

Translated excerpt

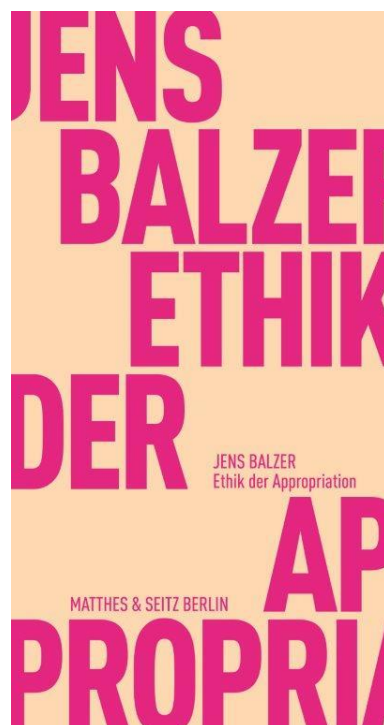
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Ethik der Appropriation

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Ethics of Appropriation

Translated by Allison Brown



Chapter 1: The Wish to Be an Indian Chief

A fragment from Franz Kafka from 1912: “If one were only an Indian, instantly alert, and on a racing horse, leaning against the wind, kept on quivering jerkily over the quivering ground, until one shed one’s spurs, for there needed no spurs, threw away the reins, for there needed no reins, and hardly saw that the land before one was smoothly shorn heath when horse’s neck and head would be already gone.”¹

A childhood memory from the 1970s: whole days and nights, entire weeks of vacation, the young boy—when he had hardly just learned to read—is engulfed in the volumes of the travel stories by Karl May. He lets himself be guided through the Orient and the wild Kurdistan and the even more Wild West of the United States. He dreams of being in the wide prairies, wooded peaks, and deep canyons, far from the densely populated small-town landscapes where he spends his otherwise dreamless childhood. His favorite heroes are Old Shatterhand, the brave trapper from Germany who fights for justice in the fairytale-like yet lawless areas of the New World, and his blood brother Winnetou, the noble Apache chief. Winnetou is strong and brave, but also wise and gentle. He has long, beautiful, bluish-black hair and lives in harmony with nature. A life-size poster of him is hanging on the wall of the young boy’s bedroom: one of the “stars” pictured in the teeny magazine *Bravo*, cut out and pasted together. It shows the French actor Pierre Brice who plays the title role in the German *Winnetou* movies. The boy travels in the summer with his father to the Karl May Festival in Bad Segeberg, Schleswig-Holstein, where the Wild West novels of Karl May are performed on an open-air stage. Professional actors dress up as cowboys and Indians, but many amateur actors from the village are also there. Adults and children paint their faces red and put on fringed suede outfits, decorate their heads with feather headdresses and

dance wild dances to summon the eagle Manitou. The Karl May Festival is an elementary form of theater, whereby the boundary between stage and audience is rather fluid. When the actors call out, the audience calls back, and sometimes they even fire blanks into the crowd from the rifles they brought with them. After the performance the children are allowed to run up front and feed carrots to the horses that the cowboys and Indians had just been riding. The Karl May Festival is the Bayreuth Wagner Festival for the common man, a classless form of dramatic arts, an aesthetic utopia.

An event from 2021: At the Green Party's annual convention, the top candidate for the Berlin Senate elections, Bettina Jarasch, was asked about her biographical imprinting. She was to say something personal to offer a picture of herself. The question was: "What did you want to be, before you wanted to become the mayor of Berlin?" Her response: "Well, as a child I wanted to be an Indian chief." That sparked displeasure among the delegates. "'Indian' is a discriminatory, colonial, foreign appellation," could be read in the chat groups that took place parallel to the event onstage. They demanded that Bettina Jarasch apologize immediately for using the word. And not even two hours later she did just that. "I condemn my spontaneous choice of words and my unreflected childhood memories that could be hurtful to others," she said. "I used an expression that can be perceived very concretely as discriminatory. For this reason, we did not let the words remain without commentary in the livestream, but rather, for the sake of transparency, have indicated that we subsequently deleted the expression." In the YouTube recording of her interview, the sentence "As a child I wanted to be an Indian chief" can no longer be heard. Instead, the following text can be read in a panel: "At this point in the conversation an expression was used that is derogatory toward members of indigenous populations. We have therefore removed this segment. We too are in a constant learning process and wish to continue working on questioning our own actions and language with respect to discriminatory patterns of thought."

So now everyone who once dreamed of Indians was left hanging awry in mid-air on their racing horses. First they lost a grasp of the spurs and the reins, then the horse's neck and head, and finally they landed abruptly in reality on a ground that no longer has anything of the fairytale-like wilderness of the wide and wild West, but instead feels like nothing but a smoothly shorn heath.

