Conclusion: Responding to Cultural Appropriation

Summing Up

This essay has two main conclusions. The first is that cultural appropriation is aesthetically successful more often than we are often led to believe. Artists who appropriate content, styles, or motifs do not need to worry that their works will necessarily be inauthentic or otherwise aesthetically flawed. The second is that cultural appropriation is wrongfully harmful or offensive less often than some people suggest. Certainly, some object appropriation is theft, but content appropriation is another matter. Artists from almost every culture are constantly borrowing styles, stories, motifs, and other content from cultures other than their own but this borrowing is only rarely wrongfully harmful. Sometimes this borrowing is offensive, but even so most of the time artists do not act wrongly so long as they observe appropriate time and place restrictions.

Some people will find my conclusions objectionable on the ground (which I acknowledged at the outset of this essay) that appropriation from indigenous cultures is common and these cultures are often terribly disadvantaged. This oppression is deplorable but the appropriation of artistic content has contributed comparatively little to the oppression of indigenous peoples. When indigenous cultures have been robbed of cultural treasures, restitution ought, of course, to be made. When any culture is deprived of works of art sufficiently valuable to the culture then, no matter how they were appropriated, they ought to be returned. Most frequently the appropriation of content has merely added insult to injury and no one, as I have said, has a right not to be offended.

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As is the case with appropriation from indigenous cultures, appropriation from non-indigenous minority cultures has also put cultural appropriation in a bad light. I have talked about appropriation from African-American culture but many other minority cultures could be mentioned. Again I am sympathetic to the members of these cultures, but the source of most of their grievances is not cultural appropriation. Rather racism, xenophobia, religious intolerance, and other forms of bigotry are to blame. Cultural appropriation in the sphere of the arts has contributed very little to the state in which disadvantaged minorities find themselves. On the contrary, some cultural appropriation has done more good than harm to the cultures from which content has been taken. Think, for example, of the subject appropriation in Harper Lee's *To Kill a Mockingbird* (1960). Recall that even Amiri Baraka allows that the appropriation of jazz by Europeans displayed African-American culture in a favorable light.

I have noted that subject appropriation can (when it distorts a culture) cause harm. When the misrepresented culture is a disadvantaged indigenous or minority culture, the harm could be serious. Artists who cause this harm act wrongly. As I have argued, however, there is no reason to believe that all subject appropriation involves misrepresentation and good reason to believe that artists can, by taking other cultures as their subjects, create works of art with a high degree of aesthetic value. Moreover, these works can benefit insiders in a variety of ways (including the benefits that accrue from the contemplation of works of high aesthetic value).

I recognize that, in the contemporary world, a strong case can be made for saying many cultures are under threat. Many of these are minority and indigenous cultures, but even the distinctiveness of large-scale European and Asian cultures is arguably threatened. This threat does not come from artists who engage in cultural appropriation. Assimilation is the main threat. Cultural appropriation endangers a culture, not when others borrow from it, but when its members borrow too extensively from others. Or, as is sometimes the case, language, beliefs, and tastes are imposed on a culture from without. This imposition typically does not come from artists who engage in cultural appropriation. Rather, it comes from corporations such as Disney and Sony that have made culture a commodity. (Some artists are complicit with these corporations, but these are not necessarily or even often artists who engage in cultural appropriation.) In this essay I hoped to exonerate most artists who engage in cultural appropriation. My intention has not been to act as an apologist for globalization.

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Supporting Minority Artists

Given that indigenous and non-indigenous minorities are disadvantaged, there remains a question about whether some public policy affecting the arts is part of the appropriate response to this fact. Only a very few people have advocated censorship of work that involves subject or content appropriation. This essay may be seen, in part, as an extended argument against censorship of artistic activity. Even the immorality of some acts of subject appropriation would not justify censorship. In a free and democratic society, some immoral actions simply have to be tolerated. Perhaps, however, less draconian measures ought to be adopted. One understands and sympathizes with cultures from which content has been appropriated, particularly when these are economically disadvantaged indigenous cultures and other minority cultures. It is easy to believe that societies are justified in taking steps to protect the interests of these disadvantaged cultures. Perhaps societies are obligated to do so. Fortunately the interests of insiders can be promoted without recognizing property rights where they do not exist and without restricting artistic creativity.

