

CREATIVE ECONOMY AND TECHNOLOGIES: SOCIAL, LEGAL AND COMMUNICATIVE ISSUES

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Abstract. The article deals with the philosophical questions of creative economy. Appealing to J. Howkins, R. Florida and other theorists of creative economy, the author analyses such aspects of creative economy as the need for enterprise, obsession by consuming, fusion of labour and leisure, integrality of the activities, striving for individual autonomy and privacy. The response to economical changes and social challenges could be creativeness that emerges in certain social and economical environment. The author pays attention to legal aspects of creative economy and analyses the role of technologies in the creative society. The author also focuses on the contradictory aspect of the copyright and patent right in creative economy. By expressing the creators' right to just reward copyright restricts creative communication while patent right expresses aspirations to privatize social property, including nature. The relations between technologies and creative economy refer to social changes, too. Firstly, economic relations could be treated as social technologies. Secondly, technologies (especially e-technologies) are the base of creative industries that ensure economical growth. Thirdly, technologies are indispensable to the consuming that both demands new products and generates the very economy.

Keywords: creative economy, social change, economical environment, copyright and patent right, e-technologies and consuming.

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1. Introduction

What is creative economy? There are some models of creative economy presented by such researchers as J. Howkins, R. Florida, J. Hartley, C. Landry, and R. Caves. Howkins (2007) analyses 15 spheres of creative industries and shows their cumulative role in the economy. Florida (2005) deals with a new creative class in the labour market of the city. The economy of urban society is the focus of C. Landry's (2000) researches. According to R. Caves (2002), creative industries are crucial for economy by changing economical processes. Finally, J. Hartley (2005) stresses the global character of creative

industries and considers them as the main factor of economical development, which is inseparable from e-technologies. Besides this, Hartley pays attention to creative identities. R. Levickaitė and R. Reimeris (2011) conceptualize creative economy using the mentioned models putting them between creative industries, creative class, economical characteristics, creative identities and creative cities. Other authors (Crisafulli 2011; Kačerauskas 2011; Lavrinec 2011; Levickaitė 2011; Černevičiūtė 2011) analysis the cases of cultural industries in different perspectives of creative economy.

In my opinion, the mentioned models do not exhaust the aspects of such multiple social phenomena as creative economy. On the other hand, the mentioned and not mentioned aspects are inseparable in economic area: creative economy develops mostly in an urban environment, influences the global processes, uses the advantages of e-technologies and presupposes certain individual and social identities. In addition to that, we can speak about competitiveness both in creative economy and in the economy influenced by creative industries¹, about clusters and economic cooperation initiated by creative industries², about the place of creative industries in the oligopolic market³, about the role of creative industries in sustainable development of economy⁴, about the role of creative industries in the global economy⁵, about the relationship between creative economy and e-technologies⁶, about the role of creative industries in the development of a region, finally, about the weight of creative industries in the economy as a criterion of economic development⁷, as well as about the influence of creative industries on urban economy⁸.

However, I shall narrow my analysis to philosophical aspects of creative economy in the margins of the mentioned researches. First of all (Economy and creativeness), I shall analyse the relationship of economy and creativeness; later (Law and creativeness), I shall pay attention to the legal aspects of creative economy; finally (Technologies in the creative society), I shall analyse the role of technologies in the creative society.

2. Economy and creativeness

What place does creativeness in economy the knowledge of economy in the creation take? Whether creativeness and enterprise are to be harmonized and in what way? How do the creative activities influence the social relations? What is the content of creative

¹ More about economic competitiveness see Balkytė, Tvaronavičienė (2010), Ginevičius, Podvezko (2009), as well as Ginevičius, Krivka, Šimkūnaitė (2010).

² More about economic cooperation see Ginevičius (2010).

³ More about oligopolic market see Ginevičius, Krivka, Šimkūnaitė (2010), as well as Ginevičius, Petraškevičius, Šimkūnaitė (2010).

⁴ More about the aspects of sustainable development of economy see Balkytė, Tvaronavičienė (2010).

⁵ More about economy from the point of view of globalization see Tvaronavičienė, Kalašinskaitė (2010).

⁶ More about e-technologies see Zavadskas, Kaklauskas, Banaitis (2010).

⁷ More about the regional aspects in economical development see Tvaronavičienė, Grybaitė, Tvaronavičienė (2009).

