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Cultural Appropriation

Wrongs and Rights

AURÉLIA BARDON
AND JENNIFER M. PAGE



Cultural Appropriation

From the fashion label Dior being accused of cultural appropriation after using American Indian imagery in an ad campaign for its “Sauvage” fragrance, to the backlash against Kendall Jenner’s afro-esque hairstyle in *Vogue*, debates about cultural appropriation have reached fever pitch. In this much-needed analysis of the phenomenon, Aurélia Bardon and Jennifer Page step back and ask: When is cultural appropriation wrong and when are we right to criticize it?

Their analysis of wrongful cultural appropriation centers on three questions: Whether appropriation involves theft; whether it communicates disrespect; and whether it disregards requests made by marginalized groups about their cultural practices. Sometimes, they argue, it is structural injustice rather than individual wrongdoing that is at stake. They examine cultural appropriation’s political dimensions, asking whether the state should be neutral between appropriative and non-appropriative artistic expression. They contrast bans on wrongful cultural appropriation and the state’s using its expressive power as a speaker, spender, and educator to discourage it. They also consider the ethical questions that arise in connection to online shaming and cancel culture.

Using cases from music, fashion, and the arts, *Cultural Appropriation: Wrongs and Rights* will be of great interest to students and researchers in philosophy, politics, and related subjects, such as race and ethnic studies, sociology, and cultural studies.

Aurélia Bardon is Junior Professor in Political Theory at the University of Konstanz, Germany.

Jennifer M. Page is Assistant Professor in Philosophy at the John Jay College of Criminal Justice, City University of New York.

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1 Introduction

What Is Cultural Appropriation, Anyway?

In 2019, French fashion brand Dior published a video starring Johnny Depp to advertise its “Sauvage” perfume. The video is a string of references to American Indian culture. Depp is walking through the desert, stopping at a river, playing guitar, and sitting by a fire at night. A Native woman is observing him. A Native man is dancing on a cliff. Both wear traditional Native dress. The instrumental that Depp is playing is a cover of “Rumble” by Shawnee musician Link Wray.¹

The video immediately sparked backlash. Cultural appropriation was one of the main accusations, along with racism and exploitation (Echo Hawk 2019). It did not help that the name of the perfume is French for “wild” or “savage.” The reaction to the ad was so negative that Dior removed it within a few hours.

This case provides a surprisingly clear illustration of the different questions at stake with cultural appropriation. What did Dior or Depp do wrong here? Is the video morally objectionable because it is appropriative, because it is racist, because it is disrespectful, or because of some other reason? Interestingly, Dior knew that it was risky to make a video borrowing so much from American Indian culture, and efforts were made to avoid the accusation of cultural appropriation. Does it matter that Dior worked with Native consultants and explicitly claimed to have had the aim of “moving away from clichés in order to avoid the cultural appropriation and subversion that so often taints images representing Native peoples” (Singh 2019)? What about the fact that Johnny Depp has claimed to have Native ancestry himself? How important is the fact that the borrowed elements of Native culture were used for advertising purposes by a major fashion brand that meant to profit from it rather than to celebrate it? The way in which the video was received and the response by Dior that followed also raise a number of questions: Should we be concerned by the fact that the pressure on social media was so strong that the video was removed, forcing Dior’s self-censorship? If cultural appropriation is the problem, is cancel culture the solution? If cultural appropriation is wrong, does this entail that there can be no cultural exchange and no leaving one’s own cultural bubble?

The question of cultural appropriation often leads to engaging and provocative discussions in private, on social media, and in the public sphere. But

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it is not only something that stirs conversations with one's friends, family members, and strangers on the internet. The questions that it raises are also important philosophical questions about culture, identity, respect, and what we owe to each other. These questions are the focus of this book.

Our perspective is that of political philosophy. Like other philosophical authors, we want to explain when and why cultural appropriation is sometimes wrong, but our account also has a distinctively political angle. We want to investigate what responses from society are justified, and what responses fall short of the moral duty we have to tolerate what others say or do, even when we really dislike it. After all, we should expect a significant amount of reasonable pluralism in liberal democratic societies.² If I don't like Dior's new video, shouldn't I just roll my eyes and move on? Having to put up with others, isn't that what living in a free society is all about? But, at the same time, doesn't living in a free society precisely mean that we should also have the right to criticize others for their behaviors, including the right to not buy from a certain brand as a way to express disapproval of something they did?

It all comes down to figuring out why cultural appropriation is sometimes wrong and determining what is the best possible response when facing wrongful cultural appropriation. But before we can start answering these questions, there are basic conceptual issues to address regarding (1) the definition of cultural appropriation, (2) the distinction between cultural outsiders and cultural insiders, and (3) the identification of specific cultural practices.

What Is Cultural Appropriation?

We endorse a broad and descriptive understanding of what cultural appropriation is. This is the definition that many scholars working on the topic use, but since it is very different from the way it is understood in public debate, it is worth giving it a closer look and distinguishing it from its normative alternative.

The most basic way to understand cultural appropriation is to say that it involves taking something from another culture. Although such a definition seems simple enough, the devil is in the details: Does taking mean without permission, and if so, whose permission is required? What is this "something" that has been taken? What is this culture, and how does one determine who belongs to which cultural group or groups? These are all complex questions that we will examine later. The potential confusion that is most pressing to clarify is this: Should any case in which something is taken from another culture be labeled cultural appropriation, or should it only be labeled cultural appropriation when it is *wrong*? In other words, is wrongness inherent to cultural appropriation, or can cultural appropriation be used to describe cases in which nothing wrong is going on?

A normative account of cultural appropriation not only gives us the defining characteristics of cultural appropriation, but also tells us that this cultural appropriation is wrong. Saying that a particular act can be called cultural appropriation therefore suffices to conclude that this act is wrong and the actor

blameworthy. A descriptive account, on the other hand, includes both wrongful and non-wrongful cases of cultural appropriation—without, by itself, providing a way of determining when an individual case is wrongful or not.

We believe that nothing is gained by tying the question of the definition of cultural appropriation to the question of its wrongness (Olsthoorn 2017, 174). Like those of philosophers James O. Young (2008), Erich Hatala Matthes (2016; 2019), and Kwame Anthony Appiah (2018a; 2018b), our account is purely descriptive. This means that cultural appropriation is not always wrong. When a non-Italian person brings back parmesan from their last trip to Italy, when a non-Chinese person speaks Mandarin, when a non-Japanese person enjoys playing Sudoku, or when a non-American person wears jeans, these are all ways in which, in one form or another, someone is taking something from another culture and consequently can be considered as engaging in cultural appropriation, and yet all are morally innocuous actions.

Indeed, a world in which no cultural borrowing exists is a bleak prospect for several reasons. First, when artists and other cultural producers borrow from and blend together different cultural sources, this can enhance their work. The catchiness of Lil Nas X's "Old Town Road"—with its 1.2 billion and counting YouTube plays—comes from its being a musically satisfying admixture of rap, R&B, and country, built atop a sample from industrial rock band Nine Inch Nails, which itself was sold on a beat website by Dutch producer YoungKio. Second, we live in a world of "ceaseless cultural exchange," as has been the case throughout human history (Taylor 2016, 152; Jackson 2019, 2–3). As such, it is potentially dangerous for cultural group members to limit their cultural engagement to their own group's practices and traditions, quarantining themselves from cross-cultural influences in pursuit of a kind of cultural purity. Think, for instance, of the persecution of Western classical musicians during the Cultural Revolution in Mao's China.³ By contrast—and thirdly—a zeal for "authenticity" in cross-cultural consumption can be fetishistic, a kind of exoticization that perpetuates neo-imperialist attitudes (hooks 2015a; 2015b, chap. 2).

These rather noncontroversial claims are accepted by those who defend a normative account of cultural appropriation as well. When Lenard and Balint (2020), for instance, understand cultural appropriation normatively, they obviously do not mean that only those who are American can wear jeans. Instead, they mean that when those who are not American are wearing jeans, this is simply not something that should be called cultural appropriation. Their definition of cultural appropriation itself is much more demanding than someone taking something from the cultures of others. Lenard and Balint's normative account of cultural appropriation is as follows:

Cultural appropriation can be defined as the taking of a valuable, yet reusable or non-exhaustible aspect, of another individual's culture (usually a symbol or a practice), for one's own use, where the taker knows what she is doing (or reasonably should know), and where the context of this taking

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is contested. In other words, in order for an act to be cultural appropriation, it must meet four conditions: (1) a taking condition, (2) a value condition, (3) a knowledge, or culpable ignorance condition, and (4) a contested context condition.

(Lenard and Balint 2020, 338)⁴

Non-Americans wearing jeans might be taking something, but jeans are not a particularly central or significant element of American culture. The practice of wearing jeans has not been contested in any meaningful way, which in turn makes the knowledge condition inapplicable (one cannot culpably ignore that jeans-wearing is valuable or contested, since jeans-wearing is neither valuable nor contested). Whether one adopts a normative or a descriptive account, then, we should expect that borrowing from the cultures of others will usually not be considered wrong. What changes is that, when it is not wrong, like in the American jeans example, we will call it non-wrongful cultural appropriation, whereas those who defend a normative account like Lenard and Balint would argue that it is not cultural appropriation at all.

So why do we prefer a descriptive account to a normative one that is more in line with how the term is used in popular debate? First, consider the concept itself: The word *appropriation* is not usually considered as implying any normative judgment (unlike *misappropriation*, which suggests that something has been appropriated wrongly or unjustly). Second, phrasing the question as “is *this* really an instance of cultural appropriation?” obscures the question “is this instance of cultural appropriation *wrong*?” The first formulation makes it sound like it is a question of semantics, when it is in fact a question of ethics. Finally, it seems odd to narrow down cultural appropriation in such a way that many of the cases that are publicly debated under this heading would end up being excluded from the category. On Lenard and Balint’s account, for instance, the former U.S. football team, the Washington “Redskins,” is not an example of cultural appropriation (Lenard and Balint 2020, 337–38). We therefore choose to use cultural appropriation descriptively and treat the question of its wrongness separately from the question of its definition.

Our definition of cultural appropriation, then, does not include any wrong-making feature. Something can be called cultural appropriation, on our account, when someone uses or borrows or takes something from a different cultural group. There are only two conditions that must be met: (1) a use condition, and (2) a cultural group non-membership condition. The use condition is met when the thing that is appropriated is used, represented, borrowed, stolen, or even bought. The cultural group non-membership condition means that someone is appropriating something that is owned or claimed or otherwise associated with a cultural group that they do not belong to.

But what are these *somethings* that can be appropriated? We see no reason to reserve the term cultural appropriation for the taking of only one kind of thing and therefore understand as culturally appropriative the taking of

anything perceived as belonging to a cultural group in any way. This means that objects, ideas, styles, or even phenotypical features can be culturally appropriated. There are three main categories of cultural appropriation based on what it is that is being appropriated. First, *object* appropriation is the appropriation of tangible objects. For instance, cultural artifacts and works of art belong to this category. Second, *content* appropriation applies to intangible cultural content, including stories and music styles. Third, *subject* appropriation refers to the representation of people from other cultures. Here, it is the lives, stories, and voices of individuals that are appropriated. By extension, it also includes cases in which people represent themselves in a way that evokes stereotypes of another cultural group, for instance, with blackface (Young 2008, 5–9; Lenard and Balint 2020, 337).⁵

The upshot of a descriptive definition is that cultural appropriation is something that most people engage in on a regular basis, and in most cases, there is also nothing wrong about it.

Cultural Outsiders, Cultural Insiders

How should we think about the distinction between those who appropriate and those who are appropriated from? Cultural appropriation makes no sense without this distinction (Matthes 2016, 354). Yet, this distinction is more complex than it seems.

Let's call those who are appropriated from the cultural insiders, and those who are appropriating the cultural outsiders (Young 2008, 5). The cultural group of reference, then, is that of the appropriated culture. But there are two problems with the distinction: The fact that it tends to erase important differences among outsiders, and the fact that it is sometimes very difficult to draw the line between insiders and outsiders, at least in a non-essentialist way.

The first problem is that the distinction suggests that, if cultural appropriation is wrong, then presumably it is equally wrong for all outsiders because, as non-members of the relevant cultural group, they are equally appropriating from it. But there are good reasons to reject this idea. Consider two very different cases of cultural appropriation. On the one hand, in Karl May's best-selling fictional novels published at the end of the nineteenth century, the main protagonist is an Apache chief called Winnetou. Karl May was German, and at the time he wrote these books, he had not set foot in America, let alone ever met an actual American Indian person. There is no question that May was a cultural outsider and that his knowledge of Native culture was very superficial. On the other hand, consider the case of South African musician Johnny Clegg, also known as the "White Zulu" and widely revered among Black South Africans. Johnny Clegg had immersed himself in Zulu culture, he played Zulu music and spoke Zulu fluently. Clegg explicitly said that he was "uncomfortable with the neat racial categories that classified people in [his] country" (Villiers 2016, 60). The Zulu people are an ethnic group, and "White Zulu" might be a nice way to

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express the kind of discomfort felt by Clegg, as well as a way to challenge the relevance of racial lines, but it remains a contradiction in terms. Clegg is not a cultural insider; he is not an *actual* Zulu. Yet, it would be bizarre to claim that May and Clegg are cultural outsiders in the exact same way. There seem to be degrees of outsider-ness, and *how* one engages with the culture might matter more than the mere fact that one does not belong to the culture.

The second problem with the insider/outsider distinction is what [Nguyen and Strohl \(2019, 997\)](#) call the boundary problem.⁶ It is not clear that the line between insiders and outsiders can always be confidently drawn. Who should count as a cultural insider? And, crucially, who gets to decide who is a cultural insider? Are there people who are *more* members than others? Are there degrees in belonging to a cultural group? If someone is uninterested in participating in cultural practices associated with “their” cultural group, does that make them any less of a group member ([Taylor 2005](#))?

Maybe Johnny Depp does have Native ancestry. As he said, “My great grandmother was quite a bit of Native American, she grew up Cherokee or maybe Creek Indian” ([Child 2012](#); cf. [Keene 2012](#)). That he does not know which specific nation his great-grandmother might have come from might seem surprising and might be interpreted as a sign that he has not spent much time researching this part of his origins. Is this an indication that he does not care about his Native heritage or about his presumed Native culture? But even if you reject his claim that he is an insider based on his ancestry, because there is no evidence of it or because one single great-grandmother without any actual experience of the culture might be considered insufficient, Depp has a much stronger justification for his claim that he is an insider: He was adopted as an honorary member by the Comanche nation in 2012 ([Child 2012](#)). Is he *less* an insider to the American Indian culture than LaDonna Harris, the social activist and member of the Comanche nation who adopted him as her honorary son? Maybe. But we should be careful in jumping to conclusions here. History shows that assigning points and ranking members based on how “truly Native” they are quickly becomes ugly ([TallBear 2003](#); [Kauanui 2008](#); [HolyWhiteMountain and Strohl 2019](#)).

The danger looming behind the idea that people are either insiders or outsiders is that of cultural essentialism. Essentialism involves viewing members of a group as all possessing a common set of properties, when in fact, this is impossible to establish ([Patten 2011, 736](#)). It is important to acknowledge that there is both “internal variation,” i.e., not all members within the group necessarily share the features that are considered as characteristic of that group identity, and “external overlap,” i.e., individuals who are not members of the group might actually share this characteristic ([Patten 2011, 736–37](#)). Take language, for instance, which is often considered a key characteristic of some cultural groups. Zulu is the language of the Zulu people, but some members of the group do not speak the language (internal variation), and some non-members do (external overlap). Group membership, therefore, should not be

defined by reference to “inherent, unchanging characteristics rooted in biology or a self-contained culture” and groups themselves should not be seen as homogeneous, fixed, and stable entities (Collins 1990, 299; see also Taylor 1995; 1997; 2016; Matthes 2016). Speaking Zulu can be neither a sufficient nor a necessary condition for someone to be a Zulu.

Consequently, we reject the idea that cultures are defined by presupposed common characteristics and instead share Alan Patten’s social lineage account of culture, according to which “a distinct culture is the relation that people share when, and to the extent that, they have shared with one another subjection to a set of formative conditions that are distinct from the formative conditions that are imposed on others” (Patten 2011, 741; though see Matthes 2019, 362). In other words, culture is fundamentally a framework in which individuals are formed. Because they are socialized in similar ways, notably through shared language and traditions, individuals recognize each other as seeing the world in a way that is distinct from how others see it. This account has two main advantages. First, it avoids the objection of cultural essentialism: Being exposed to certain formative conditions is narrow enough to justify that something that is potentially socially salient and normatively relevant is shared by different group members, but broad enough to allow for both internal variation and external overlap. It is also compatible with the idea of multiple cultural memberships, since people can be subjected to different sets of formative conditions at the same time. Second, treating culture as the result of a process of socialization rather than as a set of beliefs or practices leaves open the question of what *kind* of group could qualify as a cultural group: National cultures would most likely qualify, but so might local cultures, or groups that are defined by race, gender, sexual orientation, or even by practices such as sports.

The upshot of this discussion is that the distinction between outsiders and insiders should not be interpreted as requiring that there should be easily identifiable boundaries for cultural groups. We embrace the idea that there might be some gray area where people could be more or less insiders and more or less outsiders. We also believe that people can (and usually do) belong to different cultural groups at the same time, and that these belongings can also change over time. Cultural groups are fluid and heterogeneous. But this does not mean that there is no such thing as different cultural groups, and the fact that the distinction between insiders and outsiders can be a difficult one to draw does not mean that the distinction is not relevant or important, nor that it should not be drawn.

Borderline Afro, Borderline Appropriation?

Cultural groups are not always clearly identifiable, and neither are cultural practices. Any talk of cultural appropriation suggests not only that we can determine which people belong to which group, but also that we can determine

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which practice belongs to, or is somehow associated with, which group. As with the question of group membership, this turns out to be more complicated than it seems. Cultural practices are not static forms, and as such, it will not always be clear-cut whether the use of a given musical style, fashion motif, hairstyle, culinary creation, etc., is in fact appropriative.

Take Kendall Jenner, who posed for *Vogue* in big curly hair in 2018. For many Black people, Jenner's *Vogue* look appropriated an afro hairstyle. Others made the point that some White people have voluminous curls and that the looser style worn by Jenner didn't look sufficiently like an afro to count as outsider appropriation. In an *Entertainment Tonight* interview, singer Justine Skye said that when Jenner showed her the pictures, she warned her that people would be offended. For herself, though, Skye makes it clear that she doesn't take offense because she doesn't consider it an afro. At the same time, she tells host Courtney Tezeno, laughing: "If it was like [my own hair], then I'd be like, 'Girl, what are you doing?'" (Drysdale 2018).

Here it is important to point out that the context of appropriation (quasi-appropriation?) matters normatively. One relevant contextual factor is a given agent's personal history; Jenner is a public figure whose personal history is a matter of public knowledge. Putting the *Vogue* photoshoot in the context of this history, it seems possible to say that it's worse for someone like Jenner to pose in a borderline afro than for a young White model with a spotless cultural and racial sensitivity track record to do so. Jenner, however, has a history of appropriating from Black culture.⁷ The year before the afro photo shoot, she starred in a commercial for Pepsi. In it, she is shown joining a racially diverse political demonstration evocative of Black Lives Matter protests. The demonstrators encounter a line of police officers, who are notably not dressed in riot gear, and Jenner hands one officer a can of Pepsi, who gratefully accepts the drink. Many interpreted the ad as saying that police militarization and racialized violence weren't an issue, but that there was instead a misunderstanding that could be resolved by a White savior's carbonated beverage gift. Visually, moreover, the ad seemed like a twisted reference to Black Lives Matter protestor Ieshia Evans's iconic Baton Rouge arrest (Jan 2021). Pepsi pulled the ad, issuing an apology, while Jenner shed tears on TV: "what got me the most, is that I would have ever made anyone else upset" (Yahr 2017). Given this, in wearing a borderline afro for *Vogue*, Jenner should have known that some Black people would be upset yet again. Justine Skye had told her this explicitly.

What emerges from this discussion is the idea that the wrongness of cultural appropriation can be complex. Wrongness is the kind of thing that comes in degrees, and contextual factors are relevant to an all-things-considered judgment of the extent to which a given case of cultural appropriation is wrong. The extent to which an act straightforwardly instantiates a given cultural practice associated with another group matters. But it also matters if we know that the person doing the appropriation has a history of appropriating.

When there's a pattern, any given appropriative act is more wrong than it would be in a case where an agent's appropriation is a one-off matter.

