

## Case #5a. Germany, Israel and Rock Music

**Synopsis:** Case #5a looks at the property rights and social contract issues raised for the German music industry by the offensive lyrics of some German rock bands.

**Read the two articles and answer the questions at the end.**

### **Fury in Germany as Rap Duo With Anti-Jewish Lyrics Gets Award**

By MELISSA EDDY and ANDREW CURRY, New York Times APRIL 18, 2018



The rappers Farid Bang, left, and Kollegah receiving the award for best hip-hop album at **Germany's Echo Music Awards**. The prize for the album, which contains lyrics referring to the Holocaust and Auschwitz, has set off an uproar in Germany. Credit Alex Schmidt/Agence France-Presse — Getty Images

BERLIN — In Germany’s hugely popular hip-hop music scene, one of the biggest albums of the past year was from two trash-talking rappers who rhymed about their prowess in bed and in the weight room and about violently dominating their opponents.

The album has racked up sales, but has also attracted a different sort of attention. In one song, the pair boast about how their bodies are “more defined than Auschwitz prisoners.” In another, they vow to “make another Holocaust, show up with a Molotov.”

Widespread condemnation turned into an uproar in the last week since the rappers, Farid Bang and Kollegah, won the Echo award for best hip-hop album at Germany’s equivalent of the American Grammys on April 12.

The lead singer of the country’s pre-eminent punk rock band objected to the award from the same stage that night. “In principle I consider provocation is a good thing,” Campino, the lead singer of Die Toten Hosen, said. “But we need to differentiate between art as a stylistic device, or a form of provocation that only serves to destroy and ostracize others.” Other winners have said they are returning their prizes.

Posting on Twitter in German, the **foreign minister, Heiko Maas**, wrote: “Anti-Semitic provocations do not deserve awards, they are simply disgusting.”

He also noted the unfortunate timing of the ceremony. April 12 is a day of worldwide solemnity. “That such a prize was handed out on Holocaust Remembrance Day is shameful,” he wrote.

**Germany’s recording industry** association had criticized the lyrics but defended its choice in the name of artistic freedom. Nominations are based on popularity and rankings on music charts, not artistic quality — a process the association has pledged to re-examine after the outcry.

But beyond the resentment over the award, the episode has also provoked soul-searching about incitement in art, and the extent of anti-Jewish sentiment in German hip-hop in particular.

And most troubling, many believe, is what it says about the rise in anti-Semitism among young people, and the millions of impressionable rap fans who are generations removed from the horrors of Nazi rule.

Germany’s attempts to atone for the evils of its past, while confronting the troubles of its present, is its never-ending preoccupation. On Wednesday, in response to a video showing a man in Berlin wearing a Jewish skullcap being attacked by a group of young men speaking Arabic, **Chancellor Angela Merkel** vowed to commit her government to fighting anti-Semitism “relentlessly and with resolve.”

“This fight against such anti-Semitic excesses must be won,” Ms. Merkel said. (The victim in the video turned out not to be Jewish — he was an Arab Israeli who said he was trying to prove to a friend that he could wear a skullcap in Germany without being hassled.)

The objectionable lyrics in the winning album, titled “Young, Brutal, Good Looking 3,” do not explicitly deny the mass slaughter of some six million Jews by the Nazis, nor do they specifically incite hatred of Jews, both of which would have made them illegal under Germany’s strict laws banning Holocaust denial.

...On the night of the ceremony, Kollegah replied to criticism by saying, “I don’t want to make a political debate out of this,” and invited anyone who wanted to discuss it to approach him at the after-party.

In the past, they have defended their lyrics as art and exaggeration. On Facebook last month, Farid Bang apologized to Esther Bejarano, a 93-year-old singer and Auschwitz survivor who had spoken out about the lyrics. Both men have offered to let Jews come to their concerts for free forever as proof, they said, that they bore no hatred.

But Jakob Baier, a researcher at the **Hans Böckler Foundation** focusing on anti-Semitism in German rap music, called the lyrics “despicable” and said they scorned the victims of Auschwitz. He noted that some of Kollegah’s other songs and music videos promoted conspiracy theories and the message that “the world is in control of evil, and the evil is marked as Jewish.”

