



## Chapter 1

# What Is Cultural Appropriation?

### Art, Culture, and Appropriation

Artists from many cultures are constantly engaging in cultural appropriation. Picasso famously appropriated motifs which originated in the work of African carvers. Painters who are members of mainstream Australian culture have employed styles developed by the aboriginal cultures of Australasia. The jazz and blues styles developed in the context of African-American culture have been appropriated by non-members of the culture from Bix Beiderbecke to Eric Clapton. Paul Simon has incorporated into his music elements of music from South Africa's townships. The American composer Steve Reich has studied with a master drummer from Ghana and the rhythms of Ewe culture have influenced his compositions. The poet Robert Bringhurst has retold stories produced by members of North American First Nations. Goethe's *West-Eastern Divan* (1814–19) borrows motifs from Hafiz, a Persian poet of the fourteenth century. Novelists such as Tony Hillerman and W. P. Kinsella have made the native cultures of North America the subject matter of many of their books. A host of filmmakers has done the same in movies. These include animated movies from Disney's *Peter Pan* (1953) to DreamWorks' *Road to El Dorado* (2000). Artists are not the only people to engage in cultural appropriation. Entire artworks have been transferred from one culture to another in variety of ways. Most famously, Lord Elgin transported the friezes from the Parthenon to Britain. Carvings produced in the context of various indigenous cultures have found their way into the hands of museums and private collectors around the world.

Each of these sorts of cultural appropriation has sparked controversy and debate. This essay is an investigation of the ethical and aesthetic





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issues that arise when appropriation occurs in the context of the arts. Both aesthetic and ethical arguments have been advanced against the practice of cultural appropriation of art. One can argue that artworks that are the product of cultural appropriation are bound to be aesthetic failures. Alternatively one can argue that acts of cultural appropriation are immoral. Aesthetic and moral objections could be combined. The aesthetic failure of certain artworks may cause them to be wrongly harmful to members of a culture. (The work may, for example, misrepresent the originating culture in a harmful way.) Some of these objections are, as we shall see, undoubtedly telling in particular cases. Many acts of cultural appropriation are, however, morally unobjectionable and some of them result in artworks of great aesthetic value.

A vast literature on cultural appropriation already exists. This essay is distinctive in that it is a philosophical inquiry into the moral and aesthetic issues raised by reflection on cultural appropriation. The debate about cultural appropriation has been conducted almost entirely by lawyers,<sup>1</sup> anthropologists,<sup>2</sup> museum curators,<sup>3</sup> archaeologists,<sup>4</sup> and artists.<sup>5</sup> Only a few philosophers have contributed to the debate. Philosophers have been remiss in not participating more fully in this debate. The many difficult and pressing aesthetic and moral issues raised by cultural appropriation cannot be resolved without the contributions of philosophers. They have the requisite knowledge of normative (moral and aesthetic) questions.

Before any progress can be made in addressing the ethical and aesthetic issues raised by the appropriation of artistic products, we need to have a better understanding of the concept of cultural appropriation. The first point to make is that this book is concerned with the cultural appropriation of art. Artworks are only one of a wide range of items that could be subject to cultural appropriation. Human remains, archaeological finds, anthropological data, scientific knowledge, genetic material, land, religious beliefs, and a range of other items have all been subject to cultural appropriation. To the extent that I can, I will discuss the appropriation of art independently of the appropriation of these other sorts

<sup>1</sup> Two law reviews have devoted entire issues to the appropriation of cultural property: *Arizona State Law Journal*, vol. 24 (1992), and *University of British Columbia Law Review*, special issue (1995).

<sup>2</sup> For a bibliography that indicates the size of the anthropological literature on cultural appropriation, see Brown (2003).

<sup>3</sup> See the essays in Pearce (1994).

<sup>4</sup> See Scarre and Scarre (2006), Lynott and Wylie (2000), and Barkan and Bush (2002).

<sup>5</sup> For example, Todd (1990), Keeshig-Tobias (1997), and Bringhurst, (1999).





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of things. Of course, one cannot adequately discuss the appropriation of art completely independently of the appropriation of other things. Sometimes appropriated artworks are also archaeological finds. Sometimes the appropriation of art has a religious dimension. This is so when appropriated items have ritual or spiritual significance in their original cultural context. Perhaps most importantly, some appropriation of art has to be understood against the background of the appropriation of land. The appropriation of land from indigenous peoples has resulted in their oppression. Appropriation will tend to be morally suspect when it occurs in the context of unequal power caused by the appropriation of land. Still, the appropriation of art can be singled out for special attention. By focusing on the cultural appropriation of artworks, I can avoid certain difficult questions that arise primarily in the context of other sorts of appropriation.

I have said that I will focus on the appropriation of art but I have said nothing about what counts as art. Questions about the definition of art are notoriously difficult. Giving an account of what sorts of items count as artworks is further complicated if not every culture has the same conception of art. It is even more complicated if some cultures do not employ the concept of art at all. Anthropologists tell us that every known culture has a conception of objects appreciated for their aesthetic properties,<sup>6</sup> but there is debate about whether the concept of art is universal.<sup>7</sup> Fortunately I do not have to provide a definition of art in this context or to determine whether it is universal. I only need to say a little more about what sort of items I have in mind when I am discussing the cultural appropriation of art. When speaking of art, I have in mind the modern Western conception of art. Central to this conception of art is the idea that members of a class of artifacts, namely artworks, are valuable as objects with aesthetic properties. (I will acknowledge in the next chapter that the aesthetic properties of an artwork may depend on its context and, in particular, its cultural context.) I am concerned with the appropriation of items regarded as artworks and artistic elements (in a sense to be defined in the next paragraph) in the modern West. The culture from which something is appropriated may or may not regard the item as an artwork or an artistic element. I have already acknowledged that the assessment of an act of cultural appropriation needs to take into account how something is regarded in its original cultural

<sup>6</sup> For a famous statement of this view, see Boas (1955), p. 9.

<sup>7</sup> For an exploration of this question, see Davies (2000) and Dutton (2000).





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context. Here I am simply trying to delimit the class of objects whose appropriation is under consideration.

In discussing the appropriation of art, I will focus on two sorts of activities. The first is appropriation of artistic content by individuals, namely artists, who regard themselves as engaged in the production of works (or performances) valuable as objects of aesthetic experience. Artistic content can include complete works (as when a musician performs a composition from another culture) or artistic elements. By *artistic elements* I mean styles, plots, musical themes, motifs, subject matters, genres, and similar items. They are not themselves works of art. Instead they may be described as the building blocks of works of art. The second sort of activity concerns individuals who appropriate items which they regard as artworks, that is objects valuable as aesthetic objects. This is the appropriation of tangible works of art by individuals (such as Lord Elgin) and many museums. Perhaps the subject of this essay is best described as the cultural appropriation of artworks and artistic content by artists and other members of the artworld, for aesthetic ends. Artists and collectors may be appropriating something that is not regarded as art in its home culture. Again, in assessing appropriation by artists and others, particularly in giving an ethical assessment, one must bear in mind that artists may be appropriating something that has more than aesthetic value in its home culture.

Having said a few words about what is being appropriated, I need to devote some attention to the concept of appropriation itself. The *Oxford English Dictionary* defines ‘appropriation’ as “The making of a thing private property . . . ; taking as one’s own or to one’s own use.” This entry precisely captures the sense of appropriation which is at stake in this essay. Some performing artists appropriate songs from other cultures. Some artists take as their subject matter other cultures. Artists take as their own to use styles, motifs, stories, and other artistic elements. Collectors and museums take as their private property entire works of art. These are all instances of appropriation.

