

Linguistic and cultural diversity (LCD) on the net

A communicative challenge rather than a linguistic one –more subject to discourse than to regulation

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This is a presentation held on the occasion of the international colloquium "Language diversity in the information society" organized by the French commission for the UNESCO, in Paris, March 9-19, 2001 Prof. Kuhlen, born 1944; studied philosophy, German literature and sociology at the University of Muenster (1964-1969). Milestones of his academic career: Assistant professor for philosophy at the University of Muenster (1969-1972); Postgraduate training in information science at the Center for Machine Documentation (ZMD) in Frankfurt (1972-1974); Lecturer at the Teaching Institute for Documentation in Frankfurt (1974-1979); PhD 1976 at the University of Regensburg; since 1980 Professor for Information Science at the University of Konstanz; etc. His current professional activities are among others: Co-editor of the Journal of Information Science, Nachrichten fuer Dokumentation, Information Processing & Management, Library Management; Chief editor of the book series Schriften zur Informationswissenschaft (currently more than 30 vols.); Member of the Board of the German Society of Information Science – HI; Director of the Steinbeis Transfer Center for Information/Electronic Markets and Information Engineering (IMIE) at the University of Konstanz; Chairperson of the German UNESCO Committee for Communications; German UNESCO Chair in Communications (ORBICOM); Director of NETHICS e.V. (Information Ethics in the Net); Member of numerous advisory boards for institutions in information politics and information economy. Prof. Kuhlen has published numerous publications (books and articles) in the fields of information retrieval, computational linguistics, information science theory, text condensation, hypertext, information/electronic markets, information ethics, electronic communication forums. He carried out numerous research and development projects since 1980 in the fields mentioned above, financed partially by public funding (BMFT/BMBF, DFG, EU etc.) and partially through joint projects with industrial partners.

1 What is at stake in linguistic and cultural diversity?

The central questions to be discussed in this talk are as follows:

Is the concept of fair use developed in the copyright context applicable to the problem of linguistic and cultural diversity (LCD)? Is public regulation or the definition of legal rules for the preservation of LCD necessary, and how can that be achieved, particularly taking the multilateral perspective into account? Will legal/political regulations be gradually replaced by software code? Who are the actors or which are the instruments which can threaten or secure the goal of protecting LCD? Does LCD constitute an unresolvable conflict of interests between public/political and private/commercial actors? Or is there a long-term common interest in LCD, both for the public and for economics?

1.1 Learning from the principle of fair use in copyright

The principle of fair use had been developed (in the copyright environment) as a way of finding a reasonable compromise between authors/publishers' interest in getting (financially) rewarded for the invention and production of some intellectual good and the public interest in having new knowledge available, publicly and under non-exclusive conditions. Copyright has never been an absolute right of authors/publishers, but is – as one might call it – a finalized right. Copyright was formulated with the intention of offering incentives to authors/publishers to create new knowledge and to make it publicly available. To put into differently: Authors/publishers rights need to be protected, but not only as a goal in itself but as a useful function to satisfy the public need for new knowledge in modern societies.

“Fair use” means that the conflict of different actors’ interests in new knowledge cannot be resolved by supporting one position exclusively. It is not adequate that new knowledge should be completely socialized and thus commercial knowledge or information products should not be acceptable or even allowed. Complete socialization of knowledge – at least in the current economic and political environment of the western world – must be considered as a suppression of private or even any initiative for the production of new knowledge.

On the other hand, it is not adequate that knowledge should be considered a completely private good which is subject to trade and commerce. By the latter understanding major parts of the society would probably be hindered from accessing knowledge, in particular those parties might be excluded from access who especially need knowledge to overcome the disadvantages of their private, professional and public life.

Knowledge is the major means – both on a micro (individual) level and on a macro level (between nations or regions) - to compensate for otherwise existing deficiencies. Support measures for the production of knowledge and for the distribution of knowledge, respectively for access to knowledge or information, financed by the public, can be considered an investment by society in the future. The principle of equality (equal opportunity for all) is unquestionably a central goal in democratic societies. To achieve this goal of equal opportunity for all, public support for the production of knowledge and for the dissemination of information, respectively for access to information is fully justified, even in market-dominated societies. Public financial support for the production of knowledge in science and for the transfer of knowledge to institutions such as schools, universities, libraries, archives or museums has never been disputed. Public investment in knowledge production and in information access is even more important in an electronic environment to guarantee equal opportunity for all.