How can innocent childhood memories turn into the scandal of derogatory discrimination? That is the question that was discussed after the incident at the Green Party convention. But in fact this question was what was *not* discussed. There was no discussion at all, because the range of opinions, as could be expected, immediately broke into two irreconcilable camps. On one side were those who felt the reaction to Bettina Jarasch's statement was hysterical, dogmatic, and undemocratic. People asked how it could be that such a harmless sentence could be censored in such a dictatorial manner and the speaker then be forced to exercise self-criticism before the entire plenary session. Isn't that reminiscent of Stalin's show trials? Doesn't that show once again that the Greens are simply nothing but a party of sanctions? What kind of country is this, where you cannot even say that as a child you would've liked to be an Indian chief?

On the other side were those who felt understanding for the displeasure because they view the fascination of white people with the "Indians" in a broader historical context that points beyond childhood and fairytale fantasies into the centuries-old history of colonialism. When white people dress up as Indians, when they wear feather headdresses and fringed clothing, and then even paint their faces red, then they—as members of a political, economic, and militarily dominant culture—are wearing the dress of a culture that was oppressed and almost completely annihilated in a barbarous manner by white colonialists. It doesn't help to claim that "playing Indian" does not at all express a wish to discriminate against or humiliate Indians, but rather, to use the language of the late Karl May, it is an expression of valuing and honoring them as "noble." Whoever paints their face red to look like a "redskin" is committing a discriminatory act, because the red skin of the Indians exists only in the colonial imaginations of their oppressors and murderers, just as "the Indians" as such exist only as a colonial fantasy. In truth, the people who inhabited the land before the arrival of the later colonial lords made up a vast multitude of cultures. Only from the perspective of the oppressors have they been merged into a single ethnic, or racial, identity of "Indian," so it is a slave name assigned by the oppressors.

Viewed in this way, the supposedly innocent game of "playing Indian," which might encourage children to want to be an Indian chief, is an example of cultural appropriation. This term was defined by Susan Scafidi in her 2005 book *Who Owns Culture? Appropriation and Authenticity in American Law* as "taking—from a culture that is not one's own—of

intellectual property, cultural expressions or artifacts, history, and ways of knowledge,” which people do “to suit their own tastes, express their own creative individuality, or simply make a profit.”²

Anyone engaging in cultural appropriation, according to this understanding, is appropriating something that does not belong to them. Appropriation always also involves expropriation, theft, an illegitimate act. Whoever as a German child in the 1970s dressed up as an Indian—according to the fairytale-like images sketched by Karl May—committed an injustice against the real models of these fantasy figures, because they made use of their “cultural expressions” in order to “express their own creative individuality.” According to Scafidi’s definition, anyone doing that cannot hope for mitigating circumstances even if they were only seven years old at the time. Or in any case—as demanded by the delegates at the Green Party convention in the spring of 2021—it must be “reflected upon” as an adult how one’s own childhood dreams were culpably entangled in the history of white colonialism.

Might the severity of this criticism be deemed a bit over the top in view of the context of the subject matter? This is certainly a legitimate question. Susan Scafidi’s definition depicts yet another problem. Cultural appropriation is “taking”—in an illegitimate manner—“from a culture that is not one’s own” of “cultural expressions or artifacts....” In lawyer Scafidi’s view, this means that there are some sort of property rights to cultural expressions that make some people into the owners of these expressions, and declare others in turn, who “avail themselves” of these expressions, whether in a carnivalesque, disguising, quoting, parodying, as an homage or any other manner, simply to be thieves. On the one hand, this definition is extremely rigid. It assumes that it is possible to draw clear-cut lines between cultures, so that you either belong entirely to a culture, or else, as “the other,” you are totally foreign to it. On the other hand, Scafidi fails to identify the criteria according to which this affiliation can be determined. Who can say of themselves that they belong entirely to a certain culture, and that they can clearly say who is “one of us” and who is not? Doesn’t that lead us down the path of a cultural identity logic that in the end is propagated primarily by representatives of a restorative or reactionary “ethnopluralism”?

In the aforementioned case, this problem quickly dissolves. It is absolutely self-evident that Germans are not Indians and that white Europeans have little to do with the cultural traditions of the people who lived in North America in the centuries prior to their being

colonized. Here, a sharp line can be drawn between two cultures—to the extent that you view the Indians with whom children enthused about Winnetou can identify as representatives of a real culture and not as mythological and fairytale figures, for whom there is no correspondence to reality. Aren't Karl May's Indians primarily figments of the imagination of their creators, who hold property rights just as much (or just as little) as do the indigenous inhabitants of North America, who for good reason do *not* recognize themselves in the Apaches and Comanches in the Winnetou novels? With that we would have moved the question as to the legitimacy of appropriations to a different level, but we certainly would not have answered it, since precisely figments of the imagination, in their creation and fixation of stereotypes, can contain a racist or some other discriminatory aspect. And also apparently innocent appropriations such as the German enthusiasm for "Cowboys and Indians" can be concealing deeply reactionary and historically revisionist motivations. I'll explain why that is the case in the fourth chapter of this essay.

