Negative Cultural Policy: Tools, Elements and Analytical Potential

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Abstract
This article is a discussion of the concept of negative cultural policy, understood as intentional and systematic efforts to curtail the production, distribution and/or consumption of culture. It argues that this curtailing side to cultural policy deserves more academic and analytical attention than it has received and points to challenges and directions in which such an analysis can be developed. The article describes a series of core elements for negative cultural policy, and through examples, describes a sedimentary development of negative cultural policy. New elements have been added to the existing ones, thereby producing a policy field of increasing complexity. The research questions for the article are: What are the elements of negative cultural policy? How can we build a relevant analytical framework for negative cultural policy? In order to shed light on the importance of and analytical potential of negative cultural policy, the article combines a perspective of cultural history with conceptual perspectives from literature on policy tools.

Keywords
Negative cultural policy, censorship, policy tools, history of cultural policy

Introduction
The topic of negative cultural policy is seemingly under-researched in cultural policy literature. One exception is found in an article by Eleanora Belfiore, in which she briefly uses the phrase “negative cultural policy”, explaining that this concerns “non-proactive cultural policies”; policies that “rather than promote certain types of artistic form or cultural activity, aim to discourage or forbid them” (Belfiore 2006, p. 242). This article will use a similar understanding of negative cultural policy as a starting point. While inverse, non-proactive cultural policy has received considerably less academic attention than the pro-active variety, there is little doubt that it has played an important role for the history of most cultural policies. Indeed, as Oliver Bennett has observed, governments’ first systematic intervention with the arts have generally tended to be a prohibiting, censoring and non-proactive one (Bennett 1995, p. 202).

For a long period of time, negative cultural policy has been a part of what Pascale Laborier has referred to as “the repertoires of public cultural action” (Laborier 2000). While Bennett backs his claim with examples from the first precursors of cultural policy in Britain and France in the 17th and 18th centuries, the same can be said for the start of cultural policy in
the twin kingdom of Denmark-Norway, where government involvement in e.g. the performing arts was introduced through a prohibition of performing arts activities in 1738 (Gladsø 2004). Similar examples can also be found in a number of other countries (cf. Jones 2015).

While we are used to arguments on the many benefits and positive outcomes of culture within cultural policy (cf. Galloway 2006), negative cultural policy is in essence treating cultural expressions as potential threats. This can be threats to moral standards, to religion, power structures, national economy, national heritage and/or national culture. Some of these perceived threats are of the recurring kind, with the concern for the potential corruption of youth being one of these. When the freedom of press was limited by law in Denmark-Norway in 1799, a concern for “the unexperienced youth” was one of the arguments. When Parental Advisory stickers were introduced by the Recording Industry Association of America (RIAA) in 1985, after intense campaigning by the Tipper Gore-led Parental Music Resource Center, there was a similar concern for the corruption of youth that lay behind this (cf. Nuzum 2009). Furthermore, negative cultural policy is not necessarily a response to just one perceived threat. It can just as well be rooted in a combination of ideological and economic threats. When Nazi Germany launched anti-jazz campaigns and explicit bans on the broadcasting of “negro jazz”, this was rooted in an explicit racist ideology, combined with concerns about the negative effect this music might have on the German music industry (Fackler 1994). And without comparison, the establishment of Arts Council Norway in 1965 was partly based on a perceived threat from foreign culture, particularly American, on both national culture as such and on the economic sustainability of a Norwegian culture sector (Fidjestøl 2015).

This paper discusses the following questions: What are the elements of negative cultural policy? How can we build a relevant analytical framework for negative cultural policy? The paper aims to exemplify, discuss and define this concept. The analysis combines a perspective of cultural history with conceptual perspectives from literature on policy tools. The aim of this combination is to show the relevance of the negative cultural policy (NCP) concept for both the history and development of cultural policy, and for contemporary, 21st century cultural policy. After a short introductory section on policy tools, the paper gives a tentative overview of different general measures of NCP. This overview includes empirical examples from different historical eras and geographical areas, with an emphasis on examples from Scandinavia and Western Europe. The examples are chosen from a combination of sources: political documents, media texts, literature on the development of cultural policy in general and negative cultural policy in particular, e.g. on censorship (e.g. Jones 2015; Dahl and Bastiansen 2001; Rian 2014). The examples are chosen to illustrate the diversity, development and continuity of NCP. They also illustrate how various different forms of arts and culture have been subjected to such policies. The section on the elements and developments of negative cultural policy is followed by a concluding discussion of how NCP can be defined, and how an analytical framework of policy tools can aid in creating an analytical framework for NCP.