And there will be many complicated borderline cases, because that's how culture works; "culture is messy and muddled, not pristine and pure," Appiah (2018b, 210) writes. Take another afro case. In Season 13 of RuPaul's Drag Race, in a celebrity impersonation challenge, a White drag queen, Utica, decided to impersonate Bob Ross, the soft-spoken American painting instructor who once gave classes on public television ("Snatch Game" 2021). Ross was White, enjoyed television fame in the 1980s–1990s, and wore his hair in an afro-like perm. To avoid appropriating an afro, Utica constructed a wig from toy plush squirrels—the squirrels were not entirely random, since Ross had pet squirrels, and "squirrel-friend" is a term of affection that drag queens use with one another. (Because "squirrel-friend" rhymes with "girlfriend" and because squirrels—brace yourselves, dear philosophy readers—hide their nuts.) RuPaul and the eventual winner of Season 13, the "Ebony Enchantress" Symone, both expressed bewilderment that Utica was avoiding wearing an afro: After all, Ross himself had tightly curled permed hair. But Utica stuck to her original conviction and went with the squirrel wig. Even though RuPaul and Symone weren't offended, they don't speak for every Black person, and some Black people might have felt that Utica acted insensitively if she had chosen to wear an afro. Given this, Utica's risk-averse squirrel strategy was interestingly innovative. Yet one could also argue that no cultural appropriation was involved, since perms and afros are similar but ultimately different styles.

A related question is that of how we should assess claims made by cultural groups that certain practices, objects, styles, or other cultural tokens are *theirs* in a meaningful way. If the practice is so common that it is not closely associated with one particular cultural group, then this group cannot claim that it has been appropriated. Members of North American Plains Indian nations can claim headdresses, but they cannot claim bows and arrows, a kind of weapon historically used by most cultures. The Swiss can claim fondue, but they cannot claim chocolate, a delicacy that was cultivated and consumed by Mesoamerican people for centuries before it arrived in Europe. Maybe Plains Indians could claim a special kind of bows and arrows (the kind with a special kind of engraving), and maybe the Swiss could claim a special kind of chocolate (the kind with less chocolate and more milk in it). Cultural appropriation only makes sense when applied to practices that can be meaningfully said to belong to some cultural group and that will often require being very specific about the kind of practice at stake. This, in turn, will lead to a different problem: If I get inspiration from your practice but give it my own twist, is it still your practice then? And if it does not fit the specific description of your cultural practice, is it still cultural appropriation? Sometimes the debate will focus not on whether cultural appropriation in a particular case was wrong or not, but rather on whether the particular case can be labeled as cultural appropriation rather than, say, as some kind of cultural influence.

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Like membership in cultural groups, the identification of the nature or boundaries of cultural practices must remain open for debate. Nonetheless, we operate on the assumption that, in at least some cases, it makes sense to think of a practice (or object, style, story, etc.) as belonging to a specific cultural group, in the same way that we assume that it makes sense to think of people as being either members or non-members of a specific cultural group.

Outline of the Book

We have two objectives in this book. First, we want to explain when and why cultural appropriation can be wrongful ([Chapters 2–4](#)). Second, we want to investigate the kinds of responses that are appropriate for wrongful cultural appropriation ([Chapters 5–6](#)).

In response to the first question, we put forward a pluralistic theory of wrongful cultural appropriation. The theory is pluralistic because we do not think that any single ethical consideration can explain what is wrong with cultural appropriation in all cases where it is wrongful. We are in good company here, since Appiah ([2018a](#); [2018b](#)) and Young ([2008](#); [2011](#); [2021a](#); [2011b](#)) are also pluralists about wrongful cultural appropriation.

Young’s *Cultural Appropriation and the Arts* (2008) is a touchstone for all philosophers and political theorists writing about cultural appropriation ([Taylor 2016](#), 184), so it’s worth saying how our account relates to his. Our strategy of using a broad, descriptive definition of cultural appropriation, and asking “Is this act of cultural appropriation wrong?” as a separate matter, is precisely Young’s methodology. However, Young follows Joel [Feinberg](#) ([1984](#); [1985](#)) and thinks about moral wrongness in terms of causing *harm* and *offense* (see especially [Young 2008](#), 18–27). Our approach to moral wrongness has more in common with that of “relational” or “contractualist” moral theorists like T.M. [Scanlon](#) ([1998](#)), Rahul [Kumar](#) ([1999](#); [2003](#)), and Stephen [Darwall](#) ([1977](#); [2006](#)): We owe it to our fellow human beings to observe certain standards of conduct, and this is the case even if we technically don’t harm them. So, for example, in [Chapter 2](#), we discuss cases where exploitation is arguably beneficial (relative to an exploited person’s baseline situation), yet wrongful. At the same time, we don’t see harm as irrelevant: It’s an important concern of [Chapter 5](#), where we discuss state responses to wrongful cultural appropriation.

Our pluralistic moral framework is worked out in [Chapters 2–4](#). [Chapter 2](#) is devoted to cases where the wrongness of cultural appropriation is potentially explained in terms of theft. We discuss colonial-era stolen art, the “theft” of Black American music, and plagiarized traditional designs in fashion.

In [Chapter 3](#), we advance a disrespect argument. Accusations of cultural appropriation are often phrased in terms of violation of the norms of respect. But although there is a large consensus that we should respect others because this is key to recognizing them as equal, it is far from clear what follows from this. We argue that, in some cases, disrespect is what makes cultural appropriation wrongful.

In [Chapter 4](#), we argue that cultural appropriation can sometimes be wrongful because outsiders disregard requests that insiders have made concerning the use of their cultural practices. According to the “request argument,” as we call it, only marginalized groups can make morally valid appropriation-related requests. We also consider the relationship between wrongful cultural appropriation and structural injustice.

In [Chapters 5](#) and [6](#), we turn to a different question: Assuming that cultural appropriation is wrong, what should be done about it? In [Chapter 5](#), we focus on the responses that the state can provide. Criminal prohibition is rarely the appropriate response to wrongful cultural appropriation. However, the state should make use of its expressive power to address some of the wrongs of cultural appropriation. The state also has an important role to play when it comes to the reparation of past wrongs, in particular with the repatriation of unjustly acquired cultural goods.

In [Chapter 6](#), we examine individual responses to wrongful cultural appropriation. Even when the state does not respond, individuals might want to. Two main options are examined: Publicly shaming the wrongdoer and privately engaging with them. We argue that different responses are appropriate in different cases. Whereas public shaming is useful when companies and public figures engage in wrongful cultural appropriation, private engagement is a better response for ordinary people.

A final note before we really start. The topic of cultural appropriation raises philosophically rich questions about power, identity, and moral rights and wrongs in a structurally unjust world. Authors belonging to marginalized cultural groups originated cultural appropriation discourse, making it as rich as it is. As participants in this discourse who are privileged, White academics from the United States and France, we owe them many intellectual debts.

It’s also worth specifying that we’re working out a wide range of arguments about cultural appropriation in a short amount of space. Just as this book isn’t the first word on its subject matter, it’s hardly intended as the last word, either.

Notes

- 1 In this book, we use terms like Native/Indigenous, Black, Asian, White, etc., to describe socially and culturally meaningful racial identities.
- 2 By liberal democratic societies, we mean those in which the commitment to basic individual rights and to democratic principles is widely endorsed in public culture, and in which these commitments are also legally entrenched. Liberal, then, is to be understood broadly.
- 3 Of course, when individuals from marginalized groups refuse outside cultural influences, this can be an effective form of self-defense against domination—thus the claim that this tendency is *potentially* dangerous. For example, it seems completely justified that in her landmark book *Black Feminist Thought*, [Collins \(1990\)](#) tries to only cite Black women authors.
- 4 Other normative definitions include [Todd \(1990, 24–26\)](#) and [Kawamura \(2022, xii\)](#).

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- 5 Note that [Young \(2008\)](#) identifies five types of cultural appropriation, not three. We subsume his categories of style appropriation and motif appropriation under the category of content appropriation. Also, note that in the space of this book, we don't address all the varieties of cultural appropriation. There are, for example, important philosophical debates over subject appropriation in literature and film, where the question of who can tell what stories is explored ([Keeshig-Tobias 1997](#); [hooks 2015](#), chap. 9; [Smith 2019](#); [Mehdi 2022](#); [Shim 2022](#)).
- 6 [Nguyen and Strohl \(2019, 997–98\)](#) argue that cultural groups should have the authority to determine who is a group member, but acknowledge a circularity problem: “in order to set the boundaries of a group, the group members need to arrive at a decision; but in order to identify which people have legitimate standing to participate in this decision, we need to know where the boundaries are.” Moreover, cultural groups usually lack the structure of group agents, so we can only rely on approximations of decisions.
- 7 See [Jackson's \(2019, chap. 2\)](#) discussion of the Kardashian family's regular appropriation of Black beauty aesthetics.

2 The Theft Argument

Santa Maria Tlahuilottepec, a municipality in Mexico and home of the Mixe people, is known for its intricately embroidered blouses, a style that traces back 600 years. Isabel Marant, a French fashion designer, released a white tunic in her 2015 collection with ornamentation extremely similar to the Tlahuilottepec style (Farzaneh 2019, 417). Representatives of the Mixe community issued a press statement accusing Isabel Marant of committing “plagiarism” and stating that the tunic “is not a novel creation as is affirmed by the designer” (Larsson 2015). Marant’s legal team stated that *of course* the tunic was Tlahuilottepec-inspired; Marant “does not claim to be the author of this tunic and these designs” (Larsson 2015).

Marant’s Tlahuilottepec-inspired tunic raises questions that are important for whether cultural appropriation cases should be thought of as a kind of theft. Theft is morally wrong, and if there are cases of cultural appropriation that involve theft, then at least we can account for cultural appropriation’s moral wrongness in a critical subset of cases.

Following Young (2008, chap. 3), one type of cultural appropriation case where theft seems to obviously explain the moral wrong is that of stolen art and artifacts. In “object appropriation” cases, a cultural group views itself as collectively owning a work of art or artifact that members of another cultural group take, typically in the context of colonialism or war (Young 2008, chap. 3; Walsh and Lopes 2009, 225). Consider treasures stolen from the Royal Palaces of Abomey in the Kingdom of Dahomey, now Benin. In 1892, French troops took thousands of cultural artifacts from the palaces as part of its colonial conquests in the region; the treasures were then transferred to a Paris museum (Sarr and Savoy 2018, 52). The looting of the Abomey treasures is about the theft of physical objects and would seem to follow the form that any case of theft typically takes:

Paradigmatic theft: X has a moral right to exclusively use or transfer a tangible piece of property which Y violates, exercising control over this property as if *they* are its owner with exclusive rights of use and transfer.
(modified from Waldron 1992, 842–43)

Think about a stolen bicycle (see [Green 2012](#)). If Yves cuts off Xandra's bike lock and takes the bike home, it's a clear-cut case of theft. The same seems true of the Abomey treasures, though X and Y are best understood as collectives. It's common to think that collectives can have property rights. Otherwise, we could not make sense of, e.g., how a public museum or public lands could exist, be sold to a private owner, etc. ([Young 2008](#), 63–64).

However, passage-of-time-related considerations have led some authors to question whether theft explains the *present-day* moral wrong in object appropriation cases. Moreover, thinking about object appropriation does not tell us whether Marant's use of a Tlahuitoltepec design in her clothing line should be understood on a theft paradigm. A design is not a physical thing where X's possession of it excludes possession by others. Rather, we are in the domain of intellectual property. If France possesses the Abomey treasures, this means that Benin cannot possess the Abomey treasures; but with the Tlahuitoltepec design, Marant's use of it by no means precludes Mixe artisans from continuing to make clothing featuring it. This is a significant departure from interpersonal theft cases.

This chapter examines whether theft can explain the moral wrongness of cultural appropriation in two main kinds of cases—when *physical property* and *intellectual property* are at stake. Theft is worth paying close attention to for at least two reasons. First, discussions of cultural appropriation originated in the United States in the mid-twentieth century—a time of *de jure* racial apartheid—with prominent cases of White musicians “stealing” songs by Black artists and marketing them as their own ([Cruse 1968](#), 119–20; [Jackson 2019](#), 1). Second, colonial wrongs have often been understood using the moral vocabulary of theft, *viz.*, the theft of labor from enslaved people and land theft. In popular debate, cultural appropriation has been critiqued as part of a neocolonial enterprise where the nature of the thievery changes, but the historical tradition of stealing continues (e.g., [Baluca 2021](#)). At the same time, for some, theft language promotes undesirable conceptions of intellectual property ownership rights. For others, it is essentialist and simplistic to claim that White/Western people “stealing” from Black/Indigenous/Global South people amounts to objectionable cultural appropriation. From this perspective, what is going on is more complex than stealing, and possibly not wrong at all.

Cultural Appropriation as Physical Property Theft

Those who push for the repatriation of artworks like the Abomey treasures often make a fairly fundamental moral argument. It is known that Western museums house stolen cultural objects. Stolen objects should be given back. Indeed, the present-day repatriation movement, with its focus on colonial-era looted art, was inspired by the art repatriation claims of Shoah victims and their descendants ([Robertson 2019](#), 8). If museums, governments, and private individuals could be persuaded to return art stolen by the Nazis or sold

for pennies under the duress of Nazi persecution, why shouldn't colonial art thievery be critically examined?

However, cases of stolen cultural artifacts and interpersonal cases of theft (including art stolen from an individual private owner) are arguably different. Some question the claims of present-day nations as possessing ownership rights vis-à-vis stolen cultural objects. To begin with, cultural artifacts may not have belonged "to the people" in any meaningful sense. They may have belonged to a monarch who was mainly out for their own private gain, possibly acquiring the objects illicitly. Appiah (2006a, 115), for example, cautions against seeing formerly colonized nations monolithically as passive victims. Sometimes African kings collected objects from all over the world just like European kings did. Assuming all items possessed by African kings were justly acquired denies the complexity of cultural groups.

Moreover, creators do not typically create works of art "for" their culture. As such, it is strange to think that generations later, a culture could have something like ownership rights over a cultural object (Appiah 2006a, 119; Young 2008, 77–84; cf. Thompson 2003, 252–53, 255–56).

In addition, as Young (2008, 65–66) points out, there may not be enough continuity between present-day nations and the historical inhabitants of the region for the idea of transhistorical collective ownership rights to hold up. Though Mexico claims ownership rights over all cultural objects within its present-day borders that predate the arrival of Columbus, it's not obvious why Mexico should claim certain objects as opposed to Indigenous inhabitants of a given region.

In view of such considerations, Appiah (2006a, chap. 8) lays out a cosmopolitan ideal where national boundaries do not rigidly determine the proper place of cultural patrimony. At the same time, he makes a value-based argument for seeing some objects as having a cultural "home" which does not depend on claims where a given cultural group is the rightful *owner* of an artifact. Instead, Appiah (2006a, 135) argues that a valuable part of the human experience is in the connections people feel with objects "produced from within a world of meaning created by their ancestors." Young similarly focuses on value rather than ownership rights: Artifacts may have deep religious significance to a group; they may be connected to an important period in a group's history; or they may represent "one of the culture's great aesthetic achievements" (Young 2008, 90).¹ This is the basis of considering an object a culture's *property*, even if we understand the term in an abstract sense rather than in terms of strict Western ownership rights (cf. Carpenter et al. 2008; Riley and Carpenter 2015). A strict ownership rights perspective would require a cultural group to have a continuous group agent structure over time. It would also require a transfer-of-title story explaining how the group came to own a given cultural object that doesn't stray too far from private property transfer-of-title norms (Nozick 1974, 150–51). For example, you might legitimately own this book because you bought it, received

it as a gift, inherited it, found it in a Free Stuff bin after the book's previous owner intentionally put it there, etc. A strict Western ownership rights view similarly wants an identifiable title history. By contrast, an abstract view of cultural property means that there is a meaningful connection between a given cultural group and a given cultural object along the lines specified by Appiah and Young, but the thus-described legalistic ownership relation is lacking.²

Value-based accounts of cultural property have certain advantages. As already mentioned, they don't rely on strict Western ownership rights-type claims. Moreover, a common way of challenging object appropriation discourse involves statements like: *All of human history involves violence and conquest; it's overly moralistic to judge past theft by present standards; and the sting of injustice diminishes over time, which is why there are legal statutes of limitations* (Björnberg 2015, 471–72). Value-based accounts avoid such concerns.

But this latter advantage can also be a disadvantage. Despite a clear historical record of colonial-era looting, contextualized by a broader colonial history of myriad forms of exploitation and violence, the value-based argument makes no reference to looting or colonial violence being morally wrong. Tellingly, Young (2008, 90) sees his own value-based argument as showing that even a legitimately purchased object might be in the wrong cultural location.

While it's compelling to think about cultural property in the abstract sense instead of the legalistic sense suggested by terms like "cultural ownership rights," ideas about theft nevertheless have moral relevance. Our argument is this: When there is compelling evidence that cultural objects were stolen, continued possession of these cultural objects acquires what philosophers call "moral taint." Moral taint worsens when theft occurs in the context of past unjust power relations. If power imbalances persist, the objects can symbolize unjust power relations and the moral wrongs associated therewith—violence, exploitation, domination, and so on.

Marina Oshana (2006, 354) illustrates moral taint by discussing the Unabomber's brother, David Kaczynski. Initially, David did not know about the mail bombing terrorism campaign. When he found out, he helped U.S. law enforcement officials apprehend his brother. Having unsuspectingly given his brother money that was used in the planning of the attacks, David said that his "feeling of sorrow has been intensified by the thought that we may have assisted Ted, provided him with the means to do some of these things." David did not choose to be biologically related to a terrorist. This was very unlucky. It also probably wouldn't have made a difference if David didn't give Ted money, as Ted was quite intent on his mission. And yet, David felt connected to the deaths and injuries Ted caused because of his connection to Ted—like contaminated food, David felt he was contaminated (Oshana 2006, 356). For Oshana, moral taint captures the common intuition that it's possible to be morally blameless yet still feel moral responsibility and shame.

Philosophers like [Abdel-Nour \(2003\)](#) and [Lebron \(2013\)](#) have defended shame as the fitting emotional response for present-day individuals belonging to a group that has committed significant injustice in the past. Likewise, [Oshana \(2006\)](#) doesn't limit her account to the interpersonal context but discusses living individuals who do not voluntarily choose an identity that carries the moral taint of perpetratorhood based on past injustice. Moreover, she argues, the experience of shame can and should translate into concrete actions. If an individual feels tainted by someone else's wrongdoing, trying to help right the wrong is a way of removing the taint. Groups can do this just like individuals can.

In light of these considerations, we propose the following *moral taint* account of object appropriation:

- 1 Cultural objects are sometimes taken illicitly—stolen, looted, strong-armed, attained through deception or exploitation, etc.
- 2 Continued possession of a cultural object that was illicitly taken is morally tainted.

Though the moral taint account is not limited to cultural objects taken in the context of colonialism, this context can serve as an “amplifier” of moral taint (see [Lenard and Balint 2020](#)). As such:

- 3 If cultural objects are taken in colonial/settler colonial contexts characterized by unjust power relations, and unjust power relations have continued despite legal, political, and cultural changes meant to promote decolonization, political sovereignty, and self-determination, this augments the moral taintedness of continuing to possess the cultural objects in question, since the possessing/not possessing relation is symbolically connected to broader unjust power relations.

Finally, as [Chapter 5](#) argues:

- 4 If a cultural group's possession of cultural objects is morally tainted—i.e., (1) and (2) apply—there's a *prima facie* case for the group to remove the taint by repatriating the objects. (We're using *prima facie* language because of the conditions we specify in [Chapter 5](#).)

A point of clarification: On the moral taint account, the claim *isn't* that theft is morally wrong, so object appropriation is morally wrong, end of story. This formula might have worked when cultural objects were originally taken, but our central concern here is the present day. And so, what's morally wrong is failing to recognize the moral taintedness of an object's being located where it's located, given the history of how it wound up there.

Of course, one might object that the moral taint account implicitly relies on legalistic ownership ideas that were rejected earlier. As the objection goes, if the notion of moral taint has any pull, it must be because we're understanding cultural groups as the owners of the art that was stolen.

However, the story we're telling doesn't rely on legalistic ownership rights in the sense described. At one point in history, there was a party that lacked a plausible claim to owning the art and then acquired the art through wrongdoing. In the Abomey treasures case, the wrongdoing is stealing sculptures owned by a king. Benin didn't exist in the days of the Kingdom of Dahomey, and we have no reason to assume that the King of Dahomey would have given all his personal possessions, including the Abomey treasures, to the people who now reside in Benin. Benin today has not inherited the treasures in the narrow, legal sense of ownership, but it still has valid claims to the treasures because of the historical and cultural connections between Benin and Dahomey. France should honor these claims because its possession of the royal treasures is morally tainted.

Quite obviously, we are only presenting the moral taint account in outline form. Much more would need to be done to defend each premise. Nevertheless, it's worth explaining why we think the account is promising.

First, the account seems to satisfy two desiderata suggested earlier. It does not rely on strong claims about cultural ownership rights; the question is not about who the rightful "owner" of a cultural object is, but who should be its trustee and who should have the most immediate access to it. Also, the normative significance of theft and other kinds of illicit takings in the context of broader colonial injustice is recognized. So, it shares the advantages of the value-based account but not the disadvantages.

Second, the account seems to capture the reasons that some Western nations are undertaking repatriation processes—a subject discussed at length in [Chapter 5](#). Paris's musée du quai Branly - Jacques Chirac has been inventorying its collection, estimated to contain 70,000 African artworks ([Sarr and Savy 2018](#), 44). As Quai Branly's president, Emmanuel Kasarhérou, explains, the goal is to determine which other works were "taken through violence, without the owners' consent, or as war booty or through the coercion of the colonial administration" ([France24 2021](#)). Kasarhérou's description seems to recognize the taintedness of possessing stolen artworks, particularly in the context of violence and colonialism—the latter is the ultimate reason for France's repatriation efforts (see also [M'Bow 1979](#)).