Photo



The singer Campino criticized that award to Kollegah and Farid Bang, saying, “Every one of us has to draw the line where we feel the limits of tolerance have been reached.” Credit Andreas Rentz/Getty Images

In the music video for his track “Apocalypse,” a banker in a London office tower is shown controlling the evil forces in the world, and wearing a Star of David ring. After a final showdown between good and evil, Kollegah — a 33-year-old convert to Islam whose real name is Felix Blume — raps, “Muslims, Christians and Buddhists lived together in peace,” pointedly not mentioning Jews.

Allegations of anti-Semitism have dogged German hip-hop for years and were even the subject of a recent documentary, “The Dark Side of German Rap.” One song by the rapper Haftbefehl mentions a conspiracy theory about the Rothschilds, a Jewish banking family, and the video for another features images of Orthodox Jews carrying suitcases of money and diamonds over the lyrics “money, money rich.”

Many lyrics are also homophobic and degrading to women — issues in rap music that transcend Germany’s borders. In one song, the rapper Shindy says that his openness to having sex — described in an obscene way — with Jewish women is proof he is not an anti-Semite.

The scene’s politics lean heavily anti-Israel. Bushido, another best-selling German rapper, once used a map of the Middle East, without Israel, as his Facebook profile picture. In an interview on Wednesday, he said that he had done it in solidarity with Palestinians because of his own Arabic roots.

“It’s not just about Israel, it’s about injustice everywhere,” he said. “But no one listens when you’re calm and polite, and so you have to use more drastic means.”

Nevertheless, he faulted Kollegah’s and Farid Bang’s lyrics. Words that conjure images like “concentration camps, Auschwitz, Jews, people who were gassed — those shouldn’t be used,” Bushido said.

With surveys increasingly showing that the Holocaust is receding from memory, many are concerned that downplaying the gravity of what happened under the Nazis can open the door for a return of discrimination against Jews. This comes amid a rise of far-right populism across Europe, and the arrival of some 1.4 million migrants and refugees in Germany, many from Middle Eastern countries where hatred for Israel is taught in schools. Some popular hip-hop artists hail from Germany’s inner cities and are of Turkish or Arabic descent. (Farid Bang, whose real name is Farid El Abdellaoui, has North African roots.)

**Ms. Merkel’s government** has for the first time appointed a **commissioner to combat anti-Semitism** in response to reports that incidents are increasing, especially among the young.

According to the Research and Information Center in Berlin, which records incidents of anti-Semitism in the German capital, 947 occurred last year, a 60 percent increase from 2016.

Children in German schoolyards casually toss about “You Jew,” as an insult, and reinforce stereotypes about Jews, such as saying “Don’t be such a Jew” when trying to convince someone to lend some change.

“At a time when hate against Jews is increasing around the world and a flood of anti-Jewish sentiment can be seen online, especially among young people,” said Monika Schwarz-Friesel, a professor of linguistics at Berlin’s Technical University, “to declare anti-Semitic and fantastical, conspiratorial song texts as ‘artistic freedom,’ and award them prizes is viewed by researchers of anti-Semitism as particularly irresponsible.”

Anti-Semitic themes have plagued other German music genres — in particular, punk and metal music popular among the country’s neo-Nazis. But those groups have remained largely underground, often forced to perform outside Germany because of its Holocaust-denial laws.

Popular German rappers, on the other hand, have a huge fan base; Kollegah has 1.4 million followers on Instagram. And the fans skew young. The music appeals to children and teens who share and debate the latest songs on social media and in schoolyards. “Young, Brutal, Good-Looking 3” topped the charts in Germany, Austria and Switzerland and was streamed 23 million times on Spotify in the first week of its release on the service.

Some rap fans have said that the lyrics were being unfairly scrutinized by people who did not understand the genre, in which rappers constantly try to outdo and outshock their rivals.

“Of course I think this line is tasteless,” Michael Fritzsche, 26, of Leipzig, said, referring to the offending lyrics. “But let’s be honest, a discussion about the political correctness in music lyrics should not be limited to rap.”

But for all of the uproar over the words, Viola Funk, a journalist in Berlin who covers hip-hop, said she believed a larger point was being missed.

“German rap is a scapegoat, because youth culture is always a scapegoat,” Ms. Funk, who directed “The Dark Side of German Rap,” said. “As if it didn’t have anything to do with society at large.”

A version of this article appears in print on April 19, 2018, on Page A1 of the New York edition with the headline: Fury in Germany as Rap Duo With Anti-Jewish Lyrics Gets Award.

