A Look into Glasnost's Impact on the Soviet Art World

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A LOOK INTO GLASNOST'S IMPACT ON THE SOVIET ART WORLD

I. INTRODUCTION

On June 28, 1990, Soviet artists engaged in an unprecedented protest against the history of cultural repression in their country. Artists throughout the country staged a general strike of silence which was held to protest the repressed state of their country's culture. Protests re-occurred throughout the day in the creative unions, as journalists halted their work and as employees stopped their work at publishing houses. At 7:30 p.m., plays, concerts, cinemas, clubs, as well as the Bolshoi ballet and other cultural and artistic institutions halted performances. Common grievances permeate all areas of Soviet culture, but this Comment focuses on the areas of film, music, theater and painting in particular. The common denominator of these mediums in the post-glasnost era is the ubiquitous role of art in the Soviet Union.

Prior to glasnost, discussion on the role of art or artists was not valued. The Soviet Union's government would only tolerate art which propagated socialist opinions. According to Soviet Constitutional theory, there are two kinds of opinions:

a correct opinion, which is a product of socialist consciousness and encourages the development of a socialist or communist society, and an incorrect opinion, which is of a reactionary nature and hampers social progress. Freedom of speech concerns only the former. The latter is contrary to socialist order and must not be protected.

Under these limitations, artists were divided into two groups: official and unofficial. If an artist followed the Soviet State's requirements and

2. Id.
3. Id.
4. Id.
5. Glasnost is a political term coined by Soviet President Gorbachev and his party, denoting a new "openness" in the Soviet Union. See Sharlet, Party and Public Ideals in Conflict: Constitutionalism and Civil Rights in the USSR, 23 CORNELL INT'L L.J. 341, 345-47 (Symp. 1990).
channeled his or her creative energy into an acceptable format, the artist could be classified as an official artist.\(^8\) Official artists belonged to a state-run organization which would facilitate each artist's career.\(^9\) These artists were educated, housed, supplied and paid by the state.\(^10\) Unofficial artists were those who did not follow the state's requirements.\(^11\) Not only did the state not help advance the unofficial artist's career, but the state also would attempt to destroy any non-official artistic endeavor through sanctions, discrimination, psychiatric internment or outright force.\(^12\)

Artistic segregation began to crumble when glasnost arrived in 1986. Mikhail Gorbachev\(^13\) promised new freedoms and less state control.\(^14\) The distinction between official and unofficial state-approved activity became blurred.\(^15\) Likewise, preexisting censorship in the Soviet Union decreased as the glasnost changes in policy emphasized a need for unbridled exchanges of ideas throughout all areas of life.\(^16\) The transformation of ideas was to be cemented through codification.\(^17\) Of course, this restructuring of the Soviet government's foundation philosophy would take time, but the party program was to be hierarchically superior to the state constitution until a new constitution could be written.\(^18\) Changes in practice could happen immediately, but no one knew what this unfamiliar freedom meant.\(^19\) Diverse activists within different cultural meccas began to translate glasnost and democratization into actual practice without awaiting legal institutionalization.\(^20\) Consequently, the country's intellectual and cultural life began to lean toward the commercialization of culture.\(^21\) With Soviet society experiencing freedom to create art in the realms of film, music, theater and fine art, a market was developing for these liberated modes of expression. Negative effects

\(^8\) See id. at 135.
\(^9\) Id.
\(^10\) Id.
\(^11\) Meisler, supra note 7, at 134-35.
\(^12\) See Sharlet, supra note 5, at 345-47.
\(^13\) Mr. Gorbachev has been the president of the Soviet Union since 1986 and he is the moving force behind glasnost.
\(^14\) Meisler, supra note 7, at 133.
\(^15\) Id.
\(^16\) See Sharlet, supra note 5, at 341.
\(^17\) Id.
\(^19\) See generally Sharlet, supra note 5, at 341.
\(^20\) Id.
\(^21\) In the CPSU Central Committee, Pravda, Sept. 20, 1990, at 1-2, reprinted in CURRENT DIGEST OF SOVIET PRESS, Oct. 31, 1990, at 26 [hereinafter CPSU].
flowed from this unchartered change because the absence of written and legal structure for cultural reforms left no guidance.\textsuperscript{22}

As of March 1991, the Soviet Union has not codified laws ensuring artists their rights as expressed in the promises of glasnost. The arts remain in trouble without a firm legal foundation, but ironically artistic expression never has been stronger. Now, at least, the artists have a voice with which to protest their conditions as well as contribute ideas in creating their future. Yet this voice is unprotected in the absence of a constitution ensuring the people's right to express ideas and a government which enforces that right.

II. CREATIVE AND BUSINESS STRUCTURE ALTERATIONS IN SOVIET CINEMA SINCE GLASNOST

A. Ideological Changes in Film

Before glasnost, the Soviet government ensured that the films produced within the country contained a certain didactic or ideological value.\textsuperscript{23} Soviet movies were not created primarily for entertainment but rather for professing the political line.\textsuperscript{24} This genre gave way to artistic expression post-glasnost.\textsuperscript{25} Now movies will only be censored if a film is found to be racist, pornographic or overly violent.\textsuperscript{26} Virtually no ideological mandate is required,\textsuperscript{27} and consequently, filmmakers have been able to dramatically expand upon their subject matter. One Soviet commentator explains:

Today documentary filmmakers are again on the cutting edge of many painful topics; they try to make us think about whether society and the country, which is so important in terms of its history, culture and intellectual resources, though it has been warped and contaminated by Stalinism, are continuing, through inertia, to live in a world of lies.\textsuperscript{28}

