THE TRIAL. MINISTRY OF CULTURE AGAINST ART WORKERS

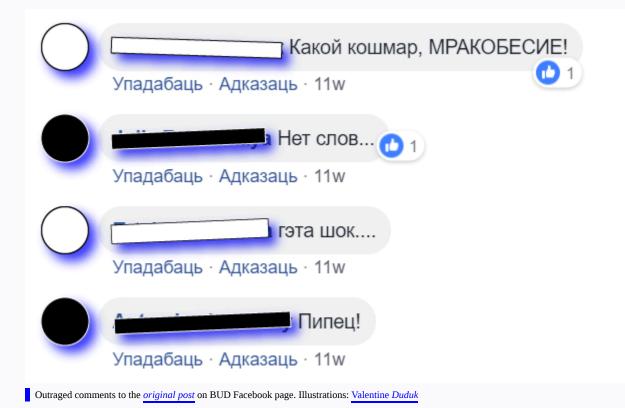
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8/23/2019

War of definitions

For art workers in Belarus, 2019 began with a scandal in terminology. On January 2, a scan of an official letter composed by the Ministry of Culture <u>appeared</u> on the Facebook page of the Belarusian Union of Designers (later referred to as BUD). Referring to the Culture Code of the Republic of Belarus, the letter stated that 'exhibition activities' can be considered neither intellectual, nor artistic.

This absurd piece of news about the Ministry of Culture's claims that art curators do not perform creative work then left the professional community and appeared even on tut.by, the most popular webportal of the Belarusian Internet, causing outrage and mockery.



Numerous commentators joked about how the Ministry of Culture betrays its own name – be it a joke about laundry, referring to a soviet-time anecdote (Phone call: somebody calls to the laundromat but gets instead to the reception desk at the Ministry of Culture. The representative of the ministry reacts rudely, not 'culturally'), or later jokes on the Ministry of High Physical Culture (opposing the ideas of 'high culture' with 'brute physical force') as well as a word play *Ministry off Culture*. Tellingly, in all these jokes the ministry remains a ministry.

Anecdotal at first, this verdict on the status of 'exhibition activities' shows, in fact, several forms of structural decay and tensions within current Belarusian culture politics: between the state cultural policy and Contemporary Art, official, and unofficial institutions, economic, and intellectual activities.

The Machinery of the Ministry of Culture

The modern Ministry of Culture of Belarus has functioned for the past 65 years and was established on May 8, 1953, a couple of months after Stalin's death. In 1991, a striking year for the Soviet Union, the Office from the union-republic¹ became republican², and its structural subdivisions began to be called not departments, but soviets or councils (now they are again called departments). There were a few other changes, even the Minister of Culture remained the same.³ Moreover, the main document defining the activities of the ministry for a long time was the Resolution of the Council of Ministers of the Byelorussian Soviet Socialist Republic (BSSR) signed on February 12, 1970 which was replaced only in 1996.⁴

The first task that the Ministry of Culture of the Republic of Belarus is to conduct public administration in the sphere of culture. The second task of the Ministry is to determine the overall strategy for the development of the cultural sphere. However, a contradiction lies in this sequence: action is either initiated with a strategy or otherwise the institution would carry out the decisions of other authorities. The second, third, fourth, and other tasks of the Ministry, including the eleventh, can only clarify the first one.⁵

Since the Republic of Belarus has existed as an independent country, the Ministry of Culture has been headed by 8 ministers (see Table 1). Following information about them, we can observe three main trends: the ministers are younger and they increased bureaucratic manageability and merger of the ministry with the Institute of Culture. Thus, men born around 1950 were replaced by men born around 1970, scholars were replaced by lawyers with a background in the Academy of Public Administration under the aegis of the President, and the last two ministers of culture got their positions from the position of rector of the Institute of Culture.

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 Table 1. The Ministers of Culture of the Republic of Belarus, 1991-2019

The first two tendencies can be observed in any modern ministry within the Republic of Belarus after 2008. In this year, at least a minimal modernization of the system was demanded in response to the global financial crisis, but the ministry's fixation with culture, more precisely on a special understanding of culture assigned to the whole Institute and its personnel, is a rather recent phenomenon.

In the zone of special attention

2016 was the year when the government went for culture. The president announced 2016 to be the Year of Culture (with the goals of forming high culture of society, preserving cultural heritage and folk traditions, teaching citizens to love their motherland⁶) and the Parliament passed the Culture Code,⁷ the work on which had been ongoing for more than 5 years.

