RESEARCH ARTICLE

Cultural Appropriation, Artistic Freedom and the Ethics of Representation

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Abstract: This paper takes the recent debate about cultural appropriation in Assam initiated by the national award-winning *Dimasa* movie *Semkhor*. It contextualises the controversy within the milieu of ethnic identity politics in Assam. Then, it goes beyond the ethnic dimension and highlights the ethical complexities inherent in cultural representation within artistic endeavours. It argues that the issue of artistic freedom adds a new dimension to the tendency of loosely using the term cultural appropriation, especially in a world where artistic freedom is increasingly being endangered.

Keywords: *Artistic Freedom, Cultural Appropriation, Ethics of Representation, Identity Politics*

Introduction

The *Dimasa* tribe is one branch of Assam's wider group of *Boro-Kacharis(Bordoloi, Sharma Thakur, & Saikia, 1987)*. The tribe has been given autonomy in accordance with the sixth schedule of the constitution of India.[1] *Dimasa* people are concentrated in the *Dima Hasao* Autonomous District. During the colonial period, this area was treated as 'partially excluded areas'. The fact that the *Dimasa* leadership had developed a sense of self-identity for the tribe as

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[1] https://dimahasao.assam.gov.in/information-and-services/nc-hills-autonomous-council

distinct from the plainmen, or even from other hill tribes, was evident from their conscious negotiations with the state for a separate administrative setup even before the independence.[2] A recognition of this sense of self-identity of *Dimasas* needs to be acknowledged before proceeding further because the whole controversy centres around the question of the dignity of the tribe.

The controversy that we take as a point of reference to bring in the larger debate around cultural appropriation and artistic freedom revolves around a national award-winning *Dimasa* language film named *Semkhor*. *Semkhor* was directed by a mainstream Assamese-speaking director. The story is based on the struggle of a mother against patriarchal norms in a remote village called Semkhor in the Dima Hasao district of Assam (Naiding, 2022). As soon as an interview with the director was published on social media after the screening of the movie in Guwahati, the political leaders of the *Dimasa* tribe started social media campaigns that soon led to protests on the streets.[3] All of it happened even before the release of the movie. The primary reason for protests was "the lack of meaningful representation in the creative production of the film (that) led to a huge gap in the real-life condition prevalent in Semkhor and what is portrayed in the movie as the culture and practices of its people" (Naiding, 2022).Such a representation included, among other things, an ancient practice where if a mother dies during child birth and if the infant is alive, the infant is buried alive. A *Dimasa* politician highlighted the issue on social media and brought it to everyone's notice.[4] The protesting members rejected the existence of such a practice among the tribe. As Naiding states, the film used "hegemonic caste and class understanding of the hill dwellers' culture and practices" (Naiding, 2022). They were not only against such portrayal of the tribe in the film, but they also expressed outrage at some comments of the director in an interview that associated the developmental status of the region with the cultural ways of thinking of the people of that region. They demanded a ban on the release of the film due to such problematic representations, both in the film and in the interview. They themselves articulated the issue at stake in the language of cultural appropriation, invoking this to justify their claims. Without going into the internal critique of the controversy that the film initiated, we take this instance as a point of departure to initiate a discussion about the complexities of cultural appropriation and artistic freedom. We go back to the existing scholarship on these issues to make sense of the complexities involved in a case which is otherwise very simple to judge in either party's favour, given one's position in Assamese society. Before that, to understand the conflict more comprehensively and contextually, a brief overview of identity politics in Assam needs to be introduced.