Indeed, little to no censorship exists when sex is depicted on the screen.\textsuperscript{29} Glasnost has relieved screen heroes from the duty of pretending

\begin{itemize}
\item \textsuperscript{22} Id.
\item \textsuperscript{23} Taska, \textit{Film and Television Co-Productions with the USSR}, 11 \textit{Whittier L. Rev.} 401 (Summer 1989).
\item \textsuperscript{24} See id.
\item \textsuperscript{25} Id. at 404.
\item \textsuperscript{26} Quinn-Judge, \textit{At Moscow Filmfest, A Smaller Role For Politics}, Christian Science Monitor, July 10, 1987, (Arts and Leisure), at 23.
\item \textsuperscript{27} See Taska, \textit{supra} note 23, at 404.
\item \textsuperscript{29} \textit{See} Kuchin, \textit{Filming the Abyss}, \textit{World Press Review}, Feb. 1990, at 42.
\end{itemize}
to be asexual. However, the filmmaking associations have been criticized for producing films which “appeal to unhealthy feelings and encourage cruelty and sensuality.” Criticism is a component of a healthy democratic society, yet creative liberation and discussion in one area must not entirely captivate the Soviet public’s attention. The danger exists when one liberalized area of filmmaking mutes previously censored political problems which exist in a changing government. For example, critics complain that censorship still exists and that filmmakers are still unable to speak of sensitive political issues such as the Pamyat. Whether or not filmmakers are free from censorship, inroads have been made. The 1967 production of Commissar, directed by Alexander Askoldov, was released in 1988. Set in the Ukraine in 1922, the film looks at Jewish issues and Soviet history. Likewise, the current production of Taxi Blues, directed by Pavel Lungin, raises issues of anti-semitism and class conflict which had been avoided pre-glasnost. The Soviet Union’s history and culture are being accurately discussed for the first time since Stalinism sealed up truths and distorted reality.

B. Business Changes in Film

The business structure for Soviet filmmakers has gone through many changes in the past five years. Glasnost paved the road for the takeover of the official filmmakers union in May of 1986. Two-thirds of the union’s leadership was voted out and Elem Klimov was elected to head the new Soviet Filmmakers Union. One of the first tasks undertaken was to form a conflict commission to look into movies which were not allowed to be released from 1966 to 1986. Of these films, thirty

30. Id.
31. CPSU, supra note 21.
32. Kuchin, supra note 29, at 42.
33. The Pamyat, which means memory, is an unofficial extremist group known for its anti-semitic views.
35. Id.
37. Pashkov, supra note 28, at 27.
38. Dunlop, Soviet Cultural Politics, PROBLEMS OF COMMUNISM, Nov./Dec. 1987, at 34,
39. Id.
40. Id.
41. Id. at 38.
were cleared for release. Klimov had progressive ideas of where the union was headed and declared the union's new model for the film industry would include "democratization and decentralization." In an effort to expose the West to Soviet film, members of the Klimov team travelled to the West. This venture has been successful. At the Cannes film festival in May 1987, for instance, Tenzig Abriladze's anti-Stalinist film, Repentance, won the runner-up prize. Repentance was one of the Soviet films shelved for two years prior to glasnost's acceptance of previously un tolerated films. To aid in the endeavor for international exposure, a new rule was adopted on April 1, 1990, which allows many Soviet film studios the right to do business with foreign countries. Soviet film studios finally have the chance to break with the pre-glasnost tradition of reliance on state funding. The studios hope to become self-supported by the profits generated from their films. These changes depended on worldwide commercialization of the Soviet film product.

Although Soviet filmmakers produce quality films, America is hesitant to accept foreign films which are dubbed or subtitled and, therefore, the Soviet films are usually relegated to art venues in which they receive limited exposure. Soviet movie producers allege that Columbia and Twentieth Century-Fox executives do not believe that Soviet films can have commercial success in the United States. This attitude thwarts the Soviet filmmakers from achieving their goal of widespread distribution of Soviet film. This American assessment of Soviet film desirability may be a premature evaluation considering the success that other Soviet mediums have had internationally. Yet, American film studios are pri-
marily interested in making their money by selling American films to the Soviet Union rather than by distributing Soviet films.\(^5\)

Klimov is also interested in bringing western films into the Soviet Union.\(^6\) At the Moscow Film Festival in 1987, Klimov promised an increase of western films to be shown in the Soviet Union.\(^7\) Since glasnost, the Soviet Union has been introduced to western films, such as Fellini's *8 1/2*, and Antonioni's *Red Desert*,\(^8\) as well as the American classic, *Gone With the Wind*.\(^9\)

Until glasnost, American films were sold to Soviet film studios for a flat rate.\(^10\) Now that Soviet studios are free to deal directly with different production entities, the pricing of western films entering the Soviet Union should become less uniform than it was before glasnost.\(^11\) In fact, Soviet film studios have proposed that film distribution be done on a percentage basis.\(^12\) However, without codified rules, the government haphazardly administers restrictions.\(^13\) For instance, the Soviet Union's Ministry of Culture issued instructions on procedures for registering videoteques which show films commercially.\(^14\) The profits from the video clubs totaled six to ten billion rubles annually.\(^15\) These large profits were realized because the clubs and small cooperatives had started releasing bootlegged copies of American films such as *Rambo*.\(^16\) These bootlegged releases infringed on the rights of American and Soviet distributors.\(^17\) In addition, little of the money went to the Soviet state budget while the majority of the money went to people whom the government classified as "wheeler-dealers."\(^18\) The government was unhappy with this private profit making and attempted to alleviate the problem by banning these small video clubs.\(^19\) Western films nevertheless continue

\(^{55}\) Quinn-Judge, *supra* note 53, at 23.


\(^{57}\) *Id*.


\(^{60}\) Taska, *supra* note 23, at 403.

\(^{61}\) *Id*.

\(^{62}\) *Id*.

\(^{63}\) *CPSU*, *supra* note 21, at 26.

\(^{64}\) *Id*.

\(^{65}\) According to the exchange rate on 01/22/91, this would amount to approximately 4 million to 1.1 billion American dollars.


\(^{67}\) *Id*.

\(^{68}\) *CPSU*, *supra* note 21, at 26.

\(^{69}\) Taska, *supra* note 23, at 402.
to reach the Soviet Union through regulated channels. It is estimated that of Moscow's one hundred twenty-five theaters, sixty percent are showing American films.