Why was so much attention paid to the field of culture? In October 2015, President Lukashenko was re-elected for his fifth presidential term. It was a new geopolitical circumstance when Russia gradually reduced economic and political support for the regime, significantly increased investment in the cultural sphere of the 'Russian world' and was ready for more aggressive actions against its neighboring countries. A special cultural sphere, separate from the 'Russian world' became for Lukashenko's regime an important guarantor of preserving his own power. In 2016 the concept of 'soft Belarusization' started circulating in the media of Belarus, characterizing the expansion of opportunities in the use of Belarusian language and national symbols in public. Street signs with historical names appeared in the streets, that officially still bear the names of the BSSR; Belarusian language started to be more noticeably used by private business.

In parallel, more and more money was accumulated in the sphere of culture. According to the Minister of Culture of the time, Boris Svetlov: "in general private business strongly supports cultural projects and individual institutions. It is the sign of the times as well as the other: cultural institutions start earning themselves and the numbers are quite outstanding. In 2015 cultural institutions independently earned 4,3 times more than in 2011."⁸ "Belgazprombank" was one of the key private players in this sphere (in 2016 among local banks it was placed sixth in terms of assets, seventh in terms of capital base, fourth in terms of profits).

The state's stepping-in to the cultural sphere caused a certain resistance from independent artists. In the same time span of 2016, Ruslan Vashkevich, an artist not connected to official or state structures, tried to reclaim culture: in the beginning of the year, Vashkevich presented a personal exhibition, Culture channel, in the private gallery, Dom Kartin, and by the end of the year, organized a farewell carnival ceremony seeing 'the Year of Culture' off on its final journey in the form of a buffet at the recycling point at the foot of the "Severniy" landfill, the largest landfill in Belarus.⁹ Another example is Aliaxey Talstou's *appeal to the court*. The artist filed a complaint about the impossibility to obtain information on the budget allocation for purchasing objects to the funds of the National Center for Contemporary Arts in Minsk. The case was dismissed.¹⁰

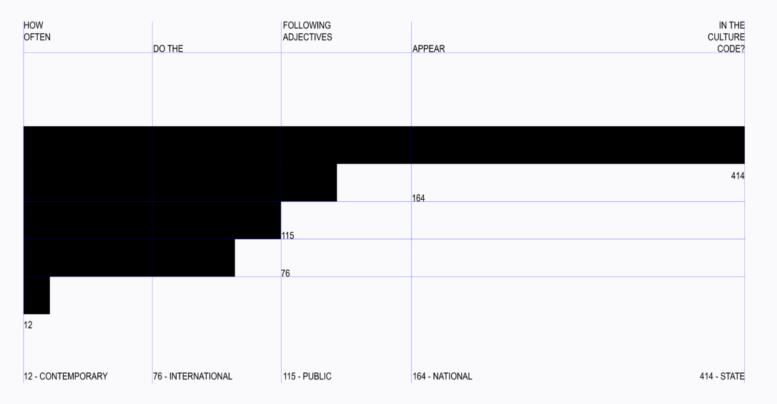
State and creativity

"This [2016] year (year of the Monkey) people within the cultural sphere were remarkably often receiving paper slaps from officials and bureaucrats," said Ruslan Vashkevich, commenting on the adoption of the Culture Code.¹¹ On the very first page of a normal document, you see quotations from the official explanation of the Ministry of Culture regarding the exhibition activities, which caused laughter and anger three years later:

1.14. Creative activity is a direction of cultural activity that includes artistic creativity and other intellectual activity that give rise to the emergence of a new previously non-existent result of intellectual activity in the cultural sphere.

1.7. Cultural activity is the activity of creation, restoration (revival), preservation, protection, study, use, distribution, and (or) popularization of cultural values; provision of cultural goods; aesthetic education of citizens of the Republic of Belarus, foreign citizens and people without citizenship; organization of cultural recreation (leisure) for the population; methodological assistance to the actors of cultural activity.

These definitions do not mean anything and acquire their value only in specific situations – specifically to make decision about any creative activity that can cause a conflict. That is what we will see next. In the meantime, it is interesting to note the context in which these definitions are embedded – the most popular adjective in the text of the Culture Code is 'state'. At the same time the adjective 'contemporary' can be found in the text 35 times less often, and there is not a word about Contemporary Art.



There is not one word on state policy in the definition of creative activity given in the Code although the document places creative activity in the cultural sector, which in turn is a state activity. From now on, the decision on what constitutes creative activity is made by the relevant government body. The resolution of 1970, which determined the activities of the Ministry of Culture for almost half

of its existence, stated that expert commissions should play an important role in the activities of the Ministry. This legacy is preserved, used and is propagated today.