---

## **Unwelcome Sound on Germany’s Stages: Musicians Who Boycott Israel**

Image



Graham Hastings, Alloysious Massaquoi and Kayus Bankole of Young Fathers performing in Los Angeles on May 2. The band was due to perform at a German arts festival but was disinvented because of its support for the B.D.S. movement, which calls for a boycott of Israel. Credit Oliver Walker/Getty Images

By Melissa Eddy and Alex Marshall

- July 1, 2018

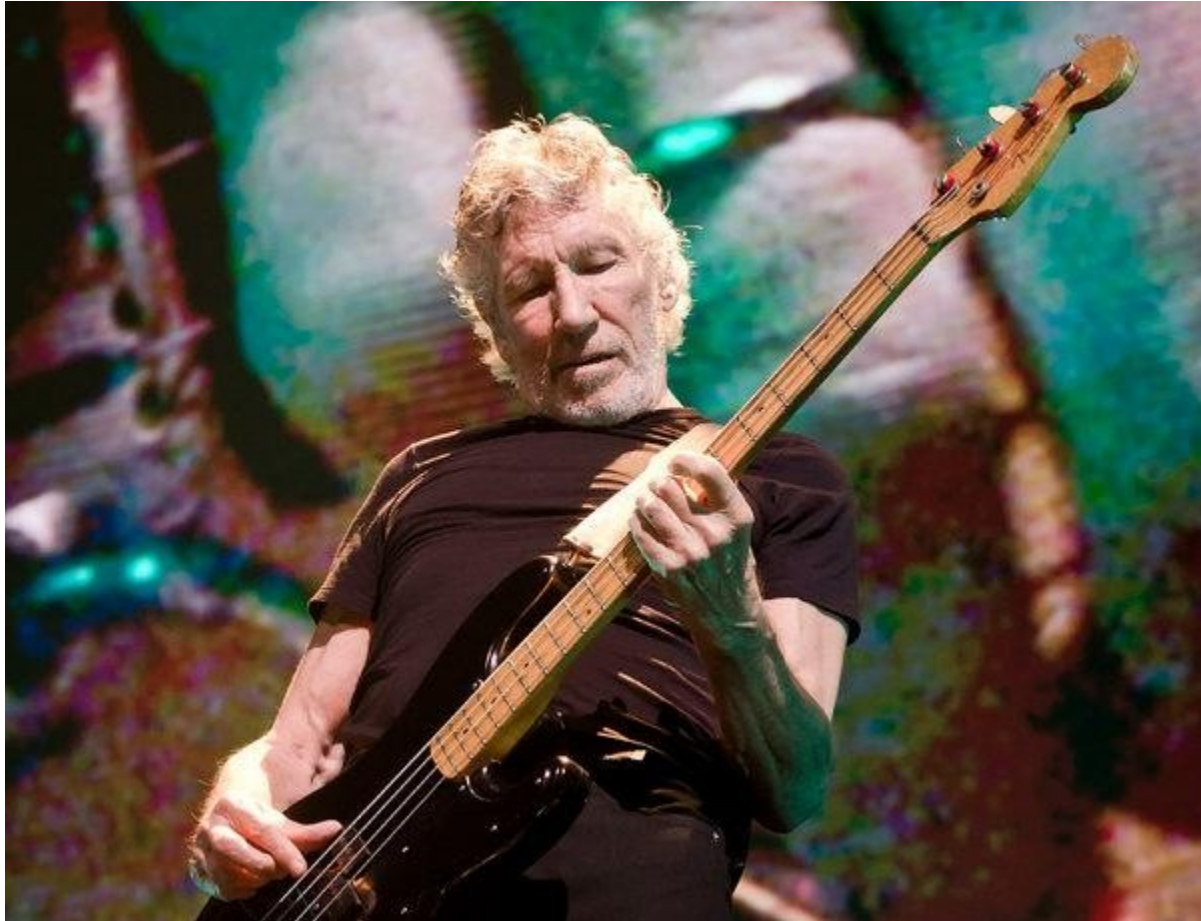
- BERLIN — The Scottish rappers Young Fathers have earned critical praise for their blend of hip-hop, electronica and gospel. They won Britain’s prestigious Mercury Prize for album of the year. Their sweaty, uplifting shows are in demand across Europe.

But when the **Ruhrtriennale arts festival** in Germany decided last month to drop the band from its bill, it set off a clamor that had nothing to do with the group’s music, and everything to do with the country’s post-World War II sensibilities.