Soviets are also trying to entice westerners to film in the Union of Soviet Socialist Republics (USSR). Soviets have respectable film and television studios, film facilities, locations for shooting and lower costs of production. An episode of the New York based television show, Head of the Class, was filmed in Moscow, indicating that the Soviets have had some success in the endeavor. To prepare for future visitor productions, Mosfilm, the largest Soviet movie studio, negotiated with the Hilton Hotel chain to build a luxury hotel near the film studio in Moscow. The intermix between East and West is growing. It is very clear that great opportunity exists for American and Soviet cultural exchange through the exchange of film products and collaboration on film creation.

III. ROCK MUSIC IN THE SOVIET UNION

A. Rock Music Before Glasnost

Pre-glasnost, rock music in the Soviet Union existed as an underground mode of creative expression which the establishment refused to tolerate. Rock music as a form of musical expression was not only looked down upon, but was unable to survive through any legitimate structure. The Communist party banned rock groups from performing on theater stages as well as from composing in recording studios. Soviet musicians, even unofficial amateurs, may not consider their music political nor themselves dissidents. Yet, the act of performing was

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71. Id.
72. Taska, supra note 23, at 405.
73. Id.
75. Id. at 6, col. 2.
77. Id.
78. Id. See also Washburn, O.C. Pop Beat: Success Spoiled Soviet Rock, Musician Says, L.A. Times, Nov. 22, 1990, § F (Calendar), at 1, col. 3 (Orange County ed.). (When musical groups, other than rock groups, were allowed to perform, they had to submit lyrics as well as between-song comments for approval. In addition, the bands could only perform twenty percent of their own material. The rest had to be official music created by members of the Union of Soviet Composers.).
80. See 20/20: Rock Around the Kremlin (ABC television broadcast, Nov. 21, 1985) (transcript available from ABC News, Box 2020, Ansonia Station, New York, N.Y. 10023) [herein-after 20/20].
deemed political in itself. While the lyrics were not anti-communist, the Ministry of Culture did not like the music because the mode of expression was outside their control.

Undeniably, the essence of rock music is its social content and thus rock music starts out as an event of social life, not aesthetic life. For instance, Soviet bloc rock groups sing "songs about people exasperated by shortages of food and household goods, people despairing of the notion that hard work pays in the end." Indeed, rock music fundamentally carries with it many meanings.

Of course, rock music was not completely crushed by the repressive foot of the establishment, but rather kept itself alive through recordings made on cassettes and distributed without charge. The musicians did not profit monetarily from this distribution, but black marketeers profited by reselling the tapes to friends. Musicians gained knowledge of other groups through the underground trading. To a limited extent, musicians also could learn about the western music scene by buying cassettes on the black market which were supplied by foreigners travelling in the Soviet Union.

B. Rock Music Pervades the Soviet Union After Glasnost

With the advent of glasnost in 1986, the harassment of rock musicians stopped. Not everyone was happy with the music, but it was tolerated. No longer is it a crime to walk in Moscow with a rock album under your arm. An influx of western groups made their way out of the confines of the underground and into the general public arena and for the first time, the public could hear foreign rock and alternative bands perform in the Soviet Union. For instance, a Heavy Metal Fest occurred at Moscow's Lenin Stadium on August 12 and 13, 1989. This

81. See Marcus, supra note 76, at 14.
82. Washburn, supra note 78, at 1, col. 3.
85. Id.
86. Marcus, supra note 76, at 14.
87. Id. See also 20/20, supra note 80.
88. 20/20, supra note 80.
89. See Marcus, supra note 76, at 14.
90. Id.
92. Id.
94. Id.
event was allowed and was legitimized by being dubbed an anti-drug crusade by the government. The government even showed enthusiasm for some of the rock events. For example, Vladimir Anosov, an official in the tour organization department of the USSR State Concert Committee said in January 1990, “[t]he main event of the year, perhaps, will be two concerts in Moscow by the legendary Rolling Stones.”

The means for furthering a Soviet musician’s career also developed as a result of glasnost. Rock musicians could now join the established musicians union, Philharmonia. This membership would give them access to the best equipment and professional status as musicians. While the privilege of having a legitimate agency advance the musician’s career is tempting, the drawbacks are indicative of communist control. For example, Philharmonia provides: (a) supervision and therefore political control; (b) a high volume of performances; and (c) little money. Also, in the official union, profits do not coincide with popularity. Artists who belong to Philharmonia receive a set fee for their album or concert regardless of how many people buy their albums or attend their shows.

The musicians’ other option is to reject union membership and try to gain access to the public without Philharmonia’s help. This approach allows a group to receive money according to how many people buy their albums and attend their shows. Another alternative to membership in Philharmonia is for musicians to join another official organization, the Moscow Rock Lab.

The Moscow Rock Lab acts as a liaison between independent Soviet musicians and the foreign market. The first Soviet rock group to gain exposure in the foreign market was the group Autograph, who played in the Live Aid concert in 1986. This performance was the first chance

95. Id.
97. Id.
98. See generally Funky Glasnost, supra note 79, at 104.
99. 20/20, supra note 80.
100. See Funky Glasnost, supra note 79, at 104.
101. Funky Glasnost, supra note 79, at 104.
102. 20/20, supra note 80.
103. Id.
104. Id.
105. See id.
106. Pintos, supra note 91, at 40.
107. Id.
108. Pintos, supra note 91, at 40. Live Aid was an international collaboration of musicians to help raise money to alleviate world hunger.
for the western public to see that rock existed behind the iron curtain. The Moscow Rock Lab encourages musical exchange with the West and helps Soviet artists get their work released by foreign record companies.\(^\text{109}\)

Despite all of the western influences, the Moscow Rock Lab’s musicians all sing in Russian.\(^\text{110}\) The language barrier between the East and West lessens Soviet desirability by the West unless the Soviet product communicates in English.\(^\text{111}\) Yet, musicians who sing in English are considered by most other Soviet musicians to have sold out to the West completely.\(^\text{112}\) The commercial success to be gained by singing in English allows monetary profits propel the music rather than the creative process. Some musicians view singing in English as allowing the West to strip away the Soviet’s identity as a Soviet musician. This conflict between commercialization and artistic integrity is tearing bands apart. For example, Aquarium’s lead singer, Boris Grebenshchikov, opted for western success when a major western record company was interested.\(^\text{113}\) His band remained in Leningrad while Grebenshchikov left for Manhattan.\(^\text{114}\) The philosophical differences regarding singing in English will continue to divide bands as long as the West does not change its aversion to appreciating music in different languages.

