



ISSUE 7 // WINTER 2019

Artistic Freedom + Expanded Notions of Censorship

Editor // Christina Freeman, Culture Push Associated Artist

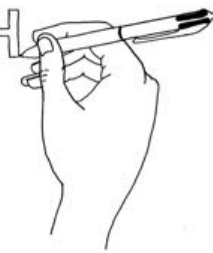
Contributors // Svetlana Mintcheva, Srirak Plipat, Dread Scott

PUSH/PULL is an online journal sponsored by Culture Push, a platform for ideas and thoughts that are still in development. PUSH/PULL is a virtual venue that allows us to present a variety of perspectives on civic engagement, social practice, and other issues that need attention.

PUSH/PULL helps situate our artists and the work they do within a critical discourse, and acts as a forum for an ongoing dialogue between Culture Push artists, the Culture Push community, and the world at large.



CULTURE PUSH



Culture Push is an artist-run organization that creates programs to nurture artists and other creative people who are approaching common problems through hands-on civic participation and imaginative problem-solving.

ISSUE 7 //

All interviews have been edited for clarity. Full issue is available online with additional images + references: <http://www.culturepush.org/issue-7>

CONTRIBUTORS //

Svetlana Mintcheva is Director of Programs at the National Coalition Against Censorship (NCAC) and the founder of NCAC's Arts Advocacy Project. Mintcheva co-edited *Censoring Culture: Contemporary Threats to Free Expression* (2006, The New Press) and has written and spoken widely on issues of artistic freedom. She has taught literature and critical theory at the University of Sofia, Bulgaria, and at Duke University, from which she received her Ph.D. in critical theory in 1999. She has also taught part-time at New York University. ncac.org

Dr Srirak Plipat is the Executive Director of Freemuse, where he works with local and international partners to devise a comprehensive approach to defending artistic freedom and cultural expression through research, advocacy and policy influencing. Plipat was Director at Amnesty International (AI) in London, managing operations and regional projects in over 15 countries in Europe, Africa and Asia. Before joining AI, Srirak was a documentary film producer and writer with the debut "One More to Freedom" series broadcasted on TV5 Thailand. He holds a PhD in Public and International Affairs from the University of Pittsburgh. freemuse.org

Dread Scott is an internationally-recognized artist based in Brooklyn who makes revolutionary art to propel history forward. In 1989, his artwork became the center of national controversy over its transgressive use of the American flag, while he was a student at the School of the Art Institute of Chicago. President G.H.W. Bush called his art "disgraceful" and the entire US Senate denounced and outlawed this work. Dread became part of a landmark Supreme Court case when he and others defied the new law by burning flags on the steps of the U.S. Capitol. His work has been exhibited at the Whitney Museum of American Art, MoMA PS1, the Walker Art Center, Brooklyn Museum, Jack Shainman Gallery, NY, and Gallery MOMO in Cape Town, South Africa among others. His work has been featured on the cover of Artforum and the front page of NYTimes.com. His work is currently on view at James Cohan gallery through February 23, 2019 and the Brooklyn Museum through March 31, 2019. dreadscott.net

EDITOR //

Christina Freeman is an interdisciplinary artist based in New York City. Her work takes on various forms including photography, video, artists' books, multimedia installation, participatory performance, and curatorial projects. Whether initiating spontaneous conversation with viewers in public space, or working with an anthropologist or another artist, her practice has a porousness that relies on the participation of others. Creating unconventional rituals, she invites the audience to join in disrupting dominant cultural norms. Intervening in systems often taken for granted, she approaches culture as something we actively shape together. Community-building through transformative conversation motivates all of her work, regardless of whether she is performing, curating, or teaching. Freeman received her MFA in Studio Art from Hunter College, City University of New York in 2012 and her BA in Spanish and Latin American Studies from Haverford College in 2005.

Freeman's projects have been featured in Artforum, Vulture, Hyperallergic, Art F City, Frieze, Observer, and Greenpointers. She has also been interviewed on Bulgarian National Television and Radio. Freeman has taught in the Department of Fine Arts at Haverford College and the Department of Art & Art History at Hunter College since 2014.

christinafreeman.net

CULTURE PUSH //

Clarinda Mac Low, Executive Director

Pelenakeke (Keke) Brown, Assistant Director

Shawn Escarciga, Social Media Director

culturepush.org

EDITOR'S STATEMENT //

As a nomadic research and event space, UltraViolet Archive provides visibility for and access to challenged creative works. Named after the wavelengths of light outside the visible spectrum, the material featured within this archive has faced the threat of public invisibility, due to banning, cultural amnesia, bias, self-censorship, and other challenges.

For Queens International: Volumes (2018-2019), the participatory installation features items on loan from the Queens Library relating to the censorship history of New York. Items in the installation will continue to be available to the public at the Queens Library following the exhibition. By featuring visual arts, literature, films, graphic novels, music and performing arts, the installation highlights that no medium is immune to censorship.

