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# Introduction

Cultural appropriation has been, in recent years, one of the most widely discussed sources of ethical problems. The literature on the subject is huge. Nevertheless, this book is a distinctive contribution to the literature. It is the product of an unusual, perhaps unique, methodology for producing a collection of scholarly papers.

This methodology involved refining a highly successful model developed by the Centre for Studies in Religion and Society (CSRS) at the University of Victoria. The founding director of the Centre, Harold Coward, pioneered a method in which an interdisciplinary research group would be formed for the exploration of an inherently cross-disciplinary issue. The group would have an initial meeting at which a preliminary exploration of the issue would occur. At this first meeting, the various aspects of the issue would be analyzed and the group would attempt to find a common methodology and common mind to address the issue. The members of the group would then go off to conduct further research into their aspect of the issue under discussion. Later, the group would re-convene and members of the group would present the results of their research for discussion and critique by all the members. The final chapters would then be completed and edited for publication as a book. This process has proved very successful and, to date, nearly twenty volumes have been produced under the auspices of CSRS. Each of the volumes has a degree of coherence and a sense of dialogue often lacked by volumes produced by researchers working completely independently. The editors believed that, though the CSRS process had proved successful, it could usefully be adapted for the unique character of this project.

The innovation adopted in this book was to have teams write each of the papers. A member of each team would be a philosopher, with expertise in ethical theory, and an empirical theorist or practitioner, with knowledge of

the on-the-ground realities of cultural appropriation. So, for example, a philosopher and an archaeologist would address the appropriation of archaeological finds. Until this book was produced, artists, literary critics, museum curators, lawyers, advocates of the rights of Indigenous peoples, historians, anthropologists, archaeologists, ethnobotanists, geneticists and others have grappled with the ethical issues that arise from the practice of cultural appropriation. Remarkably, only a few philosophers, who might be expected to have a developed the capacity to deal with normative issues, have addressed questions of cultural appropriation. One goal that the editors set themselves in organizing the research project to which the idea of this book gave rise, was to involve philosophers in the ethical debates that cultural appropriation had generated. At the same time, the editors recognized that, while philosophers may have some expertise in addressing normative and conceptual questions, they tend to be less cognizant of the factual complexities in the various contexts of cultural appropriation. Most philosophers know little about the practice of cultural appropriation, the different forms that it takes, the contexts in which it occurs, or its consequences. While the editors could see that philosophers have a role to play in debates surrounding cultural appropriation, they could also see that untutored philosophers would be unable to contribute little of value to the discussion.

The editors identified nine areas of cultural appropriation most in need of philosophical scrutiny. The appropriation of archaeological finds has already been mentioned. In addition, research groups were assigned to the study of the appropriation of human remains, genetic material, traditional knowledge, artistic content (stories, songs and so forth), tangible works of art (sculptures and paintings, for example), artistic subject matter (this is sometimes called 'voice appropriation') and religious beliefs and practices. The final team was to address the role museums play in cultural appropriation.

Although the topics addressed in this book are quite diverse, the authors worked to find elements that are common to the various sorts of cultural appropriation. The most basic commonality is captured in the *Oxford English Dictionary* definition of 'appropriation' as 9'the making of a thing private property . . . ; taking as one's own or to one's own use.' What is appropriated differs. This volume includes studies of the appropriation of tangible works of art, subject matters, intellectual property (both scientific and artistic), archaeological finds, genetic material, human remains, religious beliefs and a range of other items. In all cases, something is alleged to be taken and some use is made of it. The other basic commonality is

that we are dealing with appropriation from what is asserted as a 'culture'. In all cases, members of one culture are taking something that originates in another cultural context. (Subject matters, the topic of the chapter by Young and Haley, may be an exception to this commonality.)

The decision to describe the appropriation under consideration as *cultural* appropriation is not uncontroversial. The issues addressed in this volume could be framed in a variety of other ways. One could regard appropriation in question as appropriation from a nation. This could be a nation state, such as Mexico, or a sub-state nation such as the Lakota nation. Alternatively, we could be concerned with appropriation from what is often called an ethnic group (such as African-Americans or the Maori) or from clans (for example, aboriginal Australian clans, such as the Ganalbingu). For a variety of reasons, we believe that the focus on *cultural* appropriation is the most fruitful. Even in making this choice we recognize that the concept of 'culture' is hotly contested among both social scientists and philosophers.