1.2 Ethical foundation and technological realization

Coming back to the principle of fair use, the ethical foundation for the legal principle of fair use (in its current form) – not leaving the balancing of interests to market forces – can be seen in the public responsibility for a just information environment where everyone has a fair chance to develop their lives according their wishes. On the other hand, a well founded ethical principle is not sufficient; it cannot be overlooked that the actual realization of fair use principles is highly dependent on the technological status of the production, distribution of and the access to information. Ethics is the foundation of fair use and technology the means to implement it. However, today there is some indication that the relationship between ethics and technological realization is becoming reduced to a dominance of software.

In the past, the knowledge industry was willing to accept fair use principles (such as the right to make copies for one own’s usage or to enable the public to use knowledge products for free via institutions like libraries) because – among other factors – the available surveillance technology did not allow a complete control of private usage of commercial information products. For example it was not possible to hinder people from making private copies on photocopiers which could not “read” or “understand” what they were copying and thus could not control it. Nor was it possible to prohibit lending a book to another person which one had bought oneself. This has changed drastically in a fully electronic environment where the usage of electronic products can be completely supervised, controlled and, consequently, billed down to single bits.

It is very likely that in a fully electronic environment - without any further public intervention and without new attempts to reformulate the principle of fair use - the fair use compromise between public and private interests will be reduced to a software problem of how to effectively and completely control the usage of commercial information products. It was Lawrence Lessig who has repeatedly drawn attention to the tendency that software such as digital rights management (DRM) techniques may replace political and legal initiatives to regulate the usage of information. DRM software has been developed to protect private interests in knowledge and information against information theft and piracy or – from another perspective – to restrict or to control the free flow of information. Fully established DRM will break with the fair use compromise. Using DRM publishers or content providers can lay down exact rules concerning to what extent an information product can be used, what is covered by the price a user is willing to pay, e.g. it can be defined which hardware/software platform is allowed for its usage; how long the user may have access to it; how many copies are allowed; whether quotations from the “leased” product are allowed, ...

1.3 What is fair use with respect to linguistic and cultural diversity?

We do not intend to discuss the copyright or fair use problem in more detail in this talk. We rather would like to ask what “fair use” means with respect to linguistic and cultural diversity and what we can learn from the current copyright debate about the opportunity of re-formulating a new and practicable fair use of information and cultural products in an electronic environment in general.

For the following it is important to remember that – corresponding to the understanding of contemporary cultural anthropology and in accordance with UNESCO’s understanding of culture since the Mexico City World Conference on Cultural Politics in 1982 - the concept of culture does not refer to the understanding of “high-culture”, i.e. a set of products from art and architecture exclusively, but rather to “culture” as an ensemble of values, attitudes, communication patterns etc. which guide our conduct in all societal subsets and which is the basis for ethical, juridical and political systems of a society.

We find some parallelism or analogy in the challenge to define a fair compromise between the public and the private commercial interests in producing knowledge and in accessing information and the challenge to find a compromise between the public interest to preserve cultural diversity as a precondition for development in general and the interest of the economy, to carry out trade on a global scale without too many linguistic and cultural barriers, i.e. to carry out trade without restrictive, diversity-compensating costs.

2 Conflicts of interest and goal

Ethical, legal and political problems normally occur when conflicts of interests between main actors in society become visible. This is, for example, the case in the question of copyright or in the assessment of the importance of LCD. We shall first concentrate (and necessarily oversimplistically) upon the public interest in the preservation and the development of LCD, second evaluate the threat to LCD through commercial interests, and finally discuss whether, at least in the long term, there could be a common public and commercial interest in the preservation and the development of LCD on a global scale.

2.1 Public interest in LCD

It is – at least in western countries – generally accepted to be in the public interest to enable personal individual development by encouraging/tolerating a large bandwidth of cultural products and of cultural values. This support is considered to be part of the “contract” between the state and the civil society. According to this understanding, LCD is a citizen’s right that must be protected by the state, comparable to other rights such as the right to privacy. Independent from this individualistic right to personal development on LCD basis, LCD is considered the main means for establishing a politically desired identity with one own’s environment. This is also part of the public interest in LCD, namely, interest in political stability, which can be achieved through identity with cultural values and via linguistic competence. In addition, some people use an evolutionary argument for the protection of LCD, comparable to the protection of biological diversity: only a broad variety of LCD can guarantee the development of the human species under changing environmental and cultural circumstances.