Types, tools and instruments of (cultural) policy
Cultural policy literature usually operates with a definition of cultural policy, in which the basic components are: 1) a government or public entity that in some way 2) supports and/or regulates 3) the production and/or distribution of culture (cf. Mulcahy 2006; Bell and

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1. Baughn and Buchanan describes three related threats that are evoked in appeals for cultural protectionism (2001, p. 6).
Oakley 2014; IJCPR 2019; Mangset and Hylland 2017). In a frequently used review article on different conceptions and definitions of cultural policy, Kevin Mulcahy sums up different definitions in the following way:

As a practical matter, cultural policy can be most usefully considered as the sum of a government’s activities “with respect to the arts (including the for-profit cultural industries), the humanities, and the heritage” (Schuster 2003, 1). Cultural policy, then, involves governmental strategies and activities that promote “the production, dissemination, marketing, and consumption of the arts” (Rentschler 2002, 17). (Mulcahy 2006, p. 320).

This paper argues that the negative, obstructive and limiting side to cultural policy more often than not is under-communicated in such definitions. Moreover, the nature of the policy elements are also more sporadically expanded upon in these definitional exercises. A standard textbook definition of policy will emphasize that it is a matter of governmental plans to remedy a problem or situation, e.g.: “A statement by government of what it intends to do, such as law, regulation, ruling, decision, order, or a combination of these” (Birkland 2015, p. 9). As Birkland emphasizes, the actors of government are by no means operating in isolation when policy is developed and implemented: “Policy is ultimately made by governments, even if the ideas come from outside government or through the interaction of government and nongovernmental actors. (...) Policy is interpreted and implemented by public and private actors who have different interpretations of problems, solutions and their own motivations” (ibid., p. 8).

There is a substantial amount of theory and typology on policy instruments that can help shed light on what kind of policy NCP exemplifies and what kind of policy tools it entails. For instance, a widely used typology for different types of policy is the one introduced by Theodore Lowi, who introduced a distinction between constitutive, distributive, regulatory and redistributive policies (Lowi 1972). These policy types differ in what goals they possess, and what mechanisms they employ. Redistributive policies seek to re-allocate wealth and goods, with taxation being one of the basic mechanisms. On the other hand, distributive policies seek to fund and distribute socially valuable goods and activities, e.g., through public provision. Regulatory policies seek to correct market failures, broadly understood, through legislation and regulation, whereas constitutive policies define the rules of the entire policy system, e.g., through constitutional policy (cf. Smith 2002).

The literature on policy tools contains more detailed models of the nuts and bolts of policy. A policy tool or instrument in this regard is defined as “a set of techniques by which governmental authorities wield their power in attempting to ensure support and effect or prevent social change” (Vedung 1986, p. 21, see also Salamon 2011, p. 1641). In short, a policy tool is a governmental technique to affect behaviour. In our context, the relevant policy tools to look for are intended to prevent the production, distribution and/or consumption of a piece of culture. As mentioned in the last part of Vedung’s definition, the inherent logic in negative cultural policy instruments, I would argue, is to “prevent social change”. A tools approach (cf. Margetts and Hood 2016) to policy analysis has resulted in a number of typologies and taxonomies on policy tools (Pal 2014). These taxonomies contain between four and 63 different policy instruments. It is beyond the scope of this paper to discuss the variation among these, but there are fundamental elements in these taxonomies that seem particularly relevant to the elements of negative cultural policy. I will return to these in the final section of this paper.

As we will see, through its development, new elements have been subsequently added to the toolbox of negative cultural policy. At the same time, few or none of these elements have
been removed from this toolbox. This means that contemporary negative cultural policy includes both legislative, regulatory, fiscal and technological measures, although the relative importance of these measures varies. As the examples below will show, these measures have also been realized and used in varying historical contexts. The royal printing privileges of 17th century Britain and the current system of Scottish theatre licences are obviously a part of different societies, as are the British Licensing Act of 1737 and the Russian law of 2013 on “gay propaganda”. However, I would like to stress the continuity across these different contexts and periods, and to argue that the different elements and examples discussed in this paper all belong to one and the same category: negative cultural policy.

Elements and developments of negative cultural policy

The history of negative cultural policy is arguably as long as the history of cultural policy itself, partly because it more often than not started as such (Bennett 1995). Generally speaking, negative cultural policy has developed alongside the development of cultural technology, in the sense that new media technology – be it movable types, moving images, broadcasting technology or digital communication – has been followed by governmental control of its use (cf. Jones 2015). Negative cultural policy also seemed to have developed in a more or less sedimentary fashion, in the sense that new areas and tools of NCP have been added to instead of replacing existing ones. This means that NCP has been developing to be increasingly diverse and complex, controlling production, content, distribution and consumption, thus playing a role for literature, performing arts, music, broadcasting and digital media, respectively.

