplementary funding from the state (equal to of 10% of their budget on average).

4.2.9 Heritage development

In France, national heritage attendance is the second most popular cultural activity after viewing/listening to television/video/radio, and it has been said that the French have a 'great passion' for national heritage. Thousands of heritage associations have been set up since the 1980s for the preservation, protection and development of cultural heritage at local level and have proved to be active – although independent –partners of the municipal town councils.

The Ministry does not intend to classify everything as "heritage" in an illusory exercise to make time stand still: rather it seeks to offer access to information and data to all and to present this data – as is now possible – via information technology. The Ministry seeks to make available to the general public and to future generations a wide range of books, ar-

chives, art works, objects, films and monuments from which this knowledge is derived, and which can be considered as material evidence of the nation's cultural diversity. The first step in this direction has been the recent efforts of the Ministry with regard to 20th century heritage. Their policy of surveying and protecting industrial heritage is being reinforced to develop this aspect of France's social history and living heritage that transcends local socio-economic concerns and is of interest to the nation as a whole.

Government policy is also oriented toward developing France's written heritage and to make it available to as many people as possible; the National Library is for example setting up a network with the regional municipal libraries for this purpose. The National Archives are also being restructured in an effort to redefine its assignments and facilities for researchers and the general public. The proposed law on the information society law stipulates that public records will be made fully accessible to all persons on request, thus reinforcing the role of the national archives as a disseminator of the nation's memory. The Audio-visual Heritage Protection Committee of the National Audio-visual Institute (*Institut National de l'audiovisuel* – INA) will be a key figure in redefining the strategic plan underlying these initiatives.

Other projects are aimed at encouraging co-operation between institutions with different professional approaches, such as the project of the National Institute of Art History (*Institut national d'histoire de l'art*), being carried out in collaboration with the Ministry of Education, and the project of the National Architecture and Heritage Centre (*Cité de l'architecture et du patrimoine*) and the future Museum of the Arts and Civilisations.

4.2.10 Other relevant issues and debates

Information is currently not available.

5. Main legal provisions in the cultural field

5.1 Overview of legal competence for cultural policy making

There is no overall legal text covering this field. Each area of culture has its own laws and regulations.

The site Legifrance provides access to the texts of French laws and regulations – <http://www.legifrance.gouv.fr>

Principal laws and regulations relating to culture include:

Archaeology

Law 41-401 of 27 September 1941 (amended) relating to archaeological excavations: government authorisation must be obtained prior to excavation; defines conditions under which the discoverer can claim ownership of objects recovered.

Law n° 89-874 of 1 December 1989 relating to maritime goods of a cultural nature: extended the regulations covering objects found on land to objects found at sea.

Law n° 2001-44 of 17 January 2001 relating to preventive archaeology: definition of preventive archaeology; creation of a national public body; establishment of a levy to be paid by town planners and used for diagnostic and excavation work.

Architecture

Law n°77-2 of 3 January 1977 on architecture: scope of the activities of architects and state qualifications.

Archives

Law n° 79-18 of 3 January 1979: defines public archives and the time period governing the release of documents to the public.

Audio-visual

Law n° 86-1067 of 30 September 1986 relating to freedom of communication, amended in 1994 and 2000 (by law n° 2000-719 of 1 August 2000): creation of an independent regulatory authority for French broadcasting, the Conseil supérieur de l'audiovisuel, privatisation of TF1, creation of a single group uniting three public television companies.

Arts Teaching

Law n° 88-20 of 6 January 1988 relating to arts teaching: regulations for the teaching of arts in secondary and high schools; modalities for certification of arts teaching establishments and diplomas.

Books and Reading

Law n° 81-766 of 10 August 1981 (amended) relating to fixed book pricing: compulsory application of fixed book prices by all book sellers, price to be stipulated by the publisher; to books; authorisation of a maximum discount of 5%.

Cinema

Law of 25 October 1946 on the National Film Centre: creation of a public body to support and promote the French film industry.

Decree n°91-1131 of 25 October 1991 on the definition and classification of arts cinemas.

Law n° 92-651 of 13 July 1992 on local government action in support of cinemas: authorising local and regional governments to allocate funds to arts cinemas. Cultural Goods

Law n° 92-1477 of 31 December 1992 amended by Law n° 2000-643 of 10 July 2000 relating to products subjected to certain circulation restrictions: definition of cultural goods and national treasures and conditions for the circulation of works; creation of an export certificate; possibility for the state to select and purchase 'national treasures'.

Law n° 95-877 of 3 August 1995 relating to the restitution of cultural goods illegally removed from French territory: aimed at preventing illegal trading in art works; facilitates collaboration between EU member countries

Law n° 2000-642 of 10 July 2000 on the regulation of voluntary sales of furniture to public auction houses; abolition of auctioneers' monopoly; approval procedure for sales organisations

Dance

Law n° 89-468 of 10 July 1989 relating to dance teaching: state qualification compulsory for teachers; regulations on the safety and hygiene of premises.

French Language

Law n° 94-665 of 4 August 1994: defines regulations on the use of French in public information, international organisations and conferences, the media, advertising and scientific publications, and fosters multilingualism.

Heritage (built and movable heritage)

Law of 31 December 1913 (amended) on historic monuments and its application laws: levels of protection, conditions and procedures for the different types of protection applied to buildings and objects and obligations of classified or registered historic monument owners.

Law of 2 May 1930 relating to the protection of natural monuments and sites with artistic, historic, scientific, legendary or aesthetic value: measures to protect monuments and natural sites.

Law n° 96-590 of 2 July 1996 relating to the 'Heritage Foundation' (*Fondation du patrimoine*): creation of partnership associating the government, local authorities and private legal entities for the funding of unclassified and unregistered monuments.

Intellectual Property

Law n° 92-597 of 1 July 1992 (amended) and decree n°95-385 of 10 April 1995 (amended): define literary and artistic property.

Legal deposit

Law n° 92-546 of 20 June 1992 relating to legal deposit: compulsory registration of all documents available to the general public, including by broadcasting.

Decree n° 93-1429 of 31 December 1993 specifies with which public bodies different types of documents must be deposited.

Local and Regional Government

General code on local and regional government: more particularly, Part I, Volume IV, Section II, items I, II & III (local public services), and Vol. VI, item IV (compensation of competence transfers) and VI (Measures specific to art works): defines the competence in the cultural field of regions, départements and municipalities.