One possibility is the encouragement of artists from minority cultures. A model of this sort of measure is provided by the Canada Council for the Arts. In the early 1990s, the Canada Council considered (but did not adopt) a set of guidelines that were aimed at restricting cultural appropriation.[1] Had these guidelines been adopted, the Council would have declined to fund any work that would result in subject appropriation. In the end the Council did not adopt these guidelines. I believe that this was wise. No agency ought to adopt a blanket refusal to fund works that address cultures other than that of the applicants. Instead, the Council adopted a policy of supporting minority artists, particularly those from aboriginal cultures. At present, the Council has seven programs that support aboriginal artists. These include programs that support native writers, dance companies, and visual artists. The film *Atanarjuat* was produced with the assistance of a grant from one of these programs.

There are other ways to support artists from minority cultures. Insiders can take advantage of the fact that the art-buying public has a very strong preference for artworks that are (in the sense identified in Chapter 2) provenance authentic. That is, when collectors buy, for example,

[1] Canada Council (1992).

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a rarrk-style painting they want it to be by a member of an aboriginal culture. It is possible to take advantage of this preference by making it clear that certain works are (and others are not) provenance authentic. The (Australian) National Indigenous Arts Advocacy Association introduced (in November 1999) a good mechanism for protecting insiders (and art collectors) from harm without asserting indefensible claims to ownership of styles. Artists who demonstrate that they are of aboriginal or Torres Strait Islander origin are entitled to mark their works with a label of authenticity. Similarly, the United States Indian Arts and Crafts Board has developed a certificate of authenticity. Items bearing the certificate are warranted to have been produced by a member of a recognized Indian group. In Canada, the federal government has developed a tag that is designed to identify artworks as genuine Inuit products.

The United States government has adopted another strategy for protecting the interests of indigenous artists. The Indian Arts and Crafts Act of 1990 made it illegal to market any product as Indian unless it was produced by a member of an Indian group recognized by the United States government. This legislation may not be perfect. Sometimes there has been controversy about who may represent himself as Indian. Still this truth-in-advertising law is a significant way to protect the interests of indigenous artists.

United States Code, Title 25, Chapter 7a, Section 305e, adopts a different strategy for the protection of indigenous cultures. This legislation introduces civil penalties for those who falsely represent works of art (and other items) as the product of an indigenous person. It states that Indians and Indian tribes and Indian art and crafts organizations may "in a civil action in a court of competent jurisdiction, bring an action against a person who, directly or indirectly, offers or displays for sale or sells a good . . . in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization." This sort of legislation is not without its difficulties. Again, there has been controversy about who counts as an Indian and who ought to determine who is Indian. Still, this legislation provides a good way to protect the interests of members of indigenous American cultures (and the art-buying public) without suggesting that these cultures have property rights that they do not have. The United States legislation also has the advantage of not placing restrictions on the creativity of non-indigenous artists.

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These laws are not perfect for a number of reasons. In Canada, certain unscrupulous manufacturers of faux Inuit art (sometimes called fakelore), have adopted tags that resemble ones with the official symbol of provenance authenticity.[2] Other manufacturers have adopted the practice of attaching tags with what appears to be the signature of an artist with an indigenous person's name. As I was revising this conclusion, I passed through Tucson airport and saw some souvenirs labeled "Authentic Navajo Sand Paintings." I doubt very much that any Navajo had anything to do with them.

Perhaps new labeling laws are needed. Existing laws restrict the use of certain identifiers to indigenous artists. Alternative laws could require artists and manufacturers of pieces that appear to be of indigenous origin clearly to indicate that they are not. Manufactures of margarine are required to label their product accurately. A label that suggested that the product is butter would be considered fraudulent. Arguably indigenous artists deserve legal protection as much as dairy farmers do. I foresee trouble with such a proposal. It could be difficult to determine whether or not some artwork is in the style of an indigenous culture. Think again of the difficulty determining the styles of *Kierkegaard's Mood*, *Red Table Cloth*, and *Red Square No. 2*. Still, it is worth exploring labeling regulations that will protect the interests of indigenous and other minority artists.