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[2]   Ibid

[3]   Retrieved from https://www.thehindu.com/:
https://www.thehindu.com/entertainment/movies/national-award-winning-film-semkhor-in-legal-soup-for-alleged-misrepresentation-of-dimasa-culture/article65937582.ece

[4]   Langthasa,2022https://www.facebook.com/daniellangthasaofficial/videos/817165533060939/

Issues of Ethnicity and Identity Politics in Assam

Assam is a volatile ground of ethnic identity politics, enabled by the co-existence of diverse groups of people with different cultures. Although at the core of such politics lies the dichotomy between the illegal immigrants and the natives, the tribal question is also an important one. The tribal groups have often resisted the efforts of assimilation into Assamese nationalism. Identity politics among the tribal population of Assam primarily emerged during the colonial era. The uncritical adoption of the western discourse on tribes by mainland Indians- which Po'dar and Subba termed as "home grown orientalism" (Po'dar and Subba, quoted in Wouters and Subba, 2013) constructed a particular stereotypical image for tribes of north-east. In his assessment of identity politics for recognition, Taylor argued that misrecognition has consequences of physical and material harm to minorities (Taylor,1992). Thus, this created a site of contestation among the tribal and non-tribal populations.

Wouters and Subba (2013) argued about the heterogeneous character of the northeasterners, who are otherwise theorized as a homogenous group in the discourses of administration or other popular discourses. Inside this heterogenous existence, not all north easterners go through similar experiences. Especially, the nature of contact with the colonials was different for the plains and the hills. The underdevelopment of the hill districts, as well as the absence of their concerns in the politics of mainland Assam, increased such concerns. Moreover, given the geographically isolated location, historically, hill tribes were never part of pre-independent Indian empires or other kingdoms of the Brahmaputra valley, although they did have contact through trade (Hussain,1987). This has helped them to maintain their cultural distinctiveness. Hussain (1987) identified the important role played by a small minority of tribal leaders with modern western education to save themselves from the influence of plainsmen. Within this context, the *Dimasa* identity politics emerged, emphasising equality with and difference from the mainstream culture. Due to increased demands from various hill tribes, Assam was reorganized, and new states emerged. We can locate the Semkhor debate within such a milieu of ethnic identity politics. Now, we can go beyond the immediate ethnic politics involved in this incident to invoke the central themes of the article- cultural appropriation and artistic freedom.

The Tension between Cultural Appropriation and Artistic Freedom

Ethnicity is an important dimension of this incident. Ethnic identity politics does have a contribution to the *Semkhor* controversy. However, this incident carries another equally important dimension, i.e. an inherent tension between the notion of artistic freedom and cultural appropriation; and more importantly, the ethics of representation.

For our purpose, we are taking the classical definition of culture by anthropologist EB Tylor. He defines "culture or civilization, taken in its wide ethnographic sense, is that complex whole which includes knowledge, belief, art, morals, law, custom, and any other capabilities and

habits acquired by man as a member of society" (Tylor, 1920, p. 1). This is an over-encompassing definition of culture that can capture the various implications of the term in an anthropological sense.

On the other hand, we take the definition of artistic freedom provided by UNESCO. The UNESCO defines Artistic freedom as

> the freedom to imagine, create and distribute diverse cultural expressions free of governmental censorship, political interference or the pressures of non-state actors. It includes the right of all citizens to have access to these works and is essential for the well-being of societies. Artistic freedom is a global challenge. The rights of artists to express themselves freely are under threat worldwide, especially where artistic expressions contest or critique political ideologies, religious beliefs and cultural and social preferences. These threats range from censorship (by corporations, political, religious or other groups) to imprisonment, physical threats, and even killings. (UNESCO,2019)

So why is there a growing threat to artistic freedom all over the world? It has to do with the complexities involved in the process of representation, especially of other cultures. We shall try to make sense of this in the subsequent discussion.

In a heterogeneous society, the movement of cultural elements among different cultures is bound to happen. Such movement can take place in various forms and not always involve the recognition and appreciation of the source. Rather, cultural outsiders often reshape the borrowed cultural elements according to their own creativity. Scafidi defines such "taking – from a culture that is not one's own- of intellectual property, cultural expressions or artifacts, history, and ways of knowledge" as 'cultural appropriation' (Scafidi, 2005, p.9). In the *Semkhor* controversy, the objection raised towards the theme of the movie by the leaders of the tribe was based on a particular understanding of the term. Although it was a fictional story, the characters of the film resembled their culture. They are justified in their claim of denying the existence of such stereotypical practices. The use of the notion of cultural appropriation in this debate caught our attention. In this understanding of the term, there was an inherent moral judgement associated with the claim. We will be dealing with this aspect of the debate that allows us to analyse its implications for artistic freedom.