When German elementary school children dress up as Winnetou and other (fairytale) Indians, this is only one of many cases of cultural appropriation that has been debated in recent years. One could almost say that hardly a week goes by without someone being accused of wrongfully taking advantage of the "cultural property" of "someone else". White people are accused of illegitimate appropriation if they wear dreadlocks, which are associated with a Jamaican Caribbean cultural tradition, regardless of whether they might be attempting to express their veneration for Jamaican idols of emancipation such as Bob Marley. White people are shamed if they—like singer Katy Perry in 2013 at the American Music Awards—appear in a kimono, that is, a traditional Japanese piece of clothing. Black people are shamed if they—like African-American rapper Kendrick Lamar, who on the occasion of the launch of his album *DAMN* in 2017 presented himself as "Kung Fu Kenny"—are made up as Chinese martial artists. Asian artists in turn are shamed if they—like the K-pop group Blackpink—style their hair in cornrows, the traditional African and African-American braids.

Reasons can be found in each of these cases why a certain type of cultural appropriation appears to be inappropriate. In some of them, reasons countering the outrage—somewhat exaggerated in the Social Media—can be offered. And in many of them you get the impression that the uproar was artificially incited in order to make it look like "the leftists"

today are the true opponents of freedom of opinion because they unrelentingly aim to ban someone from something that is actually a human right: such as doing your hair up as you wish. In the constantly growing record of such cases, one nevertheless gets the impression that the debate on cultural appropriation presently revolves only around criticism and prohibitions and is carried out especially, if not exclusively, in “speech ban” mode. As patently clear as the objections to appropriating someone else’s cultural traditions might be in each individual case, the total sum of these desired bans is at odds with the just as patently clear impression that there really is no such thing as cultural traditions that are hermetically self-contained and identified only with themselves. This is because every kind of culture has always developed from appropriations from other cultures, because cultural creations, movements, and developments are not even conceivable without appropriation. Culture is appropriation, which is true all the more in a world marked by globalization of communications and cultural production. Ever since the electronic mass media and, ultimately, the Internet, have provided access to every image that exists anywhere in the world, every sound, and every type of self-presentation, anyone can always be inspired, induced, and challenged by any random “cultural artifact” (Susan Scafidi) from any and every tradition. And because that is the case, it means increased options, increased individual, artistic, and existential freedom.

Appropriation is a creative, culture-endowing force. At the same time, however, it is also entangled in violence and exploitation. One could say that this is true for all types of culture. But such conditions appear with particular clarity in certain forms of appropriation, that is, in those forms that come from the history of colonialism. The postcolonial theorist Paul Gilroy described in his book *The Black Atlantic* how the cultures of former slaves and colonized peoples were appropriated and exploited by the colonial lords—and still are to this day. This is the blueprint as it were of appropriation per se. On the other hand, the culture of the Black Atlantic, as we can learn from Gilroy, can hardly serve as a legally grounded critique of appropriation in Susan Scafidi’s sense, because if you want to view culture as property, it must be understood as a self-contained expression of a homogeneous collective subject. This is not the case for the cultures of the Black Atlantic. They are characterized by their hybridity. The forced cultural uprootedness here turns into the richness of a diasporic culture that is in a constant process of becoming. That is, it forms

precisely the opposite of the understanding of culture that Gilroy refers to as “volkish.”³ That is a provocative term—Gilroy uses it in an Anglicized form of the German word *völkisch*—but we must ask if any view of appropriation that sees it exclusively as something negative, to be criticized or banned, is necessarily on the wrong track of an identity logic that finally ends in that which is truly “völkisch.” Anyone wanting to avoid that erroneous path must develop the critique of improper appropriation based on a determination of good or proper appropriation. In other words, it is only possible to grasp the dialectic sense of appropriation as a whole—its creative, culture-endowing force *and* its entanglement in violence and exploitation—if you examine it from an *ethical* perspective. In the following I would like to share a few suggestions for what this can look like.

¹ Franz Kafka, “The Wish to Be a Red Indian” in *The Complete Short Stories*, trans. Willa and Edwin Muir (London: Vintage/Penguin Random House, [1999] 2018), 419.

² Susan Scafidi, *Who Owns Culture? Appropriation and Authenticity in American Law* (New Brunswick, NJ: Rutgers University Press, 2005), 9. The first part of the quote is taken from a resolution of the Writers’ Union of Canada of June 1992, as cited by Scafidi from Bruce Ziff and Pratima V. Rao “Introduction to Cultural Appropriation: A Framework for Analysis,” in *Borrowed Power: Essays on Cultural Appropriation*, ed. Ziff and Rao (New Brunswick, NJ: Rutgers University Press, 1997), 1.

³ Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness* (London and New York: Verso, 1993), 15. [Translator’s note: Since the 20th century, the German term referring to an ethnic nationalism has been associated with Nazism and fascism. Gilroy uses it in the context of “cultural nationalism” (15) of “a national or proto-national group with its own hermetically enclosed culture” (33).]