The common incentive for the various varieties of NCP is and has been to create a politically sanctioned hindrance for the relevant cultural expressions. We can, tentatively, divide the main groups of negative cultural policy into five different categories: laws and prohibitions, privileges and licences, taxation, systematic, administrative censorship and technological content control. They are presented chronologically in the following through the use of examples.

1. Laws and prohibitions

The first and in many ways most basic form of negative cultural policy is the use of legislation. This category concerns the cases, in which law directly and explicitly regards cultural expression, as with the ban of theatres in periods of puritan rule in Denmark-Norway in the 1730s and in England in the 1640s. As mentioned, theatre policy in Denmark-Norway started with negative cultural policy in 1738, with an explicit ban on public performances of this kind (Gladsø 2004). A similar prohibition on theatres was introduced in London in 1642, strengthened in 1648 and lifted in 1660. Any actor defying the ban could risk the penalty of whipping and spectators would get a five-shilling fine (Clare 2004, p. 459). Both in Denmark-Norway and England, these legal measures were rooted in a puritan government.

Well into the 19th century, a writer in Denmark-Norway could also be sentenced by court of law to censorship for a certain period. This meant that a writer would have to get an approval from the local chief of police in order to publish any piece of writing (Bøje 1984, p. 59). This was the case with the massively influential Danish church reformer, philosopher and historian N.F.S. Grundtvig, who was sentenced to censorship for life in 1825 (the sentence was lifted in 1837).

A later historical example is the regulating of music through ideologically based prohibition of certain types of musical genres. Starting in 1935, Nazi Germany prohibited any
“negro jazz” [Negerjazz] to be played on German radio, as an example of “degenerate music” (Fackler 1994, p. 439. cf. Fig. 1). In post-revolutionary China (1949), there was similarly a ban on so-called yellow music, i.e., a hybrid Asian-American-European jazz genre that was massively popular (Jones 2001). In both cases, the ideologies considered the music in question to be impure and damaging.

Figure 1 Cover of an exhibition pamphlet of degenerate music in Düsseldorf in 1938. © Deutsches Historisches Museum/ S. Ahlers.

Legislation continues to be a highly relevant tool for negative cultural policy for most countries. For example, the non-profit organization Index on Censorship has published guides in five different areas where art meets law: Race and religion, obscene publications, public order, counter terrorism and child protection. This means that there is legislation in these five areas that might be used to hinder or penalize certain expressions. While a number of countries have legislation on blasphemy, libel, hate speech, sedition and indecency, there are also recent examples of even more overtly suppressive legislation. One of the most

2. https://www.indexoncensorship.org/campaigns/artistic-freedom/art-and-the-law/ [Read 31.01.2020]
controversial examples of this from recent years is the Russian law on “gay propaganda” passed in 2013, for the “Purpose of Protecting Children from Information Advocating for a Denial of Traditional Family Values”, regulating the “propaganda of non-traditional sexual relationships among minors.”

2. Privileges and licences
In different geographical and historical contexts, the production and distribution of culture has been tied to a privilege – an explicit permission or licence to print, play, produce and perform. To play, print or perform without such permission has been potentially regarded as a criminal act. Controlling the means of production of literature has meant that in a number of countries one needed a royal privilege to be able to print any kind of publication, a rather effective way of controlling the production of printed matter. In Britain, for example, this was ensured by the Licensing Order of 1643 and the Licensing of the Press Act in 1662, legal measures that included pre-publication licensing and the registration of all printed materials (Deazley 2008). From the early 1500s, a system of royal printing privileges existed (Clegg 1997, p. 7).

Another example that has been found in a number of countries (Denmark-Norway, Germany, Sweden etc.) is a system of regionally employed musicians, often as town musicians, wherein selected musicians are granted a privileged monopoly from the state for the delivery of music in the specific town and neighbouring district (cf. Koudal 2000). In Norway, the first town musician was employed in 1620, and there were town musicians operating in Norway until the town of Kristiansand closed their arrangement in 1853. In Norway, there were also legal sanctions against musicians, who played in weddings without having the proper privilege to do so (Selvik 2005, p. 62).

Similarly, the right to stage a theatrical play, has also required a licence in several countries. Some years after the initial ban, public theatre performances were allowed in Denmark-Norway, if given a royal privilege to do so (see Bråthen 2015). After the lifting of the theatre ban in the UK in 1660, two different theatres, so-called patent theatres, were given a royal privilege to perform spoken drama. In the following century, a few more patents were granted to British theatres, with the monopoly on spoken drama existing until 1843, when a new Theatres Act was implemented. This act also gave local authorities a responsibility for licensing theatres of a more popular kind, e.g. variety theatres, creating an “intrusive and formative influence” on the nature of popular entertainment in London (Donohue, 2005, p. 76, see also The Licensing 1964). Scotland still has a system of theatre licencing, although this seems mostly to have to do with health and safety regulations. Performing plays without a licence is still a criminal violation: “If you put on a public performance of a play without a licence, or you don’t follow any of the conditions of your licence, you can be fined up to £5,000, imprisoned for up to 3 months, or both.”