Law n° 84-53 of 26 January 1984: creation of a public regional and local civil service including cultural occupations.

Law n° 2002-6 of 4 January 2002 relating to the creation of the Public Cultural Co-operation Establishments (EPCC): creation of a legal structure for the partnership between the state and local and regional governments for the administration of cultural public services.

Ministry of Culture: Competence and Organisation

Decree n° 82-394 of 10 May 1982 (amended) relating to the organisation of the Ministry of Culture.

Decree n° 2002-898 du 15 May 2002 relating to the competence of the Ministry of Culture.

Multimedia

The range of legal texts relating to the protection of authors, the protection of minors, and the prevention of illegal photocopying and reproduction apply to new technology media.

Museums

Ordonnance n° 45-1546 of 13 July 1945 (amended) on the provisional organisation of fine arts museums: definition of museums; defines national, classified and supervised museums, operating procedures.

Law n° 80-532 of 15 July 1980 relating to the protection of public collections against vandalism: imposition of penalties for the degradation of art works.

Law n°93-20 of 7 January 1993 relating to the institution of a government guarantee for certain temporary art exhibitions: enables the state to replace private insurance companies for this purpose.

Law n° 2002-5 of 4 January 2002 relating to France's museums: definition of France's museums (state-owned or owned by any other non profit-making private or public legal entity), their brief, state supervision and guidance.

Performing Arts

Ordonnance n° 45-2339 of 13 October 1945, amended by law n° 99-198 of 18 March 1999: regulation of the professional activity of performing arts entrepreneurs and defines conditions under which licences are attributed (other than occasional events).

Public Service Missions Charter for the Performing Arts (circular of 22 October 1998): although it has less status than a law, this important text defines public service missions in partnership with local and regional government assigned by the state government to private legal persons or entities.

Sponsorship

Law n° 87-571 of 23 July 1987 on the development of sponsoring: specifies the conditions under which sponsor companies are authorised to benefit from a range of tax incentives.

Law n° 90-559 of 4 July 1990 relating to the creation of corporate foundations: authorises companies to set up cultural foundations, defines their scope of activity.

Visual Arts

Public Service Missions Charter for Contemporary Art Institutions (circular of 27 November 2000): defines the responsibilities of national, local and regional government and contemporary art institutes with regard to the fostering of creativity and cultural devolution.

5.2 Legal frameworks for artists

5.2.1 Social security/labour relations

Since 1 January 1977, artist-authors benefit from a specific social security scheme which stipulates: although artist-authors are self-employed, at the end of their second year of activity, they become entitled to social security benefits under the same conditions as salaried employees.

5.2.2 Tax measures

While there are no overall tax measures affecting culture, a number of specific measures are applied to different areas of culture. This section will thus provide only a broad outline of these measures and present several examples. Comprehensive information on this subject can be found at: <http://www.culture.gouv.fr/culture/infos-pratiques/fiscal/index.htm>

Five broad areas are concerned by tax measures relating to culture: literary and artistic creation; the protection of cultural heritage; the development and diffusion of culture, cinema, audio-visual and recorded music; the press and publishing. These measures mainly comprise: income tax relief; reduction of VAT (5.5%, 2.1% or total exoneration); exoneration of professional tax; exoneration of wealth tax and registration dues.

Books, for example, are subject to a reduction of VAT (5.5% in metropolitan France). This reduction also applies to ticket prices for theatre, cinema (excepting cinemas showing pornographic films or films inciting violence), circus, concerts, variety entertainment, etc.

5.3 Culture industries

There is currently no overall legal framework for cultural industries. However, sector frameworks – often highly developed – do exist, for example in the book industry:

The purchase price of books on sale to the general public are fixed by the publishers. The maximum discount that can be applied is fixed at 5%. This provision is written into French law, but in accordance with professional agreements with a number of other European countries, it aims to regulate the different forms of competition in the book sector. It encourages the taking into account of the quality of book selections rather than the systematic search for the lowest price. As well as ensuring editorial diversity and creativity, the provision is aimed at reinforcing the bookstore network, thus ensuring that all citizens pay the same price for books throughout France.

5.3.1 TV quotas

It is obligatory for all television networks to invest in cinematographic production. Unencrypted terrestrial networks, encrypted terrestrial networks and cablevision and satellite networks each have different obligations. Unencrypted analogue terrestrial networks, for example, must contribute 3.2% of their turnover to the production of original French language works. A large share of this contribution must be accorded to independent production. This proportion is higher for the encrypted channel Canal Plus, which, in exchange for the right to broadcast films with primary exclusive showing rights one year after their theatrical release, made a commitment to support French cinematographic production in specified ways.

At least 60% of films broadcast by television networks – particularly during prime time – must be European cinematographic and televisual productions with at least 40% original French language content. The maximum number of times feature films can be broadcast and rebroadcast per year is also fixed.

Canal Plus must devote at least 20% of its total annual resources to the acquisition of the broadcasting rights for original European and French language cinematographic works in the proportion 12% for European works and 9% for French-language works.

Private radio station programming must include a minimum 40% content of French language songs (or songs performed in a regional language in use in France). The public company Radio France is not bound by this quota, but Article 30 of its General Conditions stipulates that it must give priority to French language songs in its variety programmes and endeavour to promote fresh talent.

5.3.2 Language laws

See chapter 5.3.1

5.3.3 Film or other promotion laws

French regulations covering cinema and television are aimed at promoting independent national cinematographic and televisual production.

The National Film Centre (*Centre national de la cinématographie* – CNC) was set up in 1946. Its responsibilities include the regulation and economic support of cinema, television and multimedia, the promotion of cinema and television and their diffusion to all publics, and the safekeeping and circulation of cinematographic heritage. Since 1992, it is also responsible for the legal deposit for cinematographic works.

The system of aid to the cinema and television industry is funded by several taxes (mainly the tax on seat prices and the tax on television diffusers). Support from the state is intended for producers, distributors and cinema owners and is divided into two categories. Automatic aid is systematically granted, according to objective criteria, for all works that fulfil the conditions laid down in the regulations: in 2001, 204 films (including 78 international coproductions) benefited from automatic aid to cinematographic production; in the same year 4 215 hours of programmes intended for all television networks were granted aid. Selective aid was granted following the advice of a commission in accordance with a qualitative evaluation of the project or work (advance on box office receipts for feature films, aid to short films, aid to the distribution of little-shown foreign cinematographic works, aid to cinemas exhibiting 'art films', aid to the promotion of sales outside of France, etc.). Other forms of support include aid to publishing (within the context of *Fonds d'aide à l'édition multimédia*) and to multimedia creation (DICREAM).