Young Fathers openly support the **Boycott, Divestment and Sanctions** movement, also known as **B.D.S.**, which asks companies and people to avoid doing business with Israel in protest of its treatment of Palestinians. But in Germany, where calling for a boycott against the Jewish state carries deep historical associations with the Nazis, the movement is widely viewed as anti-Semitic.

As Germany struggles with increasing attacks on Jews and Israel is under pressure for killings of protesters along its border with Gaza, a growing clash over B.D.S. is spilling over into the cultural scene. It has divided art and music festivals that aim to foster cultural dialogue, and even sparked a feud between the mayor of Munich and Roger Waters of Pink Floyd, who is a revered figure here.

Image



The British musician Roger Waters performing in Berlin on June 1. Mr. Waters is an outspoken supporter of the B.D.S. movement. Credit Frank Hoensch/Redferns, via Getty Images

B.D.S. is well known for sparking confrontations on college campuses in the United States and for compelling entertainers to pick sides. Now support from British artists is raising its profile in Germany, where it has struggled to gain traction.

Omar Barghouti, one of the founders of B.D.S., said in an email that the arts festival's decision to disinvite Young Fathers — after first asking them to distance themselves from the B.D.S. movement — amounted to “censorship.”

That decision was reversed, after reactions from other performers showed how sensitive the issue had become.

Like many cultural events, the festival, the Ruhrtriennale, in the industrial Ruhr area of western Germany, receives government funding. And governments across Germany at several levels have denounced B.D.S.

Official support for Israel is a nonnegotiable position in postwar Germany. In 2016, **the center-right party of Chancellor Angela Merkel** passed a resolution declaring that “B.D.S. promotes anti-Semitism as anti-Zionism; but even dressed up for the 21st century, hate against Jews remains hate against Jews.”

Image





Demonstrators in Berlin protesting a visit by Prime Minister Benjamin Netanyahu of Israel on June 4. Credit Clemens Bilan/European Pressphoto Agency, via Shutterstock

Klaus Lederer, Berlin's culture minister, who is from the far-left party Die Linke, said in an emailed statement that B.D.S. leaders spread "lies and sheer hatred."

"Whoever does this must be called anti-Semitic and be prepared to handle our determined resistance," he said.

**B.D.S.** disputes the accusation that it is anti-Semitic, saying that it is protesting Israeli policies, not the Jewish people. It notes that there are Jews among its followers.

But in Germany, calls to boycott Israel conjure up parallels to the nationwide boycott of Jewish businesses beginning in 1933, when Stars of David were scrawled on Jewish shop windows, said Prof. Stefanie Schüler-Springorum, director of the Center for Research on Anti-Semitism at Berlin's Technical University.

"In Germany, a boycott is a difficult form of protest," Professor Schüler-Springorum said. "Historically, it has a completely different resonance, as basically the Nazis' first step against an ethnic minority. Therefore it is simply not acceptable."

The Ruhrtriennale's decision to invite Young Fathers in the first place was curious, as the group's stance on Israel has long been public.

Last year, Young Fathers withdrew from Berlin's Pop-Kultur festival after learning that the Israeli embassy in Germany was providing financial support for artists from Israel in its lineup. Several other acts soon pulled out for the same reason, foreshadowing what would happen when the Ruhrtriennale canceled the group's appearance this year.

The announcement, on June 13, said that the Ruhrtriennale festival did not consider the band, or criticism of Israeli policy, to be anti-Semitic. "However, the Ruhrtriennale distances itself in all forms from the B.D.S. movement and wishes to have absolutely no connection with the campaign," the statement said.

Despite the delicate wording, half a dozen acts, including Lebanese artists, backed out of the festival, citing freedom of speech grounds.

Image



The musician and artist Laurie Anderson threatened to pull out of the Ruhrtriennale, the festival that disinvited Young Fathers. “I have a big problem being part of a festival that asks artists to distance themselves from their beliefs,” she said in an email. Credit Jared Siskin/Patrick McMullan, via Getty Images

Laurie Anderson, the American musician and artist, also threatened to pull out. “I have a big problem being part of a festival that asks artists to distance themselves from their beliefs and commitments — whatever they are,” Ms. Anderson said in an email.

Faced with the risk of losing a headline act like Ms. Anderson — and possibly others — the festival’s director, Stefanie Carp, did an about-face. On June 21, she announced that she had asked the Young Fathers to rejoin the lineup, “although I do not share their attitude to the B.D.S.”