Over the past 6 months, as a Culture Push Associated Artist, I have expanded the scope of the project [UltraViolet Archive], conducting a series of interviews with experts to further understand limitations to artistic freedom in the United States.

Wanting to better understand legal definitions and precedents, as well as standards based on international law, I was curious about several basic questions: What is artistic freedom? What does it mean to be censored? Who can censor whom? Do you need to have structural power to censor? What are the boundaries around that? No one wants to think of themselves as a censor. . . but when is censorship appropriate and necessary?

I used this issue of PUSH/PULL as a platform for this investigation, conducting interviews with Srirak Pliapat (Executive Director of Freemuse), Svetlana Mintcheva (Director of Programs at the National Coalition Against Censorship), and Dread Scott (an internationally-recognized artist whose works have faced content-related censorship).

In the interviews we discuss a range of events, covering a time period that extends from the 1980s into the present day, with points of view ranging from the international NGO perspective on cultural appropriation in the U.S., relocating oppressive monuments, definitions of hate speech, social media censorship, and economic limitations to visual artists in the United States.

This project was supported by Culture Push, Freemuse, Danish Arts Foundation, NCAC and Queens Museum Assistant Curator, Sophia Marisa Lucas. Transcription support from Aroob Khan. Design advice from Tim Laun. Life support and emotional labor from Brian George.

Many thanks to Culture Push and all who have participated in this endeavor. Special thanks to Sophia Marisa Lucas and Baseera Khan, curators of QI: 2018 for giving this project its first home.

Christina Freeman, UltraViolet Archive
@ultravioletarchive

Queens International: Volumes //

Queens Museum

October 7, 2018 - February 24, 2019

Since its inauguration in 2002, Queens International has highlighted the contemporary cultural production of Queens communities in formats driven by the artists represented, the perspectives of its curators, and current social and cultural issues. QI 2018, titled Volumes, follows in this tradition, and for the first time includes a partnership with the Queens Library.

QI 2018: Volumes is organized by QM Assistant Curator Sophia Marisa Lucas, with New York-based performance artist Baseera Khan and additional collaborators at the Queens Museum and Queens Library including. An exhibition website and web-based catalog accompany QI 2018, co-edited with QM Curator Larissa Harris, with design concept and development by Queens-based artist Ryan Kuo. Learn more at qi2018.queensmuseum.org



Image: Christina Freeman, UltraViolet Archive, 2018 in Queens International 2018: Volumes
Photo: Hai Zhang

Srirak Plipat // Censorship in the US: A Global Perspective

In August 2018 I sat down with Srirak Plipat in Copenhagen to get a global perspective on artistic freedom and censorship issues in the United States.

Dr Srirak Plipat is the Executive Director of Freemuse, where he works with local and international partners to devise a comprehensive approach to defending artistic freedom and cultural expression through research, advocacy and policy influencing. Based in Copenhagen, Denmark, Freemuse is an independent international organization advocating for and defending freedom of artistic expression. Freemuse publishes an annual report titled, *The State of Artistic Freedom*. The 2018 report was released just before this interview.

C: If you were to imagine a society that had real artistic freedom, what would that look like?

S: That would be the world where anyone can express any opinion, feelings, personal or political views, in an artistic way, without restriction. Except for very few cases, that have been agreed upon by international law, and that is any propaganda of war and inciting violence.



C: So something like hate speech would not be protected?

S: That's right. According to international human rights standards, hate speech is not included. Many governments around the world now have been increasingly using hate speech as a rationale for censorship, to prosecute artists in various parts of the world. The issue becomes the definition of hate speech. An NGO called Article 19, has done the most thorough analysis of what constitutes hate speech.

Based on the international human rights law, you have to look at the intention and the likelihood that people will actually do the violence, as the artist suggests. If a musician sings a song and says let's burn the police station, then you have to look at how likely is it that the audience will go and burn the police station. In the latest State of Artistic Freedom, on the allegations against artists, there is an 8% increase in

If a musician sings a song and says let's burn the police station, then you have to look at how likely is it that the audience will go and burn the police station.

governments using the rationale of hate speech to imprison artists.

C: Have you heard about the concept of no-platforming?

S: Parts of it, but tell me a bit more.

C: I understand it as differentiating between the idea of censoring someone and choosing not to provide a platform for their opinion.

S: I think this has come up on our radar screen on a regular basis, when we establish whether there's censorship happening or not and sometimes things are in the gray area. Let me give you one example: When you have a museum, especially private ones, they have the right to pick and choose the artwork. We recognize their right to pick and choose. If one artist didn't get selected and comes to us saying there's censorship, we don't take that as censorship, because of the museum's right to choose the artwork. When an artist faces allegations of sexual harassment and the museum decided to cancel or remove some of his artwork, then that's where we look into details. On the principle side we think everyone should have the right to express himself artistically, regardless of their criminal records. If an artist kills another person, then we believe that the artist should be brought to justice. But during the process he or she should be able to express themselves, even when he or she is in prison regardless of the guilt and the crime they've done. If a private entity chooses not to provide the platform for a particular person because their records or behavior doesn't fit the values of the organization, we also respect that judgement call. So, in a way we have to look on a case by case basis.