In the 1980s there was an increase in the competition between cinema and television for the diffusion of films and a number of major industrial groups started to invest in communication.

The European directive Television Without Frontiers (1997) prohibited existing regulations aimed at restricting competition between different media by stipulating a minimum time period between the theatrical release of a film and its diffusion on video cassette, pay per view, and on television networks ('media chronology'). The law on freedom of communication (Law 2000-719 of 1 August 2000) stipulates that this time period be subject to agreement between professional cinema associations and distributors. The time period between the date a film is theatrically released and when it can be shown on unencrypted terrestrial television is now 24 or 36 months, and a film can be distributed on video cassette or DVD six months after its theatrical release. In 2001, there were 1 492 broadcasts of feature films on the terrestrial networks.

For the obligations of television networks in terms of diffusion of and investment in cinematographic and televisual production, see chapter 5.3.1.

The risk of the balance of power tipping heavily on the side of the major groups resulting from the concentration of distribution and exploitation that is threatening to weaken the independent and art cinemas has given rise to a number of measures.

In 1996, the opening of multiplex cinemas with 'over 1 500 seats' was subjected to an authorisation process by the National Film Centre. This threshold has been successively reduced to 1 000 and later 800 seats. Added to the various criteria in regard to the economic situation of the exploitation sector in the area attracting the future establishment that were already included in the 1996 law, an appraisal was made in 2001 of the cultural vocation of these complexes – the envisaged programming and relationship with other establishments in the area, the behaviour of operators in already active multiplexes, the architectural quality of the project.

The system of cards offering unlimited access to a cinema or cinemas, proposed for the first time by UGC in 2000, is under inspection (Decree of 25 October 2002).

5.4 Copyright amendments

5.4.1 Systems of authors' rights/droits d'auteurs

The principle of the protection of authors' rights is laid down in the Intellectual Property Code. The creator is central to the provisions contained in the code: 'The author of an intellectual work, by virtue of having created that work, shall enjoy exclusive rights to incorporeal ownership [of the work]. These rights include moral, intellectual and patrimonial attributes.' Ownership is deemed to cover the actual creation of the work and not the material object containing the creation: authors' rights are independent of the rights to corporeal possession covering the material object. The French system of authors' rights is thus different to that of the copyright system practised in English-speaking countries.

The creator enjoys ongoing and permanent moral rights, whereas exploitation rights are accorded to an author for a limited period of time. After a maximum period of 70 years following the death of the author, the work enters the public domain and, subject to respect for the moral rights of the author, can be exploited at will and free of charge. The Intellectual Property Code also accords legal protection known as 'neighbouring rights' to certain collaborators in the exploitation of the creation. These include performing artists, sound and video recording producers and television companies.

Authors' rights and neighbouring rights are administered by some thirty collective management societies, which collect and distribute rights. Following a series of complaints by members of certain of these organisations, a Control Commission was set up in 2001 to audit the accounts of societies that collect and distribute the rights of authors, performing artists and producers.

Over the last several years author's rights have been central to numerous disputes: legal and commercial wrangles on authors' rights versus copyright in GATT and WTO negotiations; the debate on lending rights in public libraries; the MP3 and Napster affairs. The Ministry of Culture's policies on authors' rights and neighbouring rights were framed to respond, on both domestic and international levels, to two basic challenges: the globalisation of trade and the development of new networking technologies. The policies of the different culture ministers since 1997 have been based on the same set of principles: creative works are not tradable commodities and creative effort is not simply the economic act of producing a marketable item.

Within the context of the adaptation of the legal environment to the development of digital content, the Council for Literary and Artistic Property (*Conseil supérieur de la propriété*

littéraire et artistique) was created in May 2001 as a consultative and evaluation body focussed on the problems associated with literary and artistic property linked to the information society, the internet and multimedia in particular. The Council's work programme includes:

- the transposition of the EU Directive of 22 May 2001 relating to certain aspects of authors' rights and neighbouring rights in the information society. This directive is aimed at harmonising the authors' rights system in European Union countries in order to facilitate the development of network content while working to prevent the sale of pirated works on the European market;
- the setting up of four specialised committees to deliberate on the following themes: the establishment of a regime covering equal rights between salaried creative workers and their employers and creative status for government officials; the setting up of a single agency to facilitate the administration of authors' and neighbouring rights in the digital field; the extension of the scope and methods of payments to authors and editors of visual images and written work for the private reproduction of their works (following the adoption of the law of 17 July 2001 – see chapter 5.4.2).

Presentations on certain of the above themes can be consulted at the following address: <http://www.droitsdauteur.culture.gouv.fr>

The Council for Literary and Artistic Property has also included the following subjects in its work programme: literary and artistic property and individual freedom; literary and artistic property and applicable legislation.

5.4.2 Blank tape levies

The reproduction of works for private use is authorised, which is an exception in terms of authors' rights. A compensation payment for private copying collected by the various societies that administer authors' rights was laid down in the law of 3 July 1985, supplemented by the law of 17 July 2001.

The law of 3 July 1985 exclusively concerned audio-visual works. This fee covered blank tapes suitable for the analogue re-recording of sound and video recordings (e.g. cassettes). The growth of private copying in digital form of different types of works has highlighted the gaps in the law in regard to the remuneration of authors as well as substantial material loss. The law of 17 July 2001 accorded a compensation payment for private copying to authors and publishers of works reproduced on digital recording media regardless of their original medium (images, texts, sound).

An independent commission was appointed to calculate the compensation payment due from manufacturers and importers of digital recording media. The initial decision of the Brun-Buisson Commission – set up to determine the fees for private copying on digital media (4 January 2001) – established the amount payable on all removable digital recording media. A more recent decision (4 July 2002) laid down the amount of the fees for recording media integrated into decoders, television sets, hi-fi systems and personal stereos.

The opportunity of subjecting computer hard disks to the same compensation payment is currently being studied.

5.4.3 Public lending rights

In regard to books, two legitimate demands were taken into consideration when the lending rights issue was approached: that of the authors who are seeking to be fairly remunerated to enable them to pursue their creative activities, and that of library professionals directly

concerned by the imperatives of equal access to books by all citizens. A report on this issue prepared by Jean-Marie Borzeix was followed by a bill covering payments for public library book lending and authors' social security.