Not all appropriation by artists is cultural appropriation. Almost all artists engage in some sort of appropriation in that they borrow ideas, motifs, plots, technical devices, and so forth from other artists. In the contemporary artworld, appropriation is often quite self-conscious as artists borrow, in a manner often described as ‘postmodern’, images from other artists. I have in mind the sort of borrowings in which artists such as Jeff Koons and Sherri Levine engage. Artists who engage in postmodern appropriation are not, or not necessarily, engaged in





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cultural appropriation. (I will, however, return to a consideration of postmodern appropriation in the hope that it will shed some light on cultural appropriation.) In this essay I am concerned only with cultural appropriation, that is, appropriation that occurs across the boundaries of cultures. Members of one culture (I will call them *outsiders*) take for their own, or for their own use, items produced by a member or members of another culture (call them *insiders*). When Robert Bringhurst retells the stories of the great Haida poets, he is taking them as his own to (re)use. Since he is not a Haida, he is engaged in cultural appropriation. Eric Clapton takes the blues as something for his use. Clapton's culture is not that in which the blues originated, so his appropriation is cultural appropriation. Lord Elgin clearly regarded the Parthenon Marbles as something he could take for his own. (Initially, Elgin regarded them as his private property. Only later were the sculptures transferred to the British Museum.) Not a Greek, Elgin's transfer of the Marbles to Britain was an act of cultural appropriation. (As we will see, the representation of other cultures is often regarded as a form of cultural appropriation. I will address this point in the next section.)

As the concept of cultural appropriation is used in this essay, it does not necessarily carry with it any moral baggage. Someone might prefer to use the concept of cultural appropriation to designate an objectionable class of transactions. Such people would distinguish cultural appropriation from cultural exchange or cultural borrowing, which could be unobjectionable. I will apply the concept of cultural appropriation to any use of something developed in one cultural context by someone who belongs to another culture. I will then try to distinguish between objectionable and unobjectionable cultural appropriation.

## Types of Cultural Appropriation

From what I have already said, it will be apparent that the sorts of activities classified as acts of cultural appropriation are quite diverse. Another dimension of this complexity remains to be revealed. All acts of appropriation involve taking, but the sorts of things that can be taken, even if we limit ourselves to the arts, are quite diverse. By my reckoning, at least five quite different sorts of activities have been classified as acts of cultural appropriation.

Tangible works of art will be the first sort of item with which we will be concerned. I will refer to the appropriation of such items as *object*





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*appropriation*. Object appropriation occurs when the possession of a tangible work of art (such as a sculpture or a painting) is transferred from members of one culture to members of another culture. The removal of the friezes from the Parthenon by Lord Elgin is often regarded as a paradigm case of object appropriation. The transfer of a Native North American totem pole to a European museum would also be a case of such appropriation. (The transfer of a Xenaaksiala pole from Vancouver Island to the Stockholm Museum of Ethnology will be discussed in Chapter 3.) Not all instances of object appropriation are so dramatic. If I were to travel to New Guinea and purchase a piece of locally produced tourist art, I would have engaged in object appropriation.

The second sort of item that could be appropriated is intangible. This could be a musical composition, a story, or a poem. *Content appropriation* will be my label for this sort of appropriation. When this sort of appropriation occurs, an artist has made significant reuse of an idea first expressed in the work of an artist from another culture. A musician who sings the songs of another culture has engaged in content appropriation, as has the writer who retells stories produced by a culture other than his own. Robert Bringhurst's versions of Haida myths are examples of content appropriation. Akira Kurosawa is engaged in content appropriation when he borrows plots from Shakespeare's plays and reuses them in his films. (Kurosawa will be discussed in a little more detail later in this chapter.)

Something less than an entire expression of an artistic idea can be appropriated. Sometimes artists do not reproduce works produced by another culture, but still take something from that culture. In such cases, artists produce works with stylistic elements in common with the works of another culture. Musicians who are not a part of African-American culture but who compose original jazz or blues works can be said to have engaged in appropriation in this sense. Similarly, culturally mainstream Australians who paint in the style of the aboriginal peoples would be engaged in this sort of appropriation. This sort of activity is a subcategory of content appropriation that may be called *style appropriation*.

Another sort of content appropriation can be identified. This form of appropriation is related to style appropriation but only basic motifs are appropriated. This sort of appropriation may be called *motif appropriation*. It occurs when artists are influenced by the art of a culture other than their own without creating works in the same style. Picasso, for example, appropriated ideas from African carving in *Les Femmes d'Alger (O. J. R.)* (1907), but his painting is not in an African style. Similarly, *The*





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*Green Stripe* (1905), by Henri Matisse, is a fauvist painting, but it self-consciously incorporates certain motifs from African art. In music we can give the examples of Igor Stravinsky (for example, *Piano Rag-Music*, 1919) and Darius Milhaud (the jazz fugue in the second section of *La Création du Monde*, 1923). They were influenced by the jazz of African-American culture, but the compositions I have mentioned are not works in a jazz style.

A final sort of appropriation can be identified that differs from the other sorts. In many discussions of cultural appropriation, concerns have been raised about outsiders who represent in their artworks individuals or institutions from another culture. The Canada Council, the Canadian federal government's agency for the funding of the arts, recognizes as a form of appropriation "the depiction of . . . cultures other than one's own, either in fiction or non-fiction."<sup>8</sup> When this sort of appropriation occurs no artistic product of a culture is appropriated. Instead artists appropriate a subject matter, namely another culture or some of its members. I will call this *subject appropriation* since a subject matter is being appropriated. Subject appropriation has sometimes been called 'voice appropriation', particularly when outsiders represent the lives of insiders in the first person.

Examples of subject appropriation are easy to provide. Many of Joseph Conrad's novels involve subject appropriation, since Conrad frequently wrote about cultures other than his own. Kipling's *Kim* (1901) is a classic example of subject appropriation. Although he was born in India, none of the Indian cultures Kipling represented was his own. Puccini's *Madame Butterfly* (1904) is another example of subject appropriation from roughly Kipling's era. Alexander McCall Smith is a more recent example of an artist who has engaged in subject appropriation. Smith, a Scottish lawyer, has written a series of best-selling novels featuring Precious Ramotswe, a Botswanan private detective. A particularly interesting case of subject appropriation is found in Stephen Gray's novel, *The Artist is a Thief* (2000). This novel, by a non-aboriginal Australian lawyer, is largely set among indigenous Australians and has as its subject matter the appropriation of aboriginal art. The representation of aspects of indigenous North American cultures by members of majority cultures has been particularly controversial. Hillerman is an example of someone who has written about American Indians. He sets many of his novels among the Navajo people of the American south west, but is not himself Navajo.

<sup>8</sup> Quoted in Coombe (1998), p. 209.





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Subject appropriation is in an important respect different from the other sorts of appropriation considered in this essay. Indeed, the term 'subject appropriation' may be a misnomer. Appropriation involves taking but artists who engage in subject appropriation do not, in any obvious sense, take anything from insiders. A subject matter is not something a culture has produced in the same way that its members have created stories, sculptures, or songs that an outsider might appropriate. Moreover, when outsiders have represented some culture in their work, insiders still have the opportunity to represent it. That is, outsiders have not appropriated exclusive use. Still, some writers have strongly objected to what I am calling subject appropriation on the grounds that it takes something from insiders. Let me say a few words about why they are wrong.

One way to deny that subject appropriation is a form of taking would involve denying that artists actually represent other cultures. That is, one could try to argue that subject appropriation takes nothing from insiders by maintaining that works of fiction do not represent real things. On this view, artists merely create fictional objects and only they are represented in works of fiction. Such a claim would be disingenuous. In works of fiction, including novels and films, artists can represent real things, including insiders and their cultures. Something is represented in a work of art when audience members can identify the objects in the world that correspond to the objects described in the work. For example, the Navajo are certainly represented in Hillerman's novels, even if Joe Chee is a fictional character, since readers of the novels have no difficulty identifying the Navajo as the people represented. When I say that subject appropriation is not a form of taking, I am not denying that works of fiction can represent real cultures. Rather, I am saying that an act of representing a culture is not an act of appropriating from it.

Artists represent their own experience in their works. In representing their experience, artists represent what is already theirs. They do not represent the experience of anyone else. When artists represent their experience of other cultures, the insiders are left with their experiences. They are not appropriated. Other cultures fall within the experience of artists so, in representing other cultures, artists do not have to appropriate anyone's experience, even if that were possible.