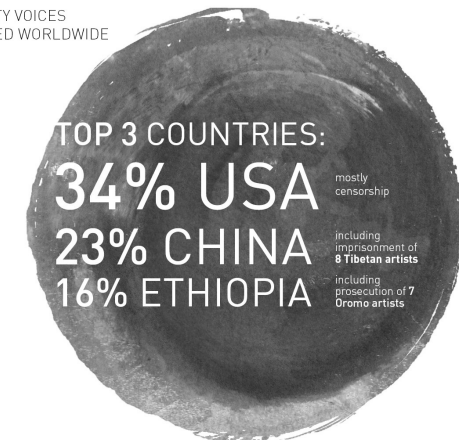
C: If a group is critiquing a work for its use of cultural appropriation or another offensive reason, and they don't have as much structural power as a museum or government, how do you frame or call that action?

S: That's certainly a big challenge in the U.S. We would approach the cultural appropriation in a very cautious way, because this is where the act of censorship normally comes under that branding. We protect any artists, or other individuals to express any view, regardless of whether we agree with them or not, whether it's appropriate or not. At times we step up and defend opinions or expressions we absolutely disagree with, even when it's not wise at all to express things like that. We defend them because we want to have debates, and that's the importance of having a plural society, where you can agree and disagree. But when the public or organization removes certain expressions, under the name of [cultural] appropriation, that's where censorship starts, when you try to silence views that don't fit within your value system.

That's where censorship and the culture of silencing is growing. We've seen this increasing in the U.S. in the past few years. Once Trump came into power, we've seen society as more divided. If you have a look at our State of Artistic Freedom report you'll see in some categories, the U.S. has been among the highest in the world in terms of censorship, but the scale is certainly different. The level of punishment in traditionally repressed regimes includes putting artists in prisons, and the U.S. doesn't do it at that level.

C: In the U.S., are you seeing an even amount of voices on different sides of this polarized line, censoring one another?

MINORITY VOICES
SILENCED WORLDWIDE



FREEMUSE
INTERNATIONAL ARTISTIC FREEDOM

S: Yes, absolutely, I think that's the very case. Both during and after the presidential election when both camps were trying to silence the other, one would say this piece of work is supporting the other camp, or particular statues in the U.S. where it no longer serves a rational political narrative and they want it to be removed. On those particular issues we believe many are pieces of art and you should have access to those arts. Even if you remove them from public space, put them in museums where people can actually have access. We leave that to the judgement call of the public in general as long as people have access to it.

C: So moving a statue from one place to another would not count as censorship?

S: We do not count that as censorship.

C: Do you look at the influence of corporations or capitalist structure and how it relates to freedom of expression?

S: Absolutely. The corporate world also has legal responsibilities under international human rights standards to allow people to express themselves. Social media companies and internet providers, have the responsibility to provide access to people to be able to exchange without censoring peoples' opinions. Facebook, Twitter, Google and other big tech companies, increasingly use arbitrary standards to say this piece of work must be removed because it contains nudity, because of this and that. The user guidelines are the criteria for censorship and it's not consistent with international human rights standards. We're looking at campaigning against the use of arbitrary standards. We documented the number of cases where Facebook removed pieces of art, even for education, because a masterpiece painting happened to show parts of a woman's breast and so on. . . it's arbitrary rules that private companies set without considering international human rights standards.

Dread Scott // Testing the Limits of The First Amendment

Dread Scott is an internationally-recognized artist based in Brooklyn. In February 1989, as an undergraduate student at the School of the Art Institute of Chicago (SAIC), Scott exhibited an installation for audience participation entitled, *What is the Proper Way to Display a U.S. Flag?* The work faced protests by veterans, was censored by local government and led to a national debate over flag desecration and freedom of expression. Scott was publicly denounced by the U.S. Senate, and President George H.W. Bush declared the work “disgraceful”. In July 1989, he was arrested, along with three other protestors, for burning the American Flag on the steps of the U.S. Capitol, in defiance of the Flag Protection Act of 1989. Almost a year later, the Supreme Court ruled in favor of the protestors, defining flag burning as protected speech. Our conversation focuses on various challenges to his artistic freedom and the support systems that helped him navigate those instances.

C: We are approaching the 30th anniversary of the controversy surrounding your work, What is the Proper Way to Display a U.S. Flag? Did censorship overshadow that work or reduce its complexity? Did it distract from any of the issues you wanted to address?

D: Yes and no. The threats of censorship were important for really expanding a conceptual artwork to a mass audience. That said, those threats shaped how people—specifically many people in the arts—see the work. Often when the work is discussed, it is in the context of being censored. A lot of artists—including at the time—really tried to discuss the work as being about free speech and that’s not what the work is about. It is actually an opportunity for all sorts of people to debate what the U.S. flag and U.S. patriotism represents, with people who perhaps feel victimized by America, having an equal footing.