3. Systematic, administrative censorship
The most widespread form of negative cultural policy is arguably the systematic censorship organized by some level or entity of public authority, exemplified by the English Examiner of Plays under Lord Chamberlain’s office, public bodies’ film ratings and classifications and the pre-censorship of printed matter (Jones 2015; Freshwater 2004; Rian 2014; Dahl and

3. Cf. https://www.article19.org/data/files/medialibrary/37129/13-06-27-russia-LA.pdf. For an example of a follow-up, see https://www.theguardian.com/world/2016/dec/05/russian-mps-accuse-fifa-17-video-game-of-gay-propaganda [Read 31.01.2020]
4. https://www.gov.uk/theatre-licence-scotland [Read 31.01.2020]
Systematic censorship was introduced as a control mechanism for printed matter, but it has become just as important for performing arts, and film and music, as exemplified in the following.

The censorship of theatres has been variably used across Europe, and in some countries governmental censorship has persisted well into the 20th century. Denmark ended their theatre censorship in 1954 (Mchangama and Stjernfelt 2016), while the English censorship regime was formally kept until 1968. English theatre censorship is said to have been introduced after the 1737 publication of a satirical print that illustrated a play that was allegedly about to be staged (Fig. 2). The main characters in the print is King George II, the Queen and Prime Minister Robert Walpole, who shortly after, and legitimated by the publication, got a new theatre bill passed – a revised Licensing Act (cf. Thompson 1993). This act introduced the licencing and pre-censorship system that persisted until 1968, a system that gave the office of Lord Chamberlain – the chief of staff at the royal court – the responsibility of approving all plays about to be staged. The job of actually reading the plays was given to a functionary with the appropriate title, the Examiner of Plays (Worrall 2006).

![The Festival of the Golden Rump](https://commons.wikimedia.org/wiki/File:The_Festival_of_the_Golden_Rump.png)

**Figure 2** The Festival of the Golden Rump. Satirical print from 1737. Source: Wikimedia Commons. Creative Commons licence CC BY 4.0.

The office made sure that one of Ibsen’s most widely known plays, *Ghosts* (published 1881), was banned for several years, until the ban was lifted in 1914, when the play was staged at the Haymarket Theatre in London. And as late as 1963, the British Lord Chamberlain was reported to have removed *one* word from the play *Hedda Gabler* by Henrik Ibsen. The word was “Jesus!” used as an exclamation. The censoring regime of the Lord Chamberlain ended with a new Theatre Act in 1968: “An Act to abolish censorship of the theatre and to amend
the law in respect of theatres and theatrical performances." One of the last plays to be submitted to the Lord Chamberlains office was the musical *Hair*, controlled by the office in June 1968. The play was not licensed by the Examiner, because, among other things, it was considered to be “totally reprehensible”, “knocking at every convention” and including a “tacit glorification of drugs”. The report read as follows:

This script is more or less the same as the previous one, but there are differences – possibly the difference between the play as written and as produced. It still seems to be a totally reprehensible affair. Satire is one thing, but the 'knocking' at every convention and the tacit glorification of drugs and general intransigence [sic] inclines me to agree with Mr. Hill that, in effect, this piece is dangerously permissive. For my part, therefore, this piece is

**NOT RECOMMENDED FOR LICENCE**

In Sweden, the world’s first governmental system of *film* censorship was introduced in 1911, while Norway followed two years later (Blomgren 1998). When the first organized objections to and warnings against the new form of entertainment arrived, this was based on a combination of medical, religious and pedagogical grounds (ibid.). Moving pictures could damage eyes, religious hegemony and moral upbringing at the same time. The Norwegian Cinema Act from 1913 prescribed how any film should be evaluated, and that a board of experts “should not approve images, whose screening they think would contradict the law or violate common decency or be demeaning or morally degrading” (Solum 2004; Iversen 2013). The Act also marked the beginning of Norwegian film policy, hence confirming the hypothesis that governmental intervention in a sector of culture (i.e., cultural policy) usually starts as negative/counter-productive/regulative.