Although nothing is taken by subject appropriation, and the term is misleading, the representation of other cultures is often discussed in the context in which cultural appropriation is addressed. This is understandable, given that subject appropriation gives rise to questions that are







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parallel in certain ways to those that arise from other forms of appropriation. Even if nothing is taken by subject appropriation, acts of representing cultures other than one's own can still be suspect from an aesthetic or moral perspective. Indeed, subject appropriation is controversial precisely because outsiders draw upon their own experiences of other cultures. Since outsiders do not have access to the experience of insiders, one might argue, outsiders are bound to misrepresent the culture of insiders. Since the works of outsiders distort the insiders' culture, they may be thought to have aesthetic flaws. Since artists could misrepresent the culture of others in a harmful or offensive manner, subject appropriation could also be morally objectionable.

There is one sort of context in which subject appropriation seems to be a form of taking. This is the sort of context in which outsiders represent a subject matter that is intended by insiders to be secret. Imagine, for example, that outsiders represent a religious ceremony which insiders wish to remain unknown to anyone but insiders. An outsider, in creating and making public such a representation, may have acquired knowledge of the ceremony deceptively or have violated an obligation of confidence. This might seem to be a case in which outsiders have wrongfully appropriated, or stolen, a subject matter that belongs to insiders. I agree that the representation of secret matters is an objectionable form of harm, but I prefer to analyze such cases as violations of a right to privacy, not as a kind of theft. These cases will be examined in Chapter 4.

## What is a Culture?

Having said something about the appropriation and the sorts of things that are being appropriated, it remains to say something about the concept of culture. The complexity of cultures is the source of some of the difficulties to be addressed in this essay, but the concept of culture in general is easy enough to define. Again we may appeal to the *Oxford English Dictionary*. The relevant entry on the noun 'culture' reads, "A particular form or type of intellectual development. Also, the civilization, customs, artistic achievements, etc., of a people, esp. at a certain stage of its development or history." (Note that artistic achievements are singled out as one of the crucial features of culture.) In this context it is also worth recalling Sir Edward Burnett Tylor, the pioneering anthropologist. He gave another influential and useful definition of culture. He





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described a culture as “that complex whole which includes knowledge, belief, arts, morals, law, custom, and any other capabilities and habits acquired by man as a member of society.”<sup>9</sup> (Again, note the reference to arts.)

For present purposes, we do not need to be too precise about which characteristics are part of a culture and which are not. In fact, precision here is not only unnecessary. It is also unwanted. Sometimes certain sorts of features are crucial to a culture. In other cases, these sorts of features are inessential and other sorts of features are important. In order for the concept of culture to have an application it is sufficient that identifiable groups of people have certain traits (beliefs, customs, achievements, and so on) which distinguish them from other groups. Although (as we shall see in a moment) the concept of culture has come under attack in recent years, it seems incontrovertible that groups of people share beliefs, customs, knowledge (including knowledge about the arts), artistic practices, and so on, which other groups of people do not possess.

On both of the definitions of ‘culture’ given above, the term refers to an abstract object. This is a set of beliefs, achievements, customs, and so on that is characteristic of a group of people. I do not object to the word being used in this way, but I will use it in an extended sense as well. As I will use the word, a group of people who share a set of traits not only share a culture. They also are a culture. That is, ‘culture’ refers both to certain traits of a group of people and to the people who share these traits. I will say that individuals who share some culture participate in that culture.

The concept of culture has come under attack in recent years from a number of quarters. One sort of question is concerned about what sorts of characteristics contribute to a group’s culture. Some have seen the concept of culture as elitist and imperialist. That is, some writers have held that achievements are only regarded as cultural when they resemble the high art achievements of Western societies. Feminists have complained that the achievements of women are frequently excluded from the list of characteristics that compose a group’s culture. Rest assured that, as the concept of culture is employed in this essay, it is not being used to promote any objectionable ideological program. Indeed, as will shortly emerge, I have a very broad conception of what counts as a culture and I am liberal about what traits can help define a culture.

<sup>9</sup> Tylor (1871), vol. 1, p. 1.





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Kwame Anthony Appiah has recently raised another sort of question about culture. He has wondered about the usefulness of the concept in a world where cultures increasingly overlap. He notes that contemporary concern about cultures and their preservation has led to some peculiar outcomes.<sup>10</sup> Certain groups in the United States (Appiah mentions middle-class African-Americans, and some immigrant groups) have become increasingly concerned about the recognition of their cultural distinctiveness at the very time that they are more and more fully integrated into a homogenous society. Appiah also notes the futility of trying to preserve traditional cultures in the modern world. The attempt to do so is sometimes bitterly ironical. Franchised casinos, for example, are used to fund the ‘preservation’ of traditional Native American cultures. Denis Dutton has discussed similar oddities that arise from attempts to preserve indigenous cultures. The Huichol culture of northwest Mexico once produced artifacts for use in their traditional rituals. Similar artifacts are now made, albeit with chemical dyes and other modern materials, for sale to tourists.<sup>11</sup> Dutton mentions the Huichol, but a similar point could be made about almost any colonized indigenous culture.

Appiah notes that the West has exported the concept of culture to the rest of the world. “All over the world . . .,” he writes, “some variant of the Western term has been appropriated by other peoples: this Amazonian and that Solomon Islander find that they have a ‘culture.’” The world ‘culture’ has been appropriated by Appiah’s native language (Asante-Twi) as the noun ‘kōkya’, (pronounced ‘ko-cha’).<sup>12</sup> Sometimes the West has done more than export the concept of culture. Sometimes it has created certain groups as a way of advancing colonial policy. This has occurred, sometimes with tragic results, in central Africa. Other groupings rise out of political struggles in post-colonial societies. According to Appiah, in Ghana, Akan identity has arisen as a reaction to other people beginning to conceive of themselves as Ewe.

These points cannot be disregarded. Still, the observations of the previous paragraphs do not show that the concept of culture has no application. Let me first address the suggestion that cultures are theoretical or political creations. Western anthropologists such as Tylor may have developed the concept of culture. It does not follow from this premise that the concept of culture is somehow problematic. Members

<sup>10</sup> Appiah (2005), ch. 4.

<sup>11</sup> Dutton (1993), pp. 13–21.

<sup>12</sup> Appiah (2005), p. 119.





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of certain groups of people are more likely to have certain beliefs, attitudes, and customs than are members of other groups. Long before any anthropologist started to think about the distinction, there was a difference between the customs, beliefs, and arts characteristic of Scottish Highlanders and those of the Highlanders of New Guinea. Colonial administrators certainly have taken advantage of differences between subject peoples. More recently, unscrupulous politicians in newly independent nations have sought to exacerbate differences for political gain. But, once again, it does not follow from any of this that real cultural differences do not exist between various groups. In any case, colonial administrators and politicians seem more likely to identify ethnic differences than to distinguish cultures. (Even Appiah speaks of the creation of “ethnicities” and “political identity” rather than the creations of cultures.)

Turn now to a consideration of the second sort of issue raised by Appiah and others. They certainly show that cultures are mutable and that they blend together or interpenetrate. Their edges are blurry. This leads to certain difficulties. Although the general concept of culture is clear and unobjectionable enough, we will face difficulties when we try to define a particular culture. We can know what a culture in general is but still have difficulties defining, say, Greek culture or Huichol culture. This was already implied by the *Oxford English Dictionary* definition of culture. We have to take to heart the phrase, “at a certain stage of . . . development or history.” We speak of Greek culture, for example, but clearly the culture of the ancient Greeks differed dramatically from that of modern Greeks. Ancient and modern Greeks do not share a religion, economic activities, form of government, mutually intelligible language, or customs. They do not even share all of the same artistic achievements since, even if modern Greeks may be said to share the artistic achievements of the ancients, the ancient Greeks plainly do not share in the artistic achievements of modern Greeks. Even though cultures are constantly evolving, it seems clear that a culture can remain identical through time. Cultures are seldom, if ever, static and unchanging, and yet it makes perfect sense to talk of two people at different times sharing the same culture.