Representation always carries the possibility of misrepresentation. Especially, minorities around the world often find themselves being misrepresented in various media forms created by mainstream culture industries. Butler (2018) showed how Indian Americans have been portrayed stereotypically in the United States television programs since the beginning of television. In the larger popular cinema culture of India, too, minorities are portrayed in stereotypical negative roles quite frequently. For example, Srivastava (2007) described how sexual stereotypes of tribals, and Muslims came to be represented in the mainstream cultural forms since the colonial era. Similarly, Sharmila Rege (1995) described the upper caste construction of lower caste women's sexuality as unsatiable in folk *lavanis*. In all these, we can

observe how the members of a marginalized community often have been misrepresented by mainstream popular culture. The *Semkhor* controversy, too, can be seen within this context.

In the analysis of some demands of the native tribes in the United States for control over the use of their cultural productions, Brown uses the concept of copyright (Brown, 1998). He identifies three assumptions associated with the fierce demands from minority tribes regarding the protection of their cultural property, which can be summarised as follows:

1. An ethnic nation has exclusive rights in its cultural productions and ideas, and subsequently the control over their representation by outsiders.

2. Ownership of cultural productions can be literal (as intellectual property) or metaphorical (in moral terms).

3. Earlier collection and representations do not meet today's standards of informed consent.

His basic argument is that in arguing in favour of providing ethnic minorities with exclusive rights over their cultural productions based on these assumptions, one should not neglect the "fierce struggle of creative artists and general public for free access to information in the face of growing corporate domination of knowledge"(Brown, 1998). What he suggests is a balancing approach that can protect both the flow of information across cultures and the protection for minority population (Ibid). Moreover, he identified a loophole in the advocacy for expansion of intellectual property laws to include the minority cultural productions as it can have negative impact for free speech (Ibid). But what if cultural appropriation takes place in a manner that harm the members of the source culture? For scholars dealing with this dimension of cultural appropriation have something different to say in this regard. Adrienne Keene identifies that cultural appropriation often goes hand in hand with stereotypes and disrespect of the source cultures, whether intentionally or unintentionally (Keene, 2016). This harms the members of the source culture by affecting their self-esteem and sense of self-worth negatively. She identifies cultural appropriation with power imbalance that cannot be equated with a simple sharing of culture (Ibid). Thus, power is an important dimension of this debate.

In a society where one group is culturally and numerically dominant over other groups, the tension inherent in the notion of artistic freedom and cultural appropriation manifests itself quite frequently. While one way to analyse the *Semkhor* incident is from the notion of cultural appropriation, on a deeper level, it also has to do with artistic freedom. This tension is interesting in the present milieu of India, where a growing intolerance for artistic freedom is taking place. For example, boycott calls for movies are made quite often on the grounds of hurting religious sentiment. Such reactions are based on hurting a sentiment or an identity, and both are related to identity politics. Brubaker has this answer in his radical conceptualisation of "ethnicity without groups" (Brubaker, 2002). Problematising the uncritical assumption of groupism in ethnic identity in the existing literature, Brubaker holds that "protagonists of most ethnic conflict are not ethnic groups as such but various kinds of organisations and their empowered and authorised incumbents" (Ibid). They include- states, terrorist groups, the army, political parties, ethnic associations, radio, newspapers, TV and so on. He argued that

such "organisations cannot be equated with ethnic groups" (Ibid).While it is true that such 'ethnopolitical entrepreneurs' exploit the rest of the population by invoking an ethnic identity, it is not to discourage the persuasion of emancipation by various tribes or other marginalized ethnic groups. Although Brubaker calls ethnicity exist only in and through our perceptions, according to the famous Thomas theorem in sociology, when we define situations as real, they become real in their consequences.[5] Ethnic identity politics has become one such reality in Assam. But we should not be uncritical of such invocation of ethnic identity politics. Ethnicity itself should be the thing to be explained, rather than considering ethnicity as the thing that does the explanation.