⁸ More about different aspects of urban economy see Burinskienė (2009), Burinskienė, Klivavičius, Grigonis, Ušpalytė-Vitkūnienė (2009), Burinskienė, Rudzkiene (2009), Kaklauskas, Zavadskas, Šaparauskas (2009), McDonald, Malys, Malienė (2009).

economy? Whether creativeness is characteristic of post-industrial society? How does the creative society change the life environment? What changes of social policy does the emergence of creativeness in the society presuppose? How the creative products are to be protected? How are the thefts of the intellectual products to be treated? How to harmonize the right for information and the objectives to tax the information in the knowledge society⁹?

These and other questions of creative economy face to knock interdisciplinary studies, which need creativeness, too. The keystones of creative economy are creativeness, business, law, media, entertainment, e-technologies and industries. Creative economy covers very different social aspects including knowledge sociology and psychology, consuming strategies and tactics in mediated culture, financial levers of creativeness, new economy based on the ideas as capital of creativeness, models of business in creative activities, law of intellectual property, technological changes in media, modelling of national creativeness strategies, training of creativeness in different chains of educational system.

Creative economy corresponds to such tendencies of post-industrial society as demand for entertainment, obsession of consuming, fusion of labour and leisure, integrality of activities, striving for individual autonomy and privacy. The inconsistency of these tendencies refers to complicated relations in multiple society where the following phenomena coexist: specialization and need for systemic knowledge, political passivity of the populace and “heat” of political actors, dictate of decisions of majority and special rights of the minorities, monopoly of state violence and the explosions of thuggery, penetration of pop-culture and popularity of elite culture, urbanization of the regions and cities as big villages, aspirations of workers to fuse labour with leisure and the fight of the trade-unions for labour separation from leisure, general taxation of labour and prosperity of black-market, increase of taxes and protection from the taxation of such activities as prostitution, smuggling and corruption, creativeness and ingenuity of corrupted actors and inactivity of “honest” bureaucrats, decrease of workplaces because of automation and increase of the bureaucrats because of economic “optimization”, looseness of heterosexual relations and the fight of homosexuals for the traditional family values, secularization and religious fundamentalism, freedom of fashion and imprisonment of certain headgears, desire to be seen in light of media and savage fight for secrecy of private life, obesity and starvation, vegetarianism and meaty diet of the primitives.

According to Howkins (2007), the response to this social challenge is creativeness, i.e. ability to shock the society with the original ideas making profit from it. The economic side of creativeness presupposes that it is not enough to present new ideas; there is a need to realize their profitability in order to make them the capital of both individual activity and social development. In other words, we should not only sell our ideas but create the market for profitable realization of them, i.e. to create their value. Without created value, i.e. without persuading society that our ideas are valuable, they are low-cost. Therefore, we need ingenuity not in the multiplication of ideas but in the creation of their additional value, which has been gained in a certain environment. The more varied this environment is, the more possibilities the idea to be spread in the channels between social contradictions (mentioned and not mentioned) has.

⁹ More about knowledge society and knowledge economy see Melnikas (2010).

By analysing such creative aspects as intellectual property, copyright, trademarks, creative industries (advertising, architecture, art, crafts, design, fashion, film music, performing arts, publishing, scientific researches and technologies, toys and games, television and radio, computer games) creativity management, employment of creative workers, creativeness and technology, capital of mind, we face the question of relationship between the society and an individual. This question is to be interpreted in the context of creation. Firstly, social environment is the background for individual creativeness, within which an individual appears as a creative worker in a broad sense and as a creator in a narrow sense. Secondly, here the individual creative aspirations mature, in the forge of which his identity influencing the identity of community forms. Thirdly, as Howkins (2007) highlights, creativeness and economic relations are inseparable: the beginning of any enterprise is the creative idea while any creative activity should be just by rewarding for it (social support), as well as by taxing it (individual reimbursement). However, creative activity instead of justifying classical (liberal) concept of social justice challenges it. Fourthly, we can speak about creative society both as the environment for individual creation and as the whole of the creative individuals, the links of who “show” creative horizon.