The bill provided for the establishment of a legal licence giving libraries the 'right to lend' books in accordance with the laws pertaining to author's rights. Authors will be remunerated via a 'lending royalties' mechanism (as opposed to the 'lending fees' paid by book users each time they borrow a book), conjointly guaranteed by the state government and local and regional authorities

Lending royalties are to be distributed by one or more of the societies that administer authors' rights. Payments are to be divided between an immediate payment to authors and publishers as royalties and a differed payment to authors via the funding of a complementary retirement scheme.

5.5 Cultural heritage and properties

The project relating to the grouping together of existing laws on heritage in a single Heritage Code expresses the government's intention to make legal texts more accessible and more coherent. For historical reasons, particularly those involving the organisation of cultural administration by sector, heritage law currently exists in the form of dispersed and complex provisions.

The Heritage Code will cover heritage in the wide sense of the term, covering all public and private buildings and movable property of historical, artistic, archaeological, aesthetic, scientific or technical interest.

The Code will provide for the retention of the unity of the major laws in the field of culture such as the law of 31 December 1913 on historic monuments, the law of 27 September 1941 on the regulation of archaeological excavation, and the law of 3 January 1979 on archives. It will also cover recent laws such as the law of 17 January 2001 on preventive archaeology and the law of 5 January 2002 on French museums.

5.6 Legal incentives for private sector investment in culture

The overall framework for legal incentives for public-private partnerships was laid down in the law on the development of sponsorship (23 July 1987). Companies may deduct from their taxable earnings gifts of a cultural nature to charities or organisations of general interest up to a maximum of 0.225% (or, under certain conditions: 0.325%) of their turnover.

A specific provision relates to contemporary art. Companies that purchase original works by living artists can, over a period of 20 years, deduct from their taxable earnings an amount equal to the purchase price. To benefit from this deduction, the company must exhibit the acquired work or works in public.

Jean-Jacques Aillagon, Minister of Culture since May 2002, has outlined a series of new projects relating to sponsorship aimed at: encouraging company sponsoring through incentive measures; and developing the sponsorship of private individuals and people receiving average or low incomes in particular.

6. Financing of culture

6.1 Short overview

Table 1: Overview of funds allocated to culture in France, 1996

	In billion euros	%
1. Public financing	11.05	24%
2. Other sources of finance	35.03	76%
Households	26.37	57%
Sponsors (estimate)	0.17	0.4%
Business		
press advertising	3.82	8.3%
TV advertising	3.45	7.5%
radio advertising	1.14	2.5%
cinema advertising	0.08	0.2%
3. Overall expenditure on culture	46.08	100

Source: Public financing: DEP-Ministry for Culture and Communication; Households: Comptes de la nation-INSEE; Sponsors : Admical; Business: IREP

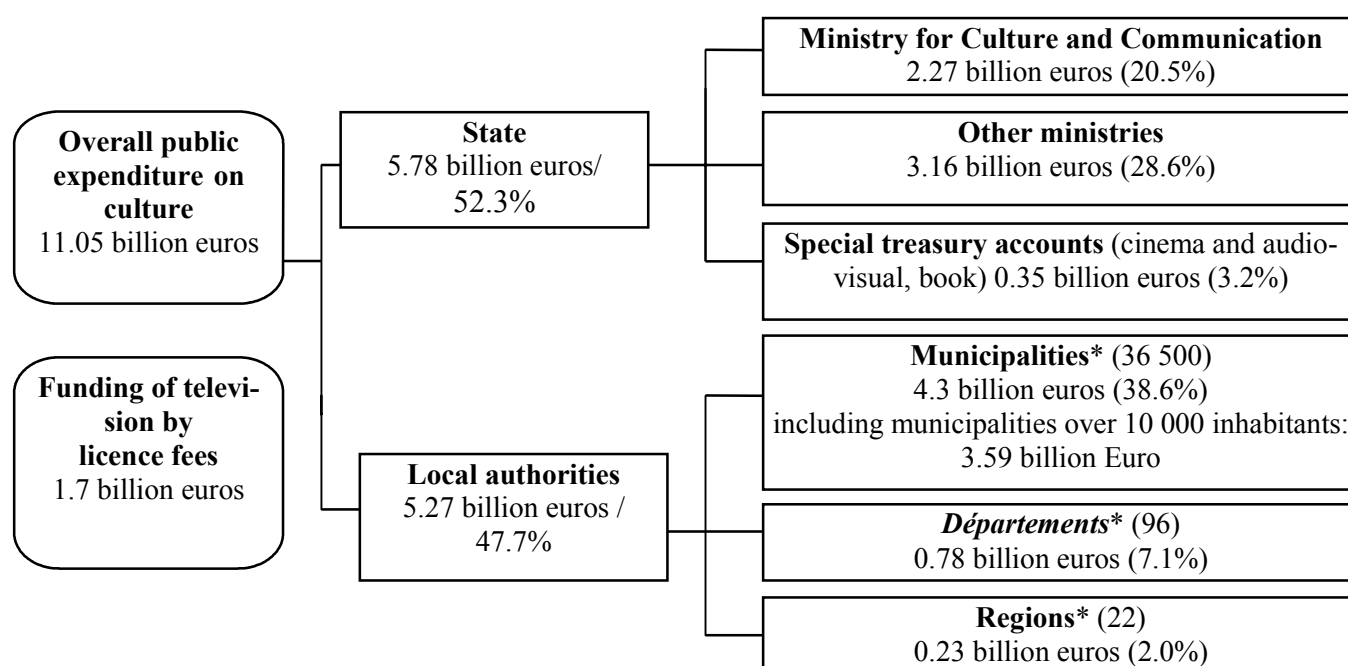
6.2 Public cultural expenditure per capita

In 1996 public cultural expenditure was estimated at 189 per head of population, which corresponds to 0.9 % of the gross domestic product (GDP).

This figure is approximate as state grants to local and regional authorities and regional grants to the municipalities are not deducted from expenditures at each level. Moreover, only the expenditure of local and regional authorities in metropolitan France is taken into consideration (overseas municipalities, *départements* and regions being excluded). The amount spent on culture by municipalities with populations of less than 10 000 is a global estimate.

6.3 Public cultural expenditure broken down by level of government

Both national government (Ministry for Culture and Communication, other ministries and special treasury accounts) and the local authorities (municipalities, *départements* and regions) contribute equally to the public funding of culture. In 1996, overall public expenditure on culture in France was 11.05 billion euros, not including the funding of television by television licence fees (1.7 billion euros).