Musical groups also exist outside any organization. Many of these groups are in direct opposition to the rock labs and this radical wing of musicians has counter-culture qualities.\(^\text{115}\) Whatever route the artists choose, Soviet musicians are trying to share their Soviet rock with the West without becoming mimics of the West or being exploited by the Soviet Union through underpayment of a desired commodity.\(^\text{116}\)

\(^{109}\) Id. See also Issledovaniya, supra note 83, at 156. The Moscow Rock Lab also recognizes that there are diverse styles within rock music and has allowed for different musical trends to be played out. For instance, within the Lab there is Heavy Metal, Mainstream, Avant-Garde, and Electronic Romanticism music.

\(^{110}\) Pintos, supra note 91, at 40.

\(^{111}\) The same language barrier presented a problem with American film companies’ aversion towards Soviet films made in Russian. See supra notes 51-53 and accompanying text.

\(^{112}\) Pintos, supra note 91, at 40. For instance, the rock group Gorky Park sings in English and is ridiculed by their own country’s musicians. Id.


\(^{114}\) Id.

\(^{115}\) Issledovaniya, supra note 83, at 156.

\(^{116}\) See generally Pintos, supra note 91, at 40.
oration, created a consortium for the international protection and active commercial use of the intellectual property, name, and trademark of the Bolshoi Theater. Entertainment Corporation has no control over the theater's creative work but does get forty percent of the profits generated from this deal. The Bolshoi is free to create while receiving an income for the use of its name.

The smaller theaters do not have a name to sell and are the hardest hit because they are not subsidized by the government. Yet, despite problems with the lack of backing, a small theater can make a more radical break from traditional expectations of the theater and grow along with the other newly freed creative modes of expression. The theater does not remain an island because the actual notion of theater includes writers, musicians, actors and artists. The arts are brought from the stage and into the actors' studios. Small theatrical studios are often decorated with the latest avant-garde art and filled with modern music. This ensemble of different creative fields merging with newly acquired liberties sets the stage for an interesting future for both the theater and its audience.

V. SOVIET ARTISTS

A. Pre-Glasnost Categorization of Official Artists

In 1934, Joseph Stalin decreed that the only acceptable art was figurative art: so-called socialist realism. To maintain this standard, in the early 1930s the Stalinist regime disbanded many artist organizations. A brief thaw of the existing intolerance for rebellious art took place in the late 1950s and early 1960s under Nikita Khrushchev. This abruptly ended in 1962 with the Moscow exhibit "30 Years of Moscow Art." At the Moscow exhibit, Khrushchev spotted examples of abstract art of which he did not approve and believed the Soviet Union

131. Id.
132. Id. at 30.
133. Id.
134. See generally Smelyansky, supra note 118, at 33.
135. Smelyansky, supra note 118, at 33.
136. Id.
137. Stalin was Secretary General of the Communist party from 1922 to 1953 and was Premiere of the Soviet Union from 1941 to 1953. 11 THE NEW ENCYCLOPAEDIA BRITANNICA 205 (1988).
139. Meisler, supra note 7, at 142.
140. Young with Rinehart, supra note 138, at 43. Khrushchev was Premiere of the USSR from 1958 to 1964. 6 THE NEW ENCYCLOPAEDIA BRITANNICA 843 (1988).
141. Meisler, supra note 7, at 142.
IV. THEATER IN THE SOVIET UNION

Prior to glasnost, the theater provided the creative outlet to the ideological campaigns of the Soviet Union. The government controlled the theaters which benefitted the actors since this control provided them with a theatrical school formed on solid traditions and styles. Yet, the theater’s creative liberty was stifled by the government’s stronghold and the theater was anxious for an alternate structure.

In 1986, at a time ripe for change, the All-Russian Congress of Theater Workers set up a new Soviet Theater Workers Union. The elections produced a ten percent turnover in the theater’s leadership. The policy changes included: (a) theater collectives having full independence in the selection of plays; (b) wages of theater personnel depending to some extent on profitability of their productions; (c) theaters setting their own admission prices; and (d) new theaters opening to promote Soviet youth participation. This grassroots union successfully achieved freedom from governmental control. From 1988 to the present day, theaters have been selecting and staging plays of their own.

Yet, theater groups paid a price for leaving their contributors who imposed creative control. The structure disappeared and left creative freedom without monetary backing. The absence of funding affected the talent generated in the theater, which in turn diffused the theaters’ audience. A theater needs an audience, because without one a theater ceases to exist.

The lack of sufficient financial backing even affected the prestigious Bolshoi Theater. In April 1989, the British firm, Entertainment Cor-

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117. Theater represents actors, stage crew, etc. and not the building.
120. See generally Smelyansky, supra note 118, at 32.
121. Id.
122. Dunlop, supra note 38, at 39.
123. Id. at 39-40.
124. See Smelyansky, supra note 118, at 32.
125. Smelyansky, supra note 118, at 32.
126. Id. at 33.
127. See generally Smelyansky, supra note 118, at 32.
128. Smelyansky, supra note 118, at 33.
129. Id.
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should not allow. Thereafter began renewed intolerance for anything other than social realism. Alternative art was kept alive, albeit hidden, through underground artist communities.