The creative relation between an individual and his/her society leads to the question what the policy (including management) of creativeness should be: creative policy or the management of the policy of creation (and suppressing)? As Howkins (2007) emphasizes, we face the changed concept of employment in post-industrial society: creative workers seek working not full workday or merging leisure with work. In other words, an employee can work not less and not worse in a forest or on the beach than in an office. On the one hand, not industrial environment inspires more. Moreover, it does not allow counting of the working hours: we work even at night by dreaming the ideas. Therefore, obstacles for creative industries is industrial environment oriented to such political actions as catching of creative workers from all corners of the state in order to account and tax them. The outcome of this policy is the bureaucratisation of labour relations, back effect of which is the creation of new workplaces for the accountants and timekeepers, i.e. for labour observers and penal officers. The trade-unions suffer identity crisis both by becoming a tool of this (contra) creation strategy and by representing industrial society, which has been replaced by creative society more and more while creative society covers both individual creators and the groups for brainstorming of the ideas. As a creative worker is the base of future society, this “evil” should be destroyed from the very beginning: such policy of creativeness dominates in the states shocked not as much by economic but identity crisis.

The contradiction between the creation and industries emerges as the clash (sometimes crucial for the individual) of an individual and industrial environment, as intersection of creative and industrial societies, as contradiction between the preservation of nature (ecology¹⁰) and cultivation of nature (culture), and finally, as dialectics of novelty and tradition. This contradiction is to be overcome with the help of creative communica-

¹⁰ See *Creative Ecologies* by J. Howkins (2007).

tion. Communication does not only ensure creativeness of labour (the result of which is merging of labour and leisure), i.e. creative economy; the very communication is a factor for creation: every new communicative channel changes the whole economic order. Creative communication covers both aspects of social novelty and individual creative interconnections. Besides, creative communication covers the aspects of the absence of connections: new ideas are dreamed only after liberation from the pressure of dominated comprehension. New ideas are crazy literally: they abort the relations of rational discourse by constituting a new economic order.

3. Law and creativeness

One of such rational systems is copyright and patent right, which are inseparable from creative economy by ensuring “only” consuming of creative products. Creative right can also be considered as social communication, which has been created as a response to certain needs of creative society. The protection of creators as a certain social group assumes institutional forms that have been subordinated to the state violence monopoly. In this way, copyright and patent right, created in order to protect economic conditions of the creators, lead to social conflicts and become a break in the development of creative society economy. As Howkins (2007) notices, there is a vanishing border between the invention and discovery. Although only the latter deals with creative activity, which is protected by patent right, the successful patenting of human genome witnesses creative workers’ (to be precise, creation managers’) invasion into other regions of life world. In other words, patent right serves creative imperialism, which is expressed by aspiration to privatize social property including nature. Therefore, patent institution in a broad sense corresponds to cultural invasion in respect of nature. Social conflict emerges not in the society pretensions to natural resources (including fresh air and ozone layer), which have been considered a priori as social property but in the aspiration to distribute or redistribute this property, i.e. in economic perspective. These economical relations have been served by patent right, the basic principle of which comes from nature: the winner is the most rapid runner to the patent office.

Patent institution presupposes also the question about the aspirations of patent right: is it oriented to filling patent offices, to the spread of technical creation or protection of a discovery? Commercial aspect of patenting has been clear from the very 18th century, when the first patent office in USA has been founded as a commercial structure that profits from the contributions of the creators. The other aspect is also to be mentioned: the first office has been founded by USA statesmen using the social relations and state channels of communication. It is tested by time recipe, especially well applied in Lithuania that experienced the revival of capitalism: next to ministries and departments the private firms that help to break the bureaucratic ice freezing any manifestation of creativeness have been established. The paradox is as follows: this latent corruption, just as other more evident forms, serves creative society, the biggest break of which is “just” bureaucratic-institutional labyrinth: creative initiatives have been realized despite the system that limits in a “right” way. A similar bureaucratic machine could be patent offices, in the files of which, like in the coffins of creative society, new ideas have been

buried: after taxing they become not saleable for further nurture, and that is why they die. There is only one consolation: it is an easy death, without any convulsions of economic crises and enterprise bankrupts that are experienced by the ideas to be realized.