One of the writings in the book, that touched me, is somebody who wrote (this was back in 1989): This flag I’m standing on stands for everything oppressive in this system—The murder of the Indians and all the oppressed around the world, including my brother, who was shot by a pig who kicked over his body to “make sure the nigger was dead.” This pig was wearing the flag. Thank you Dread for this opportunity.

It was very much tying murder by police, police brutality, and the conditions that many black people face in this country to how they see the flag. [...] People like this, and the people who sent me death threats, often understood the work more than people in the arts community.

C: You’re providing a space for people who are critical of the flag to have that discussion, which does deal with free speech, but not in the way it was mainly represented.

D: Yeah, yeah. There were people from the housing projects, in the ghettos and barrios, art students around the country, people internationally who wrote in all these different languages in the book, of how they deeply connected to what the actual content of the work was. Allowing people from the projects to have an equal footing to discuss what the U.S. flag is—as an art critic or a Senator, or a person who wears a flag pin on their lapel—that’s uncommon and that’s why the work is particularly rich.

C: I read that veterans would roll up the flag to prevent people from stepping on it. It’s interesting in the context of interven-

tion. Clearly they weren’t thinking of themselves as artists, intervening with your artwork, but I was wondering how you interpreted that?

D: The main participation I intended was people writing responses and potentially standing on the flag. I didn’t intend for people to roll up the flag, but that became something that was a part of it. As long as the gallery would put the flag back down so others could interact with it as I intended, that was fine. People tried to steal the flag. A state Senator brought a bucket with sand and a flagpole and stapled it to the flagpole and tried to have the gallerist arrested for damaging his staples. It was political theater, trying to utilize this artwork in a particular way, but the work encompasses all of that. People interacting with the work aren’t artists but they are part of the work.

I wanted to make work where the audience was implicated. . . . as soon as they saw it and they could have freedom to discuss and interact with it as they saw fit. So it’s not about my view of the flag, it’s actually enabling society to have a conversation about it. The thing that became incendiary was that not everybody agreed, and transgressive views were given space to breathe.

C: How did School of the Art Institute of Chicago (SAIC) and organizations like the American Civil Liberties Union (ACLU) support or fail to support you during that time?

D: The work was in a juried student competition at SAIC. I submitted 3 works, and that was the work that was selected. Before the show opened they called me and said “hey, we changed our mind, we’d love you to switch works.” In 1989 there was not a lot of talk about censorship in the arts. At that point, the NEA 4* hadn’t happened yet, but I did know what they were asking for was wrong. I said, “Look you can censor me, but I’m not going to censor myself.” They said okay and checked to see whether [the work] was legal, and their lawyers advised them that it was.

So then a couple days after it opened—veterans showed up at the school and they assumed that people would be morally outraged that a student would dare offend them. They had a press conference in the gallery. The school started receiving bomb threats and I started receiving death threats and they closed down for a couple days—which is outrageous that a couple of vets complain and an internationally recognized art school shuts down.

I held a press conference a couple days later. I met with some faculty members to talk about how to respond to this. The faculty assumed that the administration would be on their side and support them and me—they were actually wrong—the administration was trying to contain the incident. They threatened one of the faculty members who had agreed to be at the press conference, who was a British national and a respected visiting artist.

They said if you appear at this press conference we will terminate your contract and your visa will be invalid. Faculty who weren’t tenured were threatened. . . . The year prior, the school had been censored by aldermen

[city council members]. A student had shown a racist, sexist, homophobic work that was removed from the walls of the school. The group show that I was part of was a response to that. The school was trying to say, we are not racist, we celebrate Black art. So they were in a really awkward position when my work became controversial. If they censored my work they would be viewed as both censors and racists again. . . . The ACLU was basically good. They took a case that was a violation of a city statute and a case that was a violation of a state statute—a teacher from Virginia stepped on the flag and that ended up in court. Even though I was not technically involved in the case, they intervened on my behalf. The ACLU sued the city on behalf of Chicago artists—including me—who did not wish to be arrested for mounting a show of flag art. They also tried to help document the death threats that I was receiving.

While the ACLU has defended a lot of radicals and important people, they tend to look at a law as it serves their views. . . . They are doing political battle through the law. There was a Texas flag burning case that had gone to the Supreme Court in 1989, called *Texas v. Johnson*. The Supreme Court ruled on that case in June of ‘89, that the Texas law was unconstitutional and flag burning was protected speech. Congress, in trying to overturn that decision, passed a national flag statute, [On October 28, 1989 the Flag Protection Act, made “it unlawful to maintain a U.S. flag on the floor or ground or to physically defile such flag.”] Joey Johnson, the defendant from [Texas v. Johnson], a Vietnam vet named Dave Blalock, and a revolutionary artist named Shawn Eichman and I, all burned flags on the steps of the