The biggest objections faced by the moral taint account have to do with nationalism. [Anderson \(1983\)](#) locates the origins of nationalism in the printing press; "national print languages" enabled the rise of "imagined communities" with distinctive political identities and sovereign aspirations. Imagined communities have a dark side: Nationalism is often scrutinized as a suspect ideology used by elites to consolidate political power and manipulate political subjects into sacrificing life and limb. Even if the moral taint account is not motivated by nationalism, one might argue that the result is the same—the end goal is a world in which cultural objects are found in their places of origin ([Cuno 2014](#)). Contrast this to a cosmopolitan outlook that sees the nation-state as a contingent political form, cultural boundaries as fluid and

porous, and cross-cultural exchange as natural and desirable. Isn't it great to have museums that value artworks from cultures around the world? But as James Cuno (2014, 122) argues, a nationalist perspective is invested in simplifying Western museums as "imperial instruments and contemporary agents of historical imbalances of power by which stronger nations continue to enrich themselves at the expense of weaker ones."

But why should we think that African museum curators are not motivated by the same sort of cosmopolitanism that motivates European museum curators? In 2017, French President Emmanuel Macron commissioned a report on repatriating African cultural heritage. In the Sarr-Savoy Report, as it came to be known, economist Felwine Sarr and historian Bénédicte Savoy discuss artworks like the Abomey treasures as "the expression of human brilliance and... a material translation of humanity's creativity. The faces of human experience they reflect are universal." Accordingly, "through the re-appropriation of these objects, it's also about once again becoming the guardians of the human community" (Sarr and Savoy 2018, 39). A common museum practice is organizing traveling exhibitions of collections and circulating aesthetically significant objects around the world. Cuno (2014) himself states that the cosmopolitan ideal means spreading access to art widely and organizing more cross-cultural exchanges of collections. As Sarr and Savoy point out, African museum curators are motivated and ready "to circulate the pieces of cultural heritage within both a continental and global geography" (Sarr and Savoy 2018, 39). Besides, it is not as if museums with art acquired via thievery make all acquisitions publicly available. In total, 7.92 million of the British Museum's 8 million objects are packed away in storage facilities (Robertson 2019, 32).

Do we view the moral taint account as specifying the only considerations that matter in object appropriation cases? We wouldn't go as far as saying this. For example, possibly the most high-profile and contested cultural object theft case is that of Parthenon Marbles. In the fifth century BC, the sculpture series was constructed on the Parthenon walls in the Greek city-state of Athens; half the sculptures were removed at the direction of the British ambassador, Lord Elgin, in the early 1800s. There are wildly different perspectives on whether this was in fact a theft. The British Museum's official position has long been that Elgin legitimately acquired them (The British Museum n.d.). Yet many historians and international lawyers deny that the then-reigning Ottoman government gave Elgin formal permission to do anything more than collect marble shards already on the ground; he had bribed local officials in removing the most striking elements of the Parthenon (Robertson 2019, chaps. 3–4). If the British Museum's claims aren't backed by the historical record, then the Parthenon Marbles seem indeed to be a morally tainted holding.

At the same time, the value-based arguments of Appiah and Young seem to carry great normative weight in a case like this. Christopher Hitchens, an advocate of returning the Parthenon Marbles to Greece since the 1980s, equates the status quo with the Mona Lisa being cut in half and displayed in

two places (Hitchens 1987; NPR 2009). As classical archeologist Joan Breton Connelly writes:

Poseidon's shoulders are held in London while his pectoral and abdominal muscles remain in Athens. Athena's battered head, neck, and right arm are displayed in the New Acropolis Museum while her right breast remains in the British Museum. This deliberate and sustained dismemberment of what are some of the most sublime images ever carved by humankind brings shame on those who work to uphold this state of affairs.

(quoted in Robertson 2019, 51)

Greece's view of the British Museum's possession of the Parthenon Marbles as morally tainted is one thing. But it is also morally and aesthetically compelling, and hardly at odds with a cosmopolitan view of culture, to say that the Parthenon Marbles should be reassembled as a unitary whole in one place—and that this place should be the New Acropolis Museum in Athens, 300 meters from the Parthenon.

Cultural Appropriation as Intellectual Property Theft

Let us turn from the relationship between theft and physical object appropriation to the relationship between theft and intellectual property appropriation—if, indeed, designs like the Tlahuitoltepec style *should* be considered intellectual property. Intellectual property is a “system of rights and obligations that order the processes of creating novel products and services that are valuable to society” (Ghosh 2008, 106). The hallmark of physical property, when privately owned, is that if one person possesses it, another person does not possess it. Physical items are thus “rivalrous” goods. Intellectual property is “non-rivalrous”: Patterns, designs, and musical motifs are not physical things and their use can be repeated endlessly (Green 2012, 256).

Many philosophers and legal scholars see the point of intellectual property regimes as encouraging the production of socially valuable creative work. From this perspective, intellectual property rights are a social construction, not weighty “natural” moral rights that would provide entitlements to creators in a social and political vacuum (Waldron 1992, 851–52). Three interrelated arguments are commonly made against the idea of strong intellectual property rights and protections. First, because of the nature of human sociality, there is nothing new under the sun. Boon (2010, 7) describes copying as “part of how the universe functions and manifests” and “a fundamental part of being human.” For most of human history, oral traditions were not concerned with attributing creatorship to any single individual; the very transmission of culture through the generations has long relied on copying. However, in the eighteenth century, changes in Western copyright laws fueled ideas about “the author”—“which in turn were fueled by the economic interests of publishers, booksellers, and authors, and various technological changes that made such interests

pressing” (Green 2002, 176–77; see also Riley 2000, 182–84; Vaidhyathan 2001, 8–16). The recency of the concept of intellectual property speaks against uncritically accepting it, let alone assuming that its basis is moral in nature.

Second, strong intellectual property protections are commonly defended by, and seen as economic advantaging, large Western companies. Indeed, intellectual property regimes shaped one-sidedly by Global North countries play an important role in global economic inequality (Shiva 1999; Young 2021; Pham 2022). These dynamics are on powerful display, for example, when pharmaceutical companies zealously protect patented drugs that could save many lives if widely available at affordable prices in the Global South. Even when the stakes are not life-or-death, it is conspicuous when highly profitable companies like Disney win multimillion-dollar lawsuits against small-time creators and business owners for copyright and trademark violations (Waldron 1992; Young 2021a; 2021b, chap. 1). (One of us attended a conference dinner in Tuscany at a restaurant that had changed its name from “Gucci DOC ristobistrò” to “G...i DOC ristobistrò”—even though “Gucci” was the owners’ last name, Gucci-the-fashion-company threatened to sue them.) Major recording companies are also notorious for endorsing rigid copyright restrictions: “copyright formalities foster inequality by favoring the well-resourced,” argues Greene (2022, 630; see also Greene 1998; 2007).

Third, strong intellectual property protections arguably stifle creativity (Vaidhyathan 2001; Boon 2010). Dane-zaa and Swiss-Canadian artist Brian Jungen is known for his sculptures and masks that use materials like cut-up Nike shoes to reference Indigenous cultural motifs (Schweitzer 2011). If Nike had legal grounds to challenge Jungen’s usage of its shoes and the “Swoosh” logo in his art—thankfully, in this specific case, it doesn’t seem to—this would rob the world of valuable creative expression.

Such considerations make it seem doubtful that there are strong moral intellectual property rights that intellectual property “thieves” violate. That cultures are moral “property owners” of intangible forms of cultural expression is arguably even more dubious (Young 2008, 78–84; 93–97; 2021a; 2021b).

Details about the Tlahuilottepec blouse/Isabel Marant tunic case can be understood as supporting this view. Tlahuilottepec blouses are a design tradition that cannot be attributed to any single person. The Tlahuilottepec design is copied again and again and again, with individual Mixe artisans changing details but without making any claim to individual, original authorship. The cycle of copying-with-variation repeated by generation after generation of artisans is precisely what it means for the Mixe people to have a design “tradition” (Farzaneh 2019, 428; Riley 2000). To say that outsiders cannot participate in this tradition seems to enforce essentialist views of cultures as self-contained, bounded wholes, as well as to enforce rigid and individualistic—and Western—conceptions of intellectual property.

The latter charge is sometimes leveraged against one of cultural appropriation’s early expositors. Music critic, essayist, and poet Amiri Baraka was a controversial figure who wrote prolifically. Some of these works reveal the

disposition of a “proud racial essentialist” and “reactionary anti-Semitic and antifeminist” (Watts 2001, 180, 459). However, Baraka’s arguments about Black American music are worth examining. He repeatedly uses “theft” language, and it is possible to read him as defending Black music as the collective intellectual property of Black people (Rudinow 1994; Gracyk 2001, chaps. 5–8; see also Taylor 1995; Rudinow 1995; Shelby 2005, 189–96; Young 2008, 34–37). The theft of Black music is valuable to discuss in its own right, as well as a subject that sheds light on intellectual property in textile designs.

In “The Great Music Robbery,” Baraka (1987) gives a sweeping overview of the historical relationship between Black music and White people in the United States. He begins with chattel slavery and the legal construction of Black people as White property, their labor stolen daily after being kidnapped from Africa. He connects enslavement and minstrelsy, where White entertainers took distorted ideas about Blackness and made them a form of entertainment for White audiences, wearing blackface costumes and engaging in song-and-dance antics that projected the stupidity and laziness of Black people. But then, slowly, things changed: “the strict open condemnation of black life as ‘inferior’ has retreated.” White people began to see Black forms of cultural expression as valuable, so much so that they began to claim Black cultural production—blues and jazz music—as their own. For example, Baraka writes about *The Great Jazz Pianists*, a “dizzy white-chauvinist tome” centered exclusively around White musicians. “But Tatum, Waller, Bud Powell, and Monk are left out—not to mention Duke Ellington, Willie the Lion, James P. Johnson, etc.” As Baraka remarks, “these are not just the opinions a drunken racist at a party might give out. William Morrow published this garbage.” (Incidentally, William Morrow is also Baraka’s own publisher.) And so, on Baraka’s definition, the Great Music Robbery is “attempts by the bourgeoisie to claim and coopt... black music as the creation of whites” (Baraka 1987, 315–16).

Importantly, Baraka does not think that Black musical forms developed in an environment hermetically sealed from outside influences, White or otherwise. Baraka’s 1963 book, *Blues People: Negro Music in White America* (written when Baraka was LeRoi Jones) reveals Black American musical culture as exemplifying what cultural theorists call “transculturation” or “hybridity.” Such terms describe how marginalized groups blend “traditional” cultural materials with those of the dominant cultural group to create new cultural expressions (e.g., Hall 1993, 362; du Gay et al. 1997, 72). As Baraka describes, the circumstances of enslavement—repetitively toiling in the fields as a communal group—led kidnapped Africans to develop the blues as work songs, rooted in but not identical with the music of their West African homes (Jones 1963, chap. 3). Enslaved field laborers sang without instruments, but in the late eighteenth and early nineteenth centuries, European instruments like the harmonica, guitar, and brass marching band instruments, as well as the time signatures found in European instrumental music, opened up new possibilities for the blues—and its “concomitant” musical form, jazz (Jones 1963, 71). Later influences on

Black music from European and White American culture included vaudeville, musical theater tunes, and even White minstrel shows; what resulted was “popular” jazz, “classical” blues, and ragtime (Jones 1963, chaps. 6–7). Naturally, White musical forms were influenced by Black musical forms as well. Though Baraka forcefully defends the Blackness of blues, he describes the racial history of jazz as being much more complex, with White jazz artists challenging racial boundaries and contributing to jazz’s central role in American musical culture (Jones 1963, chap. 10; see also Young 2008, 37).

But the usual dynamics of cultural interchange are not what Baraka is referring to as the Great Music Robbery. The backdrop to Baraka’s theft complaint is *de jure* racial segregation in the twentieth-century United States, which aimed at preventing Black people from living, attending school, working with, and marrying White people. Radio airwaves were segregated just like everything else. Local broadcasting companies were almost exclusively White-owned, and there was a presumption that White audiences would only want to listen to White broadcasters and White musical acts. However, a Black person’s dollar was just as good as a White person’s, and so, radio channels were created for Black listenerships featuring “race” music (Barlow 1990, 22, 31).

During the advent of popular jazz, R&B (“race” music language was replaced by “rhythm and blues”), and rock and roll, American copyright laws were extremely lax regarding musical covers. If an artist signed by one record label had a hit song, other labels would quickly get their artists to record covers, which would then be circulated as competitors to the hit; listeners often had no idea whether they were listening to an “original” or not (Magnus 2022, 8–9). As a result, it was common for White artists to re-record popular songs by Black artists for White radio channels (Greene 1998, 369–71; Hines 2005, 484–86; Magnus 2022, 11–12). This was so profitable that a company called Dot Records was entirely dedicated to White “race” and R&B covers (Braun-eis 2024, 197). In this practice’s most extreme form, entire musical acts were built around White musical performers playing Black music, marketed to a White audience. Sometimes this opened up White audiences to Black artists they might not have otherwise discovered (Gracyk 2001, 145–46; Shelby 2005, 194; Young 2008, 115–16). Sometimes this meant that hit songs recorded by White artists generated huge profits for White-owned record labels, with Black songwriters receiving meager payments and meager recognition (Hines 2005; Arewa 2005; Greene 2007). Sometimes both things were true at once.

Here it is worth introducing a distinction between *moral wrongdoing* and *structural injustice*. Moral wrongdoing is oftentimes interpersonal and involves an agent failing to live up to the standards of conduct that others may reasonably expect in virtue of their personhood (Kumar 2003, 106). Structural injustice—an umbrella term that encompasses structural racism and other forms of structural oppression—has to do with impersonal social structural processes that distribute power, material advantages and disadvantages, positive and negative social meanings, etc., unequally based on circumstances over which

individual agents largely lack control. Iris Marion Young (not to be confused with James Young) argues that structural injustice can be present even when no individuals commit moral wrongs. Whereas wronging involves a moral rule being violated, everyone might “act within the law and according to accepted norms and rules” yet produce structural injustice (Young 2011, 46). As Young (2011, chap. 4) explains, instead of trying to construe every single individual contribution to structural injustice as wrong and blameworthy, individuals should work collectively to change society for the better, transforming unjust social structures into just ones.

However, patently wrongful individual actions can be contextualized by, and contribute to, structural injustice, something Young herself acknowledges (Young 2011, 99; Page 2021). “Moral wronging” and “structural injustice” are commingling, not mutually exclusive, phenomena. This is evident in U.S. popular music history. There is undoubtedly structural racial injustice, but also, identifiable forms of moral wronging recurring time and again. We’ll discuss three forms: *Exploitation*, *discrimination*, and *denying credit*.³

Exploitation

Exploitation typically refers to one party taking advantage of another’s circumstances to benefit themselves (Vrousalis 2018, 2). This does not mean that exploitation is always morally prohibited, and exploited persons do not always suffer net harm relative to their baseline situation. A hardware store might double the price of snow shovels during a snowstorm, exploiting the situation, but the expensive purchase may make a customer better off, and they are not necessarily wronged (Weitheimer 1996, chap. 1). (If this is unintuitive, think about an economically struggling hardware store owner serving a lavishly wealthy client base.)

Contrast the snowstorm example to the circumstances that many Black musicians faced while working with White-owned record labels in the pre-Civil Rights era. Some found themselves in cycles of borrowing: “You had to tell them you needed your rent paid, food for your family and things like that... It was like a sharecropper, you always almost got out of a hole, but not quite,” explained pianist Memphis Slim (Barlow 1990, 29). This pattern also trapped chart-topping singer-songwriter Ruth Brown. Atlantic Records gave advances and funds to cover the cost of Brown’s recording sessions, but refused to pay this off with her royalties as promised, and she wound up deeply in debt to the label, despite the popularity and profitability of her songs (Arewa and Stahl 2023, 287–88). It was a common practice for record producers—who often had no composing background—to list themselves as the sole songwriters for legal purposes, such that they’d earn exclusive royalties from recordings and covers (Greene 1998, 372–73; Hines 2005, 480–81). As a result, some musicians suffered abject poverty despite writing highly profitable hits.

Belonging to a racially stigmatized group, desperate for whatever income their music skills could earn them, and knowing the race and class dynamics

they encountered were similar at all record labels willing to work with Black artists, Black musicians were on extremely unequal footing in signing music contracts. But exploitative treatment was not universally White-on-Black. Media scholar William Barlow (1990, 21–26) writes about the dubious practices of Black producer “Ink” Williams, who offered musicians endless whiskey at recording sessions, causing them to pass out. They’d later learn they’d signed a contract agreeing to no royalty money for their songs. Barlow also points out that Black blues musicians benefited from having their songs recorded, and that Black audiences at the time benefited from blues music being widely disseminated (Barlow 1990, 32). And so, as someone skeptical of claims of “exploitation” might argue, even though Black musicians didn’t obtain the earnings they deserved, or the earnings they might have gotten had they been economically privileged and White, making recordings with White-owned record labels benefited them, and as such, they weren’t wrongfully exploited.

However, a plausible conception of what makes A’s exploitation of B wrongful has to do with A’s power over B *in general* facilitating their transaction’s exploitative nature (Vrousalis 2013). Returning to the snowstorm example, the hardware store owner does not hold power generally over the shovel buyer, hence, *ipso facto*, the owner’s shovel price is not something they can demand based on a long-term power-imbalanced relationship. This is very different from the circumstances of Black blues musicians.

Moreover, it is plausible to think that agents have moral duties to one another that obtain even if the context of their interaction is an economic transaction. The circumstance of economic exchange doesn’t license bare egoism, in other words. As such, rather than taking advantage of societal racial injustice to acquire the rights to songs by Black musicians at unconscionably low prices, record producers should have given Black musicians their moral due. This means giving Black musicians their economic due, even if not required by the market economy of a racist society. The hardware store owner, instead of taking advantage of societal racism, is taking advantage of the weather in a way that isn’t stigmatizing or inescapable for the would-be shovel customer—who, as we can presume, can always borrow a shovel from a neighbor. As such, there are good reasons to think that Black musicians suffered treatment that was exploitative and wrongful (see also Matthes 2019, 1005–06).⁴

Discrimination

Like exploitation, discrimination is not always morally wrong. Supporters of affirmative action, for instance, see “racial preferences” in hiring and university admissions as defensible if used to benefit members of a historically marginalized group and if ideas about the relative superiority/inferiority of different societal groups are not present (Kennedy 2013). When is discrimination morally wrongful, then? On an “anti-subordinationist” understanding, societies have a duty to foster the conditions where people are treated as moral and political equals. Sometimes patterns of human interaction subordinate groups based on morally

arbitrary traits, contributing to a “state of affairs in which one social group has a standing in society as a whole that is lower than that of another social group” (Moreau 2020, 50). Under these circumstances, legal and moral norms should prohibit discrimination based on the traits in question. Violations of such norms constitute wrongful discrimination (Botts 2018; Moreau 2020, chap. 2).

Consider the following music industry practices, common in the pre-Civil Rights era United States:

- Not hiring Black musicians to perform in music clubs or participate in musical ensembles (Monson 2007, 62).
- Not recording music by Black artists (Hines 2005, 479; Brauneis 2024, 189).
- Hiring Black musicians and recording their music, but paying them far less than their White counterparts (Hines 2005, 480, 484).
- Denying membership to almost all Black songwriters in the American Society of Composers, Authors, and Publishers (ASCAP), while successfully lobbying “mainstream” radio stations to exclusively play songs written by ASCAP members (Brauneis 2024, 189).
- Designating recordings by Black artists only for “race music” radio channels, even if stylistically close to recordings featured on White mainstream channels (Maultsby 2017, 47; Brauneis 2024, 191).

One might question whether all these examples reveal wrongful discrimination. If White musical audiences prefer music by White artists to Black artists, is it morally wrong for record labels to cater to these preferences (Boxill 1992, 29)? Arguably, they are just responding to economic incentives—it’s the society that should be considered discriminatory, not the record labels. However, on an anti-subordinationist approach, not giving Black artists the same opportunities and pay as White musicians violates an antidiscrimination norm that identifies race-based hierarchies as morally impermissible modes of social organization. Whether a record producer personally harbors racial animus is irrelevant. “Whites-only” record labels are morally wrong, regardless of the reason.

Denying Credit

Earlier, we expressed doubt over strong moral intellectual property rights. But this does not mean viewing all creative expression as emerging from an authorless vacuum, as if written/composed/designed by no one. Why not? Isn’t it true that nothing is new under the sun?

Creative expression emerges from persons who are embedded in social contexts that impact what they create. When an individual or individuals, employing their creative powers, draw on the contexts in which they’re embedded and make something, they contribute to the tradition of culture itself, producing something perhaps beautiful, perhaps rich with meaning, perhaps entertaining, thrilling, funny, or emotionally cathartic. “Norms of attribution”

where known creators are associated with works of creative expression allow us to give “credit, prestige, and financial reward,” to seek out other works that might also speak to us, and sometimes, to hold the creators responsible if we think what they put out is garbage (Green 2002, 174–75, 196).