The cultures in the modern world most concerned about appropriation (indigenous and minority cultures) are no more immune from change than any others. Indigenous cultures have changed dramatically as they have been increasingly integrated into a global economy. Sometimes these cultures have become involved in activities completely foreign to the traditional activities of the culture. Golf courses, casinos, and estate





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wineries have little to do with the traditional cultures of individuals and groups that now own and operate them. It does not follow from this that some indigenous culture is not distinct from a majority culture. A culture can change and yet remain distinct from other cultures. It does not even follow from the fact that a culture has become more similar to other cultures that it is not still distinct.

Mutability is one feature of cultures that makes them difficult to individuate, but it is not the only source of difficulties. Cultures overlap and intersect in various complex ways. A single person may belong to a variety of cultures simultaneously. For example, a person may be said to share in European culture, British culture, Scottish culture, Highland culture, Christian culture, and so on. Immigrants and colonized peoples may find themselves sharing in two or more cultures, some adopted, some, perhaps, imposed. Children may have parents from distinct cultural groups and find themselves with a foot in both. This is as true of artists as it is of anyone else. Let us not forget that Joseph Conrad, although among the greatest of English novelists, was born Józef Teodor Konrad Korzeniowski. Often described as Polish, he was actually born in a part of the Ukraine that had once been part of Poland but was then under the rule of Russia. Michael Ondaatje is an icon of Canadian culture, but he was born and raised in Sri Lanka. Bill Reid, the most celebrated Haida artist of the last century, was the son of a Haida woman and an American man of mixed Scottish and German ancestry. His assimilated mother hid his Haida heritage from him and he was unaware of it until he was into his teens. It will not be easy to identify with certainty the cultural groups to which these individuals belong and do not belong.

The boundaries between cultures have never been hard and fast. There is an analogy between cultures and languages. Languages shade off into each other. One could once travel from the Netherlands to Castile without finding adjacent villages that could not understand each other's language. To a certain extent, this is still true. The Dutch spoken in border regions of the Netherlands can be a lot more like German than is the Dutch used on BBC broadcasts. Languages in other parts of Europe similarly still shade off into each other. Cultures are certainly very much the same and shade off into one another.

This overlapping of cultures can lead to difficulties in assessing acts of appropriation. In defining a culture we are also identifying the individuals who belong to the culture. A definition of a culture identifies a group of insiders and distinguishes them from outsiders. If we cannot





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identify someone definitively as an insider or an outsider with respect to a given culture, we may not be able to determine whether a specific action is an act of cultural appropriation. If so, even if we had reason to believe that certain types of cultural appropriation are wrong, we could be unable to determine of a particular action whether it was wrong. These points must be taken seriously and the mutability and intersection of cultures will have an impact on the deliberations in this essay. In particular, it may be difficult to determine whether an act of cultural appropriation has occurred. Consider, for example, the appropriation of an Italian musical style by Handel or Mozart. From one perspective this counts as cultural appropriation while from another it does not. One could hold that when Mozart borrowed a style from Martini this is a case of a cultural German appropriating from Italian culture. Alternatively, one could maintain that certain musical idioms that originated in Italy became characteristic of a larger European culture and that, in helping themselves to these musical ideas, Germans were not engaged in cultural appropriation. Stephen Davies discusses a similar example from the south Pacific. Musicians from American Samoa have appropriated Tongan *lakalaka* without thinking of doing so as cultural appropriation. These musicians see Samoans and Tongans as sharing Polynesian culture.<sup>13</sup> All of this said, I do not believe that the mutability and overlapping of cultures undermine talk of cultures and cultural appropriation. Very often, talk of this or that culture is completely cogent and unobjectionable. Sometimes it will be clear that an act of cultural appropriation has occurred.

My approach to understanding the concept of a given culture may be characterized as Wittgensteinian. Cultures change and their edges are not hard and fast. Nevertheless, talk of a specific culture, such as American culture or Navajo culture, is perfectly comprehensible and unproblematic. Ordinary language, Wittgenstein assured us, is in order as it is. In ordinary language we speak of Greek culture, Navajo culture, Chinese culture, and a host of other cultures. If ordinary language is in order, we are making sense when we speak in this manner. It can make perfect sense to say that two people belong to different cultures and that a person has engaged in cultural appropriation by taking something produced in the context of another culture.

That said, we need a Wittgensteinian way of understanding how speaking of cultures makes sense. Given the mutability and interpenetration of cultures, we cannot give necessary and sufficient conditions for

<sup>13</sup> Davies (2001), p. 265.





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membership in, say, Haida culture. That is, no characteristics can be identified that individuals must have before we can say that they are culturally Haida. Neither is any characteristic enough to ensure that someone belongs to the culture. Another way to put this point is to say that cultures do not have an essence. That is, there is no essential characteristic possessed by everyone who is properly categorized as participating in Haida culture. If cultures cannot be defined in terms of essences, we need another way of conceptualizing them.

Here Wittgenstein's notion of a family resemblance concept comes to our aid. Wittgenstein thought that no property is shared by, for example, all games. Games have a variety of properties. Some are played on a board, some have two teams, some have winners and losers, some require the use of a ball, and some are played in a field. No game, however, has all of these characteristics. There is no property that an activity must possess in order to count as a game. Neither is there any property which, if possessed by an activity, is sufficient to make it a game. Nevertheless, we can conceive of games. We do so because we can grasp that something is a game when it possesses enough of some range of properties, none of them either necessary or sufficient for gamehood. No game possesses all the properties associated with games. Something is a game if it possesses a sufficient number of a certain range of properties.

The concept of a culture is a family resemblance concept. A culture is simply a collection of people who share a certain range of cultural traits. Perhaps no member of the culture has all of the traits associated with the culture. Consider, for example, Canadian culture. It is to be defined in terms of a set of cultural traits, including but not limited to being passionate about ice hockey, being suspicious of American foreign policy, valuing universal health care, having an opinion about the future of the CBC (Canadian Broadcasting Corporation), knowing (some of) the words to *Oh, Canada*, being committed to parliamentary democracy, caring about a new book by Margaret Atwood, and so on. There is such a thing as Canadian culture, even if no individual possesses all of the cultural characteristics just listed. Anyone who possesses enough of these characteristics counts as participating in Canadian culture. Such an individual is an insider relative to Canadian culture and an outsider relative to others.

I am not in the least fussy about how people divide up cultures. I am quite happy to allow that any group of people, each of whom has a significant subset of some set of cultural traits (including language, knowledge of artistic genres, religion, customs, and so on), counts as a culture. Most people will belong to several cultures at a time. Some of the cultures





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with which we will be concerned have a geographical base. Navajo culture would be an example. Some cultures will lack such a base. African-American culture is an example of such a culture. I am quite happy to countenance talk of gay culture or deaf culture. The culture of gay men can be defined in terms of a range of practices, customs, and beliefs, many of which are possessed by each homosexual man. These traits include an unusually extensive knowledge of Judy Garland movies, owning an uncommonly natty wardrobe, being able to tell whether something is chartreuse, owning some spandex, and so forth. As is the case with national cultures, no member of gay culture (to be fair, I have identified traits of a certain gay subculture) has all of these traits but any given individual will have some of them.

Someone could still object that there will be hard cases where it is difficult to say whether or not someone is an insider or an outsider relative to a given culture. This is certainly true. Nevertheless, even if sometimes it is difficult to determine whether someone is an insider or an outsider, on other occasions it is perfectly clear who is who. When Paul Simon gets off an airplane in South Africa, and proceeds to appropriate the music of the townships, he is clearly an outsider. Or imagine an Anglo-Australian painter, born and raised in the suburbs of Melbourne and trained at the Victorian College of the Arts. If this person starts painting in the style of the Ganalbingu people, we can be quite sure that he is an outsider for the purposes of determining whether cultural appropriation has occurred. In writing *The No. 1 Ladies Detective Agency* (1999) and its sequels, Alexander McCall Smith is clearly writing about a culture other than his own (even though he lived in Botswana for a time). The claim that he is engaged in subject appropriation is uncontroversial.