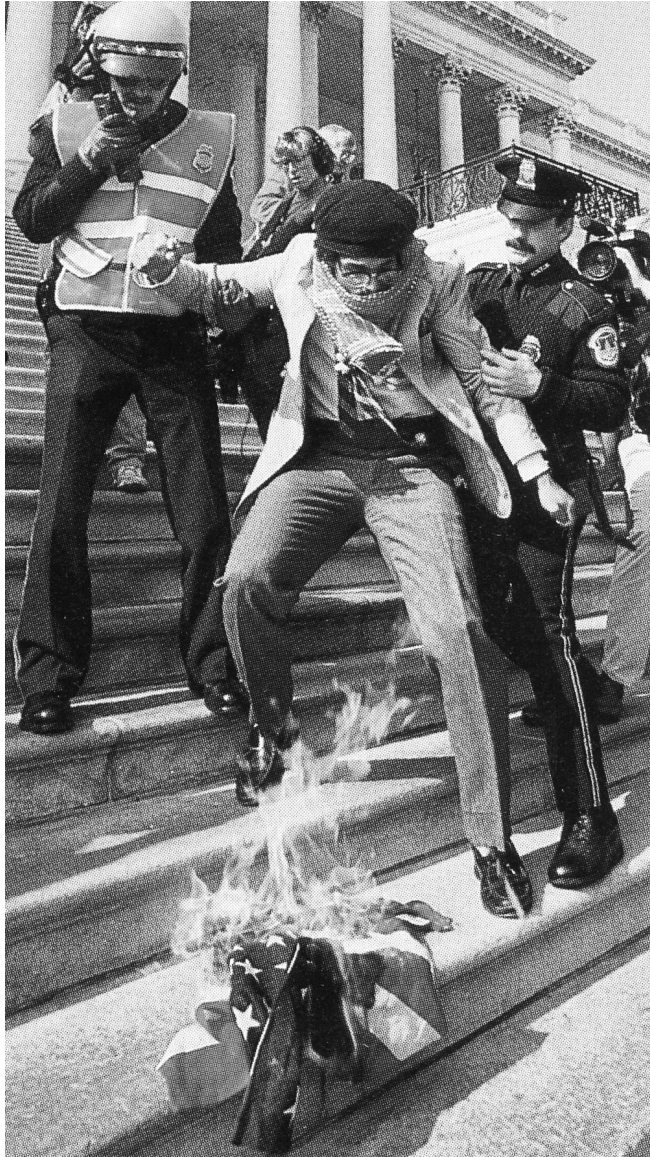
U.S. Capitol [on October 30, 1989, in protest of the new law]. After [the national flag statute] went into law, the Supreme Court case came out of us burning [the flag] on the Capitol and the Seattle flag-burning. It’s two cases that got joined. [In June 1990 in *United States v. Eichman* the Supreme Court determined that burning the flag was included in constitutionally protected free speech]

When the flag burning [case] went to the Supreme Court [we were represented by] the law firm of Kunstler and Kuby and David Cole, who is now the Director of ACLU . . . Bill Kunstler was the person you go to if you’re ever in trouble with the American government. He represented the American Indian Movement, Black Panthers, Martin Luther King. He was a bad-ass people’s lawyer, incredible lawyer. So it was very different, the ACLU was trying to shape my views to their case. Bill Kunstler let his clients say what they wanted to say and used the law to defend them. The ACLU kept my ass out of jail and allowed my art to thrive but it is still a different approach.

In terms of support among the art community, artists nationally were really supportive: Leon Golub, Richard Serra, Jon Hendricks, Coosje van Bruggen



Dread Scott, *What is the Proper Way to Display a U.S. Flag?* Installation for audience participation, 1989. Photomontage including images of flag-draped coffins and South Korean students burning US flags; a shelf with a blank book inviting visitors to write responses; and, an American flag on the floor requiring visitors to decide whether to step on the flag to submit their feedback. Image courtesy the artist.



Dread Scott burning the American flag on the steps of the U.S. Capitol, October 30, 1989, photograph by Charles Tasnadi, AP

and Claes Oldenburg were incredible. Richard happened to be in Chicago at a time when one of the student demonstrations in support of the artwork was happening. He was one of the most respected sculptors in the country at that time and he came to this student demo.

C: Was this before [Serra's] Tilted Arc was taken down?

D: I think it was after, but the battle had already started around that.

C: So he was empathetic?

D: Richard Serra is a minimalist sculptor but he is a pretty radical guy and I think his work reflects that. He is not aloof from students. His work is censored a fair amount and some of his best work isn't in America. . . . because cultural ministers in Germany will support interventions into public space, that American departments of culture won't. The fact that his Tilted Arc gets taken down when it was commissioned by the U.S. government, it tells you something.

So yes, he was conscious about censorship in a personal way, but it's bigger than that. And Leon Golub was a badass artist. He had been fighting for oppressed people in lots of different ways and had dealt with censorship and people ignoring his work because of the content for a long time. So they wrote letters of support.