The idea of attribution norms doesn’t amount to inflexible moral rules where identifying creators is always required. Familiar cultural tropes typically don’t need attribution. Semi-obscure cultural references can facilitate, precisely by *not* giving attribution, a rich experience of discovery for one’s audience. And a creator’s withholding of their identity when attribution is expected can challenge ideas about attribution itself, lending mystique to cultural expression.

However, none of these considerations unsettle the claim that attribution norms are a valuable part of contemporary creative practice. When in place, it is morally wrong to commit an act of plagiarism, or otherwise claim or accept credit for the work of another creator. White cover recordings of songs by Black artists, then, would seem to be a clear case where due credit is wrongfully denied. A publicly esteemed song is associated with the more famous White artist instead of the less famous Black artist, with White record producers and artists drawing the lion’s share of the financial benefits.

Of course, one might challenge whether there *were* in fact attribution norms in place in the pre-Civil Rights era music industry. As some music historians point out, technology has changed how we listen to music, and audiences used to not care about the *artist*; they just wanted to hear the *song* (Magnus 2022, 8). Perhaps it is anachronistic to judge the denial of credit as wrong. However, though this was true of the early decades of the twentieth century, things changed as time wore on. Music history supports the idea that White artists featured on segregated “popular” music channels marketed to White audiences *did* receive considerable acclaim. Think about the hero worship surrounding Elvis and the screaming audiences at his live shows—the most notorious and debated case of a White performer whose biggest hits were covers of songs by Black R&B musicians (see Taylor on “the Elvis effect”: Taylor 1997; 2016, 175). And, importantly, it’s not just that a cover song overshadowed an original, but that many Black artists did not receive financial compensation for the songs they wrote. Denying the benefits of credit-giving makes denying credit morally worse than it would be on its own.

As the preceding discussion shows, one does not need a strong conception of moral intellectual property rights to say that Black musicians experienced patterns of exploitation, discrimination, and the denial of credit—which should be understood as constituting identifiable moral wrongs rather than being reduced to (mere) structural injustice. But does this amount to “theft”? We are now equipped to return to Baraka’s Great Music Robbery thesis.

What Baraka puts front and center is the wrong of denying credit, something that takes place against the backdrop of a host of other wrongs, including exploitation and discrimination. More specifically, Baraka argues that *Black*

people collectively were wrongfully denied credit for originating Black musical forms. Shelby (2005, 178–79) sees the desire that one’s group is recognized for its cultural contributions as a way of fighting inferiority complexes internalized as a result of racism. But, he argues, “in freeing their minds from the grip of such degrading and essentialist images,” Black people should be wary of substituting “another essentialized group identity, no matter how healthy or group-affirming some may think it to be.”

Though an essentialist understanding of Black identity may very well underwrite the desire to recognize great Black jazz pianists, or to say that Chuck Berry or Little Richard was the first rock and roll musician rather than Elvis, these things are not necessarily bundled together. Maultsby (2017, 54–55) discusses how Cleveland DJ Alan Freed very deliberately rebranded R&B music as “rock and roll” for his White radio show audience—Cleveland is dubbed “the birthplace of rock and roll.” White audiences of segregated radio channels naturally thought the musical styles they listened to were devised by the artists they listened to, namely, White artists. Pointing out that 1950s R&B and rock and roll were the same thing might be understood as correcting the historical record for the sake of historical accuracy, as well as a kind of epistemic reparation for past injustice (Greene 2007; Song 2021; Altanian 2024). Of course, Shelby’s point about essentialism should be taken seriously, and we should be wary about accepting Baraka’s Great Music Robbery thesis based on a Manichean understanding of music history. This means welcoming complexities rather than minimizing them. For example, Big Mama Thornton’s song, “Hound Dog,” nowadays associated with Elvis, was written for Thornton by two White songwriters (cf. Gracyk 2001, 86). White musical acts New Kids on the Block and Iggy Azalea were the brainchildren of Black producers, who profited from White performances of Black musical styles just like White producers often did.⁵ But embracing complexity is different from doggedly insisting that Elvis invented rock and roll.

There is also more to Baraka’s Great Music Robbery thesis than wanting Black cultural contributions recognized. Baraka notes how some music writers conceptualize Black music as *American* music, a common tradition that Americans of all racial and ethnic backgrounds participate in together (see also Lipsitz 2007, chap. 4). But this is a more subtle musical theft, a way to “feign integration and democracy where mainly segregation and racism still exist.” In colorblind America,

Reggae was thought up by The Police and we know “The Greatest Rock & Roll Band in the World” is spastic Mick Jagger and The Stones.... It is the lack of democracy that makes all this criminal. Labor is still being stolen [and] resources vandalized...

What makes [Black] art and music so attractive is its core of democratic longing; inside that music is a cry for equality and liberation, and it is part of its historic beauty and emotional impact.

(Baraka 1987, 317)

Cultural appropriation disguised as racial integration covers up racial segregation and gaping economic inequality, according to Baraka. It erases the democratic longing so central to Black music's significance. And so, recall the earlier notion of "moral taint." When contemporary White artists appropriate Black American musical styles, when record producers—regardless of their identity—see the business opportunity in such artists, they enter cultural territory with a morally tainted history. This doesn't mean that it should only be Black artists who rap, sing gospel, or play the blues. The "Funky White Boys" and "Honorary Soul Sisters" clubs have room for new members (Taylor 1997). But non-Black artists should be particularly on guard against engaging in exploitation, discrimination, and the denial of credit, repeating the wrongs of the past thereby. Moreover, to preview the argument we make in Chapter 4, members of marginalized groups are entitled to make "appropriation-related requests" of cultural outsiders. This may take the form of: *If you're going to appropriate practice Y, please know something about Y's history. Or: If you're going to appropriate Y and you're a prominent person with a platform, please speak out against ongoing forms of violence and oppression to our community.* The kinds of considerations explored via our "request" account put more flesh on the bones of the moral taint claims we're briefly making here.

Let us return to the case of Mixe artisans and Isabel Marant. In certain respects, the case against Marant's appropriation might seem weaker than in circumstances where exploitation, discrimination, and the denial of credit come together, and what results is a White cover of a song by a Black artist becoming the canonical, remembered version, while the Black artist barely gets paid. Songs are written by particular individuals, and as such, individual Black artists are wronged. Design traditions are practiced by a community, and saying that the Tlahuitoltepec style is off-limits to Marant because she is not of Mixe origin is arguably equivalent to saying that the musical style of R&B is off-limits to musicians who are not Black.

At the same time, it is relevant that Marant—a prominent French designer who fits comfortably into the White, class-privileged fashion industry—is able to maintain a high-end brand where she can sell a sweatshirt with her name on it for the equivalent of the Mexican monthly minimum wage. Indeed, Marant's tunic retailed for fifteen times the price of its Tlahuitoltepec counterpart—200 euros or 4,500 pesos versus 300 pesos (Larsson 2015). In a structurally unjust world, there is a marketability to Marant's clothing in a way that is reminiscent of White R&B covers.

Marant also seems to take advantage of the fact that her peers and customers would not recognize the stylistic origin of the tunic, or if they did, would not stigmatize it as plagiarism. As Adrienne Keene observes, blogging about fashion brand KTZ's 2015 "Native" runway collection (intended as "a tribute to the primal woman indigenous to this land, who evolves into a sexualized, empowered being"):

[I]f KTZ had directly ripped off images from, say Valentino, or Yves Saint Laurent... there would be a major case to be made about violations of

intellectual property rights, and people would scoff at his lack of creativity. But “primitive” or in his words, “primal” peoples are not ever given the same consideration.

(Keene 2015)

One might argue that Mixe artisans are not harmed, since the markets for Marant’s clothing and Tlahuitoltepec clothing are different. A Marant shopper might be even more inclined to seek out a bona fide Tlahuitoltepec blouse. But if we home in on just one of the moral wrongs from our previous discussion—the denial of credit—an obvious reply is that if Marant had simply said where she got the design from, this would have done much more to economically benefit Mixe artisans. A community that develops a distinctively identifiable design tradition can be owed credit just as individuals can (Riley 2000). And, given fashion industry norms that see partnerships between prominent Western brands as marketable and lucrative, more than just naming Mixe artisans as her inspiration, Marant could have approached community representatives and proposed a collaboration (Keene 2015; Metcalfe 2015).

Conclusion

Does theft explain the moral wrong of cultural appropriation in cases where physical objects and forms of creative expression are taken? As we’ve argued in the context of the colonial era looting of artwork, though what happened in the past was literal theft, the moral wrong today is explained by the ongoing morally tainted possession of art. In the context of the White appropriation of Black music, the argument is more complicated. Salient moral wrongs include exploitation, discrimination, and the denial of credit. However, since individual instances of moral wrongdoing are connected to broader patterns of racial injustice, while “theft” is best understood metaphorically rather than literally, this doesn’t mean that the term isn’t meaningful. This is true even if one is skeptical about strong moral conceptions of intellectual property rights and about cultural groups morally “owning” creative expression. Finally, when cultural outsiders appropriate traditional designs, this can similarly wrongfully deny credit against the backdrop of unequal cultural and racial power dynamics. “Plagiarism” might be a more apt term than “theft.” But again, this doesn’t mean that theft language is meaningless.

Notes

- 1 Thompson (2003) can also be read as advancing a value-based argument.
- 2 For a cultural group with a group-agent-type governance structure—e.g., some Native nations in the U.S.—cultural ownership rights have a firmer basis. However, this also might be a context where “stewardship” language is more appropriate than “ownership” language (Carpenter et al. 2008, 1074 *et passim*). Among other things,

blood-quantum-based tribal enrollment rolls often don't capture the fluidity of Native cultural group membership (TallBear 2003).

- 3 This is not an exhaustive list of wrongs connected to the “theft” of creative and intellectual expression. For example, consider “co-opting.” Following Mehdi and Frazier’s (2021) discussion, when Victoria’s Secret appropriates “body positivity” themes from the fat acceptance movement to use in underwear ads featuring skinny models, this seems morally wrong.
- 4 Note that Young (2008, 21) disagrees that the pattern we’re describing fits into a cultural appropriation framework, since it’s individuals who are exploited. Along similar lines, Appiah (2018a; 2018b) wants to jettison “cultural appropriation” language because he thinks it suggests an overly restrictive outlook on cultural borrowing, and just focus on wrongs like the ones we’re describing in this section. However, we see our moral taint account as explaining why cultural borrowing might be viewed with suspicion when there’s a history of exploitation, discrimination, and credit-denying. Because cultural borrowing has, historically, been the site of these other wrongs, there are reasons to be on-guard against their repetition in the present day. This explains why it’s useful to talk about cultural appropriation in the first place, even though we agree with Appiah that—at least in the “theft” cases discussed in this chapter—the moral wrong is not *the fact of cultural interchange itself*; but exploitation, discrimination, and credit-denying.
- 5 See Cooper’s “White-Girl Tears” (2018).

3 The Disrespect Argument

One pattern discussed all the time in debates over cultural appropriation is this: As group X's overt bigotry toward group Z declines, X begins to claim Z's cultural expression as its own. This kind of pattern was at stake in the discussion of Black music in [Chapter 2](#). In this chapter, we want to discuss a different kind of pattern, where culturally appropriative acts involve stereotypes that portray the group in a reductionist and offensive light. Technically, cultural appropriation's objectionability in such contexts can be explained without reference to cultural appropriation: We should treat others with respect, and cultural appropriation that mocks, insults, or stereotypes members of a cultural group is disrespectful, plain, and simple.

Take the example of Black Pete, or *Zwarte Piet*, the Dutch companion of Saint Nicholas. Black Pete is usually portrayed by White men wearing black make-up. Red lipstick and an Afro wig sometimes complete the costume. Black Pete, and more generally, minstrelsy and blackface, can be considered forms of cultural appropriation: Those who wear black make-up are appropriating stereotyped versions of physical features associated with a cultural group. At stake here is "subject appropriation" ([Young 2008](#), 7), where those who portray Black Pete present themselves as members of a culture that is not theirs, albeit as a racist rather than literal rendering.

Black Pete has been part of the Dutch Saint Nicholas tradition since the mid-1800s, when, as [Hofstede \(1990, 372\)](#) recounts, the Dutch slave trade brought visions of Africans into popular imagination, and Black Pete replaced the devil as Saint Nicholas's companion and foil. On the heels of a large migration of Black Surinamese people to the Netherlands, Black antiracist activists perceived as "radicals" protested Black Pete as "a key symbol of racial oppression" in the 1980s ([Hofstede 1990, 373](#)). Some Dutch media programs responded by altering Black Pete's image to a slightly lighter skin tone or superficially modifying his features, but as one mid-1980s activist reported, "White people simply do not seem to understand what's at stake" ([Hofstede 1990, 376](#)). In the past two decades, however, the question of whether the tradition of Black Pete should be maintained has been a frequent topic of public discussion in the Netherlands, with the protests against it more widely and favorably depicted in the

media (e.g., Boffey 2020). The tradition still exists (although more and more in a modified form that avoids blackface), and today no Dutch person can ignore that many consider it deeply offensive. In the Dutch debate over Black Pete, cultural appropriation isn't typically how conversations are framed; Black Pete is simply discussed as involving racist stereotypes. However, based on the broad, descriptive understanding of cultural appropriation that we are using, Pocahontas Halloween costumes, racist dress in the context of carnival, Disney movies written, directed, and produced by White people that involve racially and culturally offensive stereotypes, and blackface all fit under the general heading of cultural appropriation. The whole point is for members of one culture to trigger imagined representations of another culture, "borrowing" features projected onto that culture to reference it.

As a form of cultural appropriation, what makes Black Pete (and minstrelsy and blackface more generally) wrong is the disrespect it discloses. Here, the wrong-making feature is not cultural appropriation itself, but the disrespect that comes with it (see also Appiah 2018a; 2018b, chap. 6). This is what we call the disrespect argument: It is *prima facie* wrongful to culturally appropriate in a disrespectful manner because we have a moral obligation to treat others with respect.

In this chapter, we first ask what it means exactly to be respectful. What kind of behavior is entailed by such a commitment? We then discuss cases of overt disrespect, and in particular, stereotypes. Next, we look at possible justifications for disrespect: A liberal society must allow for humor and satire, even if this means challenging or pushing the boundaries of what respectful conduct looks like. Finally, we ask how to determine when disrespectful cultural appropriation is wrong.

Respecting Others, or Respecting Others' Cultures?

We know that we should respect others. Being respectful is a moral obligation that we owe to others simply because they are humans and deserve to be treated with equal dignity. However, though respect is due to individuals, this does not mean we owe respect to cultures directly. Nor does the equal dignity of persons mean that cultures have equal value. It is valid to spurn the culture of White segregationists in the United States; we do not owe respect to the culture that created Jim Crow just because it is a culture.

But although we do not owe respect to cultures *qua* cultures, it would be a mistake to conclude that we have no duties to respect anyone's culture (depending, of course, on what that culture is). Cultures are particularly important to people, and people tend to identify with their cultures. The line between insulting a culture and insulting its members can be very thin.

So, if we want to respect others, does this mean we need to respect their cultural commitments or cultural identity? And what would respecting these commitments and identity entail in practice?

The respect that is owed to all persons is what Darwall (1977, 38) has called recognition respect. It is a “disposition to weigh appropriately in one’s deliberations some feature of the thing in question.” It is distinguished from appraisal respect, which “consists in an attitude of positive appraisal of that person either as a person or as engaged in some particular pursuit.”¹ By definition, equal respect can only be understood as recognition respect: It requires that we always take into consideration a particular feature of human beings, their dignity. By comparison, appraisal respect is necessarily unequal since it suggests that someone is “meriting or deserving our respect” (Darwall 1977, 39), based on something they have done or skills they have demonstrated.

Treating others with respect, then, means regarding the equal dignity of others as “placing restrictions on what it is permissible” to do (Darwall 1977, 40). For us, the question becomes: Is one of these restrictions that one should not mock, insult, or otherwise disrespect the culture of others?

To provide a conclusive answer to this question, we would need to know exactly what is required to show respect, and we believe that this can only be done partially. To explain this, consider the distinction between the respect that is owed to us by the state and the respect that is owed to us by other individuals. In the case of respect owed to us by the state, the conception of respect is clear: Equal respect means equal treatment and neutrality. Equal treatment is necessary to recognize that all individuals have the same intrinsic moral status, and neutrality is necessary to recognize individuals as autonomous beings who can form and revise conceptions of the good.

The kind of respect that we rightfully expect from others is much more complex. Interpersonal respect is about how we think we should behave or speak to recognize the equal status and equal worth of others. The conception of respect applied to the state cannot work here. None of us are obliged to treat everyone else equally (it is morally permissible, if not required, that we spend more time with our loved ones than with strangers) and none of us must be neutral toward conceptions of the good (it is morally permissible not only to have a conception of the good but also to voice it and defend it publicly). Interpersonal respect is shown differently. This is what civility and politeness are for: They are a set of rules that we use to convey to others that we respect them (Buss 1999; Calhoun 2000).

But what is characteristic of many of these rules is their conventional nature. As a result, rules regarding how to show respect to others vary over time, from place to place, and even within societies (Buss 1999). There can be no universal and definitive consensus on what the list of respectful gestures should include. For instance, if a person in her 30s offers her seat on the bus to a person who appears to be elderly, perhaps they will view it as an appropriate form of respect to recognize that they need it more than a young person does. Alternatively, they might resent being perceived as the type of person who is old enough to receive the offer of a bus seat and see a younger person’s viewing them as elderly as wrong and disrespectful. Similar things can be said for men

who hold the door open for women because they consider this a respectful gesture, but women might see it as a disrespectful expression of gender inequality.

It would be wrong to ignore these disagreements. Therefore, it would be impossible to provide an exhaustive list of things that should be considered respectful or disrespectful. In some cases, we are bound to disagree, not necessarily because we disagree on the norm itself but because we disagree about whether this norm has been violated or not (Frye 2022, 198). Consider the case of culturally appropriative costumes. The phrase “My Culture is Not Your Costume” has recently become a popular meme. It started in 2011 with a campaign by a student organization at Ohio University, and it now regularly resurfaces around Halloween. Under the heading “We’re a culture, not a costume,” the posters of the campaign show students holding pictures of people wearing costumes appropriating their cultures. The point of the campaign was to raise awareness about offensive costumes and to let people know that, to members of appropriated cultures, this was considered disrespectful (Keene 2011b).

Yet, wearing a costume inspired by a different culture will not be necessarily considered as a violation of norms of respect. Dressing up as a Viking, for instance, has not led to accusations of disrespect. Those with Viking ancestry have not mobilized around the claim that they feel disrespected by Viking costumes. By comparison, many Native persons have claimed that Pocahontas costumes are disrespectful (Keene 2011a; 2011b; 2013; Tsosie 2016, 10; Moya-Smith 2018a; 2018b).

Why is it that appropriating from Native cultures is seen as disrespectful, whereas appropriating from Viking culture is not? In short: Because most Native persons feel disrespected, while descendants of Vikings do not. There might be different reasons explaining why that is the case, i.e., why some people feel that some act is disrespectful, when other people feel that a similar act is not. But the highly significant piece of information for us is precisely that people *feel* disrespected, that they *perceive* something as being disrespectful to them. This is not because disrespect and feelings of disrespect are the same thing. There might be cases where people feel disrespected although they have not really been disrespected, and cases in which people are disrespected although they do not feel disrespected. But we cannot always determine specifically *that people have been disrespected* because it is not always clear what should count as disrespectful or not. The controversy regarding culturally appropriative costumes indicates that there is disagreement about whether the norm “it is disrespectful to dress up as a member of a different culture” is valid, or under which conditions it is valid (possibly depending on which culture is at stake, or how stereotypical the costume is). In the absence of a stable consensus regarding which norm is valid or how any specific norm should be interpreted, i.e., when *disrespect* cannot be straightforwardly identified, *feelings of disrespect* become particularly relevant.

This piece of information, however, cannot be the final answer to our question. Anyone could feel disrespected by pretty much anything, and of course,

this means that sometimes people will feel disrespected when others think that they should not. My friend can feel disrespected because I have not read their latest published article; the person sitting next to me on a plane can feel disrespected when I tell them that I prefer to watch a movie to having a conversation with them. In such cases, we might disagree about whether my actions are actually disrespectful. Similar disagreements exist in the context of cultural appropriation. In the past few years, one popular Halloween costume has been to dress up as a Karen, based on a meme according to which “Karen is a middle-aged white woman with an asymmetrical bob asking to speak to the manager, who happens to be as entitled as she is ignorant” (Hunt 2020). Some people, mostly White women, believe that the term is disrespectful and a slur (Johnston 2020). We do not rule out the possibility that some might feel genuinely disrespected by the Karen costume, in the exact same way that many Native people feel genuinely disrespected by the Pocahontas costume. But this feeling of disrespect is, on its own, never sufficient to conclude that any wrongdoing was involved. This is because disrespect is only *prima facie* wrong. Whether or not a disrespectful act in general, and disrespectful cultural appropriation in particular, is wrong, depends on different considerations regarding not only the kind, intensity and seriousness of the disrespect, but also regarding the social or individual value and importance of the act itself. Not all cases of disrespectful cultural appropriation will always be considered as wrong. In other words, morally, we do not always have to refrain from engaging in culturally appropriative conduct simply because this will be considered disrespectful by others.

