

PRESENTATION OF THE
“MODÈLE FRANÇAIS” [“FRENCH MODEL”] STRUCTURING PROJECT

What is a *structuring project*?

- A *structuring project* of LabEx ICCA proposes **a theme for pluriannual work** involving teams from various research centres making up LabEx on several work themes. The objective of such a *structuring project* is to propose **a research programme that highlights the complementarity of the competencies and themes of research within LabEx.**
- The area covered by a *structuring project* is not intended to be fixed and unchangeable throughout its lifetime. On the contrary, it is greatly hoped that new themes or themes that are complementary to existing ones, proposed by teams that are present or not in the initial project, may be grafted onto an existing *structuring project*. This would make it possible to deal with existing or new issues, updated, for example, by the change in the subject of study, that have been addressed little or not at all in the initial project. The decision to include new research proposals in a *structuring project* is a matter for the project's steering committee. However, the related budget must be approved by Labex ICCA's Scientific Council.

“Modèle Français” [“French Model”] structuring project

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Proposed by researchers belonging to various research centres that are members of ICCA, the “Modèle Français” [“French Model”] research programme aims to re-examine the “French cultural exception” and the “cultural diversity” that has partly taken its place. The aim is to question all the actions and measures of public policies and legal provisions which regulate the field of culture and the arts and therefore the cultural and creative industries, and which have specific legal, political and economic features.

It is true that it is difficult to draw its outlines very clearly, but, schematically, it is based, especially for interested or critical foreign observers, on some great principles. These principles are: public interventionism; the structuring impetus of State policies in relation to the actions of local and regional government authorities; the importance of political and social objectives alongside cultural and industrial objectives; the existence of a Ministry of Culture, which leads to the distinction between so-called specific measures (specific to culture and cultural industries) and other public measures that are not specifically intended for culture; complementing Culture through Communication, which, particularly since Jack Lang [a former French Minister of Culture], is reflected by the importance of the cultural industries envisaged as an important economic activity for the country; organization of actions aimed at cultural industries according to channels/sectors, and quite independent delegation of the implementation of the actions to major specialized operators, including the Centre National du Livre [National Book Centre] or the Centre National de la Cinématographie et de l'image animée [National Cinematography & Animated Image Centre; relative consultation with industrial players and their representatives, etc.

Contrary to popular belief, public policies and regulation are not without importance today in the progress of the industries of culture and communication. Indeed, since liberalization of the sector in France, the French government has largely withdrawn from direct management, even if some television and radio stations are still publicly owned. Nevertheless, public policies and regulation create a framework for industrialists and, as such, they are very important from the point of view of the balance of power between industrial players. Moreover, the globalization of trade and the recent technical changes have somewhat upset the established model, and they motivate us to question its effectiveness and its possible evolution.

Therefore the central perspective of this research programme aims to:

1. Invite comprehensive thinking on the definition of the French cultural model

- *What are the characteristics of the French model?*

- *What is the philosophy behind it, and how is it developing and changing?*
- *How effective is this model with respect to the pursued objectives?*

2. Assess its effectiveness and attractiveness in the age of globalisation

- In what ways has it been called into question but also adopted, both in France and abroad?

3. Examine its future development with respect to technological and industrial transformations

- *How has it adapted to industrial transformations, particularly to the increasing interventions by transnational players in the communication industries (such as Apple, Google and Amazon) in the output of artistic and cultural works and content, and also to internationalisation?*
- *How can it be adapted to new practices and new fields of culture and the arts?*

Priority is given to three themes of research:

- Theme 1: Definition of the French model
- Theme 2: The stakes involved in the French model in the age of globalisation of exchanges and trade
- Theme 3: Policies on the arts and culture, faced with the emergence of digital technology and the extension to new fields

<p>Theme 1 Definition of the French model</p>

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The “French cultural model” is mentioned very often. Nevertheless, it is very difficult to grasp. At first sight, the idea of a model seems to refer to a clear and coherent overall construct within which various principles and methods of action are incorporated and combined in order to attain one or several determined objectives. However, one must recognize that it is not so. As is often the case, the construction of this French cultural model is actually based on a pragmatic and limitative vision, and it results essentially from the gradual accumulation of various measures which are themselves scattered in various sectors.