Table 2: Public cultural expenditure: by level of government (1996)

* The radio and television licence fee is the principal source of funding for public radio and television services (Group France Télévision, Arte France, Radio France, RFO, RFI and the National Audio-visual Institute). The fee is payable annually by owners of television sets or any other device enabling the reception of television broadcasts.

** Overseas municipalities, *départements* and regions excluded.

Table 3: Public cultural expenditure in the overall budget, 1996

Level of government	Cultural expenditure in billion of euros	% of total
State	5.78	2.3
Municipalities of more than 10 000 habitants	3.59	8.6
<i>Départements</i>	0.78	2.4
Regions	0.23	2.3

6.4 Sector breakdown

Table 4: Public cultural expenditure: sector breakdown, different years

4a) Expenditure by the Ministry for Culture and Communication, 2000

Field	% of total
Performing arts	21
Heritage, archaeology, architecture	18
Museums	15
Books, libraries	9
Visual arts	3
Film and audio-visual production	3
Archives	1
<i>Not broken down by sector</i>	30
Arts training	14
General administration	6
Cultural development	3
Other	7
Total	100

4b) Expenditure of other ministries, 1993

Field	% of total
Arts training	38
Books, libraries	17
Cultural initiatives outside of France	14
Press subsidies	10
Administration	7
Other	14
Total	100

4c) Expenditure of the regions, 1996

Field	% of total
Performing arts	35
Heritage and museums	23
Amateur activities	18
Film and audio-visual production	5
Arts training	3
Books and reading	2
Communication	2
Administration	7
Other	6
Total	100

4d) Expenditure of *départements, 1996**

Field	% of total
Amateur activities	18
Heritage	15
Libraries (<i>départements</i>)	12
Performing arts	12
Archives (<i>départements</i>)	11
Museums and exhibitions	10
Arts training	5
Communication	2
Administration	5
Other	10
Total	100

4e) Expenditure of municipalities*, 1996

Field	% of total
Performing arts	19
Arts and music schools	17
Libraries	17
Amateur activities	16
Heritage and Museums	16
Communication	3
Administration	7
Other	6
Total	100

Source: DEP-Ministry for Culture and Communication

*c) d) e) Overseas regions, *départements* and municipalities excluded

7. Cultural institutions and new partnerships

7.1 Re-allocation of public responsibilities

Cultural devolution protocols are experimental measures aimed at testing the recent reallocation of cultural responsibilities between the government and local authorities. In each case, the protocols identify the aims common to the government and the local authority concerned, together with the respective responsibilities of both partners in jointly implementing defined initiatives. An assessment is to be made during 2003 of the 12 protocols drawn up since 2001 between the government and certain regions and *départements*.

Cultural devolution comes within the wider scope of government devolution, a move which the government elected in May 2002 has accorded priority. A modification to the French Constitution (early 2003) will guarantee 'the devolution of the organisation of the Republic'. This is in no way a move towards creating a federation, but rather a 'French model with a Unitarian state that recognises the growing role of local and regional authorities' (Prime Minister Jean-Pierre Raffarin, 2002).

7.2 The status, role and development of major cultural institutions

The state budget for 2003 has allotted a substantially increased budget to public institutions with particular emphasis on national theatres, arts and architectural colleges, and the Centre Georges Pompidou. The increased budget reflects the intentions of the Minister to increase the autonomy and responsibility of public bodies, a move entailing the modernisation of the administration of public bodies, improved control over their own funds and direct authority over personnel.

Following 20 years of setting up and developing public cultural institutions (the major national facilities resulting from the *grands-projets* policy in particular), the Ministry of Culture has begun to increase their operating funds. The Minister has also indicated that an assessment is to be made of each institution in order to better define their role and to allocate appropriate resources to fulfil their aims as defined by contract.

The following new *projets* are underway at various levels of progress:

- the Institut national de l'histoire de l'art (National Art and History Institute) will group together in a single library several libraries presently dispersed around Paris. The library will also include advanced and professional arts education units and will embrace all arts disciplines;
- the Cité de l'Architecture et du Patrimoine (Architecture and Heritage Complex): the complex will present architectural, town planning and landscaping history and news. It will group together the collections of the French Monuments Museum and a new modern gallery, a centre for contemporary architecture, a library open to the general public, and a research and training centre for architecture and heritage;
- the Cité des Archives (Archives Complex) will bring together the collections of the Centre historique des Archives nationales since 1790;
- the creation of a Symphony Orchestra Hall.
- the installation of the Centre national de la danse (National Dance Centre) in the Paris suburb of Pantin.

New partnerships and collaborative ventures

A bill to reform the scope of sponsors and foundations in order to encourage and facilitate private investment in culture is to be put before Parliament in 2003. The bill provides for increased private and corporate sponsorship via substantially increasing tax incentives and tax relief for foundations.

7.3 Emerging partnerships or collaborations

During the recent centenary of the law on *Contract of Association* (1901), an assessment was made of the strength of cultural associations. There are 150 000 existing cultural associations, i.e. one for every five other associations in France. Local and regional authorities and the Ministry of Culture support a large number of these associations and the Ministry provides substantially more grants to cultural associations than to other organisations. These professional and legally independent associations are the main driving force of cultural life in France. As a result of their association status, these organisations can receive combined funding from several local authorities while still retaining their legal autonomy.

Over the last few years, the Ministry has taken steps to clarify both the relationship it maintains with the associations it supports and aid allocation criteria by more clearly defining the public service and general interest responsibilities for which the associations receive grants. One effect of this move was the adoption of the Public Service Assignments Charter (for live performance in 1998, for contemporary art establishments in 2000). An annual directive lays down grant allocation priorities, which are mainly administrated at the regional level by the Directions régionales des affaires culturelles (DRAC).

8. Support to creativity and participation

8.1 Direct and indirect support to artists

Three major forms of public support are provided for individual sectors such as music, visual arts, books, cinema, etc including:

- commissions from the central government and, increasingly, from local and regional authorities;
- sector specific measures in support of creativity;
- measures aimed at improving the living conditions of creators and artists.

See chapter 8.1.1 for more information.

8.1.1 Special artists support schemes

Public Commissions

Government Commissions have been set up for music, dramatic arts and visual arts. The '1% Arts' commission, established in 1951, is a special body created for visual artists based on the principle that 1% of the total amount spent on the construction, renovation or extension of a public building must be reserved for a contemporary art work specially conceived for the building in question. This obligation now applies to both local and state governments.