In some cases, we have good reasons to say that some act is disrespectful, and we don’t need to check if anyone did in fact feel disrespected by it. We will discuss such cases in the next section. But we also want to acknowledge that sometimes, we don’t really know, or we are not sure, or at least there is deep disagreement in society about whether some act is disrespectful or not. In such cases, we believe that individual perceptions of disrespect do matter. It is important to acknowledge the experience of those who genuinely feel that they have been disrespected, even if we conclude that they have not been wronged. Saying *you have been disrespected, but people have a right to disrespect you in this way* is very different from saying *you think you have been disrespected, but you are wrong about that*. The conclusion in terms of which acts are wrong might be the same. However, accepting that genuine feelings of disrespect might indicate that someone *has been* disrespected allows us to validate the reactions of individuals instead of patronizingly dismissing them.

Overt Disrespect

Certain behaviors and words seem disrespectful in a fairly noncontroversial manner, and we don’t need to examine anyone’s feelings to know that people have been disrespected. Such acts of overt disrespect express either an actual

intention to show disrespect for others or an evident lack of consideration for them. Spitting at someone's feet or flipping the finger does not leave much room for interpretation regarding whether they are respectful gestures: They are meant to convey disrespect. In the context of cultural appropriation, stereotyping, insulting, and mocking are particularly objectionable.

What is stereotyping? For Appiah (2000, 47–49), at least three distinct practices fall under this heading. *Statistical stereotypes* involve the assumption that a person has a certain property or trait because of a statistical correlation between the property and their perceived social identity. *False stereotypes* involve the assumption that a person has a certain property or trait due to false ideas about the social group this person is perceived as belonging to. *Normative stereotypes* involve the idea that a person ought to behave a certain way based on ideas about how all members of their perceived social group ought to act.

Stereotyping is not always wrong. As Glenn Loury (2002, 17) points out, human beings are “information-hungry” and continually strive “to better understand the social environment in which they are embedded, searching always for markers, guideposts, [and] clues.” There's nothing objectionable about assuming that a philosopher whose research is on animal rights is vegan based on a statistical stereotype. Nor is there anything automatically wrong with normative stereotyping. A Dutch person might expect another Dutch person to cycle to and from work, and be disappointed to find out that they have zero interest in biking. If this is all there is to the story, it's fine for the former to feel this way.

Stereotypes, however, can also express negative ideas about a person or a social group, or else can be reductionist in an imbalanced way, implicitly promoting themes of cultural superiority and inferiority. Stereotypical beliefs and portrayals can treat people primarily as group members instead of acknowledging them as individuals, and heterogeneous groups as homogenous (Blum 2004, 273). Stereotypes can also have the social function of rationalizing injustice; they can communicate that the negative feature is the reason for a group's treatment or position. As such, stereotypes can play an important role in maintaining ideologies, that is, “commonly held beliefs and implicit judgments that legitimate stratified social orders” (Shelby 2016, 23). The ideological function of stereotypes is apparent in bell hooks' discussion of the stereotype of Black men as lazy. First appearing in the nineteenth century, it allowed “white racists to erase the significance of black male labor from public consciousness” (hooks 2015, 90)—denying the arduous physical work enslaved persons performed, and with it, memories of slavery.

We use the term *disrespectful stereotypes* to refer to stereotypes that promote negative images of social groups and/or serve ideological aims.² “The Siamese Cat Song” in the Disney movie *Lady and the Tramp* is a perfect example. The song includes musical features that are stereotypically Asian (a gong), White singer Peggy Lee is faking a very strong Asian accent, and the cats display stereotypical and negative features associated with Asian people

(seductive at first but ultimately chaotic villains who try to frame Lady for their own wrongdoing). Nothing about the Siamese cats is specifically Thai; Lee's number is yellowface in musical form. "[W]ily, bucktoothed, cross- and slit-eyed," the Siamese cats are quintessential "projections of the Western perception of Asians," [Ma \(1999, 215–16\)](#) writes. The song was so controversial that Disney ended up removing it from the 2019 remake of the movie.

Disrespectful stereotypes may seem to always be wrong just because of their nature, but we should explore whether this is the case. First, in places where some see objectionable stereotypes, critics of "wokeness" see morally innocuous portrayals of cultures. Second, some might doubt that statistical stereotypes can be wrong, viewing them as involving rational inferences based on factual data about the world.

Let us explore the idea that stereotypes might be morally innocuous. YouTuber Hakim's 17-minute takedown of the 1992 Disney classic *Aladdin* begins as follows:

Imagine, if you will, a Disney movie set in seventeenth century Madrid, Spain. The title appears and the opening song starts. The lyrics, being performed by a Swiss yodeling master, sings out "European Days." The scene pans over. Strangely, Madrid is portrayed as a winter paradise rather than the hotter climate that it normally is. In this whimsical tale, you'll have an Irish folktale of the eleventh century being depicted. The main heroes are two Russians, both scantily clad in traditional fifteenth century German clothing, despite both being Russian and being set in Spain—and despite the extreme cold being depicted. The woman's clothing is completely dysfunctional and purely sexualized—again, despite the cold and cultural inaccuracy [...]. The ending is a touching romantic wedding that takes place in a Dutch windmill by a tulip farm, because, you know, Spain has a lot of those. This film is widely acclaimed and beloved by Third World children the whole world over, and shapes their ideas of what Europe entirely is over the rest of their lives.

([Hakim 2020](#))

The main complaint here seems to be that *Aladdin* takes stereotypes of vastly different Middle Eastern countries and puts them all together into an incoherent Orientalist mishmash, something White Disney executives would never do if a European country were the context. However, in their reply to Hakim, YouTuber smudboy and team defend *Aladdin*: "This is a fictional story of a pastiche, an animation, that was hundreds of years old [...]. I don't know why we're supposing this is a teaching tool of what the Arabian Peninsula would have been like hundreds or thousands of years ago" ([smudboy 2022](#)). The basic claim is that *Aladdin* need not adhere to high standards of historical accuracy. With magical genies and flying carpets, it's obvious that the children's movie depicts a fantasy. *Aladdin's* stereotypes might seem

haphazard and sloppy to the knowledgeable viewer, but it's overly moralistic to judge it as wrong per se.

However, the hodgepodge portrayal of Arabia in the fictional city of Agrabah is simply the backdrop to more straightforward forms of anti-Arab racism. As Shaheen (2012, 57) observes, while heroes Aladdin and Jasmine are depicted with Anglo-European features and accents, other Arab characters speak broken English and are given "large, bulbous noses and sinister eyes." The movie's opening song, "Arabian Nights," sets the scene as a place "where they cut off your ear if they don't like your face—It's barbaric, but hey, it's home."³ Aladdin and Jasmine meet for the first time because the naïve princess takes an apple from a street vendor's stall to give to a hungry child. The vendor reacts by grabbing Jasmine's hand and is about to amputate it with his scimitar when Aladdin intervenes; the scene is representative of the primitive, lawless, and violent place the Middle East is depicted as being. Shaheen contrasts Disney's *Aladdin* to other portrayals of Ḥannā Diyāb's folktale; for example, in the 1982 Japanese anime film, *Aladdin and the Wonderful Lamp*, "there are no violent Arabs, no racist songs, and no obese, hook-nosed charlatans" (Shaheen 2012, 64).

According to Shaheen, representations of historic Western Asia or Middle Eastern folktales by non-Arab filmmakers aren't objectionable in themselves. Rather, when these representations trade in stereotypes of Arab people as backward and inferior, *this* is what's wrong. Racist false stereotypes turn out to be the ultimate complaint of Hakim's YouTube video as well. Though Grammy-winning ballad "A Whole New World" is inoffensive enough, as a whole, *Aladdin* belongs to the same category as "The Siamese Cat Song."⁴ While it's possible for stereotypical cultural portrayals to be morally innocuous, we need to attend to racist stereotypes where they occur.

Let us turn to our second objection. What if the stereotypes at issue aren't false? How can a stereotype be wrong if it depicts truths about the world? Take the near-amputation of Jasmine's hand. Though Agrabah is not a real place, references to Allah place it in the Islamic world. The near-amputation scene is probably a reference to the *Huddud* punishment where, indeed, hand amputation is the consequence for theft (Souryal, Potts, and Alobied 1994). Nor is Agrabah meant to evoke a contemporary city. Antoine Galland's translation of *One Thousand and One Nights* was published in the early eighteenth century; tales such as "The Story of Aladdin"—an addition to the original folktale collection, told to Galland by Syrian storyteller Ḥannā Diyāb—were supposed to have taken place many centuries before (Bottigheimer 2014). Arguably, it involves a revisionist kind of political correctness to object to a depiction of hand amputation in a tenth- or twelfth-century invented Islamic city.

But this objection is based on a misunderstanding about what constitutes the objectionable stereotype here. The problem is not the idea that theft is punished by hand amputation. Rather, the problem is the stereotype implied by such an idea, which is that Arab societies in general and, by extension

Arab people in general, are barbaric and uncivilized (this is supported by the lyrics of “Arabian Nights”). What is wrong, then, is not the reference to the *Huddud* punishment itself, but the stereotype that it conveys and reinforces. The argument that stereotypes are harmless if they depict truths about the world becomes unavailable: It is an inaccurate overgeneralization that every Arab person believes that hand amputation is an appropriate punishment for theft.

In the context of an animated Disney movie, statistical stereotypes, including some inaccurate overgeneralizations, are impossible to avoid. In portraying a cultural setting, whether real or imagined, ideas about what people and places look like, how they act, etc., inform what winds up on the screen. Without statistical stereotypes, movies like *Coco* wouldn’t be recognizable as a representation of Mexico; *Luca* wouldn’t be recognizable as a representation of Italy; and *Soul* wouldn’t be recognizable as a representation of the predominantly Black New York City jazz scene. The issue isn’t the use of statistical stereotypes per se. The issue is when statistical stereotypes promote ideas about cultural groups that are unduly negative. Suggesting that Arabs wear a turban is one thing; suggesting that Arabs are barbaric is quite another. In both cases, it is an inaccurate overgeneralization, but inaccurate overgeneralizations that portray individuals in a negative way are particularly objectionable.⁵

The fact that the stereotype is implicit rather than explicit does not make it less wrong. In the case of *Aladdin*, we can confidently assume that the scene of the near-amputation of Jasmine’s hand has been understood by the audience in light of the unmentioned but unmistakable stereotype of Arab persons as uncivilized. Indeed, in the 2019 live-action version of *Aladdin*, director Guy Ritchie was wise to depict the street vendor as merely grabbing Jasmine’s hand as if to make a citizen’s arrest.

Insulting and mocking are different from stereotypes in that they cannot be done with good intentions. They are even more clearly objectionable: Whatever our disagreements on what norms of respect include, it seems that all of us share the idea that one of these norms tells us to not insult or mock others. Insults are degrading, and they are often meant to convey the meaning that the person in question is not one’s equal. Mocking is something that is done with the intention of making fun of someone, usually by exaggerating some negatively perceived feature of that person. It is the opposite of showing respect for others.

The fact that the disrespect comes directly from the act itself, rather than from who the agent is, means that it is objectionable even if the agent is a cultural insider: One should not disrespectfully stereotype the culture of others, but one should also not disrespectfully stereotype one’s own culture (Matthes 2016, 352; Shim 2022, 223). In that case, it is not cultural *appropriation* anymore, but it remains equally *disrespectful*. Consider Appiah’s discussion of a hypothetical Orthodox Jewish rabbi horrified by a music video where a Christian pop star uses the Kaddish to grieve for a totaled Maserati—the

wrong is the “insult entailed by trivializing something another group holds sacred” (Appiah 2018b, 209–10). Cultural insiders are probably less likely than cultural outsiders to trivialize sacred cultural practices in that way, but if they did, it can be equally problematic. The Orthodox Jewish rabbi might not be less shocked by this use of the Kaddish if the pop star happened to be Jewish.

Keene makes a similar argument. Her explanation for why people with Native ancestry shouldn’t wear a Pocahontas or Indian warrior costume for Halloween is that the costume itself stereotypes and mocks Native cultures:

The costume has no connection or relationship to actual Native regalia, and pieces like the headdress actually have deep meaning that you are mocking and erasing by donning them on a night made for make-believe. You are reifying stereotypes, collapsing hundreds of tribes into a set of characteristics that don’t represent the vast, vast diversity of Indian Country. Your tribe has its own distinct culture, regalia, and cultural practices, and chances are they look nothing like the mess you’re wearing for a party.
(Keene 2015)

Mehdi (2022, 660) emphasizes how misrepresentations that “circulate in the dominant social imagination” can cause “members of marginalised groups... to internalise negative images of themselves.” When Native people wear Pocahontas costumes, this further normalizes Pocahontas as a symbol of Native cultures, reinforcing the degradation of Native communities’ cultural heritage (Todd 1990; Tsosie 2002; Coleman 2005, chaps. 9–10).

But what if the dress involved no stereotype at all? Imagine a dress worn by someone who knows the culture really well, who genuinely appreciates it, and their intention is to honor this particular culture. If this is done by a cultural insider, not only this is not cultural appropriation, but we would also expect that nobody would feel disrespected by it. Now imagine that the same respectful dress is worn by a cultural outsider. Could this be disrespectful? If there is any kind of disrespect, then it must come not from the dress itself, but from who is wearing the dress. We examine this kind of agent-centered cases in Chapter 4. But before we do so, we first need to determine whether overt disrespect can ever be permissible.

A Right to Disrespect?

Even though stereotyping, insulting, and mocking are disrespectful, some might argue that they can also be valuable. After all, it is the defining feature of a liberal society that what some people do is bound to be considered as wrong by many others and this usually does not mean that they should refrain from doing it. Disrespect itself should therefore not be the only consideration at play. What, then, might justify engaging in overtly disrespectful cultural appropriation?

Take the example of carnivals that take place in Catholic societies before Lent (40 days of fasting and abstinence leading up to Easter). Carnivals are characterized by “an embrace of ‘otherness’ through mask or costume” (Godet 2020, 3). A lot of what people do during carnival is considered disrespectful or offensive, and that is precisely the point. Since medieval times, the carnival tradition helped maintain “an organic cycle of discipline and release,” where Lent was balanced out by “a time of liberation from ordinary social and moral constraints” (Godet 2020, 4).

It is important to be allowed to mock those who, every other day of the year, are in positions of power and impose their rule on others. Religious figures, then, are often displayed in carnivals and ridiculed. But, in the past years, certain carnival traditions have become increasingly controversial. For instance, the parade of the Carnival of Aalst, in Belgium, includes clearly racist and antisemitic representations. It was, for this reason, removed from UNESCO heritage list in 2019, but the carnival still takes place every year and still includes the same offensive representations (The Guardian 2019). Its advocates invoke tradition, freedom of expression, and the importance of a right to mockery to defend it.

Or take the example of satirical publications. The French magazine *Charlie Hebdo* is known for its cartoons that often rely on stereotypes and that are usually considered as insulting by at least some people. For instance, Muslims are often portrayed as terrorists, and Catholics are often portrayed as pedophiles. There is no doubt that many people feel disrespected by such cartoons. There is also no doubt that, while making these drawings, cartoonists know exactly how they will be received. Here again, the defense of *Charlie Hebdo* is often couched in terms of free speech and the defense of democratic values. The aim of the cartoons, it is often claimed, is not to disparage believers but to criticize religions and religious authority, echoing our earlier distinction between respect for cultures and respect for persons.

What these two cases highlight is the fact that satire and parody can be valuable. First, it is valuable for the person engaging in satirical behavior or speech. Being irreverent, uncivil, or offensive might be important for the message they want to deliver, because it is part of the content of that message or because it makes its delivery more impactful. But satire is also valuable for society. It is desirable for the moral codes of our society to have space for parody: Humor is one of the good things in life. Satire can moreover serve as a weapon of protest against hypocrisy, self-righteousness, and the abuse of power. Having the right to make fun of everything and everyone, including what some might consider as sacred, is a marker of a free society: “the right to mock, ridicule and lampoon is inseparable from the right of free speech” (Barry 2001, 31). Showing a lack of respect for figures of authority, and questioning those in power and the norms that they impose, are particularly crucial in a democracy, and this cannot and should not always be done in a civil and respectful manner.⁶ Some might feel disrespected by the behavior of others;

but the fact there is a right to engage in such behavior without facing political or legal sanctions is a reminder of the scope of the rights of individuals (including the right to publicly voice one's discontent with such behavior). In moral life, there is space for certain kinds of protest and self-expression, even if disrespectful, no matter what one's views are.

In the context of cultural appropriation, think of all the costumes that people wear for Halloween or at carnival. While a few of them are controversial, many of them are not and seem to fit in this category of "disrespectful but morally okay"—e.g., costumes such as "sexy nun" or "pregnant nun." The costumes can be understood as criticizing both the content of Catholic teachings regarding sex and the hypocrisy of those who defend these teachings. Many practicing Catholics will find these costumes deeply offensive. But there is nothing morally wrong here, disrespectful as these costumes might be, due to the political statement being made. Indeed, Native activist and comedian Ryan Red Corn appears in a YouTube video called "I'm an Indian Too" where he dances shirtless wearing a headdress ([the1491s 2012](#)). As [Riley and Carpenter \(2015, 916\)](#) describe:

The lyrics and visuals make the point that Americans are fascinated with playing Indian and use specific tropes and iconography in order for non-Indians to claim Indianness. Though the entire production is a critique of the dominant culture, the use of the headdress in this way may nevertheless also be seen as shocking, disrespectful, or inappropriate to some Indian people.

Such examples of disrespectful appropriation are not morally wrong.

When Is Disrespectful Cultural Appropriation Wrong?

If something isn't morally wrong just because it is disrespectful, where does this leave the arguments of this chapter? When is disrespectful cultural appropriation wrong? There is no straightforward answer, and it seems reasonable to say that cases can be more or less wrong, rather than either entirely wrong or not wrong at all. Wrongness comes in degrees, which, as [Hurka \(2019\)](#) points out, is an easily appreciated, if undertheorized, feature of moral life. Murder is morally worse than car theft. Ultimately, just how wrong a stereotype-promoting appropriative act is depends on features of the act itself: It matters how prominent the act is likely to be, how derogatory the stereotype is, and the extent of the group's present marginalization also matters. A racist Disney song is more wrong than a homemade racist Halloween costume, because the former has the power to shape how scores of young children perceive the cultural group the song is about. Similarly, it's surely worse to manufacture and sell a prefabricated racist Halloween costume to thousands of people than to make a racist Halloween costume yourself and wear it. But there may also be cases where there is enough satirical value in an

act of appropriation that involves a racist stereotype that it is not wrong—e.g., when a racist stereotype is successfully employed to show the absurdity of racist stereotypes, as in “I’m an Indian Too” (see also Shim 2022, 225–26). In order to assess the degree of wrongness of disrespectful cultural appropriation (and, more generally, the wrongness of disrespect), three main considerations should be taken into account.

First, we need to evaluate how deeply people feel disrespected. You can feel disrespected when someone does not respond to your messages, and you can also feel disrespected when someone insults your sexual orientation. Disrespect in the latter case is, however, much more serious than in the former case. The depth or intensity of the disrespect matters for the overall evaluation. The more superficial the reaction to disrespect, the easier it will be to justify a right to disrespect in such a way. But the bar of justification rises with the level of intensity of disrespect: The more intense the reaction to disrespect, the easier it will be to conclude that the disrespectful conduct was wrong.⁷

Note that the wrong does not come from the fact that a group of people is made to *feel* disrespected, but from the fact that a group of people *has been* disrespected. However, it is reasonable to assume that worse forms of disrespect will often cause more intense feelings of disrespect, and for this reason, the feelings of disrespect can be a proxy to determine the degree of wrongness of a disrespectful act. It is an imperfect proxy since the two do not perfectly overlap, but in the absence of a consensus on what exactly counts as respectful or not, this is all we have to work with.

How can the depth or intensity of disrespect be evaluated? Basically, by listening to those who claim to have been disrespected. Few people spend much time or effort explaining to others how disrespectful it is to jump the queue. But the fact that many are working hard to get their voices heard, for instance, regarding why Native appropriation is disrespectful, tells us that this is more disrespectful than a simple violation of rules of politeness. There are blogs like *Native Appropriations* (Adrienne Keene) and *Beyond Buckskin* (Jessica Metcalfe), pages about cultural appropriation on the website of the National Museum of the American Indian, a steady stream of opinion pieces at publications like *Native News Online* and *Indian Country Today*, as well as an entire social movement of Native activists who successfully pressured Washington D.C.’s football team to choose a name without a racist slur in it (Riley and Carpenter 2015, 900–14; Pryor 2020). Taking seriously Native experiences and testimonies is key.