One might think that the very concept of a 'culture' is dubious and that, for this reason one ought not to frame the issues as 'cultural appropriation'. One reason to consider the concept dubious is that it cannot be defined in terms of necessary and sufficient conditions. In other words, we cannot be essentialist about cultures. That said, we believe that there are such things as culture. There is such a thing as, for example, Canadian culture, even if one cannot specify precisely which cultural attributes an individual must possess in order to count as belonging to Canadian culture. We suggest that the concept of a culture is, in Wittgenstein's sense of the term, a 'family resemblance' concept. Wittgenstein's famous example of a family resemblance concept is the concept of a game. A variety of characteristics are associated with games: some have two sides, some are played on field, some are played on a game board, some employ a ball, some use dice, most have the object of winning, and so on. No game has all of these characteristics, but something counts as a game which has a sufficient number of them. The concept of a culture is similar. Each culture has a number of associated characteristics. Canadian cultural traits, for example, include passion about hockey (ice hockey, of course), commitment to universal health care, suspicion of US foreign policy, having an opinion on federal-provincial politics, and so. Even if no one has all of these traits, someone who has enough of them participates in Canadian culture.

Although the lines between cultures are not hard and fast, it still makes sense to frame the questions addressed in this book specifically as questions

about *cultural* appropriation. No precision is to be gained by framing questions in terms of ethnicity (this is often the practice when dealing with appropriation from African-Americans). Ethnic groups are just as amorphous as cultural groups. Even the concepts of 'nation' and 'clan' have extremely fuzzy borders—causing untold conflict in human history. Membership in such entities often can be precisely determined only by arbitrary and contested legal mechanisms. Still, talk about cultural appropriation is preferable. There can be questions about appropriation from a culture when there is no exact correspondence with any nation. Appropriation from African-American and from Yiddish culture would be examples. Moreover, nothing is really gained by talking about appropriation from nations or clans since these will normally have a corresponding culture, which can be regarded as the entity from which something is appropriated.

Not all of the teams working on this project felt entirely comfortable characterizing their topic as 'cultural appropriation'. In particular, Pullman and Arbor were reluctant to regard the taking of human genetic material as a sort of cultural appropriation. This was due to the fact that they do not regard genetic material as a form of cultural product. Most other members of the research team disagreed with this position. Cultural property need not be limited to artifacts and intellectual property. It seems fairly uncontroversial to say that crop varietals are a cultural product when they are the product of a particular culture's selective breeding or cultivation. Taking such crop varietals can clearly count as a form of cultural appropriation. Similarly, one can regard human characteristics as a sort of cultural product when they have developed in a particular cultural context. That is, even the human genome is, in part at least, a cultural product. There is no question that many people consider their genome to be an essential aspect of their cultural identity (using DNA tests to corroborate or discount cultural membership claims). The taking of genetic material can, for this reason, count as an instance of cultural appropriation.

Not all appropriation from other cultures is morally questionable. Sometimes items are freely transferred from one culture to another. An American tourist who purchases a sculpture from a properly authorized dealer in Australian aboriginal art has, in a sense, engaged in cultural appropriation, but does nothing objectionable. On the other hand, the seizure of the Benin Bronzes (many still in the British Museum) during the British punitive expedition of 1897 is nearly universally recognized as unethical. We need criteria for distinguishing wrongful from benign

appropriation. We suggest that wrongful appropriation causes unjustifiable harm or is a source of 'profound offense', in the sense identified by the philosopher Joel Feinberg.

Two ways in which cultural appropriation can be harmful are easily identified. The first sort of harm is violation of a property right. That is, a culture could have a property right that is violated by an act of appropriation, an act that amounts to theft. Notice that an act of theft counts as an act of cultural appropriation only if something is appropriated that *belongs* to another culture. An individual from one culture can steal something that belongs to a member of another culture without the act counting as an act of cultural appropriation. Suppose that the editors of this volume were to drive across the American border, break into a Seattle mansion, and then hightail it back to Canada with our booty. We would have committed an ordinary act of theft, but not an act of cultural appropriation, despite the fact that we have stolen from members of another culture.

The second sort of harm is an attack on the viability or identity of cultures or their members. Appropriation that undermines a culture in these ways would certainly cause devastating and clearly wrongful harm to members of the culture. If appropriation threatens a culture with assimilation, the same moral issues are raised. Other acts of appropriation potentially leave members of a culture exposed to discrimination, poverty and lack of opportunity. Again, if acts of cultural appropriation can be shown to be harmful in one of these ways, we have a case for thinking that they are wrong.