“I believe that we need to allow the different perspectives and narratives,” Ms. Carp said in a statement posted on the festival’s website.

The band immediately rejected the offer, according to their manager, James Stanson, who said in a telephone interview that they felt uncomfortable returning to an event that had rejected them. In an earlier statement, the band said it was “wrong and deeply unfair” for a festival to “ask us to distance ourselves from our human rights principles in order for the appearance to go ahead.”

The band will not play any events in Germany that receive public funds for the foreseeable future, Mr. Stanson added, because of the risk of similar problems.

Indeed, conflict over B.D.S. has already begun to spread.

A festival in the northwestern city of Osnabrück rejected calls to bar a Syrian electronic music producer, Samer Eldahr, who performs as D.J. Hello Psychaleppo, by a protest group that said Mr. Eldahr supported B.D.S. In a statement released by the festival, Mr. Eldahr denied being a member of the movement. “To equate criticism of the policy of the state of Israel with anti-Semitism is simplistic and dangerous,” the festival director added.

Advertisement

Image



Mr. Waters performing “The Wall” in Berlin in 1990, shortly after the fall of the Berlin Wall. The concert made Mr. Waters revered in Germany, but his criticism of Israel leaves many Germans uneasy. Credit Michael Putland/Getty Images

Munich’s mayor, Dieter Reiter, is now sparring with Mr. Waters, of Pink Floyd, a vocal B.D.S. supporter who is admired here for his “The Wall” concert shortly after the fall of the Berlin Wall.

Dismayed by Mr. Waters's recent show in Munich, Mr. Reiter published a statement on the city's website criticizing him for remarks he had made in recent years. The mayor accused Mr. Waters of supporting "anti-Semitic boycott campaigns against Israel, fantasizing about an 'extraordinarily powerful Jewish lobby' " and "drawing a parallel between the political situation in Israel and the unparalleled Nazi crimes against European Jews."

Christian Schertz, an attorney for Mr. Waters, wrote the mayor asking that he take down the statement. "Our client has repeatedly and critically grappled with the politics of the state of Israel and has been advocating the observance of human rights for everybody for many years," Mr. Schertz wrote. "At no time did he speak in a derogatory manner of people of the Jewish faith and would never make statements of that nature." The mayor's office said last week that it stands by Mr. Reiter's comments.

In Berlin, several performers who support B.D.S. have said they will not participate in this year's Pop-Kultur festival in August.

But so far no German act has withdrawn. Anton Teichmann, who runs a Berlin-based record label that has an act in the festival, said that German artists found it hard to speak publicly about the issue. Mr. Teichmann, 31, said that even if he did not like Israel's government, he personally could not boycott it because of Germany's history.

"Music is supposed to unite people," he said in an email. "Unfortunately now it is about picking sides."

Melissa Eddy reported from Berlin and Alex Marshall from London.

A version of this article appears in print on July 1, 2018, on Page C1 of the New York edition with the headline: Israel, Music and Echoes of Germany's Past.

**1. (3) What property rights conflicts are raised in this case:**

**Show conflicts in this form:**

\_\_\_\_\_ **right to** \_\_\_\_\_ [state very specific to the case] \_\_\_\_\_

**versus**

\_\_\_\_\_ **right to** \_\_\_\_\_ [state very specific to the case ] \_\_\_\_\_

**[NOTE: in this and future cases, there may be more than one actor asserting one or more rights on either side of the rights conflict]**

**NOTE: The rights of government agencies and NGOs are not at issue in the cases in this course and should not be included in any analysis of rights conflicts in any cases in this**

**course! However, as actors, Government agencies and NGOs do advocate on behalf of the rights of others who for a variety of reasons cannot act for themselves in many cases.**

- 2. (3) Referring where appropriate to the rights issues, how do the following actors define their social contract regarding song lyrics? [NOTE: I am asking for their interpretation, not yours; limit your answer for each to 25 words]:**
  - a. The Merkel government**
  - b. Germany's Recording Industry**
  - c. Concert venues such as the Ruhrtriennale**
  - d. Farid Bang and Kollegah**
  - e. Hans Böckler Foundation**
  - f. Boycott, Divestment and Sanctions (B.D.S.) movement**
  
- 3. (2) If you were to view this case as an ethics case, as a junior employee at a record label, how would you respond to a question from your boss, "Am I being highly unethical because I know we have lots of hate lyrics among our recording artists and claim it is not our responsibility to control them?"**