Second, it matters what the intention behind the disrespectful behavior is. Satire is often meant to express something that goes beyond making fun of people. By comparison, as Archard (2014, 135) points out, the whole point of an insult is to belittle someone. If the entire point of engaging in disrespectful cultural appropriation is to convey the message to the members of the appropriated culture that they are not worthy of respect or to humiliate or disparage them, then that is morally wrong. The cartoons of Charlie Hebdo, as disrespectful as

they are, seek to denounce religion, not (only?) to disparage religious believers. This distinction between showing respect for religion or culture, on the one hand, and for individuals who adhere to a specific religion or culture, on the other, might be a difficult one to draw in practice, but it remains a necessary one.

How can we say what the true intention of anyone is, or what genuinely motivated any kind of action? Do people even know themselves what their true intentions and motivations are? Admittedly, we cannot expect people to read minds. But we believe that, in at least some cases, the behavior itself as well as the context in which it takes place reveal the intention behind it sufficiently clearly. In 2018, a White American high school student caused an uproar when she posted pictures of herself wearing a Chinese dress to prom on social media. “My culture is not your... prom dress” reacted a Twitter user. The context in which she wore the dress suggests that she had no intention of disparaging Chinese people. Presumably, the same dress would have conveyed a different meaning if she had worn it for Halloween. But this was prom. People do not wear costumes at proms. They dress up. Most American high school students consider prom to be a very important event, one for which they want to look their best. In 2019, French economist Esther Duflo received her Nobel Prize wearing a saree. Duflo is White. She is also married to Abhijit Banerjee, an Indian economist who shared the Prize with her. There was no controversy at the time regarding whether it was appropriate for a White woman to wear a traditional Indian dress. In fact, she was praised in Indian media “for proudly representing India’s culture on an International platform” (Chauhan 2019). Here again, the context and the dress itself leave absolutely no doubt on Duflo’s respectful intentions. By comparison, wearing blackface or imitating a foreign accent, especially if done in front of people who also are not members of the appropriated culture, and especially if done to make them laugh, should set off alarm bells. There is no need to read minds to know that such behavior does not come from an intention to show respect.

Third, it also matters who is engaging in disrespectful cultural appropriation, and who is their target. Even when there is no intention to say anything meaningful or important beyond making fun of people, it is not always wrong to mock others. For instance, it is more justifiable to mock the powerful than the powerless. What is true of political leaders is also true of dominating cultures: When your culture is thriving and dominant, it might be okay for others to stereotype it, insult it, or mock it. What distinguishes the case of the Catholic nun costume from that of antisemitic representations in Aalst is that, in Aalst, it is a dominant cultural group that is making fun of a marginalized cultural group. It might be liberating and empowering for Catholics and those living in a predominantly Catholic society to make fun of the Catholic religion, but it is not the same for Catholics to make fun of Jewish people. What is particularly valuable is to mock and ridicule those who have power over us. It is less justifiable to mock and ridicule those who not only have no power over us, but over whom we might in fact have power.

Does it mean that Judaism or Islam are immune to criticism in societies in which their adherents happen to be a minority? Of course not. But the power imbalance should be kept in mind as it will likely intensify the feelings of disrespect. Besides, one should also remain cautious of the difference between stated and genuine intentions: Proclaiming to be merely criticizing a religion might be a way to cover more malicious intentions. When the parade in Aalst includes antisemitic stereotypes, there is no genuine criticism of Judaism; there is only antisemitism.

The reason that the status of groups matters is that negative stereotypes are an important mechanism of reproducing a marginalized cultural group's unequal status within society over time (Nutti 2019, 36–38). A negative stereotype might suggest that the material inequalities a group faces are a matter of biology, or that the group's culture is alien or primitive. Accordingly, when the conceit of a Halloween costume or a Disney song is a crude, offensive stereotype, there are strong moral reasons that speak against putting on the costume or including the song in a movie marketed to millions of children who are forming their ideas about the world.

Or to take another example, in U.S. society, it is undeniable that Irish immigrants used to be a marginalized cultural group (Ignatiev 1995). However, though “drunken Irish” stereotypes live on, Irish Americans *qua* Irish Americans no longer face discrimination and inequality. Want to dress up in all green, wear a redhead wig, and get hollering-at-passers-by wasted at a St. Patrick's Day parade? This is clearly not an all-things-considered moral wrong, though individual Irish or Irish American people might consider your conduct disrespectful. The “Fighting Irish” slogan and leprechaun logo of Notre Dame University's football team is more complicated. These symbols are prominent within college football, generate a healthy revenue stream from merchandise sales, and have been around in their exact form since the days when Irish immigrants and their descendants were discriminated against in U.S. society (Hannigan 2020). We don't pretend to have the answers but merely want to observe that the Fighting Irish is a good discussion case for a society trying to figure out when disrespectful appropriative stereotypes are morally wrong.

Conclusion

In some cases, cultural appropriation is wrong because it is disrespectful. But, as we have argued, disrespect only provides a *prima facie* reason to not engage in a particular act. In trying to figure out how to identify wrongful cases, we have therefore argued that there is also a right to disrespect.

In this chapter, we have focused on cases of overt disrespect as paradigmatic examples of disrespectful cultural appropriation. The use of disrespectful stereotypes, insults, or mocking is particularly objectionable. But in cases where members of a group claim that cultural appropriation is disrespectful, clearly, offensive portrayals of the group are not always the issue. The most

hotly contested cultural appropriation controversies in public debate involve group members objecting to outsiders appropriating cultural practices just because they are outsiders. Here, an outsider might admire a cultural group's practice and appropriate it because it appeals to their aesthetic taste. What is demanded in such cases is not that cultural outsiders respect the culture in the sense of refraining from overt disrespect, but that cultural outsiders respect the claims that cultural insiders have made about whether their culture may be appropriated by outsiders, and if so, how it should be appropriated. What is objectionable, then, is that the requests made by cultural insiders are ignored. Here, the idea is that you respect others by heeding their requests. We turn to this argument in [Chapter 4](#).

Notes

- 1 Similar distinctions have been made by others, including [Feinberg \(1985\)](#); [Hudson \(1980\)](#); and [Sinopoli \(1995\)](#).
- 2 Themes of cultural superiority and inferiority are common in “positive” stereotypes and can thus be disrespectful—e.g., the “Asians are good at math” stereotype treats Asian students as well-suited to performing machine-like, rote tasks while lacking creativity ([Shah 2019](#)). Similarly, [Tsosie \(2015, 74\)](#) discusses positive stereotypes of American Indians that serve ideological aims.
- 3 In response to Shaheen and others, Disney eventually changed the line to “where you wander among every culture and tongue—It’s chaotic, but, hey, it’s home” ([Desta 2019](#)).
- 4 “A Whole New World” unsurprisingly has its critics. [Al-Tae \(2010, 257\)](#) points out that the song’s lyrics and musical structure are Americanized in a way that reflects how Aladdin and Jasmine are portrayed—as White-featured protagonists who stand in contrast to the darker-skinned, hook-nosed characters threatening them and their love story.
- 5 See also [Zheng and Stear’s \(2023\)](#) discussion of blackface, which fits with claims we’re making here.
- 6 Civility, in the sense of respecting the rules of politeness, is not always morally required and incivility can sometimes be justified ([Bardon et al. 2023](#); [Zerilli 2014](#); [Delmas 2018](#); [Edyvane 2020](#)).
- 7 The assessment of the intensity of disrespect is largely influenced by Feinberg’s evaluation of the seriousness of the offense ([Feinberg 1985, 26](#)).

4 The Request Argument

Our overall approach to the ethics of cultural appropriation can be summarized as follows. Cultural appropriation—defined as any form of intercultural borrowing—is not *prima facie* wrong. When cultural appropriation *is* wrong, there is not a single wrong-making feature that can explain every single case of wrongful cultural appropriation. This means that we take a pluralistic approach to the ethics of cultural appropriation. This approach is reflected in the ground we’ve covered so far. In [Chapter 2](#), we looked at cultural appropriation cases commonly discussed using the language of “theft” and defended a more fine-grained moral analysis centered around concepts like moral taint, exploitation, discrimination, and the denial of credit. In [Chapter 3](#), we explored cases where cultural appropriation is the site of the moral wrong of disrespect.

We are not the only authors to take a pluralistic approach to wrongful cultural appropriation. Young (2008) does so, as does [Appiah \(2018a; 2018b\)](#). Both authors are wary about the prospect of cultural appropriation discourse limiting cultural borrowing. Writes [Appiah \(2018a\)](#), “Disrespect and exploitation are worthy targets of our disapproval, but the idea of cultural appropriation is ripe for the wastebasket.”

In this chapter, we part ways with Young and Appiah. We think that there can be acts of cultural appropriation that are wrong despite being neither overtly disrespectful nor exploitative. According to our request argument, it’s wrong for outsiders to fail to heed requests that members of marginalized cultural groups have made concerning the use of their cultural practices.

Native Appropriations: Christina Fallin’s Instagram Photo

Our request argument takes its inspiration from a passage from Adrienne Keene’s *Native Appropriations* blog:

But the thing that keeps bothering me is that we’re expected, as community members, to have perfectly reasoned, calm, point-by-point rebuttals to your image and words. The burden of proof is on us, not you. Why can’t we, as the cultures you’re “respecting” simply say “*no*”? Why do we have

to defend and fight and write 1400 words about *why*, and then listen while others mock our pain and hurt as being “overly sensitive”? Why can’t you show us respect by just listening to us when we say, “Hey Christina, that headdress? It’s not for you to wear”.

(Keene 2014; [Nguyen and Strohl 2019](#), 986–87)

Keene’s passage is part of a post that, indeed, is approximately 1400 words long. Titled “Dear Christina Fallin,” it’s an open letter addressing the singer of the band Pink Pony and daughter of the then-governor of Oklahoma, who posted a picture of herself on Instagram in a Native headdress. Keene painstakingly details the fraught history between the Cherokee Nation and the state of Oklahoma, a history that includes colonialism, forced relocation, and forced cultural assimilation, then goes on to describe the experience of witnessing the rise of “tribal trends” as a Native person:

I can’t help but remember the not-so-distant past when my people weren’t allowed, by law, to wear these things. It’s such a constant reminder of the colonial power structures still in place. Back in the day, white people had the power to take away our culture, and now they have the power to wear it however they see fit. These are our images, our cultural symbols, yet we are completely powerless to have control over them.

([Keene 2014](#); see also Todd 1990, 30)

Past injustices and present-day power imbalances create a situation where, as Keene argues, Fallin should defer to the claims of Native individuals who’ve requested that outsiders, particularly White outsiders like Fallin, not wear headdresses as a fashion accessory.

In her initial response to the criticism she received for the picture (which she subsequently took down), Fallin explained that she wore the headdress out of admiration for Native peoples: “I think Native American culture is the most beautiful thing I’ve ever seen, so I was naturally drawn to it” ([Murg 2014](#)). But [Keene \(2014\)](#) argues that listening “to our voices as Native community members” is how genuine respect is demonstrated.

If Fallin made a moral mistake, what was it? On [Nguyen and Strohl’s \(2019\)](#) “intimacy account” of wrongful cultural appropriation, Fallin committed an intimacy breach. Certain cultural practices, including the wearing of headdresses, express and reinforce the intimacy that members of a group feel toward one another. For Nguyen and Strohl, the intimacy of groups is normatively desirable; it gives rise to feelings of attachment and belonging that are an intrinsic part of human wellbeing. As such, it is legitimate for groups to issue requests that outsiders not appropriate a given intimate group practice.

As [Matthes \(2019\)](#) points out, what Nguyen and Strohl’s intimacy account leaves out is the link between acts of cultural appropriation like Fallin’s and the broader structure of power relations between White and Native people in settler-colonial contexts. We share Matthes’s concerns. Very clearly, for Keene,

Native people's asking outsiders not to wear Native headdresses is inextricably connected to a history of violence and forced cultural assimilation, as well as present structures of domination. As such, if there is something wrong with the appropriation of Native headdresses by outsiders (and we think that there is), it has something to do with injustice and unequal power (see also [Todd 1990](#); [Ziff and Rao 1997](#); [Tsosie 2002](#); [hooks 2015](#), chaps. 2, 9, 10; [Riley and Carpenter 2015](#); [Matthes 2016](#); [2019](#); [Jackson 2019](#); [Mehdi 2021](#); [2022](#)). At the same time, we think that there's something that Nguyen and Strohl get right, at least in part. An *appropriation-related request* can change the normative landscape.¹ Understood thusly, Keene captures something morally important when she says, "Why can't you show us respect by just listening to us when we say, 'Hey Christina, that headdress? It's not for you to wear.'"

What exactly is an appropriation-related request? The term, which we use a lot in this chapter, is intended to cover a range of statements that members of a group might make concerning the appropriation of a cultural practice by outsiders. Sometimes the request might be, "Please don't appropriate cultural practice Y at all," in which case it is a non-appropriation request. Importantly, however, not all appropriation-related requests are non-appropriation requests, contrary to caricatural portrayals drawn by critics. (Singer Katy Perry said that she'd "stick to baseball and hot dogs" after receiving heat for artistic choices seen as appropriate—see [Opiah \[2017\]](#)). More often, appropriation-related requests ask that outsiders not be so superficial about their engagement with a given culture, that they know something about the history and politics of the style/sound/type of cuisine/etc., they're appropriating, that they speak out when members of the appropriated-from group experience injustice, that they appreciate the racial power dynamics at play when certain practices are appropriated again and again, and so on.² As journalist Afua Hirsch writes:

I'm often asked to come on TV whenever a pop star wears cornrows and defend the idea that I would like to police their hairstyle. There is little interest in the broader picture of imperial racism and white supremacy that forms the context. So it ends up being a reductive conversation about whether it's OK for white people to do something, which is not my business.

([Chesterton 2020](#); cf. [Jackson 2019](#), 2–3)

Appropriation-related requests, then, are oftentimes not about what cultural outsiders can or can't do. Rather, they're about the way in which outsiders engage in appropriation, and the power dynamics potentially replicated by appropriative acts.

The Request Argument

Broader ideas about relational morality inform our view of appropriation-related requests. To give persons their proper moral due, this means treating them as agents who have the moral authority to make claims that are worthy of

moral consideration (Darwall 2006; Wallace 2019). The relational character of morality is on display, for example, when we hold one another accountable for acting in certain ways. Say that one friend tells another friend they've been acting distant and rude lately. Even if the latter thinks they're being judged unfairly, they still owe it to their friend to listen to their complaints and should respond in a way that shows an implicit recognition that their friend has the moral standing to raise them.

What a relational approach highlights is that interpersonal morality isn't a fixed checklist of things an individual agent has to do (Scanlon 1998, 157, 162). Interpersonal morality is an ongoing dynamic between persons who make claims on one another. This is why, as T. M. Scanlon (1998) and other moral philosophers have observed, reason-giving plays a central role in interpersonal morality: Our moral claims are made for reasons and we give these reasons when we make moral claims. We don't just accuse a friend of being distant and rude and leave things there, expecting an immediate apology. We describe our perspective on our friend's behavior, explaining why we've interpreted it this way.

The example of a request is how Korsgaard (1996, 141) and Darwall (2006, 42) each illustrate the relational nature of morality. Suppose that a student shows up to their professor's office and asks if they have a few minutes to answer a question. The answer might be no, not right now, if the professor is rushing off to a meeting. But by the nature of their exchange, it is evident that the professor recognizes the student as having the standing to ask this of them. Indeed, as human beings, we recognize the general standing of other human beings, including complete strangers, to make requests of us when they are not overly burdensome—concerning, for instance, the whereabouts of a certain street or for help lifting a stroller onto a bus.

Requests and reasons have an important philosophical connection. Requests are one of the things (like promises and consent) that can create new reasons to act in a certain way. Take the example of Ursina, a friend of Jen and David, who has a close relationship with Jen and David's child. One week-night when both Jen and David have evening work events, they ask Ursina if she's willing to babysit. Ursina always has a reason to spend time with Jen and David's child because of their relationship, but the babysitting request gives her a reason that she didn't previously have to spend time with him that particular evening. Similarly, in all cases where someone asks for help, though we have general reasons to act kindly toward others, the fact of the request makes a moral difference, giving us a reason to do something we wouldn't necessarily otherwise do (Cupit 1994; Gläser 2019; Schaber 2021).

Generally speaking, when someone requests something of us, we don't have to say yes—there may be overriding reasons that lead us to say no—but if the request is reasonable, we should at least take it seriously. If we say no, then it should be for good reasons (Gläser 2019). Ursina might be too tired or too busy or not in the right mood for playing with a young child. That's perfectly fine. But if she says she simply doesn't want to, or ignores their

text messages, Jen and David will likely wonder if her relationship with their child, and them, is what they thought it was. Morally speaking, if Ursina says no and there are really no good reasons for this (such as getting the sense that Jen and David constantly take advantage of her to get free babysitting), then it would seem she's done something wrong.

In our example, Jen and David have a good reason to ask Ursina to babysit: Both have evening work events. Similarly, in the cultural appropriation context, the claim is usually not: *Our cultural practice is off-limits to outsiders, plain and simple*. Rather, reasons are given as to why group members see outsider appropriation as objectionable.³ The following kinds of statements appear again and again in popular cultural appropriation debates:

X is appropriating Y from our group Z...

- 1 ...in an industry where members of Z are not represented and are often passed over in favor of people from X's group.
- 2 ...and it's seen as cool, even though when members of Z practice Y, they too often face punitive responses from members of X's group.
- 3 ...and this is because Y is currently trendy, but trends fade, and next month it will be clear that Z's moment in the cultural spotlight didn't do anything to curb the bigotry/violence that members of Z face.
- 4 ...while X is bigoted toward members of Z in other contexts.
- 5 ...and mixing it with elements of X's group's cultural practices, claiming that the latter "elevates" Y or makes Y "actually good," thus reproducing themes of cultural inferiority/superiority.
- 6 ...but when members of Z have tried to monetize Y, they've failed, because members of X's group are more comfortable with Y when its ambassadors are members of X's group.
- 7 ...which is counterproductive to Z's fight to preserve aspects of its culture when cultural eradication was, historically, part of the program of injustice wrought on Z.
- 8 ...but doesn't appreciate that the history of Y is intertwined with X's group's domination of Z.
- 9 ...but doesn't speak out and doesn't seem to care about the ongoing injustices that Z faces.
- 10 Et cetera.⁴

Here we can observe that all the above-listed reasons given as the ground of appropriation-related requests relate to the group's past and present marginalization. Recalling a theme of [Chapter 2](#), in appropriating from a marginalized group, cultural outsiders enter morally tainted territory. Moreover, though many of the reasons against outsider appropriation are logically prior to the requests that groups explicitly communicate, we see distinct significance in the requests themselves. As [Nguyen and Strohl \(2019, 1000\)](#) point out, "Appropriation discourse tends to concern hairstyles, music, and dance

rituals, but not urban design solutions, farming techniques, medical practices, or packaging techniques, even though many such practices are innovations of oppressed groups.” It is only certain forms of cultural appropriation that exemplify outsider insensitivity to the morally tainted history and meanings of a given cultural practice. Members of a given group are in the best epistemic position to know which forms of cultural appropriation most aggrieve themselves and their fellow group members, so much so that there is reason to object to how Y is being appropriated by outsiders. These are the kinds of practices that might lead members of marginalized cultural groups to make appropriation-related requests.

However, the relevant considerations at play are not only epistemic. Again, a relational approach to morality highlights the standing of agents to make claims on each other that are worthy of moral consideration. Given this, there is something morally compelling about the idea that it should be up to members of marginalized groups to decide where the line is between acceptable and unacceptable outsider appropriation. Recall Adrienne Keene’s complaint about having to write a 1400-word blog post. Keene isn’t claiming that Native people aren’t obliged to provide reasons for a non-appropriation request, but rather, laments that she has had to trot out these reasons yet again, something Native people have done countless times before.⁵ (Fallin knows this; her photo was accompanied by the goading caption, “Appropriate Culturation.”) Following Keene, our approach highlights the standing of Native people to make normatively weighty claims about the appropriation of Native cultural practices.

Accordingly, our request argument goes as follows: When appropriation-related requests about cultural practice Y are issued on the basis of a group’s past and present marginalization, group members have the moral standing to make such requests, and the requests themselves give outsiders a *prima facie* reason against appropriating Y in a way that disregards the contents of these requests. If an outsider appropriates Y in a disregarding way, she must have good reasons for doing so—that is, for effectively saying no to the appropriation-related request. If she doesn’t have good reasons, then she has done something wrong.

One objection to our request argument that immediately arises is this: Why not simply say that cultural appropriation is wrong whenever outsiders appropriate a cultural practice connected to the social injustice a group experiences, since this is the kind of appropriation that tends to generate the types of reasons listed above (see [Matthes 2019](#))? Arguably, all such practices are “morally tainted” in the sense described in [Chapter 2](#). We have two initial concerns about going this route; our full response is in the final section of this chapter.

First, this approach seems to push too far in the direction of a general norm against cultural interchange (see also [Nguyen and Strohl 2019](#), 999–1001). In the introduction to this book, we criticized such a norm for its unrealistically static conception of culture and its impoverished vision of human social life.