As cases from the field of music show, censorship is not necessarily performed by a public or governmental body. In recent decades, a handful of songs have been removed from airplay by the national broadcasters in the UK and in Norway. The song *Ding Dong!* *The Witch is Dead* from *The Wizard of Oz* rose to the top of the charts after Margaret Thatcher’s death in 2013, but was not played on the BBC out of respect for the family of the deceased prime minister (Cloonan 2017). In 1981, the Norwegian national broadcaster refused to play *Dra til hælvete* (“Go to hell”), an anti-drug song banned for using a swearword and promoting drugs. Six years later, the song *Ute til lunsj* (“Out to lunch”) was banned from airplay for including product brands and commercial messages in the lyrics, challenging the non-commercial policy of the national broadcaster in Norway. Examples of music censorship by national distributors and broadcasters are plentiful (cf. Kirkegaard et al. 2017).

Censorship of music, can also come in the form of classifications and warnings. The US system of Parental Advisory/Explicit Lyrics-stickers had the clear intention of letting the youth of America hear less swearing, violence, sexuality and drug references in music. In contrast, the Australian system of media classification has been called “the most censorious of all Western states” (Wheelan 2017, p. 185). This system differentiates music in three categories regarding their level of offensive content: Level 1, 2 and 3. Products labelled as Level 3 are not be sold to anyone below 18 years of age, and there is also a category of Exceeding Level 3, in which case the product is not to be sold whatsoever (ibid.).

5. See e.g. [http://www.legislation.gov.uk/ukpga/1968/54/pdfs/ukpga_19680054_en.pdf](http://www.legislation.gov.uk/ukpga/1968/54/pdfs/ukpga_19680054_en.pdf) [Read 31.01.20]
6. Quoted from reproduction of original report on [http://blogs.bl.uk/english-and-drama/2016/10/the-lord-chamberlain-regrets-.html](http://blogs.bl.uk/english-and-drama/2016/10/the-lord-chamberlain-regrets-.html) [Read 31.01.2020]
7. My translation.
Generally speaking, negative cultural policy can affect the production, distribution and consumption side of culture and arts, thereby creating restraints for either of them. Censorship often functions as a form of distribution control, limiting the access to and distribution of produced content. This type of distribution control has become increasingly relevant in the recent decade through the largely self-imposed and strict policies of platforms like YouTube and Facebook, removing offensive or potentially offensive content (see below).

4. Taxation.
The use of tax in cultural policy is a potential instrument for both positive and negative cultural policy. Tax exemption or cuts to stimulate cultural production is a common instrument of such policy. On the other hand, extra taxes or the removal of tax exemption are available instruments on the negative side, as used by several countries as a tool of cultural protectionism (Baughn and Buchanan 2001).

In Norway, the so-called Luxury Tax was introduced in 1917, and a few years later was expanded to cover cinemas and private theatres. An exception was made for publicly subsidized theatres and “dramatic” or “literary” theatre. This led to the tax being referred to as the revue tax [revyskatten], because it made a particular impact on the many stages that offered entertainment theatre, cabaret, revues, etc. At its peak, just after WWII, this tax was set at 30% of the box office revenue. At the same time, cinemas had to pay a 40% tax, and for concerts where there were foreign musicians playing, there was an 8% tax. There is little doubt that the tax had a normative, ideological or perhaps moral side to it, best visible in the fact that the Christian Democratic Party time and again suggested raising the tax, or voted against the reduction of it. The tax on entertainment theatre was regularly debated, partly on the grounds of the growing challenges in deciding what to tax and what to exempt (Frisvold 1980, pp. 142–144).

This taxation was also a regulating policy tool for the distribution of film. The luxury tax included cinemas and movie screenings from 1920 until 1969. The rate of the tax was between 10 to 40%, which made the post-war production of new Norwegian films challenging, though the production of new movies was considerably lower in Norway than in Sweden and Denmark (Iversen 2013, p. 14). On the other side, the production of short, educational movies increased dramatically, because any movie screening that started with an educational film was entitled to a discount in the luxury tax. Hence, and not surprisingly, a lot of short, educational films were produced (ibid.).

5. Technological content control
The final category of negative cultural policy is wide-ranging, and also one surrounded by a fair amount of dystopian discourse. With a steadily increasing amount of cultural distribution and consumption being digital, technological content control – including algorithms and artificial intelligence – is a central part of contemporary negative cultural policy, a powerful instrument for global media corporations and national governments alike.

As documented by most histories of censorship, inventions of cultural production and the introduction of control mechanisms are usually closely connected (see e.g. Green and Karolides 2005). The fundamental example of this is the structures of regulation of the printed word, which were introduced after the Gutenberg technical revolution (Rian 2014, p. 65). The means of production and the means of regulation are usually developing simultaneously.