While this is true, it is also important to ask where to draw the line. Should there be any line at all? If there is no line, any kind of wild imaginaries about anyone or any community can be allowed. But is it ethical? Moreover, who can represent a culture? Matthes (2016) inquires whether cultural appropriation is inherently morally wrong. He examines the discourses from philosophy and other disciplines regarding this. Within philosophy, Young acknowledges the potential of cultural appropriation being offensive, but was sceptical about its harmfulness. Matthes argues, using Fricker's notions of credibility deficit and credibility excess, that regardless of whether there is misrepresentation or not, cultural appropriation is harmful by "inappropriately conditioning societal understandings of expertise" (Ibid). As far as other disciplines are concerned, they, in their objection to cultural appropriation, often invoke the insider-outsider distinction. Matthes argues that it leads to cultural essentialism by constructing essential boundaries that make a culture look like "homogeneous, static and monolithic"(Ibid). Rather than focusing on insider outsider distinction, he proposes that we focus our attention on fighting systematic social marginalization, which will have the downstream effect of ameliorating the harms of appropriation (Ibid). Here, we can refer to the famous insider vs outsider debate between Gopal Guru and Sundar Sarukkai in the *Cracked Mirror* (Guru and Sarukkai, 2012). Sarukkai argued that outsider status is invoked for someone by insiders of a community only when something unfavourable is said about the community. This issue can be taken as a point of departure to initiate a discussion about a much larger issue of the representation of non-state laws and the ethics of it.

What this incident forces us to think is that there are other non-state laws across societies that may be part of their identities. Moreover, certain non-state laws are repressive, as Upendra Baxi (1986) has shown. Just because it is people's law or non-state law, it is not necessarily non-repressive. If communities do have repressive non-state laws, going beyond this particular incident, a question arises– how will any community respond if the repressive dimension of any of its non-state laws is shown in an art form like cinema? Creators of art forms may feel the need to bring such repressive non-state laws to light. Siems (2019) argues that sometimes being sceptical or critical about a cultural phenomenon becomes important because of the harm it can have on people regardless of it being justified by various reasons. One such example is that of Female Genital Mutilation. In this regard, taking a cultural relativist position, i.e. considering it inappropriate to criticize the practice of another culture

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[5] https://www.oxfordreference.com/display/10.1093/oi/authority.20110803104247382; jsessionid=AF79B29F9848242F5360FB29F58FBD77

outside of its internal logic, may cause harm to people (Nussbaum, 1999). It becomes important in such cases where external pressure can assist a relatively powerless internal group trying to change such practices(Ibid).

Thus, not all cases of cultural appropriation need moral scrutiny. Siems (2019) argues that cultural appropriation cannot be said to be inherently ethically wrong. The substance of the topic in question should determine its ethical status in that particular situation. We can surely criticize and discard those who misrepresent an ontological reality. But even if the representation is real, the creator must also be careful not to resort to ethnocentrism while fully utilizing artistic freedom. Artistic freedom needs to be sensitive to the trap of ethnocentrism. The point of view of the community concerned also needs to be incorporated in such a situation. Inappropriate representation must be avoided at all costs. What Brown (1998) suggests is a balancing approach that can protect both the flow of information across cultures and the protection of minority populations.

Conclusion

This paper tried to look at the *Semkhor* debate that focused on the issue of cultural representation of the *Dimasa* tribe in a film about them, made by an outsider. The debate was articulated primarily using the concept of cultural appropriation in its negative connotations. This paper brings the issues of artistic freedom to the debate. It also shows the inherent tension between artistic freedom and allegations of cultural appropriation. However, it is difficult to take extreme positions in favour of either, as issues of cultural representation are far from being simple and straightforward. Cinema has been a powerful tool of storytelling since its inception. It has huge liberatory potential for the marginalised and underrepresented groups. Stories involving them must come out to break stereotypes about them. However, one must be careful enough while initiating such a flow of information without causing harm to the people involved. Moreover, the simplistic use of cultural appropriation to oppose such attempts must be replaced by more nuanced contextualisation.Meaningful dialogue between creators and communities involved can help balance the artistic ambitions of the storytellers and ethical parameters.

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