When the Texas flag burning case [Texas v. Johnson] went to the Supreme Court, there was an amicus brief* (a friend of the court brief) filed by twelve very well known artists: Jasper Johns, Robert Rauschenberg, Richard Serra, Faith Ringgold, John Hendricks, Leon Golub, Nancy Spero, and a couple others. They were already thinking about free speech and the flag for a while—all have used the flag in their work.

C: You were working on a billboard project in Kansas City with the image of A Man Was Lynched By Police Yesterday for a Black Lives Matter exhibition. The billboard company refused to show it because of the content? . . .

D: 50/50, the place in Kansas City, had a contract with a billboard company [Outfront Media] to rent a billboard for a year. They approached me and I submitted a design. The art space loved it. They sent it to be put up and the billboard company said, "No you can't do that. This is not factual and it's offensive." "This is literally just saying the names of people killed by police, what's not factual about that?" "You can't call that lynching." So the National Coalition Against Censorship wrote them and we came up with a way to redesign it. The billboard just had names of people who were killed as hashtags and we displayed the *A Man Was Lynched By Police Yesterday* banner next to it. It was messed up that a billboard company could censor it, but ultimately the message got out to the people.

C: I've been trying to understand the differences between private spaces and public spaces. If it's a corporation, that's their private space so it's not really protected under the First Amendment.

Artists are money launderers. We take perfectly dirty money that comes from lots of bad places and if we're good we clean it up and do something good with it.

Legally I have defended my work on the basis of the First Amendment, but I am an advocate for censorship. . . I do not believe in the unrestrained dissemination of all ideas.

D: First off, I think artists should have a better understanding, both of what censorship is and what the First Amendment is. The First Amendment is about the government restricting speech and—in a certain sense—who wants to live in a country where you can't criticize the government and government policy? It's specifically written to prevent federal government and state government from preventing people from demonstrating, and from publishing and making art about what they want.

The overwhelming majority of space allowed by government action to exist in the public sphere are billboards and they are controlled by five media companies. Having corporate messages pumped out to people: buy a car, buy soap, buy, cigarettes, whatever. That's perfectly okay. When people complain about what the billboards show, they rely on their right to do this and part of their argument is the First Amendment, even though it's not a legal right, but it's our precedent. When they wish to censor something they say no, no, no, we are a private company. We can show whatever the hell we want. In trying to show *A Partial Listing Of People Lynched By Police Recently* (in Kansas City), but also the For Freedoms billboard, the billboard companies are saying, no it's our space, we can rent it to whoever we want, for whatever we want and we don't wish this message there. . . They can have police murder unarmed people—it's an epidemic. In [2016], the year that [*A Partial Listing Of People Lynched By Police Recently*] went up, they killed 1100 people. Why can't we just factually recount some of the people that were killed? What's wrong with that message?

C: Since you brought up corporate spaces and funding I'm curious if you are selective about where your funding comes from or who you sell to.

D: Artists are money launderers. We take perfectly dirty money that comes from lots of bad places and if we're good we clean it up and do something good with it. . . There are many institutions and individuals who I sell to who don't necessarily share my values—in some cases, who my work is critical of—but from a money laundry perspective, I am able to take that and engage in conversations broadly throughout society.

C: In England there is a student movement to differentiate between censorship and not giving a platform. It's called the no-platform movement. Used in the case of the Holocaust deniers, for example. What are your thoughts on that approach?

D: I was recently at a conference and there was a comparatively young student in his 20s, black student at an elite institution, who wanted to invite people like Charles Murray onto campus. [Murray is] the author of the Bell Curve, and a eugenicist who has anti-scientific theories that rationalize racism and white supremacy. This black student was saying, we really need to hear these controversial ideas. And I'm like, no, those controversial ideas cause a tremendous amount of harm. It is not helpful to have completely discredited, unscientific ideas, that actually are popular among some people—particularly racists—to give them a platform to dominate much of society.

Legally I have defended my work on the basis of the First Amendment, but I am an advocate for censorship. I think all societies censor. I do not believe in the unrestrained dissemination of all ideas.

I think people who want a future without oppression need to not be so enamored with the illusion of free speech that is promoted in the United States—the illusion of democracy as the pinnacle of existence—without discussing which class that democracy serves, without actually thinking about the real and actual history of America.

Svetlana Mintcheva // The Economics of Artistic Freedom

In January 2019 I interviewed Svetlana Mintcheva, Director of Programs at the National Coalition Against Censorship (NCAC) and the founder of NCAC's Arts Advocacy Project. Mintcheva co-edited *Censoring Culture: Contemporary Threats to Free Expression* (2006, The New Press) and has written and spoken widely on issues of artistic freedom. She has taught literature and critical theory at the University of Sofia, Bulgaria, and at Duke University, from which she received her Ph.D. in critical theory in 1999. She has also taught part-time at New York University. Our conversation focuses on economic influences on artistic freedom.