Between 1983 and 2000, over 1 200 visual arts works were commissioned (in addition to the works supported under the '1% Arts' rule). In 2001, 65 commissions were earmarked for music works.

The *Fonds national d'art contemporain* (FNAC), set up in 1976, provides funding for the acquisition, distribution and conservation of contemporary works in the fields of visual arts, photography, video and design. Acquisition policies are guided by three key objectives: to discover new young artists, to purchase outstanding works of artists who have attained maturity in their work, and to represent international art movements.

The *Fonds régionaux d'art contemporain* (FRAC), set up in 1982 within the context of devolution policies, are now present in 23 regions. Intended for the purchase of contemporary art works, these funds ensure regular publishing activity and educational initiatives and affirm the role of local and regional authorities in the field of contemporary art. Since their creation, the FRAC's have set up rich and diverse collections of over 1 500 works produced by 3 000 artists.

Sector Specific Measures in Support of Creativity

The different sector specific funds supporting creativity and creators are provisioned either by grants accorded in the Ministry of Culture budget or by allocated taxes redistributed via public bodies. For example, state government support to the cinema industry and audiovisual programmes is administrated by the National Film Centre. Funds are made available to:

- theatre, live entertainment, music and dance (including aid to drama and choreographic companies, circus arts, major jazz and improvised music bands and groups, etc.);
- visual arts: support for visual artists, graphic designers, designers and craft workers enabling them to complete a specific project, to benefit from research visits and to participate in artists residences;

- literary creation: the National Book Centre, a public body under the supervision of the Directorate of Books and Readership, allocated 281 grants to authors and publishers in 2001 (an overall total of 2.27 euros million);
- cinema and audio-visual: see chapter 5.3.3.

The Contemporary Arts Centres (institutions generally holding association status) are developing research and experimentation activities via policies embracing exhibition, publication, critical research, training, the commissioning and production of works, and artist reception facilities. There are presently 32 art centres spread throughout the regions of which 4 specialise in photography. The constitution of the contemporary arts centres calls for an agreement between the state government, the region concerned, other local and regional authorities (when relevant), and the association. There are two of these centres in Paris – the *Galerie nationale du Jeu de Paume* and the *Centre national de la photographie*.

The 'Contemporary Creativity Centre', totally devoted to young creators and which reinforces the visibility of the arts in France, was created in January 2002 in *Palais de Tokyo*, occupying 20 000 m² of floor space (of which 5 000 m² are open to the public). In addition to its distribution function, this new space is intended as a relay for all actors in the contemporary arts world: associations, galleries, schools, art centres. The Centre will be entering into an agreement with the regional network of arts centres with a view to improving the distribution of the work of young artists from all over France.

8.1.2 Support to professional artists associations or unions

Professional associations and artists' unions play an important role in the representation of the material and moral interests of their members and in the negotiation of relevant professional agreements. They are frequently represented in the committees of experts responsible for the allocation of support to creativity and are set up by the directorates and departments concerned.

Authors' rights management societies must devote 25% of remuneration generated from private copying (see also chapter 5.4.2) and income collected on works whose beneficiaries cannot be identified or located to activities which support creativity, to the diffusion of live performance and to artists training schemes.

8.1.3 Grants or other schemes for artists

A specific unemployment insurance scheme for artists, composers and performers and technicians classed as *intermittents de spectacle* (workers in the entertainment industry without steady employment) has been in existence since 1965. This scheme, which guarantees minimum living standards for professionals, thus contributing to the vitality of artistic production, is currently subject to criticism as a result of its structural shortcomings.

A specific social insurance scheme is intended for authors (writers, composers and authors of musical works, authors of works for cinema or television, authors of software, choreographers, photographers, etc.) and 'artist-authors' in the graphic and visual arts (visual artists, graphic designers, ceramists, etc.) which, although they are self-employed workers, provides them with social insurance cover under the same conditions as salaried workers (since 1977).

Subject to the decision of a special committee, certain municipalities (such as Paris), the Ministry of Culture and its regional directorates (DRAC) provide a number of residencies for artists.

8.2 Participation trends and figures

The Department of Studies and Future Trends of the Ministry of Culture regularly carries out surveys on cultural participation in France. The latest survey (1998) confirmed the radical changes in cultural participation highlighted by the 1989 survey. These changes are explained by the following new developments:

- Audio-visual equipment is now a part of everyday life: an ever-increasing number of French households own audio-visual equipment. As a result of the growth in the acquisition of radio and television sets, VCRs (owned by 75% of all households, as compared with 25% in 1988), and music-listening equipment, the French now pass more time watching television and listening to the radio or records than working (an average of over 43 hours per week).
- Possession of a personal computer: the personal computer has been added to the already large range of audio-visual equipment found in the home: over 20% of households own a personal computer and 10% own a CD-ROM drive. While in the context of leisure, computers are mainly used either for word processing or game playing, one out of every ten computer owners are equipped with software or CD-ROMs intended for educational or cultural use.
- Cultural usage of the media: the wide range of equipment in households and the diversity of available radio and television programmes have led to an increase in the cultural use of the media. In the television sector, the two cultural networks *La cinquième* and *Arte* have attracted viewers, even though 50% of the population have never watched their programmes and audience ratings for individual programmes remain extremely low. 23% of the population watch *La cinquième* at least once a week; 20% watch *Arte* over the same period.
- Relationships to current popular music: a radical change – by virtue of the simple fact that new generations are being born, the audiences for music such as rock, techno, rap and world music are continually increasing. This phenomenon, frequently seen as a characteristic peculiar to 'youth culture', is clearly a radical and ongoing development, expected to spread throughout French society as the pre-war generations – which were not affected by the music boom – pass away.
- Press and books: readership figures continue to decline: the decline in daily press readership continues at the same rate as in the 1980s. While this indicates an indisputable problem in terms of readership renewal figures, magazines and reviews are selling well (to young people in particular).
- Greater accessibility to books and improvements in education have neither stemmed the decline, which started in 1970s, of the proportion of frequent readers nor reduced the numbers of people who never read books. Over 25% of the French population state that they have not read a book in the preceding 12 months.
- Libraries and media reference libraries: an increase in the number of users - in comparison with other cultural facilities, libraries and media reference libraries are seeing a spectacular growth in attendance figures. The proportions of both members and non-members of all libraries have risen (for members from 17% to 21%) with the result that almost one third (31%) of the French population state that they have visited a library at least once in the preceding 12 months.
- Cultural facilities - a slight rise in attendance figures: the number of French people who totally ignore cultural facilities is continually decreasing. The proportion of people who have never visited the cinema, theatre or museum or never seen a dance performance is showing a downward trend. Attendance figures for the preceding 12 months also show a slight, but nevertheless substantial, upward trend, particularly in the case of the theatre (16% have seen a play performed by professionals as compared with 14% in 1989), dance (8% as against 6%), museums (33% as against 30%), historical buildings (30%

as against 28%) and, more especially, circus (13% as against 9%). This increase, however, mainly relates to occasional attendance – the regular attendance at cultural facilities.