Under conditions of globalization patent and copyright face the challenge of cultural variety or even civilization clashes. On the one hand, the governments (mostly in the West) after monopolizing copyrights demand the governments of competitive civilizations (for instance, China or India) to “respect” the copyrights. This euphemism means nothing else but the demand to pay money for consuming products of Western creation, i.e. for the westernization of their cultures. In other words, the developed countries seek to tax the aspirations of less developed countries to overtake or to resemble to the first ones. According to the less developed countries, it is a new form of colonialism, although namely this one could help protect their cultural identity under the conditions of globalization, which no way means unrestricted change of the ideas. On the contrary, globalization emerging as a cultural unification on the basis of Western tradition means commercialization of ideas. However, creative products in other cultures (as in West Europe of certain historical period: we do not remember the names of our cathedrals’ architects) have been considered too holy to be traded. The creation is purportedly a form of coexistence with God: it is a sin to sell it in order to have individual benefit. In honour of Western creators it could be said that only a speck from the payment for the consumption of their creative products goes to them, whereas the lion’s share goes to patent offices, ministries and governments. In this sense, not the very creation but its state supervision has been considered as sacred.

Taxation of creative products breaks the development of innovation inevitably. As in the case of patent, here we have implications both of the privatisation of social recourses and monopolization of state. These two tendencies merge in the post-industrial society: state monopolizing is inseparable from private monopolizing. The question of what is the content of creative activity taxing emerges: exploitation of creators, expropriation of creation, limitation of the right for creation fruits or new niche for bureaucracy?

The question is whether entertainment industry is to be related with creativeness. Such entertainment as movies, music, theatrics, toys, television and radio, computer games must be created. Creativeness emerges here twofold: not only the entertainment but also the need for its consuming have been created with the help of media into which finally the very entertainment turns, changing not only our agenda but also life art. The choice of entertainment is an active practice the influences both work (economic activity) and life (existential project) in general. As it was mentioned, the very work in post-industrial society turns into entertainment. Thus, we can speak about entertainment society, which corresponds to creative society. However, this orientation towards entertainment served by the media, which changes being directed to the entertainment, causes the unification of culture both in a broad (of existential project) and narrow sense (of certain products). We have a vicious circle: such entertainment as media influence other media, which cause our creative aspirations and choices. Entertainment transfuses social being threatening to erase mobile border between work and leisure. This border could not be abolished because of the fact that it would threaten the identity of the very entertainment.

These considerations about creative economy lead to the questions as follows. Whether creative industries signify the cardinal changes in the whole media system, the relations of which and media functions change every time when a new media emerges? Whether creative industries not initiate a new economic order, not only changing the concept of economy but also opening new perspectives for economic development?

4. Technologies in the creative society

What is the relation between technologies and economy, to be precise creative economy? Firstly, economic relations could be treated as social technologies. Secondly, technologies are the basis of creative industries that ensure economic growth. Thirdly, technologies are indispensable to consumption that both demands new products and generates the very economy. Moreover, we can speak about technocracy as a merger of technologies and politics that covers policy towards creative industries. Before analysing the relations of technologies and creative economy let us analyse the etymology of the words “technology” and “technocracy”.

Technology consists of Greek words *technē* and *logos*. The first one means art, skills, mastership; the latter means divine order and divine word. The biggest mastership has been achieved by orientation to unachievable, divine things. That is a mistake to think that technologies are devoted to facilitate our life. They facilitate life as much as they turn away from daily troubles by orienting to far aims. In our case, these aims are other technologies that emerge as promises of immortality, to rephrase J. Baudrillard (1976). As one technology presupposes another, we have an illusion that this chain is endless. In other words, we face the imitation of immortality. Technocracy consists from two Greek words *technē* and *kratos*. The latter means power. However, it is not our power but the power towards us. In this sense, it is powerfulness that is out of control. That is why we can speak not about the technologies as our extensions, to rephrase M. McLuhan (1994), but about us as the extensions of technologies: we are occupied by our technologies that are liberated as a genie from the bottle.

Let us return to the issue of the influence of technology on creative economy. The question is whether technologies liberate from work, including competition and labour discipline. On the one hand, labour automatization, which was presupposed by technologies, does not mean liberation from work. Automatization and robotization signify the movement from industrial society to the creative one. Although automatization including robotization destroys work places in industry, it creates the whole chain of work places in creative economy that covers knowledge economy. The need for learning and entertainment industries increases significantly. Herewith we face the merging of work and leisure: as mentioned, people work in the forest or in the beach. The consequence of these changes in labour market is the explosion of the city in the suburbs and probable decay of the city in future. The future society is a society of workaholics, who will be working clawing hold of entertainment (even in dreams). On the other hand, the significance of entertainment will increase: workaholics need discharge. Entertainment and teaching industries will be more and more inventive: they will also create more

work places for creative workers. Finally, competition in post-industrial work market will increase, that is why the need for creativeness will increase.