Therefore the aim of this first theme of research is to identify and study the main characteristics that make this French model what it is, and to examine its specific nature, paying particular attention to the values and philosophy underlying it.

This theme of research will also be the opportunity to make an initial assessment to evaluate its effectiveness with regard to the initially declared objectives.

Three themes are currently given priority: the first theme focuses on the players, while the last two focus more on the tools of cultural policy.

Sub-theme I: From interventionism to regulation, what is the place of public action?

Remembering the creation of the first Ministry of Culture in 1959 entrusted to André Malraux, the French cultural model is generally associated with State intervention. What does it really consist of? Is this a characteristic feature of the French model? In what way, to what extent?

At a time when the State seems to be withdrawing from (or at least reducing) its direct management, it appears necessary to consider the role of public action in culture and the arts, and the forms it can take.

From this point of view, we note the increasing importance of regulation. This is a recent phenomenon marking a certain withdrawal by the State. It is important to study this development in the field of culture and the arts.

A first theme on regulation could thus be studied.

- Law put to the test by regulation of cultural and creative industries

Independent authorities in the service of the French cultural model?

What is the role of independent authorities (AAI and API) in cultural and creative industries in the digital age (objectives of regulation and rationalization of the French situation)? What are the relationships between these authorities (e.g., CSA, HADOPI and CNIL) and other institutions, administration bodies, sector-based companies (contractualisation of reports, conflicts of interest, and self-regulation)?

What are the fundamental notions of the right to service of the French cultural model (concerning individuals, property, liability or contracts)? What are the changes in laws related to the regulation of cultural and creative industries (decline, transformation, or resistance)?

Sub-theme II: The future of the French model of literary and artistic property

- To what extent does the law of literary and artistic property participate in the French cultural model? Is there a French model of literary and artistic property?
- What are the similarities or differences in relation to other categories of intellectual property rights, such as trademark law? The question also arises in terms of industrial strategies: how do industrialists arbitrate between the various protective measures?
- What is the definition of the public domain?

Nowadays, in the War of the Models, it is certain that French copyright is in difficulty. The eminently personalist conception of French copyright, centred on the person of the author, is subjected to attacks by the E.U. but also by new technologies. Thus protection of the author is frequently called into question in the name of the public's right to information. New technologies also contribute to the widespread growth of counterfeiting. More broadly, it is certain that new technologies challenge French copyright laws. In the fight against online counterfeiting, there is no doubt that there has been a failure and a corresponding increase in the number of protest movements advocating open access to creative works (e.g., Creative Commons, Wikipedia, free licences). Should we make the French model evolve accordingly?

Sub-theme III: Economic and financial measures to support the French model

How are direct support measures changing to deal with the fragmentation of ministries and the lack of clarity in the division of competent authorities, the importance of delegation to independent bodies, the accumulation of measures, and the incorporation of both cultural and economic objectives?

How are subsidy measures complemented by and/or facing competition from measures to promote the market anchoring of cultural and creative industries (in particular, the BPI's funding and venture capital measures, or the IFCIC's measures for providing loan guarantees)?

At a time when public budgets are reducing, what place is there for so-called "indirect measures"?

"Indirect measures" are measures for which there are no direct compensatory measures, such as the standardized prices of books, the quotas for broadcasting and expenditure in broadcasting, or the obligatory media release timescale¹.

Theme 2

The stakes involved in the French model in the age of globalisation of exchanges and trade

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At a time of internationalisation of exchanges and trade, culture is a non-negligible stake.

Firstly, from an economic point of view, several cultural industries are concerned (films, books, etc.). Therefore a whole section of the cultural field is central to trade negotiations on both European and international levels.

But this is probably not the only stake involved, because, behind these purely economic realities, are there not other much more political issues in a kind of power struggle to ensure the widest possible dissemination of one's own national model?

Thus the actions, decisions and measures taken by the institutions of the European Union raise issues and challenges, as well as the development of concepts of creative industries and creative economy and their integration into the actions of international organizations (such as UNESCO, UNCTAD or the World Bank).