Meanwhile, the state-sanctioned artists received the benefits of being categorized as official artists. To advance an official writer or painter's career, the Soviet government provided the artist with adequate supplies, work space, living quarters, recognition, salary and sales. A young Soviet received professional training and then graduated to membership in an official union. These unions allowed the artist to create only state-approved art as their occupation. Only state-sanctioned official artists were allowed to sell their works to the government. Yet, some artists refused to obey the government restrictions and considered those who joined the union as betraying truth in art in favor of the official propaganda and distortion of reality. Such compromise of conscience allowed some artists to assume high positions in the cultural hierarchy, but restricted the possibility of creating works of artistic value commonly associated with freedom to create. Although the official artists ruled the Soviet art world, they received little, if any, interest from the public. In 1985, numerous official art exhibitions were organized for the fortieth anniversary of the victory over Nazi Germany. The museums were unable to recoup their expenses. Likewise, none of the world's museums had been buying paintings of the Soviet Academy of Art members. Social realism could not stand as the only acceptable method of art. The Soviet government needed to address other types of art which did not conform to a strict socialist message.

B. Pre-Glasnost Categorization of Unofficial Artists

In contrast to the official artists, unofficial artists had to obtain day

142. Id. (Khrushchev shouted, "Jackasses! ... We are declaring war on you.") Id.
143. Id.
144. Id.
145. Meisler, supra note 7, at 135.
146. Id.
147. Id.
148. Id.
149. Young with Rinehart, supra note 138, at 42.
150. Medvedev, supra note 119, at 46.
151. Id.
153. Id.
154. Id.
155. Id.
156. Id.
jobs to avoid becoming classified as parasites on society, a violation of communist law.\(^{157}\) Not only were these artists not recognized by their government, but also they were not allowed to generate avant-garde art.\(^{158}\) However, this precarious position allowed these creators to produce avant-garde art in the underground art world.\(^{159}\) However, their art could not reach a marketplace which would generate great monetary rewards.\(^{160}\) The sole purpose of producing underground artwork was to further artistic goals because underground artists only needed to appeal to themselves.

The unofficial artists were often mistakenly categorized by journalists as political dissidents, even when their concerns were primarily aesthetic, not political.\(^{161}\) Ernst Neizvestney, a sculptor, stated “American journalists know me only as a dissident or like a military hero, fighting Khrushchev, they know the story but there is no analysis of the art.”\(^{162}\) This stigmatism is similar to that found with rock musicians, where the mere act of singing was regarded as political, although the lyrics of the songs often did not contain political messages.\(^{163}\)

Unofficial artists had the added frustration of not being able to freely exhibit their works. In 1974, unofficial artists held an outdoor show in an open field on the outskirts of Moscow.\(^{164}\) This exhibit lasted only minutes before Leonid Brezhnev’s\(^{165}\) government had bulldozers destroy this Sokolniki exhibition.\(^{166}\) Thugs (non-official government employees) and water trucks were sent in to beat away the crowds and bulldozers buried what the state considered decadent art.\(^{167}\) These government hooligans retaliated against people whose behavior did not conform to state policy even after bureaucratic sanctions had been applied.\(^{168}\) In addition, the victims were denied recourse of a criminal complaint because official personnel did not carry out the actions.\(^{169}\) However, unofficial artists continued creating art within their own private enclaves of artists.

\(^{157}\) Meisler, supra note 7, at 135. Parasitism refers to a citizen who lives off of society without performing his or her share of society’s work. Id.

\(^{158}\) Id.

\(^{159}\) Id. Avant-garde art is an experimental treatment of art.

\(^{160}\) Id. at 132-33.


\(^{162}\) Id. at 56.

\(^{163}\) See supra notes 69-71 and accompanying text.

\(^{164}\) Young with Rinehart, supra note 138, at 43.

\(^{165}\) Brezhnev was the leader of the Soviet Union from 1964 until 1982. 2 THE NEW ENCYCLOPAEDIA BRITANNICA 507 (1988).

\(^{166}\) Young with Rinehart, supra note 138, at 43.

\(^{167}\) Meisler, supra note 7, at 131.

\(^{168}\) Id.

\(^{169}\) Sharlet, supra note 12, at 346.
and the underground art scene burgeoned throughout the period of intolerance.\textsuperscript{170} In time, some artists were able to display their work in the Soviet Union although these exhibitions were sporadic, incomplete and generally held outside established mainstream art world venues.\textsuperscript{171} Soviet avant-garde art was also seen limitedly in America through New York exhibitions in non-profit spaces.\textsuperscript{172}

\textbf{C. Glasnost Redefines the Official and Unofficial Artist's Role in Society}

Ironically, unofficial art was not only tolerated after 1986, but it also became the pride of Moscow.\textsuperscript{173} This ability to accept the art is partly due to glasnost's eradication of artistic censorship.\textsuperscript{174} The unofficial artists would not have to tailor their art to fit acceptable norms because most art, aside from blatant pornography and direct attacks on living political figures, could be publicly exhibited.\textsuperscript{175} In addition, exhibits are allowed to be held uninterrupted in public forums\textsuperscript{176} and official Soviet magazines have also started to cover what was once unofficial art.\textsuperscript{177} This new competition entering the art market was an affront to official artists who had obeyed the rules.\textsuperscript{178} For example, official union artists were threatened when unofficial street artists began selling artwork in parks.\textsuperscript{179} The official artists had no recourse because the government would no longer support a stagnant art world. The official artists soon realized that their reign over the Soviet art world would have to be shared with unofficial artists.\textsuperscript{180}

This thrust of unofficial artists into the public's view changed governmental perspectives of the unofficial artists. Glasnost legitimized the Gorbachev bureaucrats' blurring of the distinction between official and unofficial art.\textsuperscript{181} Indeed, the official views on art radically changed. On

\begin{footnotes}
\item[170] Meisler, supra note 7, at 142.
\item[171] Wallach, supra note 161, at 53.
\item[172] For instance, there was the 1982 show, "Transplantation of the Russian Spirit: Russian Samizdat Art" and a larger exhibit in 1986 entitled "Sots Art." Id. at 59.
\item[173] Meisler, supra note 7, at 131.
\item[175] Id.
\item[176] Meisler, supra note 7, at 133.
\item[177] \textit{The Perils of Perestroika}, supra note 174, at 49.
\item[179] Id.
\item[180] Id. at 124.
\item[181] Meisler, supra note 7, at 133.
\end{footnotes}
November 21, 1989, the Soviet Minister of Culture, Nikolai Gubenko was asked his views on the official style of social realist art. Gubenko stated, "I don't know what this means . . . [E]ach of us artists has his own [concept of] realism . . . [I]t is the task of the new generation to exclude this kind of formula." The Gorbachev regime's promotion of unofficial art resulted in artists once considered outcasts being asked to exhibit in official capacities. In July, 1988, the Union of Artists of the USSR invited ten unofficial artists to exhibit alongside its own members in a massive show in Moscow. The exhibit also reached the West. The glasnost policy was being tested within its own borders as well as from the Western world.