Invasion of technologies is an expression of technical creation, of competitive fight and of consuming tendencies. Every technical novelty is significant to be consumed. The need for consuming has been created as a technical novelty. Therefore, we can speak about consuming industries, which are inseparable from entertainment and teaching industries. Technological progress covers all these aspects. It emerges not as much in plenty of novelties as in the speed of media circulation, i.e. in creative economy context. As mentioned, consumption and technologies are inseparable. Technologies are to be consumed while the consumption is to be technical in order to ensure the speed of mediated economy. Like it or not, we obey these “fatal strategies” (Baudrillard 1983): consume or be consumed. The decrease in consumption contradicts these strategies, which have no strategists: we extend technologies instead of them extending us.

5. Instead of conclusion: the values in the society of creative economy

After our consideration the question emerges: do technologies change values and how. Values are what a certain society (in a broad sense, civilization) considers to be valuable. Values always emerge in a certain social context influenced by media, including economic relations (consumption strategies) and technologies. As certain values tie communities (economic or technological) these could be considered to be the media with all sequences that follow from this. For instance, values as the media could be changed with other media, namely with technologies. On the one hand, the very technologies have been considered to be the values. Thus, we speak about e-technological society as certain economic community that in such a way differs from other communities (e.g. from tools community). On the other hand, every value of this community has been influenced by technologies as the media. The change of the role between technologies and values has raised the figure of specialists. This figure is central in technological society: both private (to give birth or to make abort) and public (to vote for one or another party) solutions have been made according to the conclusions of a specialist. We need the specialist in order to load the responsibility for value-solutions on specialist's shoulders. Meanwhile the specialist should be indifferent towards the values (as the abortions are legal, human life until thirteenth week is not a value). Thus, the values that had united the communities for the centuries have been “washed out”. Although the technological society has “washed” and “changed” values, it does have values. Namely special knowledge is considered to be a value. Although this competence requires studies of many years, the knowledge is not integrated and does not stimulate creativeness. The specialist as a cell of technological society does not recognize new ideas that should be blocked by him. Here, we can remember McLuhan once again: the specialist does not make any small mistakes while moving to huge fallacy. As a result, the creative economy deals with many social contradictions.

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KŪRYBOS EKONOMIKA IR TECHNOLOGIJOS: SOCIALINIAI, TEISINIAI IR KOMUNIKACINIAI ASPEKTAI

T. Kačerauskas

Santrauka

Straipsnyje nagrinėjami kūrybos ekonomikos filosofiniai klausimai. Apeliuodamas į J. Howkinsą, R. Floridą ir kitus kūrybos ekonomikos teoretikus, autorius nagrinėja tokius kūrybos ekonomikos aspektus, kaip verslumo reikmė, vartojimo manija, darbo ir laisvalaikio susilieėjimas, veiklų integralumas, individualios autonomijos ir privatumo siekis. Atsakas į ekonominius ir socialinius pokyčius galėtų būti kūrybingumas, kuris kyla tam tikroje socialinėje (ekonominėje) aplinkoje. Autorius atkreipia dėmesį į teisinius kūrybos ekonomikos aspektus ir analizuoja technologijų vaidmenį kūrybinėje visuomenėje. Pabrėžiamas autorių ir patentų teisės prieštaravimas kūrybos ekonomikoje. Išreiškama kūrėjo teisė į teisingą atlygį, autorių teisė apriboja kūrybos komunikaciją, o patentų teisė išreiškia siekius privatizuoti visuomeninį turtą įskaitant gamtą. Technologijų ir kūrybos ekonomikos santykiai taip pat išreiškia visuomeninius pokyčius. Pirma, ekonominiai santykiai gali būti traktuojami kaip socialinės technologijos. Antra, technologijos (ypač e. technologijos) yra kūrybinių industrijų užtikrinančių ekonominį augimą, pamatas. Trečia, technologijos neatsiejamos nuo vartojimo, kuris reikalauja naujų produktų ir generuoja pačią ekonomiką.

Reikšminiai žodžiai: kūrybos ekonomika, visuomeniniai pokyčiai, ekonominė aplinka, autoriaus ir patentų teisė, e. technologijos ir vartojimas.

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