The mission to save cultural diversity is inseparable from the mission to save linguistic diversity. Language is the main means to represent and mediate culture (equally products and norms and behaviour). It is in the public interest to support linguistic diversity and individuality and to allow everyone access to knowledge in that language they are mostly familiar with, for whatever purpose. Equally important is the right to be able to represent oneself and one’s knowledge in one’s own language. To put it another way: LCD is part of the right to read, to have free access to knowledge and information under fair conditions. LCD is also part of the right to write, to be able to present oneself in one’s own language and in one’s own cultural context. The two rights, the right to read and the right to write, can be combined into the right to communicate, this being the competence to engage in active (writing) and passive (reading) discourse with other people, even in a global environment.

2.2 Commercial problems with LCD, commercial threats to LCD

The main goal of commercial action is the optimal usage of existing resources – optimal with respect to the achievement of predefined goals. Under an economic perspective language and culture are resources as well which need to be taken into account in the process of exchanging goods and services. In a globally acting information economy the confluence of different cultures (values and behavioral patterns), expressed in different languages, is almost unavoidable. Both language differences and cultural differences can produce friction (and friction-based loss) among trade partners, particularly in distributed environments. These differences, if not mastered through knowledge about their existence, can lead to misunderstanding which threatens the success of business or the reliability of contracts. Without any additional effort to learn about the existence of differences the confluence of diversity may result into clash and may result in complete commercial failure. To avoid this, diversity management is increasingly needed on global markets. Diversity management is a cost factor which cannot be underestimated whereby the cost for the lack of diversity management are even higher.

To give only one example for the influence of cultural differences (expressed in the respective linguistic system) on commercial success – let us recall the role which trust plays in enabling economic negotiations and commercial exchange to function smoothly. Trust-building factors are deeply anchored in the cultural systems of individuals, social groups and whole nations. What is a good trust-building behavior in one society may not be accepted in another one. Filter and blocking software, for instance, which is often used as a means to build up trust and confidence in the reliability and the quality of information products is

extremely dependent on cultural values. These values are embedded in the underlying rating systems which are the basis for filter software. What is true and appropriate for one culture can be doubtful and inappropriate for another one. Using software stemming from one culture – in the case of filter software mainly from the United States – in an international environment may produce just the opposite effect, namely mistrust or, at least, misunderstanding.

Trade and business would be easier without LCD. Overcoming language and cultural barriers could be a commercial goal. Diversity is in principle against economic interests. A culturally and linguistically homogeneous society would avoid the friction-removing cost for diversity management. The one English speaking and western culture oriented world, preferably using only one currency and following the same legal conventions, would be a perfect market place for the global exchange of goods on information markets. For the WTO this might be considered a wishful dream, for the rest of us, it is rather a nightmare.

Probably nobody will judge the likelihood of one world culture and of one world language as very high. However, it is realistic that the value systems of cultures which dominate electronic spaces – and this is currently without doubt the US-American system of economics and politics – might be superimposed on the value systems of other cultures because in open electronic networks their penetration cannot be avoided. And this influence might not destroy these cultures totally but it might lead to wide-spread insecurity which could be a source of social instability.

Statistics show that the dominance of the English language has gradually decreased, at least relatively. Less than 50% of the websites on the Internet use the English language today, compared to more than 90% only 5 years ago. The ongoing extension of the Internet in most of the regions of the world allows more and more regions of the world to represent their knowledge in their own language. However, the mere numbers do not tell us much about the actual usage of these sites and about the consequences of their usage in their respective cultural spaces.

When 12.3 million people in Italy have the chance to access information and to represent information in the Italian language then this has mainly an inner-Italian effect; the same is true for the 38.8 million Japanese people or for the 29 million Chinese people, in principle also for the 14.2 million French people and for the 22.4 million people in Germany. Only English – beside the fact that there are 192.1 million people on the Internet who use English as their primary language – has the possibility of being registered and understood in other cultural regions and thus has the possibility of influencing other countries' cultural value systems.

3 Public initiatives, regulation included

What follows from our discussion so far? With respect to possible public initiatives, regulation included, we would like to distinguish between the following topics: a) the usage of information products which are originally presented in a foreign language/culture – the multilateral import problem; b) the challenge to represent the knowledge of a cultural space which is produced with public (financial) support – the internal public market problem; c) the challenge to make the knowledge of a cultural space accessible to other cultural spaces – the multilateral export problem; d) the promotion of multilingual learning and the challenge

to communicate with other people on a global scale using mainly English as the switching language – the communication problem.