In denying that cultures can be defined in terms of necessary and sufficient conditions I am treading on some sensitive territory. One can argue that at least one necessary condition must be satisfied before someone counts as sharing in certain cultures. One could hold that certain cultures are tied to certain ethnic groups. One might hold, for example, that a person cannot be a member of African-American culture without having an African genetic heritage. The argument would begin with the premise that only individuals who have had certain experiences can belong to the culture. The next premise would state that these experiences are only available to people with a certain ethnic background. Certainly this premise is plausible in certain cases. One can argue that only people with a certain complexion can have had the experience of persistent, lifelong discrimination in America. The relationship between culture







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and ethnicity is one to which we will have to return in the context of a later discussion of cultural appropriation.

In general, however, linking culture and ethnicity is dubious. Certainly many cultures have nothing to do with ethnicity. A variety of people of diverse ethnic backgrounds may yet share in the same culture. Someone can fully participate in English culture and yet be an ethnic Greek, Jew, or Pakistani. Jerome Iginla (son of a Nigerian and captain of the Calgary Flames hockey team), Michaëlle Jean (once a refugee from Haiti and currently governor general of Canada), Michael Ondaatje (the Sri Lanka-born novelist) participate in Canadian culture despite their diverse ethnic backgrounds. People with the same ethnic background can be culturally diverse. For example, two Americans of African descent can have the same ethnic background but have different cultures. One might live in New Orleans' Ninth Ward, listen to rap music and play basketball. The other might be a Boston lawyer who attends early music concerts and Bruins home games. On many ways of individuating cultures, these two individuals will turn out to belong to different cultural groups. Moreover, an ethnic group is just as fluid and rough-edged as is any culture. Reference to ethnicity will not introduce any precision into talk about cultures.

As is apparent by now, I have chosen to frame the debate about appropriation in terms of appropriation from a culture. Sometimes, however, a culture may be more or less coextensive with another sort of entity. This might be a nation (say, Iceland or the Navajo nation) or a clan (say an Australian aboriginal clan such as the Wamba Wamba or Ganalbingu). Talking of appropriation from nations or clans has certain advantages over talking of cultural appropriation. It may be possible to specify (by reference to citizenship records or clan membership lists) precisely who does or does not belong to a group. There may then be no controversy about who is affected by an act of cultural appropriation.

I prefer to conceive of the issue under consideration as appropriation from a culture. Talk of cultural appropriation captures more accurately what is at issue than does talk of appropriation from a nation, a clan, or anything else. This is the case for two reasons. For a start, many nations are multicultural. An act of appropriation can happen within the boundaries of a nation, and yet be a case of cultural appropriation. As well, some cultures (for example, African-American or Yiddish culture) do not have a corresponding nation or clan. Nothing is lost by speaking of appropriation from cultures. Generally, a nation or clan will have a distinctive culture. Consequently, talk about cultural appropriation will encompass those cases where something is appropriated from a clan or nation.





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## Objections to Cultural Appropriation

We now have some understanding of the concept of cultural appropriation. Turn now to the question of how one might object to the practice of the various forms of cultural appropriation. As noted above, one might object to cultural appropriation on either aesthetic or moral grounds. In this section I will begin by considering the moral objections that could be brought against cultural appropriation. I suggest that an act of cultural appropriation may be wrong in two ways. It may cause unjustifiable harm or it may be unjustifiably offensive. Acts of cultural appropriation could cause harm in at least two ways. Someone could appropriate something that belongs to members of another culture. That is, some acts of cultural appropriation could be acts of theft. On the other hand, cultural appropriation could harm members of a culture without depriving them of anything they own. The economic, educational, or other opportunities of insiders could be set back. Worst of all, perhaps, their ability to preserve their culture could be restricted.

As the word ‘appropriation’ was originally used, no moral stigma was attached to it. One did not necessarily act wrongly when one engaged in appropriation. In its original use, the word usually referred to taking something from nature. An individual who picked an apple in the wild was said to have appropriated it. The apple was in a state of nature, that is, without an owner. Most philosophers have thought that anyone who appropriates an apple from a state of nature does not act wrongly under most circumstances. Some appropriation, of course, is suspect. If I take as my own an apple that belongs to you, and I do so without your permission, then a prima facie reason exists for thinking that I have acted wrongly. (Note, we have only a prima facie reason for thinking so. I may be justified in taking an apple from your orchard, without your permission, if only by doing so can I save the life of a child.) Some acts of appropriation are permissible, while others are not.

The same can be said about acts of cultural appropriation. It is easy to identify some instances of cultural appropriation that are plainly unobjectionable. A tourist from Japan walks into a shop in Darwin or Santa Fe and buys a painting by an indigenous artist. In such a case, almost always nothing objectionable has occurred. This is an example of benign object appropriation. (I assume that the artist voluntarily chose to sell the work. He was not coerced overtly or by financial circumstances. I also assume that the art dealer had the authority to sell the painting.) Or suppose that an artist receives from a competent authority freely given permission to





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use stories or songs that have been developed in a culture. We would have a case of unobjectionable content appropriation.

On the other hand, it is easy to give examples of appropriation that are obviously wrong. Consider, for example, the appropriation of the great works of art produced for the Oba (King) of Benin.<sup>14</sup> These works of art included a series of magnificent bronzes produced for and only for the Obas of Benin over a number of centuries. Perhaps unwisely, the struggle of the Edo people (as they call themselves) to maintain their independence included the ambush of a British vice-consul. The ensuing punitive expedition of 1897 resulted in the seizure of virtually all of the bronzes. These are now found in museums and private collections around the world. Many are in the British Museum. (Some were sold back to Nigeria after it became independent. The present whereabouts of these bronzes is unclear.) As is universally believed by international jurists, and is besides pretty obvious, works of art are not lawful plunder or spoils of war.<sup>15</sup> British soldiers may have been justified in confiscating the weapons of the Edo, but they had no business stealing their sculptures. The appropriation of these sculptures was morally equivalent to a bank heist.

The case of the Zuni War God figurines provides us with another clear case of immoral cultural appropriation. Each year members of the Zuni people of the American south west commission the carving of two War Gods (or *Ahayu:da*), which are believed to guide and protect the tribe. At the end of a year, the figurines are taken into the wilderness and left exposed to the elements. The Zuni people believe that the War Gods must be allowed to decay so that their powers may return to the earth. Crucially, the figurines were not abandoned. (I will discuss the appropriation of abandoned property in Chapter 3.) Over the years, anthropologists and others recovered many of the figurines and they found their way into museums and private collections. This was clearly wrong. (Fortunately, this story has a happy ending. The rights of the Zuni have been recognized by American courts. Most of the figurines have now been repatriated.)

The appropriation of the Benin bronzes and the Zuni *Ahayu:da* are straightforward examples of the first way in which acts of cultural appropriation can be wrong. They can be acts of theft. The Edo and the Zuni owned works of art that were taken without their permission. (The Edo

<sup>14</sup> For an account of this travesty, see Greenfield (1989), pp. 141ff.

<sup>15</sup> For a sampling of legal opinion on this matter, see Greenfield (1989), pp. 281f.





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claim to own the bronzes has a different basis than the Zuni's claim on the *Ahayu:da*. The Zuni claim is straightforward: acting through political institutions, they bought and paid for the sculptures in question. The Edo claim on the bronzes is more complex since the works were originally the private property of the Oba. Their claim to the bronzes will have to be based on a strategy explored in Chapter 3. This strategy begins with the claim that the value of some item to all members of a culture can give the culture as a whole a claim on the item in question.)

The cases of appropriation from the Zuni and Edo cultures are both examples of object appropriation. Several writers have advanced the view that certain acts of content appropriation are acts of theft. Lenore Keeshig-Tobias, a Native American author and storyteller, has written about the retelling of traditional aboriginal stories by non-aboriginal authors. She states that the non-native "cultural industry is stealing – unconsciously, perhaps, but with the same devastating results – native stories as surely as the missionaries stole our religion and the politicians stole our land and the residential schools stole our language."<sup>16</sup> Amiri Baraka similarly believes that members of mainstream American culture have stolen from African-Americans by engaging in style appropriation. He regards the blues as "the basic national voice of the African-American people." Non-African-Americans have appropriated this music in what Baraka calls the "Great Music Robbery." He implies that this robbery is simply a continuation of a long tradition that began with the enslavement, itself a kind of theft, of Africans.<sup>17</sup> The result of the theft has been that cultural mainstream (white) musicians have reaped profits that rightly belong to members of African-American culture. Similarly, the critic Ralph J. Gleason has maintained that the "blues is black man's music, and whites diminish it at best or steal it at worst. In any case, they have no moral right to use it."<sup>18</sup> Here the appropriation is represented as occurring across ethnic lines. The same point could be made in terms of African-American and mainstream American culture. Similar arguments have been directed against the appropriation of elements of aboriginal art by non-aboriginal Australians.