Feinberg introduced the concept of profound offence in the context of a theory of jurisprudence, but the concept can be extended to moral reasoning in general. Profound offence is distinct from ordinary offence, such as the offence caused by an unwashed bus passenger, or a couple who conspicuously engages in sexual intimacies in public. Profound offence strikes at a person's core values and sense of self. It is caused, for example, by the desecration of a religious symbol or by the violation of profound cultural norms, such as those associated with respect for the dead. The Chinese, for example, feel profound offence when Japanese deny or minimize the Rape of Nanjing. One could also feel profound offense if one felt that one or one's culture is not being treated with fairness or with respect. It is common for people to frame their objections to cultural appropriation in terms of offence. For example, a report on appropriation from Australian aboriginal cultures says that it can be 'inappropriate, derogatory, culturally offensive or out of context.' (Janke 1998: 19) Similarly, the First

Nation Summit in British Columbia objected to certain paintings on the grounds that they are 'highly offensive, demeaning and degrading to First Nations people.' (Archibald *et al.* 2001: 7) We need to be sensitive to this possibility when assessing the morality of acts of cultural appropriation. At least sometimes, there is a prima facie reason to believe that profoundly offensive acts are morally wrong.

Just now we mentioned the concept of respect. Some members of the research group believe that the concept of respect is a crucial one in assessing acts of cultural appropriation. On their view, an act of appropriation can be wrong precisely because it fails to indicate due respect for a culture, its beliefs, its values or its members. Certainly, considerations of respect are often crucial. Perhaps, however, the concepts of respect and offence are closely related. To be offensive is to show a lack of respect. Conversely, the showing of proper respect for a culture involves, minimally, avoiding actions that are gratuitously profoundly offensive. There is no doubt that members of many cultures have regarded the appropriation of their cultural products as profoundly offensive.

A basic but often unstated assumption underlies this volume. This is the assumption that there are some fundamental moral values that in some sense transcend, or are shared by, most cultures despite diverse practices and conventions. These shared values make meaningful moral discourse possible. This view is not shared (or at least expressed or assumed) by all the authors of the following chapters. Nevertheless, the approach the editors have taken, and which underlies the objectives of this project, is that the first assumption in working across cultural divides should be the assumption of common ground. Before resorting to the next moral recourse—that of finding accommodation between conflicting value frameworks—the potential common ground should be sought after diligently.

Of course, cultures have a variety of views on what is right and wrong, legal and illegal, that are reflected in their diverse cultural conventions. Indeed, these views, and more frequently, these conventions, often conflict. It is this conflict that makes the appeal to culture-transcendent moral principles so essential. Suppose that, in addressing the moral problems that arise from cultural appropriation, we could appeal to moral views of only one culture or another. If so, there would be no prospect of arriving at a fully consensual or principled resolution to questions about cultural appropriation. Debates about moral questions would be replaced by either negotiations toward some compromise resolution or a brute contest of power.

In either case it is ultimately the balance (more likely the imbalance) of power that determines the outcome. The latter approach was that exhibited by the colonialism that has given rise to so many of the worst examples of cultural misappropriation. The former approach (negotiation) is the one typical of democratic, pluralistic legal systems, but it too is always dogged by questions of power and post-colonial inequalities. The outcomes of such procedures are rarely to the advantage of disadvantaged minority cultures—those most often the subjects of cultural appropriation. We believe that the first objective of an 'ethical' analysis of a problem is to look for ground upon which one can find common values. If the search for such values fails, then negotiation and compromise may be the best next option. But it should never be mistaken for the just, the fair, or the ethical solution. Our search in this book is for the ethical solution to the problems posed by cultural appropriation.

Nevertheless, cultural relativism about morality is fashionable in many circles—both social scientific and philosophical. Here we cannot mount a full-blown case against this view. The editors can only signal their view that belief in culture-transcendent moral values exist and our conviction that this view is actually to the advantage of disadvantaged cultures. This is not to deny that the argument for transcendent values has more often than not been the guise in which the powerful impose their own cultural biases (usually to their own benefit) upon the less powerful, as 'what you ought to accept'. It is in full cognizance of this danger of appeals to 'transcendent' values that we talk in terms of the search for *shared* values. The ethical viewpoint is to be in the position to argue that there are cases where acts of cultural appropriation can be shown to be wrong by standards that the appropriators *ought* to accept, regardless of their firepower or negotiating skills. Of course, the flip side of this argument is that there may be cases of alleged misappropriation that those who view themselves as victims may, on second reflection upon their own basic values, wish to reconsider.