A pro-cultural interchange norm is preferable and explains why cultural appropriation as such is *prima facie* permissible rather than *prima facie* wrongful. If it were wrong to borrow any cultural practice that had a connection to social injustice, given the cultural landscape of our postcolonial world, Katy Perry may not be limited to baseball and hotdogs, but widening her cultural practice choice set to include Danish hygge socks, Swiss cheese, and French despair is still pretty bleak.⁶

Second, this approach fails to offer a principled way of distinguishing between cultural practices considered off-limits to outsiders and cultural practices that may be appropriated if outsiders meet certain conditions (like speaking out about ongoing injustice to the group, or appreciating the cultural practice's history). Again, if we attend to what members of marginalized cultural groups say when they talk about outsider appropriation, it's clear that not all appropriation-related requests are non-appropriation requests. Group members do not seem to be referencing logically prior criteria that determine whether cultural practice Y ought not be appropriated or whether Y only ought to be appropriated if certain conditions are met, but rather, saying what their own preferences are. If we want to say that these preferences matter, and that the distinction between non-appropriation and condition-meeting appropriation matters, a view that prohibits the appropriation of cultural practices with a connection to social injustice is untenable.

In the rest of the chapter, we'll explain and defend the idea that our request argument only applies to the cultural practices of marginalized cultural groups, then address further challenges that can be raised against our approach.

Why Only Members of Marginalized Cultural Groups Can Issue Potentially Valid Appropriation-Related Requests

As [Nguyen and Strohl \(2019, 992, 1000\)](#) observe, groups devoted to “skateboarding, Star Wars fandom, and the like... can (and do) issue appropriation claims that express the desire to protect the boundaries surrounding their intimate practices.” There is little doubt that the intimacy account sees claims from marginalized cultural groups as significantly weightier than claims from non-marginalized cultural groups ([Nguyen and Strohl 2019, 990](#)). However, having a marginalized status isn't a criterion for a valid appropriation-related request.

Like other critics of the intimacy account, we disagree ([Matthes 2016; 2019, 347](#)). In 2016, model Kendall Jenner posed in ballerina attire for a *Vogue España* photo spread and video. Many ballerinas were outraged, calling it cultural appropriation and posting comments like, “If you want to have a ballerina model for Vogue, GET A REAL BALLERINA,” on social media ([@ariannedavidow 2016; McIntosh 2016](#)). If the ballerinas who spoke out online were representative of the ballet community, the intimacy account would seem to support them in their claims. Wearing pointe shoes and ballet attire

could be considered an intimate practice that gives ballet dancers a sense of closeness and which should only be the right of those who have undergone ballet training.⁷

Ballerinas, however, are not a marginalized group. Following Cathy Cohen (1997, 580), marginalization results when an “observable characteristic or distinguishing behavior” associated with group members ideologically functions “to signal the inferior and subordinate status of the group.” For Cohen, there are often patterns of marginalization within marginalized groups. Individuals don’t just have one identity, they have many, and individuals can simultaneously belong to privileged and marginalized groups at the same time. Nevertheless, it is possible to say that a group experiences marginalization “to the extent that its members are outside of decision making; stigmatized by their identification; denied access to dominant institutions; isolated or segregated; lack control over the means of production and the distribution of goods and services in society, or generally excluded from control over those resources which shape their quality of life” (Cohen 1997, 580).

On our request argument, only members of marginalized cultural groups may issue potentially valid appropriation-related requests. Why? First, there is something potentially dangerous about non-marginalized groups issuing appropriation-related requests, whether on the grounds of group intimacy or on other grounds. The effect could be to close off access to mainstream cultural practices to marginalized individuals. For example, the modern men’s suit traces back to the nineteenth-century English court and the stylistic choices of a dandy known as Beau Brummell (Kelly 2006). Accounts that do not restrict potentially valid appropriation-related requests to members of marginalized cultural groups would not seem to debar White Anglo men from claiming the suit for their exclusive use.

Second, appropriation-related requests from non-marginalized cultural groups objectionably promote an anti-cultural interchange norm. Restricting appropriation-related requests to members of marginalized cultural groups means way fewer potentially valid appropriation-related requests and is more compatible with maintaining a pro-cultural interchange norm. While it may be the case that appropriation-related requests from marginalized cultural groups do push in an anti-cultural interchange norm direction—at least more than an “universal entitlement” approach would (Nguyen and Strohl 2019, 982)—we don’t see the request argument as subverting a pro-cultural interchange norm, and we also view any tension with a pro-cultural interchange norm as justified by other moral considerations.

Third, the reasons members of marginalized cultural groups typically given in conjunction with appropriation-related requests relate to the fact of their marginalization. We think that if you take the constellation of reasons given as a whole, this amounts to a condition for an appropriation-related request’s validity: The fact of the group’s marginalized status must be the ground of the request and the ultimate reason why a group is attempting to

shield the practice from outsider appropriation or certain forms thereof. If a group isn't marginalized, *ipso facto*, the reasons for making appropriation-related requests can't be related to the group's marginalized status. Returning to Kendall Jenner, critics remarked that her *Vogue España* video made it seem like ballet was simply jumping around and feeling the swoosh of a tutu against one's legs—a child's ballet fantasy, not something requiring years of grueling training and effort. But Jenner's childish prancing reinforced no stereotypes setting apart ballerinas as a socially and politically inferior class. It's not to say that stereotypical tropes weren't evoked. But a world without stereotypes would be a mass of innumerable discrete happenings that could not be made sense of through categorization and comparison. Stereotypes themselves are unavoidable; they are objectionable when they are harmful (Loury 2002, chap. 2). The childhood fantasy of putting on a tutu and feeling the magic of pink tulle isn't morally wrong; Jenner's referencing this fantasy for *Vogue España* isn't morally wrong either. Or so says our request argument.

Internal Disagreement and the Challenges of a Democratic Benchmark

A potential problem that arises for our account is the fact that there is never a unanimous consensus among members of a given group (or for that matter, clear, fixed boundaries to determine who is in fact a member of a given group) concerning appropriation-related requests.

Consider the appropriation of Black hairstyles. For many Black people living in majority-White societies, there is a long history of informal social pressure and direct pressure by employers to use chemical straighteners to make one's natural hair more like White hair. Though time-consuming to use and linked to various forms of cancer, chemical hair straightening products—like chemical skin bleaching products (Olumide et al. 2008)—continue to be a multi-billion-dollar global industry. However, in the 1970s, the Black Power and Black is Beautiful movements began challenging Eurocentric beauty standards. A rupture emerged where Black hairstyles began to be celebrated in everyday life as an art form—afros and dreadlocks were, in Mercer's (1987, 40) words, “stylistically *cultivated* and politically *constructed* in a particular historical moment as part of a strategic contestation of white dominance and the cultural power of whiteness.” Despite this, or perhaps because of it, Black hairstyles continue to be stigmatized. Many Black people have experienced being told that their cornrows or dreadlocks look “ghetto.” Black employees have been fired for refusing to cut or straighten their hair, and Black schoolchildren have been subject to dress codes that forbid braids, head wraps, hair extensions, etc., with violators facing detention or suspension. Meanwhile, when White and other non-Black people appropriate Black hairstyles, it's often perceived as hip, with no punitive consequences resulting (Banks 2000; Stenberg 2015; Taylor 2016, chap. 4; Byrd 2017; Jackson 2019, chap. 2).

Non-Black individuals have thus faced scrutiny for Black hairstyle appropriation. But appropriation-related requests emerging from members of marginalized cultural groups are hardly standardized in their content. Some Black people think that you shouldn't wear Black hairstyles at all if you're not Black. Other Black people think that it's okay if a non-Black person wears a Black hairstyle so long as one is generally respectful toward Black people, isn't economically profiting from a situation where society sees Black hair as trendy on a White person but unprofessional on a Black person, and so on. And of course, some Black people think that it's fine for non-Black people to wear Black hairstyles (McWhorter 2016). Such a diversity of views seems to challenge the idea that "groups" can in fact make appropriation-related requests.

The response with the most immediate promise is the idea of a democratic benchmark by which we can judge the status of appropriation-related requests from groups. Though there aren't formal democratic processes by which members of a cultural group vote on issues like outsider appropriation, we might still think that a group's overall position should be determined by the views of a majority of group members.⁸ How does this work in practice? Naturally, many members of a given marginalized cultural group have their own individual attitudes concerning the appropriation of certain cultural practices. Attitudes don't need to be particularly spelled out and they are often in flux, but they are there, informed by discussions with others and the things an individual has thought about across a range of cases they've encountered. When faced by a new instance of outsider appropriation, one's broader attitude will inform one's reaction—whether one is angry, doesn't care, has ambivalent feelings, etc. A wide range of subjective reactions are valid.

In personal conversations and/or as participants in a public debate, group members sometimes speak about cultural appropriation in ways that involve normative statements detailing conditions that should be met for cultural appropriation to be non-objectionable or saying that a cultural practice shouldn't be appropriated at all. From this, something like a majority view on the topic can emerge. That is, even though there's not a vote count, there is recognition, even among those who disagree, that there *is* a stance on outsider appropriation shared by a majority of group members. If this benchmark is met, it is possible to say that many group members see their group as making an appropriation-related request about a cultural practice to outsiders, and that it wrongs "the group" for outsiders to ignore the group's request.

It will sometimes be clear that an appropriation-related request takes the form of a non-appropriation request—this is the case with Plains Indian head-dresses (Vowel 2012; Metcalfe 2012)—or that group members are making a less restrictive request, accepting outsider appropriation so long as a practice's cultural and political significance are known and appreciated, there's an awareness of the injustices faced by the group, and so on. Other times, there will be less clarity. If there is sufficient ambiguity in what an appropriation-related request is, the benchmark for the more restrictive non-appropriation request isn't met, and outsider appropriation isn't wrong per se. But the

conditions imposed by the less restrictive request should be respected. And of course, a group's position is never fixed. Requests are subject to revision and retraction.

The idea of a democratic benchmark is an arguably promising way of adjudicating what kinds of appropriation-related requests can be understood as emerging from marginalized cultural groups. But how can cultural outsiders know whether a democratic benchmark is met? In some cases, that a democratic benchmark isn't met is relatively clear. If a would-be appropriator does internet research and only finds a few scattered tweets that don't seem to have generated much of a response, this is hardly enough to count as representing a group's majority view. The matter is more complicated when one finds tweets, YouTube and TikTok videos, Instagram posts, etc. on the subject that do seem to have gotten traction. In the absence of formal procedures to determine a group's majority stance on outsider appropriation, it may be extremely difficult for anyone to tell—insiders or outsiders—what the majority of group members think. Social media platform algorithms give priority to certain kinds of posts, which may not be representative of the majority of group members, and there could be self-selection among individuals who choose to speak about cultural appropriation publicly. A would-be appropriator may thus be uncertain about whether she stands to violate a group's appropriation-related request or not.

Due to such epistemic issues, as a second-best option, a would-be appropriator may ultimately have to rely on the reasons that are given by group members who explain their stance on outsider appropriation. It also could be appropriate, under some circumstances, to talk to individual group members about their perspectives. Of course, with this, there is the danger of someone feeling as if they're unfairly being asked to represent the views of their entire group. Moreover, unless would-be appropriators are planning on carrying out large-scale public opinion surveys, they will still likely need to rely on the reasons given by their interlocutors rather than having genuine confidence about a group's majority view. However, if a would-be appropriator hears similar reasons being put forward again and again in a variety of contexts, they can be increasingly confident about whether cultural appropriation is permissible and how to engage in it.

What is the normative status of the idea of a democratic benchmark if one belongs to a marginalized cultural group whose cultural practices are appropriated (continuing on the assumption that no other moral wrongs are at stake)? Should one calibrate one's own reactions to a given case of outsider appropriation based on one's ideas about what the majority thinks? Being sensitive to the views of one's fellow group members would seem helpful in a situation where, given the epistemic uncertainty around appropriation-related requests, would-be appropriators look for group member views to cherry-pick in support of their own preconceived agendas. However, such outside appropriators exercise bad faith, and the downsides of asking group members to

calibrate their own views to those of the majority are huge. The effect would be to quash deliberation and debate about outsider appropriation. As some democratic theorists have observed, without deliberation and debate, majority rule on its own is not democratic; open discussion is required for decisions to have a democratic character (Fearon 1998).⁹ Accordingly, there is normative importance in individual group members feeling free to have their own positions on outsider appropriation and to speak about these positions from their own perspectives. No calibration or self-filtering is needed.

Individual Moral Wrongs vs. Structural Injustice Without Individual Wronging

In Chapter 2's discussion of Amari Baraka's "Great Music Robbery" thesis, we sidestepped discussing one of the most controversial arguments that Baraka advances. As Baraka claims, White people can't play the blues. (Jazz? Fine. Just not the blues.) Baraka makes an essentialist argument about racial group membership, where authentic blues performance requires a Black performer. This is something that some philosophers of aesthetics have disputed (Rudinow 1994), while others have tried to rescue Baraka's claim from essentialism (Taylor 1995; 1997). Though our approach is moral rather than aesthetic, with the request argument in place, we can stake out a position on the White blues performer and similar cultural appropriation cases.

The first thing we should ask about the White blues performer is whether they exploit, discriminate against, deny credit to, disrespect, or commit other moral wrongs against Black musicians in their line of work. Let's assume, for argument's sake, that they don't. They just sing the blues. Let's also assume that it's 1963, the year Baraka published *Blues People*, and that a minority of Black Americans shared Baraka's perspective. Our request argument might be criticized for giving the White blues performer an unconditional moral license to play the blues. It is plausible to think that the kinds of conditions that appropriation-related requests often propose—e.g., speaking out about injustices to the appropriated-from group—apply whenever dominant group members appropriate cultural practices from marginalized groups. Regardless of whether groups request this or not, it's morally wrong to fail to meet these conditions.

What's complicated here is the fact that appropriation-related requests often reference things that a cultural outsider has reason to undertake regardless of whether she is engaging in cultural appropriation or not. A White American in the 1960s has reason to know about the injustices of segregation and racism just because they are a White American. If they appropriate Black culture, becoming a blues singer, their reasons to speak out about anti-Black racism presumably grow stronger, since their connections to Black culture become stronger. But this doesn't mean that, if they appropriate from Black culture in a way that is indifferent toward the injustices suffered by Black people, this necessarily rises to the level of an *individual* moral wrong.

Consider the vast amount of injustice in the contemporary world. There is anthropogenic climate change, refugees fleeing war and violence are turned away by states that see them as a burden, one's nutrition and health care access are largely determined by the country of one's birth or one's citizenship, animals suffer horrific lives for the sake of mass food production, far-right political movements are on the rise, large corporations have outsized political power and are not meaningfully accountable for harms they do, and so forth. All of us (arguably) have a reason to know about, speak out about, and act against all these injustices. However, it is also (arguably) too demanding for any individual person to morally require them to do something about everything. Having a reason to take a stand against injustice doesn't mean it rises to the level of being morally wrong if one doesn't act—recall the “individual moral wrongdoing versus structural injustice” discussion from [Chapter 2](#). In keeping with such ideas, Iris Marion Young (2011) has argued that it is unhelpful to think about our relationship to structural injustices using a “liability” model of responsibility. According to Young, in situations of structural injustice, it's important to recognize that one individual does not on their own cause the unjust situation. Accordingly, we can understand the White blues performer's failure to speak out in 1963 as part of a broader structural problem instead of it being morally wrong in a backward-looking, liability sense. But when group members issue frequent appropriation-related requests to outsiders that are connected to the group's marginalized status, this changes the normative situation. Individual outsiders can be expected to be familiar with the appropriation-related requests, and it is *prima facie* morally wrong to disregard them.

But what about a case where members of a severely oppressed group are so accustomed to the power dynamics between their group and the dominant group that it doesn't occur to them that there might be something objectionable about how their cultural practices are being used? Or perhaps group members wish to publicly object to cultural appropriation but instead engage in what [Dotson \(2011, 244\)](#) calls “testimonial smothering,” viz., “the truncating of one's own testimony in order to insure that the testimony contains only content for which one's audience demonstrates testimonial competence.” A group may suffer so much oppression that it doesn't form an appropriation-related request. If this is the case, we might again want to insist that outsiders are only morally permitted to engage in cultural appropriation if certain conditions—like speaking out about injustice that the group faces and not being superficial about appropriating a given practice—are met. And if they don't meet these conditions, individuals do something morally wrong. Or so this objection goes.

However, appropriators might meet desirable appropriation-related conditions—with or without a group issuing an appropriation-related request—and it nevertheless may be relevant to speak of structural injustice. Take another White musician example, that of Johnny Clegg. As discussed in the

introduction, the British and South African musician is widely revered as the “White Zulu,” and his signature style involved the use of Zulu language, dance, and musical instruments and motifs. He was moreover well-known for his antiracism and defiance of South Africa’s apartheid regime, as well as for his respectful collaboration with Zulu musicians, with whom he formed bands and featured as equals in performances. At the same time, it is easily observable that Clegg’s very popular music benefitted from White South Africans (and White musical audiences worldwide) being more comfortable hearing Zulu music from a White musician than a Black musician, that seeing the performance of Zulu music with a White face put White South Africans at ease in a society marked by rigid racial categorization (University of the Witwatersrand 2007; Samudzi 2019). So, South African Zulu people didn’t issue appropriation-related requests to Clegg, his music enjoyed widespread Zulu support, and Clegg anyway (arguably) met the kinds of conditions typically given when appropriation-related requests are made. And yet, we can still say that his legacy was intertwined with South Africa’s colonial and apartheid history, and that broader structures of injustice made possible his fame and fortune. The example shows that it would be far too restrictive to make the wrongness of cultural appropriation depend on whether an agent participates in structural injustice—morally, there could be no White Zulus. Our approach can say that Clegg’s appropriation is a morally better response to structural injustice than that of the White blues musician who is silent about a similarly structured apartheid regime, but this comparative evaluation doesn’t necessarily mean that the latter *qua* individual commits a moral wrong just by being a White blues musician.

Moreover, the example of Clegg shows that there can be conditions of extreme oppression where a group welcomes outsider appropriation, and where it’d be objectionably paternalistic to say that outsider appropriation is nevertheless wrong. Our request argument lets marginalized groups decide when cultural appropriation is wrong while still having room to discuss any objectionable power dynamics at play, which seems like the right result in the Zulu/Clegg case. It’s an empirical question, but we don’t view all marginalized groups as wanting to restrict the appropriation of all their cultural practices. Again, only a limited set of practices are the subject of appropriation-related requests. An account that makes morally permissible appropriation from marginalized cultural groups contingent on meeting certain conditions (like demonstrating a commitment to anti-racism), or says that it’s morally wrong to appropriate the practices of marginalized cultural groups *tout court*, doesn’t have the flexibility to let marginalized cultural groups determine their own stances on the outsider appropriation.

A final pair of objections concern the idea that a focus on cultural appropriation may be the wrong way to respond to the broader structural injustices that marginalized cultural groups face. The first objection—call this the “mainstreaming objection”—contends that the incorporation of a given

group's culture into mainstream culture via appropriation will itself improve the group's position. The second objection—call this the “distraction objection”—views cultural appropriation-related discourse as a distraction from structural inequalities that are arguably more fundamental.

The mainstreaming objection is fairly easy to respond to. When a new form of appropriation begins to take place, there often is in fact hopefulness that a cultural practice's becoming mainstream will improve things for the group. However, discourse around cultural appropriation has arisen largely because of the observation that there have been many cycles of trends where a marginalized group's culture meets popular standards of coolness for a short time, without any tangible benefits to the group resulting. Absent strong empirical findings that the appropriation of marginalized groups' cultural practices has clear economic or status-related benefits for appropriated-from groups (we don't know of any), there is reason to be skeptical of this argument.

The distraction objection is clearly important; still, the request argument sees it as being up to marginalized cultural groups to determine how much to focus on cultural appropriation and how much to focus on other issues. In her essay, “Eating the Other: Desire and Resistance,” hooks (2015, chap. 2) expresses a version of the objection, at times seeming to dismiss cultural appropriation discourse as a narrow form of nationalism (see also hooks 1995, 10–21). Nevertheless, she defends it as a survival strategy that comes as a response to the unequal power expressed by White modes of appropriating Black culture. Given a non-ideal social reality where identity-based hierarchies of power and privilege have yet to be eradicated, the burden falls on outsiders to respect the claims that marginalized groups have made concerning the use of their cultural practices.

Conclusion

In the first part of this book, we've presented a pluralistic account of wrongful cultural appropriation that centers around theft, disrespect, and disregarding marginalized cultural groups' requests. It is worth concluding by discussing some of the advantages that emerge from the account.