- **How do the French model and the players in the sector resist or adapt to these challenges?**
- **What are the challenges for political power and what are its strategies?**
- **How can this model be maintained within the E.U.? Can it resist globalisation?**
- **What attention does this model attract abroad, and what reactions does it create, particularly in emerging countries?**

¹ In France, a delay must be observed between the release of a film in cinemas and its first broadcast on television.

What are the countries where the French model has attracted attention, and what are their reactions?

What reactions does the French model create in emerging countries?

With the transition from cultural exception to cultural diversity, how does the French model still find its place? And can this model still be transposed abroad?

What are the reasons why the French model is attractive (economic, political, philosophical reasons, etc.)?

The "French cultural exception": What are its justifications in the face of the internationalisation of trade and exchanges and regulation policies? How effective is it?

What are the reactions and challenges outside the French framework, in the actions of international institutions, in international free trade agreements, and in the strategies of industrial players active in France?

How do the French model and the players in the sector resist or adapt to the internationalisation of regulation policies?

<p style="text-align: center;">Theme 3 Policies on the arts and culture, faced with the emergence of digital technology and the extension to new fields</p>

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Sub-theme I:
How does French model see the question of digital technology and the communication industries?

The French Ministry of Culture and Communication seems to have difficulties in considering digital technology other than as a necessary adaptation of the sectors to a new technology. On the one hand, this favours the implementation of measures that tend to "protect" the sectors of digital technology so that the existing ways of operating can be maintained. On the other hand, asking this question – particularly in terms of technological and sector-based or even cultural production – leads us to ignore that the central question is the power relations between the major transnational players of communication industries and much smaller national players of cultural industries. Are the industrial, transnational and cross-sector dimensions better taken into account today? How are these issues integrated into regulation and public policies? How do the different ministries and the regulatory or specialized institutions (of the CNC type) position themselves in this respect?

Above and beyond these questions, this sub-theme is also intended to cover work concerning the robustness of the traditional tools and means of sector-oriented cultural policies, particularly indirect measures (the standardized prices of books, radio or television quotas, etc.). Are these tools and means still useful at a time when

the weight of digital technology in cultural consumption is increasing? Should they be reformed, abandoned, or maintained as they are?

Sub-theme II:

Does the development of the arts and culture economy and its “creative” extensions have an influence on the model?

Technological mutations lead to the emergence of new creative practices, thereby extending the field of cultural action.

If this leads us to question the delimitation of the field of culture and the arts, it goes without saying that the question of the possible adaptation of the cultural model to these new practices is central to the debates.

Training is now being professionalised, career paths and production are internationalized, and there is interpenetration of different cultural and creative industries. In this context, video games, for example, are particularly representative of these developments. Indeed, video games have benefited from growing interest and support from the public powers in France over the past ten years (tax credits, the CNC's video game fund, clusters and regional and local associations, etc.). These highlight the importance of the territorial dimension in the question of cultural policies, while still presenting a legal framework that remains in some uncertain areas (concerning the status of works, copyright, and professional regulation). France has also been a driving force for the inclusion of this sector in European policies for the development of cultural and creative economies (Dauncey, 2012, Kerr, 2013).

Therefore the video game industry seems to be a particularly interesting field of study for understanding the specific nature of the French model. Beyond this sector alone, however, we may ask ourselves what are the stakes arising from the extension of public action in cultural matters to new fields, and particularly in the continuity of theme 1, to the fields belonging to artistic and digital worlds, such as the Web and animation industries and the lines of work involved in them? How do public policies and regulation evolve in their direction?

Does the development of the economy of culture and its "creative" extensions have an influence on the model? What are the issues arising from the extension of cultural actions to new fields?

In turn, one is led to wonder whether the development of the arts and culture economy and its "creative" extensions do not have an influence on the model. What are the issues arising from the extension of cultural actions to new fields, such as video games?

How do public policies and regulation evolve with regard to them?

A more complete presentation of each of the research themes is available from the contacts indicated above.

To propose a research project that falls under one of the three themes presented in this document, **a form for replying to the call for "Modèle Français" ["French Model"] projects** can be downloaded online from LabEx ICCA's website.

For any further information, contact labex.icca@univ-paris13.fr