Even acts of subject appropriation have been regarded as acts of theft. Keeshig-Tobias has written about Kinsella's stories set on the Hobbema reserve and Bruce Pittman's *Where the Spirit Lives* (1989), a film concerned

<sup>16</sup> Keeshig-Tobias (1997), p. 72.

<sup>17</sup> Baraka and Baraka (1987), pp. 226, 328.

<sup>18</sup> Ralph J. Gleason, quoted in Rudinow (1994), p. 127.





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with the experience of aboriginal students in residential schools. She maintains that, “the real problem [with these works] is that they amount to culture theft, the theft of voice.”<sup>19</sup> Her point is that members of non-aboriginal cultures ought not to tell stories about (or otherwise represent in works of art) aboriginal cultures. This implies that a subject matter belongs to members of the culture. I have already expressed skepticism about the view that a subject matter can be owned.

Not all acts of theft across cultural boundaries are of interest to us. Imagine, for example, that a Frenchman or a Brazilian (that is, someone who comes from a culture other than my own) breaks into my house and makes off with some etchings I have made. This is just common-or-garden-variety theft. The fact that the thief is from one culture and the victim from another is not relevant in analyzing what is wrong about the act. Or suppose that I have recorded a CD of my original compositions and a pirate edition is brought out in China. The fact that the pirates belong to a different culture is not really an interesting feature of the act of piracy. If my copyright had been violated by some criminals who are culturally indistinguishable from me, their act would be just as wrong, and wrong for the same reasons.

In order for an act of theft to be wrong qua act of cultural appropriation, it has to be stolen from a culture, not from an individual member of the culture. The appropriation of the Benin bronzes was wrong, qua act of cultural appropriation, if something was stolen from an entire culture. I will not consider cases such as the exploitation of individual musicians by large corporations. I have in mind the dispute between the family of Solomon Linda, composer of the song “The Lion Sleeps Tonight,” and Disney. Linda was a Zulu from South Africa and the corporation that apparently violated his rights to the song was American. (At least, an out-of-court award was made to Linda’s descendents.) Here, however, we just have a case of an individual being exploited by a large corporation. We do not have to characterize the appropriation as an act of cultural appropriation to know that it is wrong. Similarly, I will not discuss the exploitation of pioneering African-American blues artists by non-African-American individuals and corporations. I have in mind, for example, the apparent exploitation of Muddy Waters by Leonard Chess.

No one is likely to defend the appropriation of the Benin bronzes or the appropriation of the Zuni War God figurines. Certainly I will not.

<sup>19</sup> Keeshig-Tobias (1997), p. 71.





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Sometimes acts of theft are defensible. A father may steal a loaf of bread (from someone with lots of bread) if it is the only way to feed his children. He does not act wrongly. The father is excused by necessity. (Here, as elsewhere in this essay, I am concerned with moral, not legal, questions. That is, I am interested in the question of when cultural appropriation is morally wrong, not when it is illegal. Legality varies from culture to culture. Morality is universal.) I find it difficult to imagine a scenario where an act of cultural appropriation can similarly be excused by necessity. Perhaps one could construct some far-fetched cases where artists can only support their families by violating property rights of a culture other than their own. I will discount this possibility and regard any instance of cultural appropriation that is an act of theft as wrong.

The trick will be to determine which acts of cultural appropriation are acts of theft from a culture. In order to make this determination we need to determine how and when a culture as a whole has a claim on ownership of a work of art. A large part of Chapter 3 will be devoted to an exploration of how a culture can acquire ownership of a work of art or of artistic elements. This chapter will also investigate what sorts of things a culture can own. If a culture owns some property, the only remaining question is that of whether a competent authority within the culture has freely sanctioned the transfer of the item to someone outside the culture. When a competent authority within a culture freely sanctions the transfer of some property to members of another culture, no theft has occurred.

When we are considering cultural appropriation qua harmful act of theft, philosophically interesting questions arise in two ways. Both sorts of questions arise from the supposition that a culture owns some work of art or an artistic element (and so its appropriation by outsiders, without the permission of a competent authority, is wrong). This claim could be challenged in two philosophically interesting ways. In the first, one might hold that, although the item claimed by a culture is the sort of thing that it might own, in fact it is not the owner. That is, one might dispute the culture's claim on the work by saying that it is not (unlike the Zuni claim on the *Ahayu:da*) well founded. As we will see, a number of interesting and difficult questions arise when we ask whether a culture owns some item. The second philosophically interesting way to challenge a culture's claim on some item is to say that the property the culture is alleged to own is not the sort of thing that a culture can own. Particularly interesting questions arise when we consider the ownership of traditional stories, styles, designs, patterns, and so on. It will not





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always be easy to determine whether these are the sorts of things a culture (or anything or anyone else) can own.

For an example of the first sort of case, consider the appropriation of the Parthenon Marbles.<sup>20</sup> One might say that the appropriation of these sculptures was wrong because they belonged to Greek culture and Lord Elgin did not have the proper authorization to remove them. Elgin had a permit from the Turkish governor, but many people say that he was not competent to grant permission. They claim that the rightful owner was Greek culture. Let us consider this claim. The trouble is that the Marbles were not originally the property of Greek culture. The Parthenon was an Athenian civic building. Ancient Athenians would have rejected out of hand the proposition that Greek culture as a whole had a claim on the temple or its friezes. Nevertheless, one hears the suggestion that the Marbles now belong to Greek culture and they were wrongfully appropriated. Or consider the *Flatejarbók*, the medieval manuscript that records the voyage of Leif Ericsson to North America. In the eighteenth century Arne Magnussen, an ex-patriot Icelander, bought the manuscript fairly (so far as anyone knows) and gave it to the University of Copenhagen. At the time that Magnussen bought the *Flatejarbók*, it did not belong to Icelandic culture. It was the property of some individual and no one in Iceland cared much about it. Now it is considered to be the property of Icelandic culture and Iceland successfully lobbied for its return to the island.

In the other philosophically interesting cases questions arise about whether something is the sort of thing that a culture can own. Some of the most interesting and controversial cases of cultural appropriation involve the use by outsiders of styles, patterns, designs, plots, and motifs that insiders regard as the property of their culture. Questions about what can be owned can arise because different cultures have different legal regimes. In cultures where ownership of intellectual property is governed by the principles of the Berne Convention, something like a general plot, style, pattern, or design cannot be owned. As well, only something with an identifiable creator can be owned and ownership (that is, copyright) expires after a term. In some cultures, in contrast, certain traditional stories (whose originators are unknown) are held to be the collective property of the culture. In some aboriginal Australian cultures styles and designs are regarded as the property of a clan. Some

<sup>20</sup> For the con side of this legal debate see Merryman (1985). For the pro side see Moustakas (1989).





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cultures maintain that they have a perpetual claim on certain stories or patterns, often because these have spiritual significance. These questions will be addressed in Chapter 3.

Insiders could be harmed by means other than theft and I will turn to an examination of other forms of harm in Chapter 4. In simple cases, cultural appropriation could wrongfully interfere with the economic, educational, or other opportunities of insiders. In more complex and potentially serious cases, cultural appropriation could harm people by harming their culture. Arguably, this is a much more serious sort of harm than any theft could be. (Theft could contribute to the undermining of a culture.) Just as the sort of harm discussed in Chapter 3 may be classified as a sort of theft, the sort of harm discussed in Chapter 4 may be regarded as analogous to assault or battery.