- An ongoing increase in amateur arts activities: four out of every ten French people have participated in at least one amateur arts activity over the last 12 months. One half of all 15–19 year-olds involve themselves in musical activities, whereas writing and visual arts have become equally popular among young people and, to a lesser extent, among adults. On the other hand, attendance figures for amateur live performance have also increased (from 14% to 20%).

8.3 Programme or policy initiatives to promote participation in cultural life

The democratisation of culture is a major theme of government political action aimed at increasing attendance levels for heritage and creative works and amateur activities in all artistic disciplines.

Without adequate mediation, real encounters with cultural heritage and art works are extremely rare. The Ministry is seeking to provide mediation and educational guided visits based on the actual arts and cultural activities of visitors.

Arts education is fundamental to France's cultural development policy. Relevant programmes are implemented via specialized training under the Ministry of Culture and local authorities and via training under the state education system. See also chapter 4.2.8

Although it is never the only obstacle, and seldom the only deciding factor, admission prices to cultural facilities tend to curb the cultural participation of a good number of people and young people in particular. The question of admission charges pricing appears to be a vital element in the moves toward cultural democratisation.

Numerous cultural structures have made significant efforts to reduce admission charges, especially for young people and the underprivileged. Young people under 18 benefit from free entry to national monuments and the 33 national museums. Since 1 October 1999, the 98 state-owned monuments offer free admission on one Sunday per month, outside of the tourist period (1 October – 31 March). The 33 national museums adopted this measure on 1 January 2000.

An assessment of the scheme offering a standard admission price (8 euros) on Thursdays for all national theatres indicates that the people to take advantage of it were mainly students, followed by visitors and regular theatre-goers, and thus the measure was not successful in attracting new audiences. There is thus a clear need for a communication policy aimed at targeted audiences and, more generally, escorted visits.

A 'Culture Cheque' scheme for high school students (15–20 years) was recently introduced. This system has already been applied in the Rhône-Alpes region. In contrast to the subscription cards which provide entry to specified cultural establishments, the culture cheque can be used in different establishments (cinemas, theatres, museums, libraries). An assessment of these experiments indicated that culture cheques serve not only as a pricing mechanism, but also as a means to foster new relationships with culture by demystifying cultural spaces, improved cultural choice, 'customer' loyalty, broadening of interests, etc...

8.4 The role of amateur arts/cultural associations and centres

The recent centenary of the law on *Contract of Association* (1901) provided an opportunity to evaluate the current role of cultural associations. These associations represent a signifi-

cant proportion of overall associations (there are 160 000 existing cultural associations, i.e. one for every six other associations), and culture appears to be the most dynamic component of the association sector.

25 000 of these associations have a paid staff, 132 000 of them have no employees. 58% of their funding comes from public sources (the principal partners of cultural associations are the municipalities (34%), followed by government funding (12%), then gifts, earnings, and members' subscriptions (42%). In 1997, out of 61 000 'cultural and artistic' associations, 5.3% represented music, 3.7% libraries and publishing, 3.7% international solidarity, 3.3% cinema, television and radio broadcasting and the plastic arts; and 3.2% theatre and dance. There has been an explosion over the last few years in the number of music associations (instrumental and/or choral, classical, contemporary and modern). Between 1997 and 2000, 2 241 associations were either created or changed their purpose, declaring it as either 'heritage' or 'environmental'.

In keeping with French tradition, many changes in social and cultural life are brought about by associations and their voluntary members. At the beginning of the eighties for example, the Ministry of Culture became aware of the social and aesthetic reality of rock groups, and as a result accorded them full recognition (between 1985 and 1995, there were approximately 35 000 rock groups, many of which had association status). The same could be said of the many heritage associations that have gone to great efforts to preserve sites of historical interest (the Gard Bridge, the Verdon Canyon, churches, farms, etc.). In a number of cases, the authorities modified their regional development projects as a result of a 'general outcry' on the part of associations and their voluntary members.

9. Sources and Links

9.1 Key documents on cultural policy

Key documents on cultural policy

Ahearne, Jeremy (ed.): *French Cultural Policy Debates. A Reader*. London, New York, Routledge, 2001. 240 p., ISBN 0-415-27500-8.

At long last, an anthology in English covering the debates surrounding French cultural policies. Twenty texts written by politicians, researchers, essayists and intellectuals cover the period 1959 to the present day.

de Waresquiel, Emmanuel (dir.): *Dictionnaire des politiques culturelles de la France depuis 1959*. Paris: Larousse-CNRS éditions, 2001 658 p., ISBN 2-03-508050-9.

This dictionary, created in collaboration with the Ministry of Culture's History Committee contains over 300 notes describing the administrative and political structures underlying France's cultural policies, together with historically-oriented deliberations and events from 1959 to the present.

Looseley, David L.: *The Politics of Fun. Cultural Policy and Debate in Contemporary France*. Oxford-Washington: Berg Publishers, 1995. 280 p., ISBN 1-85973-013-2.

This publication in English presents a highly personalised view of the development of cultural policies during President François Mitterrand's two terms of office (1981-1993).

Ministère de la culture: *Le Dep*. Observatoire des politiques culturelles.

For comprehensive information, several thematic bibliographies can be downloaded: select "documentaire" then "bibliographies": public cultural policies (updated September 2002), economics, funding, etc. (currently being updated).

<http://www.culture.gouv.fr/dep/>

Ministère de la culture et de la communication: *Atlas des activités culturelles*. Paris: Ministère de la culture, Département des études et de la prospective, Ministère de la culture et de la communication - La documentation française, 1998. 95 p., ISBN 2-11-003990-6.

This atlas, composed of 200 maps and graphics, presents the geographical disposition of cultural facilities and activities in France.