The conditions for both expressions and the regulation of them are steadily changing, and in the last decade these conditions have been changing in ways that challenge the understanding of the public sphere, the understanding of what constitutes an expression and
of which actors that have the power to control these expressions. One example of this was in 2016, when Facebook received massive negative attention for having banned and/or removing the iconic image of the napalm girl from the Vietnam War – nine-year-old Phan Thi Kim running naked down a street after a napalm attack. With a strict policy on nudity, Facebook systematically removed the image from all accounts that shared it. Ironically, the removal spurred a widespread campaign, among other places on Facebook. In Norway, the campaign culminated on the 8th of September with a front page in Aftenposten, the largest newspaper in the country, with an open letter to Facebook director Mark Zuckerberg from the chief editor, in addition to the contested image. The primary point was that Zuckerberg was "the most powerful editor in the world", but that he had not taken on the large responsibility of this position. Later in September 2016, Facebook and Zuckerberg replied that they acknowledged the iconic status of the picture and would allow it on their site.

There are two main points in using this example. The case, which could easily be substituted with numerous others, illustrates that there are new actors/agents, as well as new and powerful instruments for restricting cultural content. Facebook and other social media giants are representatives of this development, with one of their most wide-reaching instruments being the use of algorithms to recognize unwanted or prohibited content (cf. Wagner 2016). The case therefore also serves to exemplify what we might call the cultural policy of algorithms, meaning the streamlining, individual tailoring, regulating, adapting and promoting of cultural content with the use of algorithms. And there is, evidently, great opportunities for both positive and negative cultural policy in these instruments. They are also effective tools in the hands of repressive governments, as vividly shown by the Chinese authorities’ use of digital filters and algorithms in restricting access to digital content.

The case of digital/social/network media is also an appropriate case for summing up a general point of negative cultural policy and its history. This is the close-knit relationship between the introduction of new technology for distribution on the one hand and the need to regulate it on the other. This happened with Gutenberg’s movable types, with the invention of moving images and with broadcasting media etc. However, with digital distribution, and hence border-defying technology, came challenges for national regulation and control. Furthermore, one fundamental new feature of digital technology is that the instrument for distribution is an equally powerful tool for controlling and regulating the same distribution. In other words, one might call this the inherent dialectics of digital enlightenment, to paraphrase Adorno and Horkheimer (Adorno and Horkheimer 1997). The powerful instrument is potentially undermining its inherent opportunities.

Making analytical sense of negative cultural policy.

Returning to the tools approach (see p. 145), the taxonomies of tools present in this line of research can provide us with a couple of conceptual tools to make analytical sense of negative cultural policy, and to further develop a working definition of the concept. Regarding policy types, most examples of negative cultural policy discussed on the previous pages seem quite clearly to belong to the regulatory kind of policy within the seminal typology from Lowi (1972). We could say that there is a moral market failure correction taking place in this case. In the cases where taxation is used, a negative cultural policy might also include elements of redistributive policy, e.g., where income from taxes imposed on foreign or low culture is used to subsidize national or high culture.

There are analytical elements from the policy tools approach that are helpful in fixating the negative cultural policy topic and concept. One of them is the different dimensions
along which policy tools vary, while another is the inclusion of so-called third-party governments.

Firstly, there is a specific dimension or continuum that has been acknowledged to be central to most taxonomies of policy tools, that is, the degree of coercion. Salamon identifies this as “the most salient” of the dimensions of policy tools (Salamon 2011, p. 1650). Lowi puts an even greater emphasis on the idea of coercion in his typology, describing his policy types as “types of coercion available to government” (Lowi 1972, p. 299, see also Gustavsson 1980). In Salamon’s wording, the dimension of coercion regards “the extent to which a tool restricts individual or group behavior as opposed to merely encouraging or discouraging it” (ibid.). Policy tools with a low degree of coerciveness are, e.g., the use of information, while tools with a high degree of coerciveness are social and economic regulation, “both of which impose formal limitations on activities considered undesirable” (Salamon 2011, p. 1652). Negative cultural policy generally belongs to this side of the coercive dimension, imposing formal limitations. Whether it is legislation, privileges, censorship, taxation or technological content control – the basic categories of NCP outlined above – they all constitute and impose different types of formal limitations.

The second point from the literature on policy tools that contributes to an understanding of negative cultural policy is the emphasis on governance and policy instruments beyond public government. As stressed by Salamon, modern governance is marked by “an elaborate system of third-party government in which crucial elements of public authority are shared with a host of non-governmental or other-governmental actors, frequently in complex collaborative systems that sometimes defy comprehension, let alone effective management and control” (Salamon 2011, p. 1613). This rather basic insight, that governance and policy are no longer performed by governments alone, is highly relevant for the digital and technological element of negative cultural policy. The regulating mechanisms available for, and used by both media companies and governments, represent a tool for negative cultural policy that is both high on coerciveness and low on visibility. This poses evident challenges to both the governmental regulation of culture and to the analysis of cultural policy (cf. Hood and Margetts 2007).