C: In the 1966 introduction to *Best Short Stories by Black Authors*, Langston Hughes writes, "some people ask 'Why aren't there more Negro writers?' [. . .] Or how come So-and-So takes so long to complete his second novel? I can tell you why. So-and-So hasn't got the money." In the United States, funding for the arts limits who can make work and the artistic freedom they experience. Can you compare it to the influence of direct censorship?

S: I have a quote to answer your quote with. It's about money and freedom and it's by Anatole France, a French writer. It reads, "the law in its majestic equality forbids rich and poor alike to sleep under bridges to beg in the streets and to steal their bread." Money affects the choices we can make, and money in our societies is unequally distributed. No matter how impartial the laws may be, they have a different impact depending on where you stand in terms of the independence money affords. It's the same for speech and art. When we look at arts funding through time, art is always dependent; on patrons, on markets, etc. Artists also need to pay bills, so they're not above any kind of system of money and exchange and ownership that limits the freedom of what you can do in our societies. If you don't have the time to create artwork, you can't create it. If you have a full time job, you won't have time to create artwork. Artists don't have a position of exceptionality within a society which runs on money.

When public funding was a major issue in the U.S., that was not quite the question. In the '90s, during the Culture Wars over public funding for the arts, the question was: when someone funds the arts, can they determine content? How much can the person paying the artist determine what the artist is saying when that "person" is the government? The U.S. government hasn't been traditionally very generous to the arts but in 1980, the National Endowment for the Arts had a budget which was at a historical high. Then the Culture Wars broke in Congress, with some conservative Congressmen lambasting the NEA for giving money to projects that some taxpayers found to be offensive to their values. Social conservatives were joined by fiscal conservatives, who always thought government should not give money to the arts at all. Yet both the American public and Congress believe the arts are good for society and business, as well as for the cultural image of the country, so they deserve support.

When we talk about arts funding, we aren't talking only about support-

ing the individual because they need to express themselves, we're talking about something that benefits everyone, the richness of the cultural environment, providing people with a kind of spiritual nourishment.

The question in the 1990s was: given that government agrees that the arts should be supported, should it have the right to exclude expression that may offend someone from its largesse? The First Amendment answer to this question is no: once the government decides to fund the arts it should not then discriminate against certain viewpoints. So, public funding for the arts survived the Culture Wars with some bruises (laughs), including grants to individual artists which were abolished on the federal level. However, the tendency in general is for public funding to shrink and the burden on supporting the arts to be now on foundations and individual donors.



Karen Finley, *Yams up my Granny's Ass* at Theatre Gallery, 1986
photo via Dallas Observer

When we talk about arts funding, we aren't talking only about supporting the individual...we're talking about something that benefits everyone... providing people with a kind of spiritual nourishment.

C: When public funding shrinks, how does that tip the balance?

S: There is more private than public funding. When you look at influence, the key point there is private funders can fund whatever they want. They are not affected by the First Amendment and can freely decide to only support viewpoints they like.

C: Funding has such a sizable impact on whether or not a creative work comes into existence, as well as the circulation of that work. Paradoxically, funding can be one of the most invisible and unspoken parts of the art world. How does the filtering of NEA grants through museums and non-profit arts organizations affect the creation and circulation of new work, as opposed to awarding direct grants to individual [visual] artists? [The NEA continues to grant writers and musicians individual awards.]

S: The NEA is just one government agency funding the arts. State funding for the arts has always been much larger than the federal funding for the arts provided by the NEA. NEA individual artist grants were impactful not just for the financial support they offered, but even more as a stamp of approval. The process of giving NEA grants was important - a respected peer group of artists, professionals in the field, deciding - so the grants carried a lot of credibility. It was a seal of approval that made it "safer" for other funders, whether individual or public, to "invest" in an artist, since they were already vetted by a committee of their peers. NEA grants had a symbolic value that exceeded their economic value.

The fact that NEA grants are now filtered through institutions and state agencies, to what extent that has changed things, it's hard to tell. One thing is clear: the NEA has become more conservative in their funding patterns. Nobody is even submitting proposals to the NEA for anything controversial because the perception is, why bother? And there's a position of precariousness that arts funding occupies on the state level and legislators sometimes use a controversial exhibition to attack all funding for the arts. They learned this in the '90s: create scandal around some piece of art and try to leverage that into cutting funding for the arts.

C: I hear from panelists who select artists for grants through non-profit organizations in New York, that the preference is not to pick someone proposing new work because it's more of a risk. That's in line with what you are saying about the NEA not receiving anything controversial and there's this additional filtering that happens on the panels, because the organizations can't take any risks.

S: Yes and that's something that changed from the earlier days of the NEA, which was originally established to fund precisely innovation and experimentation in the arts and was supposed to take risks with emerging artists. It was the risk you could take as a committee of peers compared to an institution director or curator, you're giving let's say \$10,000 dollars to a promising artist to experiment.

C: I wanted to ask about museums: In 2016 the New York Times reported that galleries are expected to partially fund museum shows for artists they represent. If this is a direction in which the art world continues to move, it will further limit the range of artists shown in museum exhibitions and the type of work created. Does this align with trends you are observing?