The primary justification for programs supporting minority artists and defending their rights is provided by considerations of distributive justice. In particular, the justification is that members of certain cultures are disadvantaged relative to other members of a society or that outsiders are unfairly profiting at the expense of members of the culture. From an aesthetic point of view, it does not much matter who produces works in a given style or genre. As far as aesthetics is concerned, it would not matter if every artist in Haida Gwaii started producing abstract expressionist paintings or historically informed performances of baroque music. At any rate, it would not matter so long as someone else was keeping alive the vital artistic styles of the Haida. Here I assume that diversity of artistic styles is an aesthetic good. The aesthetic reason to support indigenous artists in the pursuit of their native arts (rather than other genres) is that, in the absence of others who wish to practice indigenous arts, this is the best way to encourage diversity of artistic styles.

[2] Scott (1997), p. 19.

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Envoy

In Chapter 1 of this essay I signaled that a goal of this book was to defend responsible cultural appropriation of content. My sincere belief is that this sort of appropriation can be responsible for opening up avenues of communication between cultures. In a world where cultures are still in conflict, arguably the world needs more content appropriation, not less. Artists who appropriate from other cultures, and the audiences of these artists, often come to have a greater appreciation of the value of other ways of living. I also believe that more and better subject appropriation would also contribute to understanding between cultures.

Aesthetic reasons can also be given for valuing and defending cultural appropriation. Salman Rushdie gives a nice summation of one of these reasons. He has written of his novel *The Satanic Verses* that it was a celebration of "hybridity, impurity, intermingling, the transformation that comes of new and unexpected combinations of human beings, cultures, ideas, politics, movies, songs. . . . *Mélange*, hotchpotch, a bit of this and a bit of that is *how newness enters the world*."[3] At its best, the same can be said for any act of cultural appropriation, particularly the appropriation of styles, subject matters, and motifs. Even acts of object appropriation can be defended on these grounds. The transfer of objects can lead to the transfer and mingling of styles and motifs. Picasso would not have painted anything like *Les Demoiselles d'Avignon* had he not seen the African carvings displayed at the Palais du Tracadéro in 1907. Appropriation and cross-fertilization have always been important to the arts but in the contemporary world they have perhaps assumed a new importance. Many long-established traditions of artistic endeavor (including, arguably, the classical tradition of Western music) have been played out. Perhaps only through grafting of elements from other cultures can these traditions be revivified and made the source of valuable new ideas. (Newness is not a good in itself, but without new things there are no good new things.) No one stands to gain from the practice of aesthetic apartheid.

Grafting from one culture's traditions to another's is possible if and only if something is common to the two cultures. Fortunately, this is always the case: everyone shares in a common humanity. In this context it is worth remembering the words of a famous ancient practitioner of cultural appropriation. In the works of Terence we find several layers of

[3] Rushdie (1991), p. 394.

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cultural appropriation. He was brought to Rome as a slave from Carthage so he was an outsider relative to Roman culture which he represented and whose forms he employed. At the same time he appropriated from Greek plays in producing his own Latin works. In one of these plays, a character (Chremes, in *The Self-Tormentor*) observes that "Homo sum: humani nil a me alienum puto." ("I am human: nothing human is alien to me.") Kwame Anthony Appiah calls this the golden rule of cosmopolitanism.[4] ('Cosmopolitanism' is Appiah's term for the view that we ought to recognize and celebrate the huge common ground that all humans share, regardless of their culture.) This essay is both based on the assumption of Appiah's cosmopolitanism and an attempt to lay some of the aesthetic and ethical groundwork for increased cosmopolitanism.

Given that cultural appropriation can have salutary results, I am inclined to side with R. G. Collingwood. He wrote that an artist "who can be annoyed with another for stealing his ideas must be pretty poor in ideas, as well as much less concerned for the intrinsic value of what ideas he has than for his own reputation." Collingwood added that, "this fooling about personal property must cease. Let painters and writers and musicians steal with both hands whatever they can use, wherever they can find it."[5] I would only add two caveats. The first is that fooling about cultural property must cease too. The second is that, in helping themselves to ideas from other cultures, artists ought to do so with respect and politeness. Oh, and no one should steal anyone's (or any culture's) tangible artworks.

[4] Appiah (2006a), p. 111.
[5] Collingwood (1938), p. 320.

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