<http://www.ladocumentationfrancaise.fr/catalogue/5452440000/index.shtml>

Ministère de la culture et de la communication: *Chiffres Clés. Statistiques de la culture*.

Paris: Ministère de la culture, Département des études et de la prospective, Ministère de la culture et de la communication - La documentation française, 1998. 95 p., ISBN 2-11-003990-6.

Presents an annual selection of statistical data enabling readers to understand the characteristics of cultural life in France.

<http://www.ladocumentationfrancaise.fr/catalogue/5597840000/>

Ministère de la culture et de la communication: *La montée irrésistible de l'audiovisuel, 1973-1997*. In: Développement culturel n° 128. Paris: Département des études et de la prospective, Ministère de la culture et de la communication, 1999. 12 p.

This issue of Développement Culturel presents an overview of the four surveys on the cultural activities of the French (1973, 1981, 1989, 1997) and an assessment of the evolution of activities. The overall text in French and two résumés in English (changes in the cultural activities of the French 1973-1997) and Spanish (Evolución de las prácticas culturales de

los franceses 1973-1997) can be downloaded from the web.

<http://www.culture.gouv.fr/culture/doc/index.html>

Ministère de la culture et de la communication: *Les dépenses culturelles des collectivités territoriales*. Développement culturel hors série, Paris: Département des études et de la prospective, Ministère de la culture et de la communication, 2000. 50 p.

An overview of the findings of the 1996 survey that highlights the important role of local and regional authorities in determining the public funding of culture.

Ministère de la culture et de la communication: *Les dépenses des ménages pour la culture. Évolutions et déterminants*. In: Développement culturel n °132. Paris: Département des études et de la prospective, Ministère de la culture et de la communication, 2000. 8 p.
'In 1995, French households spent an average of 1 000 Euros (3.5% of their budget) on culture'

Ministère de la culture et de la communication: *Les pratiques culturelles des Français. Enquête 1997*. Paris: Département des études et de la prospective, Ministère de la culture et de la communication - La documentation française, 1998. 359 p., ISBN 2-11-003991-4.
This survey (the fourth carried out since 1973) provides previously unpublished findings on cultural activities in the wider context of the use of free time.

Moulinier, Pierre: *Politique culturelle et décentralisation*. Paris: l'Harmattan, 2002. 336 p., ISBN 2-7475-2802-2.

The author describes in detail the functions and activities of the government and local and regional authorities in the cultural field and how different public authorities co-operate in the area of cultural funding.

Observatoire des politiques culturelles: *L'observatoire*. Observatoire des politiques culturelles.

This is a half-yearly journal published by the Observatoire des politiques culturelles (Cultural Policies Research Institute) on cultural policies, current arts and cultural dynamics revue. It presents information, discussions, thematic dossiers, survey findings, and analyses of recently published works.

<http://www.observatoire-culture.net/commobs.htm>

Poirrier, Philippe: *L'État et la culture en France au XXe siècle*. Paris: Le Livre de Poche, 2000. 250 p., ISBN 2-253-90464-3.

The author presents a brief and lucid overview of a specifically French phenomenon - the state's heavy involvement in the cultural field during the 20th century.

9.2 Web links

Culture/arts portals

Gallica

This data base of the National Library of France includes over 50 000 works (on-line and downloadable) and over 80 000 images. Major texts such as Diderot and d'Alembert's *Encyclopédie* and Victor Hugo's *Les contemplations* can be accessed by internet users.

<http://gallica.bnf.fr>

Joconde

A data base of art works housed by France's national museums, created on the initiative of the Directorate of the Museums of France, currently containing over 20 000 images and

over 100 000 notes.

<http://www.culture.fr/documentation/joconde/pres.htm>

Mémoire base

The Mémoire base is a catalogue of fixed images from the Architecture and Heritage Reference Library, plus a general inventory. The images illustrate a range of themes including civil and religious architecture, built heritage, world fairs, etc.

<http://www.culture.gouv.fr/documentation/memoire/pres.htm>

Photographic data bank

The data bank of the *Réunion des musées nationaux* provides on-line access to over 10 000 digitised images from French museums, which can be ordered for private or professional use.

<http://www.photo.rmn.fr>

Portal with access to the sites of numerous French institutions

Access to: The Ministries of Culture, Education, and Foreign Affairs, and 26 French regions, 100 départements and several large and small cities.

<http://www.gksoft.com/govt/en/fr.html>

State museums

The Muséofile base presents information (localisation, collections, etc.) on over 1 000 state-supervised museums in France (select 'Muséofile').

<http://www.culture.gouv.fr/culture/bdd/index.html>

Cultural policy making bodies

Educart site

Created in the context of the Five Year Plan for the development of cultural and artistic education, the Educart site is a reference guide to cultural and artistic education in schools and includes official texts, a presentation of the Ministry of Culture's educational assignment on cultural and artistic structures, a background to arts education, an inventory of available resources, and a bibliography.

<http://www.educart.culture.gouv.fr>

Legal texts and regulations

This site provides access to a selection of legal and regulatory texts. The references to the principal laws and decrees in chapter 5.1 will facilitate the search.

<http://www.legifrance.gouv.fr>

Legal texts and regulations

Recent legal and regulatory texts (certain of which are accompanied by comments) are available under the heading « Actualités ».

<http://www.culture.gouv.fr/culture/actualites/index-politique.htm>

Ministry of Culture

Presents a detailed organisation chart, press communiqués, legal and regulatory texts, practical information (information for artists – the Visual Arts Bureau, for example), etc.

<http://www.culture.gouv.fr>

Ministry of Foreign Affairs

This site presents an outline of the Ministry of Foreign Affairs cultural initiatives.

<http://www.diplomatie.gouv.fr/thema/dossier.asp?DOS=CULTURE>

Cultural statistics and research

Bibliographic data base

The Memo data base is devoted to cultural policies (48 000 bibliographical notes on publications since 1990).

<http://www.culture.gouv.fr/documentation/mnemo/pres.htm>

Department of Studies and Future Trends

Certain publications are distributed free of charge and/or downloadable.

<http://www.culture.gouv.fr/culture/dep/>

Extremely precise information on taxation in the cultural field

<http://www.culture.gouv.fr/culture/infos-pratiques/fiscal/index.htm>

French laws relating to literary and artistic property

<http://www.droitsdauteur.culture.gouv.fr>

Observatoire des politiques culturelles

The institute advises these authorities and public partners on the conception of studies and assessments of cultural policies.

<http://www.observatoire-culture.net>