Many writers have argued that a people's culture is culture is essential to their well-being. Will Kymlicka maintains that membership in a culture is, in John Rawls' sense of the word, a primary good.<sup>21</sup> Charles Taylor has adopted a similar position. He maintains that the preservation of a cultural identity is absolutely essential. Nothing, he writes, "is more legitimate than one's aspiration that it never be lost."<sup>22</sup> Avishai Margalit and Moshe Halbertal hold that all people have a right to their culture.<sup>23</sup> I will take it as a given that all of these authors are right. The question at issue is how cultural appropriation could harm a culture and perhaps even threaten its viability. Several lines of argument can be identified.

The first sort of argument focuses on what I have called subject appropriation. This argument begins with the premise that outsiders who engage in subject appropriation are bound to misrepresent insiders and their culture. These misrepresentations can be harmful in a variety of ways. Most obviously, outsiders could create or perpetuate harmful stereotypes that hurt members of a culture. For example, old Hollywood Westerns represent Native Americans as cruel and mendacious. Disney's *Peter Pan* (1953) so grotesquely misrepresents members of North American First Nation cultures that I will not let my children watch it. Distorting stereotypes could harm members of a culture in several ways. Members of the culture could be subjected to discrimination in employment or education. This could, in turn, give rise to economic problems that

<sup>21</sup> Kymlicka (1991), p. 167.

<sup>22</sup> Taylor (1994), p. 40.

<sup>23</sup> Margalit and Halbertal (1994).







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make it difficult for a culture to sustain itself. Most insidiously, insiders could begin to see themselves as others see them and their culture can be distorted.

Content appropriation could have similar harmful effects. Imagine that outsiders clumsily appropriate the styles of insiders. There is a danger that the aesthetic rubbish that the outsiders produce will give a wide audience a false picture of the insiders' culture. Kitsch produced by outsiders may expose the insiders' culture to ridicule and worse. More subtle but ultimately, perhaps, more dangerous sorts of harm may result if outsiders appropriate artistic elements from insiders. Imagine that members of a large culture start to perform music characteristic of a small minority culture. Imagine, however, that the outsiders perform the music in a way that is subtly, or perhaps not so subtly, different from the ways in which the insiders perform. The outsiders' performances are influenced by their own culture. Under these circumstances, there is a danger that members of the minority culture, exposed to performances by outsiders, will begin to perform as the outsiders do. The distinctness of the minority culture may, consequently, be eroded.

Cultural appropriation could also harm by depriving insiders of audiences for their works of art. Potentially both the content appropriation and subject appropriation could deprive insiders of an audience. The argument would be that audience members will devote their attention to a limited number of works of a given genre. The genre might be characterized in terms of its subject matter. So one could argue that the market for books or films about Australian aboriginal peoples is strictly limited. Each time outsiders produce a work on this subject, one could go on to maintain, the probability that works by insiders on this subject will find an audience is decreased. Similarly, one could maintain that works in a given style, say a jazz style such as bebop or the blues, have only a limited audience. If so, when outsiders appropriate content, they harm insiders by depriving them of an audience and the economic benefits of this audience.

The general conclusion of Chapters 3 and 4 is that some instances of cultural appropriation wrongfully cause harm to individual members of a culture. I am skeptical about the suggestion that significant harm is done to cultures as a whole. Much cultural appropriation is completely benign. Indeed, as I will suggest later in this chapter, some of it has a great deal of social value, including value for cultures from which something is appropriated, and this must be taken into account when assessing acts of cultural appropriation.





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Even if an act of cultural appropriation is not harmful, it might still be wrong. The act could be, in Joel Feinberg's sense of the word, profoundly offensive. An action is harmful if it is a direct setback to someone's interests. Acts of theft are clear cases of harm. To deprive people of property that is rightfully theirs is to harm them by hindering them in the pursuit of their ends. If people are deprived of their culture, they are also, perhaps more seriously, harmed. An act of cultural appropriation may, however, not deprive insiders of their culture. Their artistic practices may not be distorted by the activities of outsiders. Still, insiders may find acts of cultural appropriation offensive. When one is offended, one is put into a temporary state of mind that one finds unpleasant, but one suffers no long-term setback to one's interests. Insiders may be put into an unpleasant state of mind when they are aware that outsiders are appropriating their culture. They may be appalled, disgusted, insulted, or outraged. If certain acts of appropriation are an affront to their culture, we may say that the actions are profoundly offensive.

An act of cultural appropriation could be offensive for a variety of reasons. It might be sacrilegious. The manner in which outsiders have used materials may be inappropriate by the standards of insiders. For example, symbols with religious significance might be used disrespectfully. Andres Serrano's *Piss Christ* (1989), a photograph of a crucifix immersed in the artist's urine, is offensive in this way. (This is not necessarily a case of offensive cultural appropriation. It is intended simply as an example of how use of a religious symbol can be offensive to members of a culture, in this case Christian culture.) Alternatively, an act of appropriation could be offensive because it misrepresents the culture of insiders. Above I mentioned the possibility that subject appropriation could harmfully misrepresent a culture. Even if the culture and its members are not harmed by a representation that distorts the culture, it could still be insulting and offensive. The production by outsiders of performances or artworks in the style of insiders may in itself be offensive. For example, some Australian aboriginal cultures regard the representation of certain stories by outsiders as deeply offensive. In these cultures only properly initiated persons are allowed to paint certain subjects.

In Chapter 5 I will consider the case against cultural appropriation that is based on the premise that it can be profoundly offensive. Consideration of profound offence will not yield a general case against cultural appropriation. Many acts of cultural appropriation are not profoundly offensive. Others are profoundly offensive but nevertheless morally unobjectionable. I will conclude that some acts of cultural





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appropriation are wrong because they are profoundly offensive. Usually this will be because artists have violated certain reasonable time and place restrictions.

Notice that sometimes the moral case against cultural appropriation rests on an aesthetic premise. An argument for the immorality of act of appropriation can depend, for example, on the claim that the act results in a work of art that harmfully distorts a culture. Or an argument against cultural appropriation can depend on the claim that outsiders will (or will tend to, or will inevitably) produce works that expose insiders to ridicule. Since the moral case against cultural appropriation can depend on an aesthetic premise, Chapter 2 of this essay is devoted to considering the aesthetic case against cultural appropriation. Quite independently of any moral implications, the question of whether artists can successfully appropriate styles and other artistic content from other cultures is interesting.

The aesthetic case against cultural appropriation can often be summed up in a single word. Works produced by cultural appropriation are, in some sense of the word, inauthentic. Perhaps a musician, born and raised in some middle-class suburb, somehow cannot authentically perform the blues. Or a Anglo-Australian painter cannot authentically paint in the style of some aboriginal culture. Perhaps novelists somehow cannot authentically capture the lives and experience of members of other cultures. In Chapter 2 I will investigate the senses in which works of art that arise out of cultural appropriation might be inauthentic. This process will not be easy since the word 'authentic' has several meanings. I will go on to consider how each sense of authenticity affects the aesthetic properties of artworks that involve cultural appropriation. I will arrive at the conclusion that, in most senses of the word relevant to the aesthetic evaluation of artworks, there is no reason why artists who engage in cultural appropriations cannot produce authentic works.

## In Praise of Cultural Appropriation

Cultural appropriation, it will emerge in this essay, is not something about which it is easy to generalize. Sometimes cultural appropriation is theft. Some acts of cultural appropriation are clearly wrong because they give rise to works of art that are harmful in other ways. Sometimes the very act of engaging in cultural appropriation can be wrong because it is profoundly offensive. But then other acts of cultural appropriation





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are morally benign. Some works of art are aesthetic failures precisely because an artist has appropriated content in a clumsy and ineffective manner. Other artists appropriate content and create masterpieces. A goal of this essay is to show that there can be no blanket condemnation of cultural appropriation. This is important, I believe, because cultural appropriation is important to the flourishing of the arts in the contemporary world.