D. The Western World’s First Glance at Soviet Avant-Garde Artists

In 1986, glasnost opened the doors for the world to seek the unofficial art being created within the Soviet Union. While the official art had not received widespread acclaim, unofficial art was a fresh, marketable commodity which affected the international art world. The West obtained a taste of the Soviet avant-garde through the help of Anne Livet, Steven Reichard and Volkert Klaucke who started the company, Sovart, which was designed to place Soviet artists with responsible American galleries. These three people travelled to the Soviet Union at the inception of glasnost and saw official artists by day and unofficial artists by night. By February 1988, part-time, unofficial artists were exhibiting to each other, to a few patrons and to foreign visitors and diplomats in their studio apartments or in clandestine group shows. Some shows featured enough theatre, poetry and bizarre dress to make them more like happenings than art exhibitions. Klaucke had a large role in convincing the Soviets to sell the work of unofficial artists and in opening up the American market. At first, the Soviet government was

183. Id.
184. See Meisler, supra note 7, at 133.
185. Id.
186. Id. at 134.
188. Id.
189. Wallach, supra note 161, at 59.
190. Id.
191. Meisler, supra note 7, at 135.
192. Id.
193. Wallach, supra note 161, at 63.
hesitant and indeed confused by the enthusiasm for work it had disregarded or despised. The total lack of interest in the artists they honored also was baffling to them. The great foreign interest and hard currency to be gained, however, persuaded the government to implement glasnost by dialogue and exchange of art. The western idea of the work of art as precious object and marketable commodity had invaded the Soviet Union. As a result of this invasion, art by the Soviets is now a form of communication beyond the art community circle.

The infamous 1988 Sotheby's international auction in Moscow of contemporary and early twentieth century Soviet art forever changed the Soviet art world's impression of Soviet art. The capitalist art market blatantly endorsed Soviet art. One hundred twenty paintings sold for about 3.5 million dollars. Yet, the Sotheby's auction took place in pounds sterling, making it impossible for Soviet citizens to participate. Art sold for astronomical amounts, but the artists were taxed as much as seventy per cent of their earnings from the auction. After the Sotheby's auction, the artists set their prices with high hopes and in total ignorance of the American market. Soviet artists themselves were now overvaluing the art.

Following the Sotheby's auction, an unprecedented Soviet avant-garde artist exhibition occurred in the West. In New York, on May 30, 1989, "10 + 10: Contemporary Soviet and American Painters" opened. This unprecedented exhibition of ten young Soviet and ten young American artists toured five American museums over a one year period. The 10 + 10 exhibit was conceived when Gordon Dee Smith, an American organizer of cultural exchange museum exhibitions, met with Genrikh Popov, the chief of the Soviet Ministry of Culture's Fine

194. Id. at 59.
195. Id.
196. Hard currency is currency which is traded frequently.
197. Hochfield, Up From the Underground, ART NEWS, May 1990, at 152, 156 [hereinafter Up From the Underground].
198. See generally Hochfield, In a Neutral Zone, ART NEWS, Dec. 1989, at 47, 48 [hereinafter In a Neutral Zone].
199. See generally Meisler, supra note 7, at 133.
200. Id.
201. Id.
203. Young with Rinehart, supra note 138, at 43.
204. Wallach, supra note 161, at 63.
205. Up From the Underground, supra note 197, at 153.
206. Meisler, supra note 7, at 134.
207. Id. See also Wallach, supra note 161, at 61.
208. Meisler, supra note 7, at 134.
Surprisingly, Popov agreed to let American curators come to the Soviet Union to select the paintings. That event eventually led to a large six hundred piece collaboration by the United States, West Germany and the Soviet Union entitled, “Russian and Soviet Art of the Avant-Garde 1910-1930” which will open in New York in 1991. The addition of a new and previously hidden method of expression which is uniquely Soviet can only serve to enrich the international art world.

E. The Soviet Government’s Structure in Exporting Soviet Art

Prior to glasnost, the business of trading Soviet art was relatively simple; only the Ministry of Foreign Trade administered Soviet foreign trade. Yet, the inadequacies of the old regulations for exporting art surfaced and new methods were developed. For instance, the Artists Union and ministry salons were being granted autonomous financial status to cut some of the red tape. As a result, foreigners could buy art through either official salons or cooperatives. Pavel Khoroshilov opened the Ministry of Culture’s art export salon in 1986. His staff was more open and aesthetically sophisticated than the staff at the Artists Union. Also, this salon chose to disregard an artist’s official status. The First Gallery, being the first gallery to exhibit avant-garde art in Moscow, retained similar conditions in order to facilitate the purchase of Soviet art by foreigners. Whatever route was chosen, art sales occurred in hard currency and were regulated by both the Ministry of Finance and Ministry of Culture. Either way, artists receive ten percent of sales price in hard currency. Thus, the government encouraged joint ventures to export the Soviet Union’s competitively priced products to the West in order to earn hard currency.

On April 1, 1987, Soviet citizens obtained the right to organize co-

209. Id.
210. Id.
211. Young with Rinehart, supra note 138, at 43.
214. Id. at 130.
215. Id. at 131.
216. Id. at 126.
217. Id. at 127.
219. Id. at 131.
220. Up From the Underground, supra note 197, at 157.
221. Id.
Cooperatives are essentially private businesses existing as partnerships. Their aim is to provide goods and services which the state run economy is unable to provide. On April 1, 1989, the cooperatives, along with virtually any other governmental enterprise, were allowed to trade directly with foreign individuals and entities, which consequently enabled them to hold foreign currency. Thus, Soviet businesspeople could deal directly with the end product user or seller. Despite hazy procedures, now close to 100,000 cooperatives flourish in the Soviet Union. Cooperatives are more flexible than the larger and more cumbersome operations of government sponsored enterprises. As a result, cooperatives remain more active in negotiations with western firms.