If we look at the historical origin of cultural policy (cf. Bennett 1995) in particular, it becomes clear that the first regulation of culture was indeed closely connected to the function of cultural policy as display (Williams 1984). Furthermore, it is precisely culture’s function as display that makes it important to regulate, prohibit, censor and form for any level of government concerned with appearance. Any systematic hindrance of cultural expressions can be attributed to a fear of toppling existing orders, be they moral, religious or constitutional. In accordance with Bennett’s observation, one might say that cultural policy as such, broadly defined, starts as negative cultural policy. To be even more tabloid: Cultural policy is born negative, and has (gradually) turned positive. If this is correct, there should be little doubt that negative cultural policy is a relevant and important phenomenon. The central question for subsequent analysis should instead be whether, and in what ways, it continues to be relevant and important. I would argue that the rise of algorithmic censorship, tight governmental control of, e.g., movie productions and media, in addition to the emergence of a click-based cultural economy, are but a few reasons to investigate the concept and practice of negative cultural policy. This might remind us of the fact that cultural policy is not always or not solely productive policy. Cultural policy is also counterproductive policy, explicitly or implicitly creating obstacles for cultural expression. I have given examples of such policies across various art sectors, geographical and historical contexts. These examples show that negative cultural policy could respond to perceived threats in five different
ways: laws and prohibitions, privileges and licences, taxation, systematic, administrative censorship and technological content control. Seen historically, there is a basic continuity across time in this type of policy. However, to be a relevant and fruitful concept, more research needs to be done. Especially in light of digital negative cultural policy, Salamon’s description of modern policy tools points to a need to further unpick the elements and workings of negative cultural policy: “[W]hat exists in most spheres of policy is a dense mosaic of policy tools, many of them placing public agencies in complex, interdependent relationships with a host of third-party agents” (Salamon 2011, p. 1616).

In light of the examples and analytical concepts discussed in the previous pages: How should we define negative cultural policy? At first, we might ask if negative cultural policy is simply an unnecessary synonym for censorship. I would argue that the answer to this question is “no”. Censorship is undoubtedly negative cultural policy. Censorship is usually defined along the lines of the “suppression or prohibition of any parts of books, films, news, etc. that are considered obscene, politically unacceptable, or a threat to security”8 or “the changing or the suppression or prohibition of speech or writing that is deemed subversive of the common good”9

But all negative cultural policy is not necessarily censorship. Any kind of intentional and systematic hindrance for the production or distribution of culture can be described as negative cultural policy. This includes more than the censoring or prohibiting of certain expressions, as the examples in this article have illustrated. Moreover, censorship may turn out to be a challenging concept to use analytically because of its role as accusation. In addition to describing an actual practice, the word “censorship” functions, seemingly to an increasing degree, as a term often politicized to describe the unwanted actions of an opponent.

The concept of censorship itself has become increasingly difficult to use in an analytical, neutral manner, because it is entangled in a conceptual battle. Defining something as censorship, or gaining acceptance for a certain act as being censorship, implies a fundamental branding of an act as inherently bad. By contrast, just as freedom of expression is usually considered to be intrinsically and inherently good, censorship is generally considered to be intrinsically and inherently bad. With absolute and unquestionable moral judgements like these, a discursive struggle will naturally follow, since it equals a definition of something as either good or bad.

Several analysts have warned against this type of fundamental moral binary. Helen Freshwater asserts that, “We should cease presenting cultural confrontations over censorship as a matter of ongoing conflict between the forces of oppression and the forces of liberation” (Freshwater 2004, p. 15). The fallacy of using these binaries also goes for the material that is the object of censorship. Being censored does not make something valuable, good or true: “Censored material does not possess an essential or transcendent value, nor does it share a universal quality” (ibid.).

Secondly, a thorough discussion of the concept of negative cultural policy might be complicated by entering the large field of action theory or philosophy of action, e.g., discussing whether the absence of action constitutes an action (for a discussion, see Clarke 2012). A discussion developing in this direction could argue that by necessity any direct, positive action has a negative counterpart, in the sense that any inclusion of something is simultaneously the exclusion of everything else. Giving financial support to one out of 10 applications for cultural production funding will necessarily mean that you do not support nine of

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8. https://en.oxforddictionaries.com/definition/censorship [Read 31.01.2020]
9. https://www.britannica.com/topic/censorship [Read 31.01.2020]
them. With a broad definition of negative cultural policy, you could say that this scenario constitutes nine instances of such policy. Nevertheless, for a conceptual discussion of negative cultural policy, this is a dead end. A concept of negative cultural policy should be reserved for cases in which there is indisputable direct and active action, with the intention of making production, distribution or consumption of certain cultural expressions difficult or impossible, a sort of active cultural euthanasia, so to speak.