3.1 The multilateral import problem

In open electronic networks there is no realistic chance of blocking the import of information goods represented in languages other than the ones primarily used in the importing (or “invaded”) countries (nor is it desired). It is even likely that globally acting commercial content providers will represent their information products in as many target languages as there is a market that these products will be used in the respective languages. This can be achieved via translation or via distributed production of information goods as it is done with the many regional CNN TV programmes. Market forces will take care of this demand for information products from other countries. It is very likely that cultural products will dominate the markets of the future (replacing more and more traditional industry products and services). These products need to be tailored to special cultural needs. Therefore, in a mid-term perspective, cultural and linguistic diversity will be considered a major success factor for the culture industry, because variety expands the bandwidth of possible culture products and possible culture users.

The import problem is slightly different with respect to information goods such as data bases in science, technology, administration, economics, politics, media and other fields where there is a direct public interest that these data bases (in foreign languages) should be effectively used by scientists etc. in their own language and where market force will not provide appropriate translated versions of the original data bases. We hold that this problem should be solved through bilateral contracts, for example between Korean or French data base producers and public/private partners in the pertinent target cultural/linguistic spaces.

3.2 The internal public market problem

Public promotion of LCD should mainly concentrate on the challenge to make one’s own culture electronically accessible for one’s own population (and perhaps for the rest of the world, c.f. section 3.3). This is particularly true for public domain information, that is information which is either directly produced in a public environment (administration, politics) or is produced with full or partial financial public foundation or sponsorship. In particular, „knowledge“ produced in science and technology, but also all products of so called high-culture (produced or stored in mainly publicly financed institutions such as libraries, archives, museums, theaters or operas) should be made accessible in their electronic form.

So far it is unquestioned that existing institutions such as those mentioned above (libraries, theaters, operas, museums) need to be publicly financed. Taking the technological change into account, the establishment of so called public culture servers can be considered a public task. By establishing these public culture servers, there is a chance that a second public information market will develop which is not dominated by commercial interest, but driven by the interest in the free exchange of knowledge and of cultural products of all kinds and all levels. It is possible that new forms of public/private partnership will need to be developed in order to get these public culture servers financed. This could result in new expressions of fair use (for the usage) of cultural products where neither public nor private interests exclusively dominate.

3.3 The multilateral export problem

Lastly it could be in the public interest of cultural regions or states that their own cultural products should be made accessible by other cultural regions in their own respective language. It is not very likely that this task of cultural export can be left to market forces only. In the past most countries have established organizational and institutional forms for exporting their cultural heritage into other countries. Institutions such as the Goethe institutes from Germany or the British Councils or the Instituts francais are examples of such linguistic and cultural export. There is no reason why public institutions should refrain from this export task in the electronic environment. However, this cannot be left to the public finance and organizational power alone - comparable to the internal public market problem, there is a need and a chance for heterogeneous cooperative ventures between knowledge/culture producers, intermediaries, providers and users both in sender and receiver countries.

3.4 Multilingual and communicative competence

Finally a short remark with respect to local/regional promotion and regulation of multilingual diversity. It is for sure, that language competence in one or several other languages is highly desirable and should be part of school curricula on all levels. Extended language competence will not only (partly) improve the chance of people communicating with other people in other cultural and linguistic spaces, but will also make them open for the values and behaviour of other cultures. The objective of foreign language learning is thus not only language competence but also to develop an understanding of cultural and linguistic relativity. Relativity is the prerequisite for openness to other cultures.

However, the extension of language competence will not be sufficient to solve the problem of global communication. If something can be considered the main paradigm in electronic spaces then it is the chance for everyone to contact everyone else on earth, at least on principle. To realize this chance, which has never existed before in the history of mankind, competence in two or three or four languages will not help that much. As long as automatic translation and interpreting systems are not available, we need to accept that the English language is the only switching language that can be used in global communication.

Results from intercultural research suggest that communication among partners from different cultural spaces, using English as the switching language, often highly deficiently, is likely to be highly influenced and even biased by cultural differences. The switching language will not level out cultural diversity. Instead, divergent cultural values, norms, argumentation and politeness patterns, discourse behaviours and cooperative styles are more likely to foil any development of language homogenization through a single switching language, viz. English. Language competence will contribute to the solution but cannot solve the problem of cultural diversity alone. Therefore education should encourage sensitivity for cultural diversity and should help to develop communicative competence on a global scale. This seems to be more realistic than achieving competence in universal linguistic principles, often considered a means to make linguistic diversity transparent. This final remark on cultural, communicative competence refers to the subtitle of this talk that diversity is a communicative problem rather than a linguistic one.