This unchartered course presents problems because the Soviet businesspeople know what they want, but are inexperienced in foreign trade operations. For instance, dealing with world market prices, practices and rules governing import and export operations, even inside the Soviet Union, requires a business sense previously unneeded. This lack of knowledge is due in large part to the fact that Soviet commercial law is often unpublished, untested in courts of law, as well as unknown to the people who execute it.

There is a growing imbalance in the sphere of culture between the economic and financial activity of the state institutions and that of the cooperatives. The inequities in pay in the cultural sphere are causing an exodus of personnel from state institutions and “engendering narrow-minded pragmatism.” Yet, the Soviet government does not approve of the guidance that the cultural process is receiving. With all the changes, the Ministry of Culture and Artists Union continue to exercise de facto control over the export of art.

224. Id.
225. Id.
227. Levin, supra note 212, at 412.
228. Bazyler, supra note 223, at 330.
229. Levin, supra note 212, at 413-14.
230. Id. at 414.
231. Id. at 412.
232. Id.
233. Zimbler, supra note 226 at 391.
234. CPSU, supra note 21, at 26.
235. Id.
236. The Perils of Perestroika, supra note 174, at 48.
The phenomena exhibited in the Sotheby’s auction resulted in the Soviet government officially treating art as an export barter commodity, comparable with vodka and caviar on the limited list of desirable Soviet products.\(^{237}\) For instance, there was a 1.5 million dollar rental fee for the American bound Malevich retrospective.\(^{238}\) Art exporting became a focal point for the government. Regulations on art exports had been designed to keep foreign currency in the government by preventing foreigners from using cheap black market rubles to buy art.\(^{239}\) Yet these regulations arguably backfired.

In 1988, the work of avant-garde artists was displayed internationally and artists began to receive permission to travel with their work.\(^{240}\) This change in policy gave Soviet artists an opportunity to see western art firsthand.\(^{241}\) Free now to travel and exhibit abroad, Soviet artists cluster in Munich, Amsterdam, Brussels or New York.\(^{242}\) Indeed, so many Soviet artists are abroad that some exaggeratingly claim an artistic life no longer exists within the Soviet Union.\(^{243}\)

The reasons for working abroad include a combination of seeking what the West has to offer as well as escaping the existing limitations in the Soviet Union.\(^{244}\) For instance, Soviet artists are only allowed to take five paintings or ten graphic works duty free when they leave the country. Therefore, it is easier to work abroad and use the hard currency generated duty-free to buy things unavailable in the Soviet Union.\(^{245}\)

With the exporting of Soviet art and Soviet artists creating works outside the Soviet Union, many people are concerned that the art of an entire generation is leaving the country.\(^{246}\) Indeed, the Soviet government is doing little to keep art in its country. Currently, only one contemporary art museum exists in the Soviet Union and it is in Erevan, the capital of Armenia.\(^{247}\) Soviet artists would like a simple public art market in Moscow.\(^{248}\) Although artists can sell directly to the public, few Soviets can afford to compete with the sums western collectors are will-

\(^{237}\) Id.
\(^{238}\) Id.
\(^{239}\) Perestroika Shock, supra note 178, at 128.
\(^{240}\) Meisler, supra note 7, at 133.
\(^{242}\) In A Neutral Zone, supra note 198, at 47.
\(^{243}\) Up From the Underground, supra note 197, at 155.
\(^{244}\) Id. at 157.
\(^{245}\) Id.
\(^{246}\) Id.
\(^{247}\) Id. at 158.
\(^{248}\) In A Neutral Zone, supra note 198, at 48.
ing to pay.\textsuperscript{249} The Soviet public is not strong enough to compete with the West and without a commitment by the Soviet government to buy Soviet art, the Soviet artists may be selling the best works to the West and depleting the Soviet art world in the Soviet Union.

\textbf{F. The Art World in the Soviet Union After Its Introduction to the Western Concept of Commercialization of Art}

The commercialization of contemporary art has drastically affected the private art world within the Soviet Union. Artists who used to get together regularly to discuss new work or just to gather and talk about art, life, death and religion, now usually meet at art events, and the talk usually turns to money.\textsuperscript{250} One artist comments, "[s]ometimes it occurs to me when I am making a drawing or a painting that I am making money, and that is very dangerous."\textsuperscript{251} Rumblings that the underground is dead are also being heard.\textsuperscript{252} Some believe, "[i]t died on the day of Sotheby’s auction."\textsuperscript{253} To be an honest artist once meant being ready to endure poverty and all manner of deprivation.\textsuperscript{254} The common denominator unifying unofficial artists was the desire to be the antithesis to the well-fed artistic functionaries, official artists, for whom art was merely a convenient way of getting an easy meal.\textsuperscript{255} The commercialization of art seems to shift the focus of the creation of art from vehicle for artistic expression to a technical process which can make money. Then art becomes a job and not an expression of ideas.

Even if the underground is not dead, it is in serious jeopardy. Vadim Zakhorov, a member of an unofficial club of avant-garde artists in Moscow, wears an eye patch to symbolize the crippled artist in Soviet society.\textsuperscript{256} Some unofficial artists try to preserve the marginal identity they had prior to glasnost.\textsuperscript{257} The avant-garde artists living and working in the Soviet Union still have to deal with many hardships ranging from the theoretical complexities on the changing role of the artist, to the real problems of supporting oneself and obtaining supplies needed to create

\textsuperscript{249} Young with Rinehart, \textit{supra} note 138, at 43. With the changes in the art world, Soviets cannot afford to buy avant-garde pieces. \textit{Up From the Underground, supra} note 197, at 158.

\textsuperscript{250} \textit{Perestroika Shock, supra} note 178, at 179.

\textsuperscript{251} \textit{Up From the Underground, supra} note 197, at 152.