A third aspect to consider is the operative word *negative*, which fundamentally contains different definitions, with both a neutral and a value-laden meaning. Furthermore, it is also an operative word in different analytical traditions, as in negative theology (Braine 1998) and negative politics (cf. Walzer 1996). Obviously, that something is negative means that someone considers this something to be bad, unwanted or having some form of poor quality. However, the word “negative” also means that something is marked by absence, removal or withholding; that it is the contradiction or negation of something, giving the word a neutral denotation as well.\(^\text{10}\) It is this neutral side to the operative word that should be used in a functioning definition of negative cultural policy: It is not to be understood as cultural policy that is *bad*, or have negative consequences, although this might be the case. As we know, the opposite could equally be true – that being positive, supporting and promoting cultural policy potentially has unintended, negative consequences. In what instances negative cultural policy is to be considered “negative” or “positive” in the non-neutral sense, and vice versa, is a discussion that would go beyond the scope of this article.

In other words, based on the three discussion points above, my tentative definition of negative cultural policy is the following: *Any kind of intentional and systematic hindrance for cultural production, distribution or consumption, implemented by government and/or third-party government.* In the words of the abovementioned Salamon, this will mean to “impose formal limitations on activities considered undesirable”.

The suggested definition means that there should be a certain level of intent present, thereby leaving out those instances in which policy more or less coincidentally makes production or the distribution of culture harder. Intended hindrance may also be found in both explicit and implicit cultural policy (Ahearne 2009), meaning that both cultural policy that is branded and recognized as such, and policy that is *implicitly* cultural contain elements of negative cultural policy. Furthermore, the definition emphasizes that intentional hindrance is not necessarily only generated by different levels or sectors of public government. It is also, to an increasing degree, generated by the digital systems and agents that we all use to organize and entertain our lives. A comment should also be made on the final part of the definition. The choice of the phrase “government and/or third-party government” is used to maintain a semi-narrow understanding of cultural policy, and not to include the actions of any agent intent on making cultural production or distribution difficult. As described above, the concept of “third-party government” includes agents with which “crucial elements of public authority are shared”, as defined by Salomon (Salamon 2011, p. 1613). The most pertinent examples in this context are the global media companies that develop and control the digital infrastructure we all depend upon, and hence work as *de facto* global digital governments.

\(^{10}\) Cf. e.g. the Merriam-Webster definition of “negative”; [https://www.merriam-webster.com/dictionary/negative](https://www.merriam-webster.com/dictionary/negative)
Concluding points

There is a relevant parallel to the distinction between positive and negative cultural policy, which might serve to help shed light on both the distinction and co-existence of the two, which is the binary of positive and negative freedom, as famously discussed by Isaiah Berlin and Erich Fromm. Negative freedom, or liberty, is usually defined as the absence of obstacles or constraints for action, whereas positive freedom is understood as the possibility for acting in a way that realizes one’s purpose, and according to one’s own free will (cf. Berlin 1958). Although there is a dialectic between the two forms of liberty, as Berlin and others discuss them, they are also seen as clearly distinct, and, indeed, potentially incompatible ideas of freedom. Relating these fundamental concepts to the topic of this paper, negative cultural policy is a way of intentionally reducing negative freedom for culture through the implementation of obstacles and constraints, making production, distribution and consumption harder or impossible. On the other hand, positive cultural policy, which is the type of cultural policy most often focused upon by analysis, is usually aiming to make the production, distribution and consumption of art and culture possible, thus contributing to the positive freedom of the creator and the consumer. The degree to which such policy constitutes grounds for autonomous action and the realization of purpose is of course debatable, but beyond the ambitions of this analysis.

What is the basic relationship between the concepts of “negative cultural policy” and “cultural policy”? I would contend that negative cultural policy is an aspect of cultural policy as such. In line the analytical perspectives from policy analysts like Lowi and Salamon, we can also analyse cultural policy as varying along a scale of coercion. On the one end of this scale, we find negative cultural policy. As most definitions emphasize, cultural policy is comprised of the operative relationship between an entity with influence and power (often governmental) on the one hand, and acts of cultural production and distribution on the other. When this relationship is of a repressive, obstructive and coercive nature, negative cultural policy is effectuated.

The main point of this article has been to discuss, exemplify and tentatively systematize different varieties of negative cultural policy. Negative cultural policy should be understood as something more than, and as a broader policy phenomenon than, censorship. It includes, but is not restricted to censorship. The concept should also be reserved for those cases in which there is an active and intended act to hinder, limit or stop cultural production, distribution or consumption. As we have seen, however, this is not necessarily only the acts of public governments. The article has argued that the concept of negative cultural policy creates an alternative and useful analytical perspective, therefore enabling us to look for, and discover aspects of cultural policy, that otherwise might elude us.

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