As we have acknowledged, our conviction is not even shared by all members of the research group. In particularly, Wylie has expressed skepticism about it. In an essay on ethics and archaeology, she has referred to 'the dream . . . of establishing a bedrock of fundamental [moral] principles'. She then adds that, 'this is the dream that fuels religious and moral absolutism . . . convictions of this kind are the cause of considerable harm.' (Wylie 2003: 12) The editors of this volume, at least, do not share the view that belief in fundamental moral principles necessarily entails dangerous

absolutism, which we take to be a desire to have others comply with moral views. There is every reason to believe that, whatever moral principles are fundamental, they include the widely shared one that enjoins us to be respectful and tolerant when dealing with people with views that differ from our own. Absolutism, in the sense that we are considering, is not a consequence of any particular meta-ethical views. A desire to have others comply with one's moral principles could just as easily be held by a cultural relativist. Absolutism is the product of a fundamentally unethical stance, if not of a psychological attitude or disorder. All of us need to be aware at all times that our moral beliefs may be mistaken and to be prepared to listen to others as potentially right where one is wrong. Notice, however, that this injunction to be open-minded and aware of one's fallibility is stated in the form of a culture-transcendent moral principle. This is further evidence that we need not fear a meta-ethics committed to culture-transcendent or shared moral principles.

This said, no one can claim to know with certainty all of the shared fundamental moral principles. Even if we knew these principles, we would still need to know how to apply them within widely disparate cultural contexts. If anything is to be learned from this volume it is that the ethical problems to which cultural appropriative gives rise are complex and difficult. Even if one is committed to the idea of culture-transcendent or shared moral principles, one can accept as valuable the suggestion (made by Nicholas and Wylie in their chapter) that archaeologists adopt dialogic methods of negotiation in addressing cultural appropriation. The adoption of similar methods of negotiation between cultures can be recommended in other contexts as well. But to reiterate our previous point: negotiation that is in the service of *ethics* should be a conversation that looks for agreement, not bargaining that looks for acceptable compromise. We think this is likely what Nicolas and Wylie mean. We also think this is the way to understand the concept of the search for 'ethical space' put forward in the chapters by Henderson and by Bannister, Solomon and Brunk.

Certainly, even if culture-transcendent or shared moral principles exist, we must be sensitive to the particularities of cultures. Each culture has its own beliefs and practices that carry with them sensitivities and opportunities for harm and offence. A simple example will illustrate this point. Each year the Zuni culture of the American southwest commissions the sculpting of two War God figurines (*Ahayu:da*) which are thought to guide the people. At the end of the year, the figurines are left in the wild to decay. The Zuni believe that they must be allowed to return to the earth. Anthro-

pologists and collectors appropriated many of these figurines, perhaps thinking that they had been abandoned. In fact, the *Ahayu:da* had not been abandoned and in this case appropriation was theft. Only people who were ignorant of Zuni beliefs could think otherwise. Knowledge of a culture's beliefs and practices will be similarly crucial when assessing other acts of cultural appropriation. This was one of the reasons why the editors, in their initial conception of the project that gave rise to this book, believed that ethical reasoning needs be informed by specialists in various disciplines that deal with cultural appropriation first hand. It was also a reason we tried to have members of Indigenous cultures involved in the project.

Another excellent example of the need to take into account cultural specificity is provided by the Maori concept of *taonga*, or living treasure. Maui Solomon introduced this concept into the discussions of the research group at our second meeting. What may seem a mere artifact to members of a Western culture may be infused with moral significance, even person-hood, from the perspective of Maori culture. Lack of sensitivity to this fact may give rise to unanticipated harm or profound offense.

Moral questions are not the only normative issues raised by cultural appropriation. Aesthetic issues can also arise and these are touched upon in at least four of the essays in this volume. There is the possibility that the cultural appropriation of artistic content (songs, stories, motifs, styles and so forth) could lead to aesthetic failure. This aesthetic failure could, in turn, lead to moral problems. The appropriation of a style could, for example, lead to a distorted picture of the culture in which the style originates. This could, in turn, lead to harm to the culture or its members. The style could be mistaken, by both members of the culture and outsiders, as an authentic expression of the culture. If this happened, the authentic expression of the culture could become tainted with inauthentic elements. (Other sorts of appropriation, including appropriation of religious belief, give rise to similar concerns about undermining cultures.) Alternatively, the unsuc-cessful appropriation of a style (or another cultural product) could lead non-members of the culture to form a low opinion of the culture. This could, in turn, give rise to harm to members of the culture. When assessing acts of cultural appropriation, one must be sensitive to the possibility of harm that originates in this manner.

We do not suggest that any of the chapters in this book represent the final word on any form of cultural appropriation. We believe, however, that each of the chapters, particularly in conjunction with the others in the volume, makes an important contribution to the understanding of ethical

issues that will become only more pressing as time goes by. At very least, this volume has brought to bear on cultural appropriation more of the resources of normative theory than have previously been deployed. We hope that others will follow in our footsteps and combine normative theory and a sound understanding of the facts of cultural appropriation.

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