Expert committee on exemption from tax on parasitism

The most noticeable commission of the Ministry of Culture in recent years has been the expert committee for confirming the status of a creative worker. The procedure for issuing a professional certificate was provided in 2010: however, only in 2015 did art workers become aware of the situation in which they found themselves after the Presidential Decree of April 2, 2015 № 3 "On the Prevention of Social Parasitism". They began to apply for such a certificate, since only its presence could free creative workers without employment from the so-called 'tax on parasitism'. In the first nine months after the adoption of the decree, 10 commission meetings took place; 47 applications were reviewed and 26 professional certificates were issued¹² – i.e. the probability of obtaining a professional certificate and being exempt from tax on parasitism slightly exceeded 50%.

The applicant's achievements are among the formal criteria that influences the commission's decision: state awards, titles of laureate, diplomas on participating in international, republican, and regional cultural events and other forms of awards over the course of the last three years. The commission also evaluates the professional and artistic level of the works. Works must be published, performed publicly, or shared with others by other means at least twice a year in the past three years. Finally, one of the criteria in which the commission determines whether a person is assigned the status of a creative worker is the novelty of work, an independent result of intellectual activity.¹³ Thus, when the Ministry of Culture declared that 'exhibition activities' is not intellectual, it potentially attributed independent art curators to the category of social parasites.

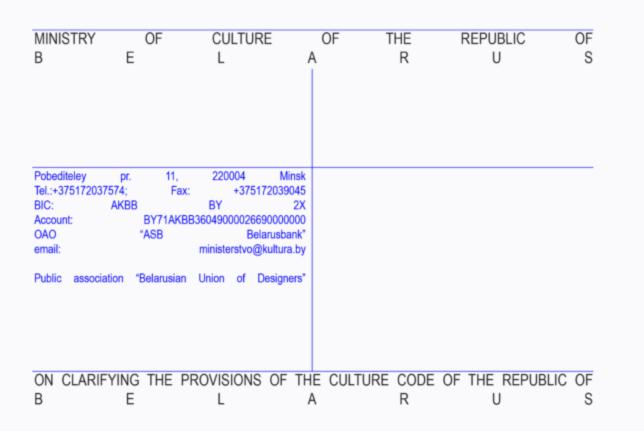
Nevertheless, comments¹⁴ made by the members of the committee show that they relied much more on personal ideas on talent and compassion, rather than formal criteria:

- For me talent is the result of work, when a person already has something to show. The certificate is issued on the basis of a specific material, not in advance. ... Almost everything that I had seen before was not close to me personally, but I voted 'for', as sometimes you just feel pity for a person. Truth be told none of the applicants were worthy of receiving a certificate. (Rygor Sitnitsa, Chairman of the Union of Artists).
- In the commission there are all the top representatives of the Republican Creative Unions: to enter, which you need to have high qualifications and professional status. And these criteria cannot be applied to people for whom creativity, for example, is simply a spiritual need. According to the Civil Code of the Republic of Belarus, works of science, literature and art, regardless of the purpose, dignity and mode of expression, are protected by copyright. In this context, the 'work' as a result of creative activity is not an evaluative category. (Dmitry Sursky, Chairman of the Union of Designers).

The expert commission consisted of 13 people: representatives of the ministries of culture and information, leaders of creative unions of Belarus. Until the end of 2018 the commission was headed by the First Deputy Minister of Culture, Irina Driga. The signature of Irina Driga stands under the letter on clarifying the status of exhibition activities. It is important to specify that this letter was made in response to a request from the chairman of the Union of Designers, Dmitry Sursky. Driga and Sursky are both members of the same commission that decides whether a creative worker is a creative worker and whether people engaged in creative work outside official institutions were supposed to be given an exemption from paying social parasitism tax.

Role of the individual in history

Irina Driga was born in 1970, graduated from the Institute of Culture with a degree in Library Science and Bibliography, worked in the Presidential Office in the department analyzing work of media, and she later worked in the Department for Ideological Affairs. By some accounts,¹⁵ she could be related to the creation of so-called black lists and banning of concerts of Belarusian musicians in 2004, 2010, and 2012. In 2014, Irina Driga was appointed the First Deputy Minister of Culture. At the end of October 2018, before the Listapad film festival began, it came to light that from that year onwards the organizers of the film festival would select films for the national competition and the final decision would belong to the commission formed of "film experts, film distributors and even philosophers and sociologists"¹⁶ and headed by the First Deputy Minister of Culture. This was perceived as an attempt of imposing censorship – such intervention could affect accreditation of Listapad in FIAPF. As a result, the creators of two films took their films from the festival, while film critic Andrei Rasinsky encouraged filmmakers not to let their films be shown at the festival unless Irina Driga was fired. A month later she lost her position¹⁷ but remained in the Ministry of Culture and now heads the Department of Culture and Analytical Work. This became known in an official explanation regarding exhibition activities that was signed by her. Perhaps it was the former deputy minister who cultivated a prohibitive style in the decision-making processes of the Ministry of Culture in general and special commissions in particular, but this cannot be said with certainty. It is known, however, that it was she who answered 'no' responding to the chairman of the Union of Designers on whether curators perform creative activities.