\textsuperscript{252} \textit{Id.} at 154.

\textsuperscript{253} \textit{Id.}

\textsuperscript{254} \textit{Id.}

\textsuperscript{255} \textit{Id.}

\textsuperscript{256} Meisler, \textit{supra} note 7, at 138.

\textsuperscript{257} \textit{The Perils of Perestroika, supra} note 174, at 55.
The artists themselves have splintered off into different factions. For instance, there are the Vanguard artists who are usually in their late twenties to early thirties. Even if they are successful in the West, these artists cannot get livable homes or studios and they encounter difficulty obtaining art supplies, studio space and other necessary items in the Soviet Union. The Soviet artists are now obliged to take part in the international art world, but their possibilities are restricted by a weak support system of museums, art journals, and schools.

There are also the artists who have sold out and figured out what the West really wants. These artists create paintings of office and living room size and in colors which coordinate with post modern interiors. In the Soviet Union, for example, a black canvas is typically used and color needs to be drawn out of the foundation canvas whereas the Soviet artist in the West usually works from a white canvas and brings color to the work. The changes in color and size of painting are not the only reasons why Soviet artists antagonize others who deal with the West. The Moscow artists who have established western connections are referred to as the Moscow Mafia, being accused of hoarding their contacts and not wanting to help others achieve success.

The new network of young artists on the Moscow scene treat their successful seniors as sellouts and prefer to live their life as art. For example, there is an unofficial and out-of-the-way Museum of Contemporary Art. It is forty-five minutes outside of Moscow and admittance is by invitation only. The marginal artist groups have lasted even throughout glasnost. The Toadstools are an uninhibited group of young artists who look on painting as no different than satirical theatrical review. The history of the Toadstools began when approximately sixty artists lived in Furmanny, just outside of Moscow. One subgroup of the Toadstools, the Champions of the World, staged a rowdy perform-

259. Id.
260. Id. See also Young and Rinehart, supra note 138, at 43.
261. Up From the Underground, supra note 197, at 159.
262. Solomon, supra note 258, at 38.
263. Smelyansky, supra note 118, at 39.
265. Up From the Underground, supra note 197, at 155.
266. Solomon, supra note 258, at 38.
268. Id.
269. Up From the Underground, supra note 197, at 155.
270. Id.
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ance parodying the Sotheby's auction in which they auctioned garbage, unwritten novels, and the like. 271

Despite the differences between Soviet artists, there are common denominators in Soviet art which link all Soviet artists. Soviets cannot escape from their artistic foundation altogether. 272 For instance, many Soviet paintings have a frantic, hurried finish and most Soviet canvasses have textual matter somewhere. 273 Also, nonrepresentational styles permeate the Soviet avant-garde, in order to remain an antithesis to official art. 274

Limited resources do make it difficult for freedom of expression to emerge although the museums have some outlets which are already in existence. Museums are letting their patrons get to know their artistic history. For instance, fifty-nine years ago a great Soviet painter, Pavel Nikolaevich Filonov, 275 nearly had his first retrospective at the Russian Museum. 276 Three hundred of his artworks hung for two years without an audience. 277 Then experts pronounced that the museum could not show something that is incomprehensible. 278 Until June 1988, the work was ignored. 279 Then the Russian Museum in Moscow opened Filonov's first comprehensive retrospective. 280 The new retrospective is a true expression and test of glasnost. 281

Similarly, after glasnost, the art of Kazimir Severinovich Malevich, (1878-1935), was shown at the Russian Museum in Leningrad. 282 Before glasnost, some of Malevich's works were exhibited abroad but rarely in the Soviet Union. 283 In addition to this exhibit, Malevich had an exhibit in Moscow and both these showings were the first Soviet exhibitions of the once banned artist's work in more than fifty years. 284 At the January 1989 exhibit in Moscow, the Malevich retrospective attracted huge crowds, proving that the Soviet public is interested when quality is

271. Id.
272. See generally Meisler, supra note 7, at 136.
274. Id.
275. Filonov lived from 1882 to 1941.
277. Id.
278. Id.
279. Id.
280. Id.
281. Bowlt, supra note 276, at 117.
282. Id. at 118.
283. Id.
284. Young with Rinehart, supra note 138, at 43.
shown. Now Malevich's collection is whole because of the temporary integration of Stedelijk and Russian Museum collections.

Presently in the Soviet Union, artists must wrestle not only with the question of what their art means in the wider world but also with the problem of where they fit into the marketplace. The western art market is a baffling phenomenon. The artists exposed to the West are wary of ghettoization, and understand that their best interests will be served by finding their place as individual artists within the international scene, which a few of them have already managed to do. Mistakes will be made, but that is how an artist grows. However, Soviets cannot afford to have their government regress to a state of censorship and artistic segregation. The government must concretely lay a written legal foundation from which glasnost can become a springboard for all artists in the Soviet community.

VI. CONCLUSION

The positive changes which glasnost has produced regarding freedom of expression can only be permanent if written into the forthcoming Soviet constitution. Film, theater, music and painting all rely on expressing ideas and the world can only share in the art when artistic expression is not forced underground due to a repressive government. The world has shown its desire for the Soviet's creative expression of ideas. While film and music are somewhat limited by language barriers and theater is limited by its own definition of needing actors in order to create and sustain a production, Soviet fine art seems to have shattered any barrier preventing sharing between East and West. Fine art speaks a language the world can understand and the art object can exist apart from its creator. Yet, even Soviet art is in jeopardy without a government which will ensure the freedom to create and disseminate the end product. Despite the Soviet Union's current economic crisis which may impede further progress by non-government/non-party organizations, an ideological liberation solidified in the Soviet constitution will be the basis

285. Id.
286. The Stedelijk Museum is in Amsterdam.
287. Bowlt, supra note 276, at 118.
289. Up From the Underground, supra note 197, at 153. The Soviet artists learn that some galleries are better than others, but do not know which. Id.
290. Wallach, supra note 161, at 66.
291. Id.
292. See supra note 110 and accompanying text.
for democratic changes in the future and ensure the continuation of free thought and artistic expression.

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