John Fleck, video still from *Psycho Opera*
Wallenboyd Theater, LA 1989, photo via YouTube

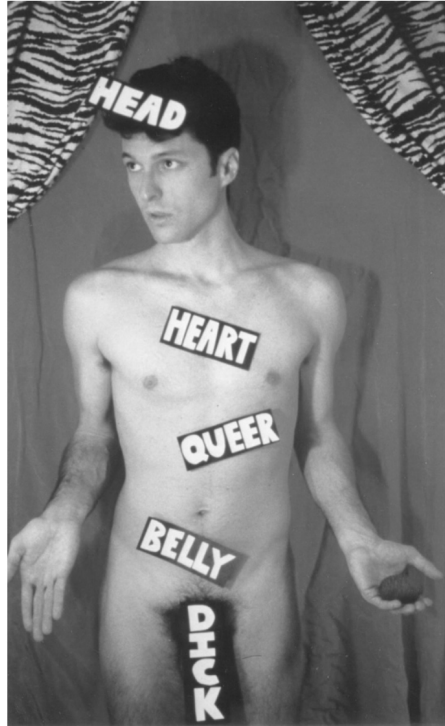
S: There are small and emerging artists' spaces that are open to different types of less commodifiable work. Though, of course, it is harder to get this work in bigger or more commercial spaces. In a capitalist economy, non-commodifiable art goes against the grain and sometimes deliberately so. Ironically, though, the voraciousness of the art market absorbs even that: museums and collectors collect conceptual art and performance art which originally intended to frustrate the logic of the market. But the market is very pliable, it absorbs a lot. If anything can be turned into a commodity, it will. I wouldn't talk about this as a free speech issue, it's more of a structural condition that touches on speech. I find it to be more useful to talk about censorship in the narrow sense because otherwise it becomes everything and evades any opposition.

C: At times it can be hard to feel that it is even a fair fight. We say we live in a society that has democratic values, but if capitalism is more powerful than the democracy, it shifts the balance.

S: Your integrity as an institution can certainly be questioned when an exhibition is partially funded by the dealer or the artist you are showing. And that's almost become the rule, especially with big museums shows. It's not hidden. The dealer is in a way investing in an exhibition which is pretty much guaranteed to up the value of the artist's work. It's a straightforward symbiotic relationship, which appears quite productive. But then you think of what the responsibilities of a museum should be (even when private, art museums are at least tax exempt, and most of them receive public funding), about its responsibility to serve the public. . .How does that responsibility work alongside the realities of serving the interests of the art market? Is this about censorship? Not really, not in terms of actively suppressing work. Calling it censorship dilutes the very concept, which then becomes more the rule than the exception. There's a way to talk about it, of course, when freedom becomes the exception and censorship the norm, describing all sorts of spoken and unspoken constraints on expression and even thought, but this is not the censorship we think of when we think of government removing work because of disagreements with its viewpoint. And it is useful to distinguish between the systemic condition of unequal exposure of different artistic expression and an individual act of removing something.

C: It effectively limits circulation of noncommercial artwork and increases visibility for saleable work, but I wasn't thinking of it as censorship. It could reduce the motivation for artists to make experimental work when there is an expectation that you must have a gallery fund your museum show.

. . . museums and collectors collect conceptual art and performance art which originally intended to frustrate the logic of the market. But the market is very pliable, it absorbs a lot.



Tim Miller, still from *My Queer Body*, 1992
photo via Hemispheric Institute

S: Democracy is about people having the opportunity to vote and having a say in government, it's not about economic organization. Though of course how society is organized economically determines the type of democracy you have. We can talk about Citizens United and campaign funding or voter education, about how "free" is the electoral will and how manipulated by advertising (even more so with social media micro-targeting), about how all this undermines the very premise of a democracy, of people expressing their political will. The point is that when we talk about artistic freedom, we need to be aware that this is not an issue to be tackled in isolation. The artist doesn't exist separate from the rest of society; they're subject to the same constraints that we all face. For artists perhaps these constraints are more tangible because there's this romantic concept, artistic freedom, and we notice how it's not there in various ways. In that sense, artists are the canary in the coal mine: when you see how artistic freedom is being constrained you become aware of the constraints put on all of us.



Holly Hughes in *World Without End*, 1989
photo by Dona Ann McAdams

. . . artists are the canary in the coal mine: when you see how artistic freedom is being constrained you become aware of the constraints put on all of us.

Editor's Note:

Known as the NEA4, Karen Finley, John Fleck, Holly Hughes, and Tim Miller, were selected by a committee of their peers for individual National Endowment for the Arts (NEA) grants to visual artists in 1990. John Frohnmayer, then Chairman of the NEA, revoked the grants based on the content of the artists' work. The artists successfully sued the U.S. government in the Supreme Court case: *National Endowment for the Arts v. Finley*. The NEA subsequently stopped offering individual grants to visual artists.