The Ministry of Culture has considered the appeal of the chairman of the Belarusian Union of Designers Sursky D.A., requesting to clarify whether activities related to organizing exhibitions of the members of the above mentioned union, the entrance tickets to which are sold, belong to the types of entrepreneurial activity specified in paragraph 7 of article 59 of the Culture Code of the Republic of Belarus on culture for creative unions, in particular, to creative activities and games.

The Ministry of Culture has conducted a revision of the issue.

As defined in the article of the Culture Code of the Republic of Belarus (subparagraph 1.14) creative activity is a direction of cultural activity that includes artistic creativity and other intellectual activity and gives rise to the emergence of a new previously non-existent result of intellectual activity in the cultural sphere. As seen, the exhibition activities are not considered intellectual activities and as a result lie beyond creative activities.

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Symbolic and real opposition

It is important that the request of the Belarusian Union of Designers was not entirely about exhibition activities, but more about whether charging admission fees to exhibitions of works made by members of the Creative Union is one of the types of commercial activities that creative union members can carry out without establishing commercial organizations or participating in them (Article 59 clause 7 of the Culture Code):

...Creative unions have the right to carry out the following types of business activities without establishing commercial organizations and (or) participating in them:

- film and television production activities;
- activities aimed towards the development of educational program for training courses ... and
- improvement of the resources and abilities of the individual;
- creative activities and entertainment.

Thus, an explanation when answering the question on whether exhibitions constitute commercial activities or not – depending on if there is an entrance fee to the exhibits – was interpreted by the art community, media, and the general public as a statement about the status of artistic activities.¹⁸ This turned into absurd news and became another proof of the Ministry's anti-cultural position. It seems that the Ministry of Culture has hardly changed in all the years of its existence and undoubtedly its bureaucratic and ideological inertia is strong enough so that jokes about the laundry or "the Ministry of High Physical Culture" still remain relevant and therefore, the artistic community (as well as the wider interested public) believes that they alone are entitled to high culture and genuine creativity. The symbolic confrontation between the stagnant state cultural policy and the unofficial, alternative culture has once again been reproduced – a conceptual scheme familiar to Belarus since *perestroika* ('restructuring'), when the state lost full control over the public sphere and, despite serious efforts, could not return it. ¹⁹

In this context, one state institution refused the second in special conditions of economic activity, after which the second brought the conflict into public. To compare, here is an example of what the institution is ready to permit: in 2014, Irina Driga signed a decree that changed the boundaries of the protective zone of the Kurapaty memorial, reducing its territory. This permitted a restaurant to be built there.²⁰

It is likely that, if Irina Driga had responded positively to the request of Dmitry Sursky, no scandal on the status of exhibition activities would have appeared. To be specific the same scandal could have arisen at a future date, when some other actor within cultural policy would disagree with the Ministry of Culture on the economic status of their activities and would try to control the outcome of the correspondence by putting public pressure on the ministry. From the very beginning the economic conflict was presented by one of the parties (BUD) as an ideological one and that was easily picked up by the artistic community, as nothing was required for a symbolic victory: the Ministry of Culture receives a technical defeat simply due to non-appearance as it does not participate in ideological discussions, it simply puts forward state policy to manage culture. At the same time, although state authorities generally prefer to act using internal procedures, a wide public discussion of separate issues sometimes influences official decision-making.

Three weeks later a new official statement appeared on the same public page explaining that the National Center for Legislation and Legal Research under the Presidential Office is collecting information about gaps and ambiguous interpretations in the text of the Culture Code from all interested parties. This was perceived by the BUD as a result of the public opinion's influence: "It is no coincidence that we noticed some contradictions in the Culture Code. Thanks to our efforts, it was not only we who noticed them."²¹

The Ministry of Culture has already set for itself as one of the tasks for 2018 to analyze the practical application of the Code and to develop proposals for making amendments and additions to it. Another task was to intensify interactions with public associations in the field of culture while preparing draft regulations. Therefore, it is also quite possible that the Ministry of Culture continued to follow its procedures regardless of the public reaction.