Let me give a few examples of how cultural appropriation can lead to the production of valuable works of art. The transfer of general ideas and styles from culture to culture bears valuable fruit and is found in surprising locations. African-Americans often complain about the appropriation of jazz and blues music but African-American musicians sometimes engage in style appropriation of their own. Consider, for example, Herbie Hancock's album, *Headhunters* (1973). This is one of the masterpieces of jazz and was, for a time, the best selling jazz album ever recorded. Since Hancock did not acknowledge his borrowings, few people know that he drew upon the music of an African culture. The piece "Watermelon Man" appropriates the *hindewhu* style developed by the pygmies of the Ituri Forest in central Africa. Hancock appropriated the style via the LP *The Music of the Ba-Benzélé Pygmies* (1966), a Unesco-supported recording made by two French ethnomusicologists, Simha Arom and Geneviève Taurelle. (This is not an isolated case. Jimmy Rowles and Leon Thomas were two other African-American jazz musicians who drew on pygmy music.)

Hancock defended his use of Ba-Benzélé music on the grounds that "it's a brother kind of thing" and "we're all making African music."<sup>24</sup> The reality is that his culture has far more in common with middle-class Polish-Americans from Des Moines than it has in common with any pygmy culture. Hancock was definitely engaged in cultural appropriation. Indeed, he was engaged in unusually interesting and creative appropriation. Everyone has an interest in encouraging such creative appropriation. Hancock's take on pygmy music subsequently influenced Madonna, the American pop diva. She used a short sample from *Headhunters* in her 1994 CD, *Bedtime Stories*. The French ensemble Deep Forest sampled the original recordings by Arom and Taurelle on their CD *Bohème*. Deep Forest's project was enormously successful. It won a Grammy in 1995 and sold over 4 million copies.

<sup>24</sup> Feld (1996), pp. 4–5.





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Theodore Gracyk discusses another multiply iterated case of cultural appropriation in popular music.<sup>25</sup> In 1950, Pete Seeger and The Weavers recorded “Goodnight, Irene,” an adaptation of “Irene” by Leadbelly. This appropriation from an African-American singer by members of mainstream American culture proved controversial at the time. Musicological research revealed, however, that Leadbelly’s copyrighted composition was not as original as it at first seemed. It was based on a Southern folksong that Leadbelly had learned from his uncle, Terrance Ledbetter. This song was, in turn, an arrangement of a waltz by the African-American composer Gussie Lord Davis in the 1880s. Davis wrote for a largely white audience and the folksong Leadbelly learned from his uncle had been, in all probability, transmitted via non-members of African-American culture. Of course, Davis had appropriated the waltz form from Viennese musicians. Clearly we do not have here a simple case of appropriation from African-American culture. Rather, artistic content that The Weavers finally appropriated had been passing in and out of African-American culture for a while by the time they produced their hit version of “Goodnight, Irene.”

Shakespeare, perhaps not surprisingly, provides us with a wealth of illustrations of the aesthetic value of cultural appropriation. Shakespeare himself frequently practiced cultural appropriation of various forms. He engaged in subject appropriation (consider the representation of Moors in *Othello* and Jewish culture in *Merchant of Venice*). He appropriated artistic content from a variety of cultures, including those of the ancient Greeks and Romans. In turn, elements of Shakespeare have been appropriated by cultures around the world. His works have been translated into virtually every written language, including the Inuktitut language of Greenland’s indigenous population and the language of the Sami culture of northern Finland. Given this widespread dissemination of his works, it is not surprising that elements of the works have been widely appropriated.

Consider, for example, the appropriation of Shakespeare in India. Sukanta Chaudhuri notes that,

in most Indian languages, the Shakespearean presence in early modern drama ranges across a spectrum: from close translations to more or less free adaptations, and thence via occasional motifs, elements and echoes to

<sup>25</sup> Gracyk (2001), pp. 84ff.





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plays that may contain nothing authentically Shakespearean, but that could not have been conceived had their authors not been directly or indirectly influenced by Shakespeare. Shakespeare is the major generative force behind this entire body of dramatic literature.<sup>26</sup>

Bengali writers such as Rabindranath Tagore and Dwijendra Lal Roy drew freely on ideas from the English playwright. Writing in Hindi, Jaishankar Prasad produced history plays modeled on Shakespeare's. Similarly, Lakshminath Bezbarua, a founder of modern Assamese literature, produced a trilogy of history plays loosely based on Shakespeare's second tetralogy (*Richard II*, Parts I and II of *Henry IV* and *Henry V*). Writers in Gujarati, Marathi, Telugu, and other Indian languages also appropriated from Shakespeare.

Cultural appropriation has had a particularly distinguished history in India. This history now stretches back over 2000 years. Consider the Greco-Buddhist school of art that flourished in Gandhara from the time of Alexander the Great onwards. The first and, in the opinion of some authorities, most beautiful representations of the Buddha are thoroughly Hellenistic in style. The influence of European culture on the sculpture and architecture of India continued via the trade between Gandhara and the Roman Empire. Indian artists also appropriated elements of Syrian and Persian art.

In Japan, Kurosawa has been the most famous artist to appropriate from Shakespeare. *Throne of Blood* (1957) appropriates the plot of *Macbeth*. *Ran* (1985) sets *King Lear* in medieval Japan. In appropriating from the renaissance Englishman, Kurosawa produced aesthetic masterpieces. Again, the ripples of cross-cultural influences do not end with the Japanese filmmaker. He, in turn, influenced American cinema. For example, John Sturges' *Magnificent Seven* (1960) is an adaptation of Kurosawa's *Seven Samurai* (1954).

Appropriation is often particularly controversial when the insiders are indigenous and the outsiders are not. Given that this is so, it is instructive to bear in mind the work of the young contemporary artist Brian Jungen. Among his works is a series of sculptures constructed from Nike running shoes. These sculptures are in the form of masks typical of northwest coast First Nation cultures. Jungen has also produced a sculpture that is in the form of a teepee, but constructed of black leather sofas.

<sup>26</sup> Sukanta Chaudhuri, "Shakespeare in India," *Internet Shakespeare Editions*. <http://ise.uvic.ca/Library/Criticism/shakespearein/india1.html>.





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Clearly Jungen has appropriated ideas from Picasso – compare Picasso’s *Bull’s Head* (1943) – and Marcel Duchamp. More interestingly, Jungen is an aboriginal North American, but his cultural background is Dunne-za. He is not a member of the Haida culture that produces the masks whose form he appropriates. Nor is he a member of a Plains Indian culture that produced teepees.

Examples are so easy to find that one begins to suspect that virtually every artist engages in some sort of cultural appropriation. In music one immediately thinks of Turkish music, a style appropriated from the Janissary bands, composed by Rameau, Gluck, Haydn, Mozart, Beethoven, Rossini, and others. Nicola Matteis and Francesco Geminiani were among the Italian musicians who appropriated the “Scotch Humour.” In writing *Macbeth*, Verdi engaged in both content and subject appropriation. Among popular musicians, the examples of Simon, Clapton, Hancock, and Madonna have already been mentioned. In painting the subject appropriation in Ingres, Delacroix, and Gauguin immediately comes to mind. Painting is also the site of motif appropriation. Think of the appropriation of basic ideas in the impressionists (from Japan) and post-impressionists (Africa). In literature, subject appropriation may be said to have begun with Homer’s representation of the Trojans. Appropriation in novels is so commonplace that Margaret Drabble, in a book in which she appropriates the subject of eighteenth-century Korea, writes that, “appropriation is what novelists do. Whatever we write is, knowingly or unknowingly, a borrowing. Nothing comes from nowhere.”<sup>27</sup> Virtually every contemporary tradition of indigenous art has appropriated artistic elements that originated in Western Europe.

I could go on providing examples of artworks that are aesthetically valuable products of cultural appropriation, some of which are, in turn, successfully appropriated. These examples will take us only so far. They do not address all varieties of cultural appropriation. In this section I have made, for example, no mention of object appropriation. Moreover, a series of examples cannot by themselves address in a systematic way the full range of aesthetic and ethical issues that arise out of reflection on cultural appropriation. This systematic inquiry begins in the next chapter. Still, the examples I have provided give an indication of why everyone has an interest in avoiding a blanket condemnation of all acts of cultural appropriation.

<sup>27</sup> Drabble (2004), p. ix.