With this course of events there is a danger for independent artists to turn to self-discipline: by asking the Ministry more and more clarifying questions, you can get more and more controlling, restrictive answers, since the Ministry of Culture can give such answers on the grounds of its real structure. At the same time there are other ways to appeal to the Ministry of Culture and other state bodies as to summon them to appear before court or externally problematise the very principles of state institution existence, as Alaixey Talstou did, or to undermine the Ministry's monopoly on cultural activities from various sides following the example of Ruslan Vashkevich.

If the Ministry of Culture does not officially recognize art workers, all that is left to do for them is to publicly declare the Ministry of Culture as their enemy.

LEGAL ISSUES

^{1.} Note from the Editor: Union-Republic refers to all the countries that were part of the Republics – sovereign socialist States – within the Soviet Union, which Belarus was one of. A ministry as being subordinate to the Union-Republic was under the power of the Union-Republics sovereign rule as opposed to just the central office in Moscow under the USSR. 2. Note from the Editor: Republican here refers to an autonomous Belarus and its transition from BSSR to the Republic of Belarus. 3. Vysshie organi gosudarstvennoi vlasti i centralnogo upravleniya Belorusskoy SSR (1965-1991)/R.P. Platonov, M.K. Bober, S.V. Jumar. — p. 3. — Mn.: BelNIIDAD, 2000. — pp. 54-58. ↑ 4. Resolution of the Cabinet of Ministers of the Republic of Belarus of August 9, 1996 № 525 "On the approval of the Regulations on the Ministry of Culture of the Republic of Belarus", URL: http://pravo.levonevsky.org/bazaby09/sbor78/text78244.htm. 5. Regulations on the Ministry of Culture under the resolution of the Council of Ministers of the Republic of Belarus of 17.01.2017 № 40, *URL*: http://pravo.by/document/?guid=12551&p0=C21700040&p1=1. ↑ 6. Presidential Decree of the Republic of Belarus № 522 of December 28, 2015 ↑ 7. The Culture Code of the Republic of Belarus of July 20, 2016, URL: http://etalonline.by/document/? *regnum=Hk1600413#load_text_none_1_* ↑ 8. Boris Svetlov's interview to Zhanna Kotlerova "The year of culture will become a year of Belarusian art popularization", URL: https://www.belta.by/interview/view/god-kultury-stanet-godom-populjarizatsii-belorusskogo-iskusstva-4563/. 9. Furshet na svalke. Gudozhniki i muzikanti provodili god kulturi (Reception at a landfill. Artists and musicians saw the year of culture off), URL: https://news.tut.by/culture/525676.html. 1 10. Tanya Artsimovich, 2016: MASTATSTVA, YAKOE ZVYARTAETSA U SUD, URL: http://partisanmag.by/?p=16059. 11. Furshet na svalke. Gudozhniki i muzikanti provodili god kulturi (Reception at a landfill. Artists and musicians saw the year of culture off), URL: https://news.tut.by/culture/525676.html. ↑ 12. The Ministry of Culture explained the procedure for issuing a professional certificate of a creative worker, URL: https://www.belta.by/culture/view/minkultury-obnarodovalo-porjadok-vydachi-professionalnogo-sertifikata-tvorcheskogo-rabotnika-tvorches188484-2016. 13. Anastasia Lukyanova. Kak hudozhniki stanoviatsia tuneyadsami (How artists become social parasites), URL: https://news.tut.by/society/495172.html?crnd=12563 ↑ 14. *Op.cit.* ↑ 15. «Sheraga kardynala» belaruskago roku pryznazyli i namesniki ministra, URL: http://tuzinfm.by/zhamerun/838/seraha-kardynalabielaruskaha-roku-pryznacyli-u.html. ↑ 16. Denis Martibovich, Skandaly s Kuropatami i Listapadam. Chem zapomnilas Irina Driga (Scndals with Kurapaty and Listapad film festival. What is Irina Driga remembered for?), URL: https://news.tut.by/culture/615253.html. ↑ 17. *Op. cit.* 1 18. See the comment of the lawyer Vladimir Nesmashny in the discussion under discussed publication † 19. The birth of this conceptual scheme is described in the article by Alexey Bratochkin "Iskusstvo, publichnost i svoboda v epohu pozdnego socializma" (Art, publicity and freedom in the era of late socialism). See photo album "Minsk, Noncomformism-1980h, seryia Kalektsia pARTyzana, p. 23) 1

^{20.} Denis Martibovich, Skandaly s Kuropatami i Listapadam. Chem zapomnilas Irina Driga (Scndals with Kurapaty and Listapad film festival. What is Irina Driga remembered for), URL: https://news.tut.by/culture/615253.html. <u>†</u>