First, our account avoids authenticity fetishism. The view does not promote a social world in which autonomous, self-contained cultural groups possess exclusive usage rights over their cultural practices. Cultures mix, blend, and are in a constant state of reinvention, and as such, cultural appropriation is ubiquitous. As we've argued, when cultural appropriation is the site of wrongs like exploitation, discrimination, denying credit where it is due, disrespect, and so on, this is morally objectionable. There are also some cultural practices that members of marginalized groups may reasonably see as being off-limits to outsider appropriation, or may reasonably request that outsiders exercise heightened sensitivity due to the practice's connection to the group's marginalized status. But reflecting on the banal, everyday dynamics of cultural interchange—whether

this is dominant groups borrowing from other dominant groups, marginalized groups borrowing from other marginalized groups, marginalized groups borrowing from dominant groups, or dominant groups borrowing from marginalized groups—and the wide breadth of innovations and practices that fit into the rubric of “culture,” it seems clear that most cultural appropriation isn’t wrong in a way that falls afoul of one of these moral categories.

Second, our account makes room for disagreement within groups about the appropriation of certain cultural practices and/or particular appropriative acts, as well as about the general idea of outsider appropriation.

Third, our account avoids excessive individualism: No single individual has the power to transform social structures of domination and marginalization on their own, and a mindset of individual purity about cultural appropriation probably won’t do much good. On a lunch break during a writing session, the authors ate at a Swiss food chain that served rice bowls with names like “Namaste Curry” and “Miss Saigon,” while noting the use of stereotypes and cultural imaginaries that many South and Southeast Asian people have criticized.¹⁰ But companies, as well as high-profile individuals, are different from ordinary individuals. They have the power to broadcast messages of respect if they choose to, as well as messages of disrespect. They should use their positions of power to promote respect. We will return to this theme in the final chapter.

Notes

- 1 “Normative landscape” is from Owens (2014).
- 2 Nguyen and Strohl (2019, 983) consider their subject “appropriation claims,” viz., “a request... that non-members refrain from appropriating a given element of the group’s culture.” This definition is about “non-appropriation requests,” and leaves out all claims where appropriation’s acceptability depends on certain conditions being met.
- 3 See Gläser (2019, 37) for a discussion of the “good reasons constraint” on requests; see also Cupit (1994); and Schaber (2021).
- 4 For some of these themes, see, e.g., Todd (1990); Narayan (1997); Cottom (2013); hooks (2015, chaps. 2, 9, 10); Cooper (2018); Otterman (2019); Nair (2019); Jackson (2019); Elan (2020); Kawamura (2022); and Adrienne Keene’s *Native Appropriations* blog. Note also that many of these formulations capture the idea that there can be morally objectionable cultural appropriation by marginalized cultural outsiders (Matthes 2018).
- 5 And so, we disagree with Nguyen and Strohl’s (2019, 986–88) “claim deference” interpretation of Keene.
- 6 But see hooks (2015, 21): “The commodification of Otherness has been so successful because it is offered as a new delight, more intense, more satisfying than normal ways of doing and feeling. Within commodity culture, ethnicity becomes spice, seasoning that can liven up the dull dish that is mainstream white culture.” See also Jackson (2019).
- 7 As an anonymous reviewer points out, it could be that the ballerinas are irritated because it’s obnoxious for someone to dress up like a ballerina without making the sacrifices that ballet training requires—if so, this may not be a concern about cultural appropriation per se. However, the ballerinas’ claim still involves policing

who is and isn't entitled to wear leotards and pointe shoes. It thus fits into the broad understanding of cultural appropriation laid out in the introduction, which simply specifies a "use" condition and a "cultural group non-membership" condition.

8 Simple majority rule is not the only form of democratic decision-making, and it may not be the best one. [Tullock \(1959\)](#), for example, critiques simple majority rule because of its inability to accommodate the intensity of preferences. An anonymous reviewer points out that sometimes a higher benchmark is appropriate—e.g., 70% for a change in the constitution. We don't think that the argument presented here hinges on simple majority rule being the right democratic benchmark. Nevertheless, for compelling defenses of simple majority rule, see [Waldron \(1999, Ch. 6\)](#) and [Risse \(2004\)](#).

9 Thanks to Chiara Valsangiacomo for a conversation about this point.

10 "Namaste Curry" perfectly illustrates themes of Narayan's (1997) essay on British appropriations of Indian food; though [Sukhadwala \(2022\)](#) warns against "canceling" curry.

5 How Should the State Respond to Cultural Appropriation?

Cultural appropriation is at least sometimes wrong. But when it is wrong, who should respond, and how? Is some kind of political response appropriate? Many things are wrong and yet beyond what free societies consider as the legitimate scope of political authority. It is wrong to leave a dirty coffee cup in the sink of the communal kitchen at your workplace. It is wrong to get on the train before letting people off first. But few people would argue that these issues deserve a political response. That something is wrong does not make it the business of the state. Is cultural appropriation a political issue? The previous chapters indicate that it is. Cultural appropriation is about something more politically relevant than communal space manners or public transportation etiquette. It is about cultures and traditions, it is about identity and respect, and it is about power and marginalization. These are all deeply political issues. Cultural appropriation cannot be dismissed as a non-political matter.

How, then, should the state respond to cultural appropriation?¹ We first look at the most solid ground for limitation of an individual's liberty in a liberal society, the Harm Principle, and argue that it can only justify a legal prohibition in a very limited number of cases. We then argue that there are better ways for the state to address the wrongs of cultural appropriation, through its expressive power as a speaker, as a spender, and as an educator. Finally, we turn to the question of repatriation: In the specific case of illicitly acquired cultural objects, it is not enough to say that theft should be prohibited, we must also determine if and when they should be returned to their place of origin.

Is Cultural Appropriation Harmful?

If cultural appropriation is harmful, then this might mean that state interference is justified. Even though harm is not a sufficient condition, liberals often take it to be a necessary condition to use political coercion (Mill 2003, 163). If cultural appropriation is harmful, then we can at least consider a coercive legal response.

In the context of the Harm Principle, a harm is understood as a violation of the basic rights or fundamental interests of others (Dyzenhaus 1992, 546;

Gray 1996, 57; Donner 2008, 161). For Feinberg, “only setbacks of interests that are wrongs, and wrongs that are setbacks to interest, are to count as harms in the appropriate sense” (Feinberg 1984, 36). We have argued that cultural appropriation can be morally wrong on three different grounds: Because it involves “theft-like” offenses like exploitation and denying credit when credit is due, because it is disrespectful, or because it ignores appropriation-related requests. But is cultural appropriation harmful in the sense that basic rights or interests are set back? And are state interventions that involve the use of criminal law appropriate? Let us examine our three categories of cases.

Theft

Theft is a violation of a fundamental interest in property ownership. It is commonly understood as being harmful and therefore justifiable for the state to legally prohibit. If theft were to explain the wrong of cultural appropriation, then it would be unnecessary to pass new criminal laws: The prohibition of theft already exists. However, as Chapter 2 argued, most of the time, any mention of “theft” in cultural appropriation cases is best understood figuratively rather than literally. Even in cases where literal theft identifies the source of wrongfulness—for example, in the case of stolen cultural objects—the wrong happened long ago in the past. Most legal systems have statutes of limitations establishing a limited window of time in which it is valid to prosecute theft. In cases where the alleged thief is long dead, the criminal law is of little use.

Moreover, it is not clear that laws prohibiting theft would have provided legal recourse for the theft of cultural objects at the time when the relevant parties were alive. Consider the complexity of Lord Elgin’s acquisition of the Parthenon Marbles. Elgin hired a group of artists and workers to remove many of the sculptures from the walls of the Parthenon in Athens (which was then, and already for several centuries, under Ottoman rule). He then shipped them to Britain. Elgin claimed to have been authorized by the Ottoman Empire to remove the Marbles. Suffering from financial trouble, he wanted to sell the marbles, but needed a clear title to do this, so he petitioned Parliament to launch an investigation in 1816 (Robertson 2019, 84–85). The investigation was conducted by a Parliamentary Select Committee, which examined the documents produced by Elgin and concluded that Elgin was legally allowed to sell the Marbles to the British government. The sculptures have since 1816 been part of the collection of the British Museum.

Were the Marbles in fact legally acquired by Elgin? Britain believes they were; Greece disagrees. But even if Elgin had received documents from the Ottoman government authorizing him to remove the Marbles, it is far from clear that this would be enough to settle the issue. Had the Ottoman Empire the authority to deliver such a permit? Was the Ottoman Empire, which was occupying Greece at the time, the rightful owner of the Marbles? Does it matter that Elgin most likely bribed several Ottoman officials to secure the

authorization (Merryman 1985, 1901)? The international law questions surrounding the case are incredibly complex. Theft is harmful and should be prohibited, but this does not mean a court of law would have ruled—or will rule²—that Elgin’s removal of the Marbles was in fact theft.

Disrespect

What about disrespect? There is an important difference between being disrespected by the state and being disrespected by others. The state owes equal respect to all citizens and violates a fundamental interest when it disrespects anyone. But it seems that disrespect by others does not violate basic rights, unless it leads to something more than disrespect, such as abuse or libel. We have a strong preference for being treated with respect by others, but few would argue that this grounds an enforceable legal right.

Besides the Harm Principle, we could also appeal to the Offense Principle: “it is always a good reason in support of a proposed criminal prohibition that it would probably be an effective way of preventing serious offense (as opposed to injury or harm) to persons other than the actor” (Feinberg 1985, 1; see also Young 2008, chap. 5). Feinberg (1985, 1) defines offenses as the “whole miscellany of universally disliked mental states,” but, importantly, the principle only applies to *serious* offense, i.e., offense that is intense, durable, and cannot be reasonably avoided. This allows for the discounting of abnormal susceptibilities (Feinberg 1985, 26, 33–34). The seriousness of the offense can then be balanced against the reasonableness of the offending conduct to determine whether the offense should be legally permitted or not. The evaluation of the reasonableness of the offending party’s conduct relies on three main considerations: “its personal importance to the actors themselves and its social value generally”; “the availability of alternative times and places where the conduct in question would cause less offense”; and “the extent, if any, to which the offense is caused with spiteful motives” (Feinberg 1985, 26). Hence the importance of free expression, including the free expression of potentially offensive opinions, is taken into consideration.

Failing to show respect to others is offensive. But is this a *serious* offense? It will depend on the details of the case. When an object that is considered sacred has been appropriated in a disrespectful manner, for instance, the offense caused would be profound, analogous to the offense that one might feel when one is the target of hate speech. It is unclear, however, that the Offense Principle provides sufficient ground for coercive interference. The main issue is that, in most cases, being offended can be easily avoided. In fact, offense often results not from directly experiencing the offending conduct, but from knowing about it. Most who were offended by Karlie Kloss wearing a Native-inspired headdress at the Victoria’s Secret Fashion Show in 2012 were not in the room. Those who argue that some Disney movies are disrespectful could simply not watch these movies. Feinberg

doesn't argue that having bare knowledge of offending conduct rather than having direct experience of it makes it less offensive, but he argues that it makes it less likely that criminal prohibition could be justified (Feinberg 1985, 94).

Of course, the fashion show of one of the most powerful brands in lingerie and clothing can hardly be considered a private affair. The show was widely publicized and photos of Karlie Kloss wearing the headdress were hard to avoid on social media for a while. In this specific case, then, it might seem that the offense could be considered serious enough. But even if that is the case, it is unclear that this would be enough to tip the scale in favor of criminal prohibition, since the offending conduct does not seem particularly unreasonable: What models wear has significant importance for fashion designers, and one could reasonably argue that the offense was not "caused with spiteful motives."

What about cultural appropriation resulting from spiteful motives? Clearly, this makes the offense more serious. In 2003, French comedian Dieudonné appeared on TV dressed up as a "terrorist Jew." The sketch ended with him shouting "Isra-Heil" (although he then claimed that he had shouted "Israel") while making a gesture that could (reasonably) be interpreted as a Nazi salute. The fact that he wore the hat and sidelocks associated with Orthodox Jews (he is not Jewish himself) makes it a case of cultural appropriation.³ The content of the sketch leaves no doubt about his antisemitic motives. But it is also clear that, in this case, it is not *really* disrespectful cultural appropriation itself that is offensive, but the hateful and antisemitic nature of his comments—or maybe the combination of the comments with the cultural appropriation context. When cultural appropriation amounts to hate speech, there are arguments in favor of responding with criminal sanctions: Hate speech causes serious offense, if not tangible harm (Waldron 2012). Whenever hate speech is prohibited, then, the prohibition could apply to specific cases of disrespectful cultural appropriation. But neither the Harm Principle nor the Offense Principle justify a prohibition of disrespectful cultural appropriation in general.

Ignoring Morally Valid Requests

When it comes to ignoring requests, however, there are no existing criminal law regulations and there don't seem to be good arguments for any. Though the failure to follow appropriation-related requests can be morally wrong, it does not violate the Harm Principle, and it would seem inappropriate to use the coercive power of criminal law in this case.

But why? After all, as we argued in [Chapter 4](#), only marginalized cultural groups can issue valid appropriation-related requests. Ignoring such requests is not necessarily wrong, but when it is wrong, it is because those who belong to the groups making these requests already suffer harm. Marginalization, oppression, and exclusion are harmful, and one could argue that ignoring requests from groups subject to such harms could reinforce or perpetuate

preexisting harms (Tsosie 2002, 310–17). Wouldn't the Harm Principle justify the interference of the criminal law here?

It wouldn't, because it is not ignoring appropriation-related requests from marginalized cultural groups that create the harm of marginalization per se. Even if it does reinforce this harm, it does not produce it. Appropriators who ignore requests might be complicit in harmdoing, but their individual contribution to the harm faced by marginalized cultural groups is oftentimes insignificant. When individual responsibility is limited and indirect, then what Iris Marion Young has called the "liability model" of responsibility cannot apply. Based on this liability model, "for a person to be held responsible for a harm, we must be able to say that he or she caused it" (Young 2011, 95). To the extent that wrongful appropriators contribute to the harm of marginalization, they do so "indirectly, collectively, and cumulatively" (Young 2011, 96). Criminal prohibition might be a good way to address harms that fit the liability model, but they are an insufficient and ineffective way to address structural harms that don't fit this model. Marginalization can't be fixed by criminalizing individual actions.

On the other hand, there are fundamental interests at stake on the side of appropriators: The right to free expression is so important that the threshold for the justification of any kind of limitation of this right is extremely high. Free speech would be meaningless if it only protected the kind of speech that pleases everyone. The point is precisely that people should be free to say things that are not popular, including things that might be false, mean, or just plain stupid. The failure to acknowledge appropriation-related requests should be included in this category.

Coercive State Responses Beyond the Criminal Law

As we have argued, when criminalization is a justified response to wrongful cultural appropriation, existing criminal laws usually already apply.⁴ New criminal laws are unnecessary. However, states have other coercive means of deterring wrongful cultural appropriation. The prospect of being dragged into a lengthy and expensive lawsuit, for example, can impact an individual's behavior as much as the prospect of imprisonment.

Let's look at intellectual property law. None of our earlier arguments about theft, disrespect, or requests invoked strong ideas about intellectual property as a moral right, or cultural groups as the moral "owners" of creative expression innovated by group members. Yet, this is perfectly compatible with saying that, *on the grounds of social utility*, states should use their intellectual property rights (IPR) regimes to discourage certain kinds of morally wrongful cultural appropriation. As Chapter 2 discussed, existing IPR systems, both in the domestic and international law contexts, tend to promote the economic interests of large multinational companies. IPR systems could do a much better job promoting the economic and cultural interests of marginalized groups.

Recall the discussion of the Tlahuitoltepec design copied by Isabel Marant. Copying is ubiquitous in the fashion world and always has been (Pham 2022, chap. 1). To deter would-be copiers, designers with resources—typically, high-end Western designers—sometimes obtain formal design patents on their products, which deters copiers and gives them creative control over how their designs are used. The specifics vary from country to country, but typically, after a patent registration office approves an application, designers’ legal teams can file lawsuits against perceived violators. In Isabel Marant’s case, she was sued—not by Tlahuitoltepec artisans, but by another French label, Antik Batik, which had successfully obtained a design patent on the Tlahuitoltepec design. Marant won by saying that she hadn’t copied Antik Batik; Tlahuitoltepec blouses were her inspiration. The French courts moreover ruled that Antik Batik’s design patent was invalid, as the Tlahuitoltepec style belonged in the public domain (Pham 2022, 44–45). Pham (2022, 47) points out the issue with the French legal system seeing the Tlahuitoltepec design as patentable if it was Antik Batik who came up with it, but in the public domain once the design’s Tlahuitoltepec origins were proven: The ruling served to “de-skill non-Western designs as cultural and natural rather than artistic and intellectual.”

Should Indigenous peoples receive the same IPR protections that Western fashion labels routinely receive? James Young is skeptical. For him, “most artistic elements belong in the public domain,” period. If creative expression can be owned at all, “the wealthy are certain to own more of it than anyone else” (Young 2021b, 154).

From the standpoint of ideal moral theory, we see Young’s point. But what we want to claim here is more modest. In a world in which states have IPR regimes that allow multinational companies and luxury fashion brands to register their wares as intellectual property, they should make it equally easy for Indigenous creators to benefit from IPR protections (Riley 2000; 2005; Tsosie 2002; 2015; 2016; Boateng 2011; Riley and Carpenter 2015; Farzaneh 2019; Pham 2022, chap. 1).

Another area where non-criminal coercive state interventions have promise has to do with patterns of disrespectful, stereotype-based imagery—for example, in the context of sports. Thirty-seven high schools in the United States use the racist slur “Redskins” as a team name; countless others use American Indian-related names and have sports rituals involving “war” paint and feather headdresses (ESPN 2022). California banned the use of the slur by sports teams in 2017, and its legislature is currently considering a more sweeping prohibition on the use of stereotypical Native names and imagery by schools (Tsosie 2016; Riquelmy 2024). Also, a country’s patent, copyright, and trademark laws can be used to enable disrespectful cultural appropriation or fight it; the United States has seen both in recent times. For 70 years, federal law prohibited trademarks that disparaged groups or individuals, giving Native activists grounds to legally challenge the Washington football team’s trademark on its name and logos. However, in 2017, the U.S. Supreme

Court declared the disparagement prohibition unconstitutional on free speech grounds (Barnes 2017). Ultimately, it was social and economic pressure, not a court verdict, that transformed “the Washington Redskins” into “the Washington Commanders” (Bowman 2022).

Expressive Power

The obligations of the state do not end at making and enforcing laws. Beyond its coercive power, the state also has expressive power. As Corey Brettschneider (2012, 3) explains the difference, the state’s coercive power involves placing formal legal limits on what individuals do, whereas its expressive power is found in “its ability to influence beliefs and behavior.” In the case of hate speech, Brettschneider argues, “the state should simultaneously protect hateful viewpoints in its coercive capacity and criticize them in its expressive capacity.” Though individuals’ right to free speech, even when hateful, should be respected, the state “should also use its expressive capacities to criticize... hateful views.”

It is important to investigate the expressive power of the state and not focus exclusively on its coercive power. Coercion is defined “as the state threatening to impose a sanction or punishment on an individual or group of individuals with the aim of prohibiting a particular action, expression, or holding of a belief” (Brettschneider 2012, 88). Although this is the most visible manifestation of state power, it would be misguided to reduce state power to coercion.

The distinction between expressive and coercive powers, however, should also not be overstated: That expressive power and coercive power can be analytically distinct does not mean that coercive power does not have any expressive dimension. When they adopt new laws, governments typically provide reasons that are meant to explain why the laws are justified. In 2010, when France adopted a law prohibiting full-face covering, which primarily affected burqa-wearing women, the government explicitly argued that seeing each other’s faces was necessary for the French understanding of “living together.”⁵ The burqa ban is coercive, in that individuals are legally prohibited from covering their faces in public, but it also has an expressive dimension in that it says that the burqa is an obstacle to full participation in French society. Many French Muslims felt disrespected and discriminated against, even though the law officially applies to all types of face coverings and not only to the burqa. The coercive and the expressive dimensions of the burqa ban can be hardly disentangled.

Still, the distinction between expressive and coercive powers matters because the state can exercise its expressive power without exercising coercive power at the same time. Consider all the ways in which states use monuments, national symbols, or holidays to send specific messages to their citizens as well as to outsiders: They contribute to a certain understanding of national

identity and the construction of key political or historical myths. Erecting or removing statues of historical figures is not a coercive act, in the sense that the rights and liberties of individuals are not affected by the decision; but it is a fundamentally expressive act, i.e., its purpose is to send a message to people. This message concerns the individual that the statue is representing (a statue erected prominently in the city center is meant to honor the individual and suggests that they are particularly admirable), but sometimes also the relation between this individual and the political community (the fact that we, as a political community, have decided to honor this specific person says something about us and about how we see ourselves).

The expressive power of the state is not limited to the paradigmatic case of purely symbolic expression. Brettschneider argues that the state exercises expressive power “as speaker, educator, and spender” (Brettschneider 2012, 22). When public officials, in particular political leaders, make speeches, and when the state makes decisions about what to teach in schools, as well as about which groups or activities to fund, the power exercised is still expressive, in the sense that it does not entail limiting individual rights or freedoms, but it is also not purely symbolic, in the sense that it can have a tangible impact on individuals themselves.⁶ In other words, when it exercises expressive powers, the state *influences* individuals but it does not *force* them. The distinction is well illustrated with the example of education. Education is mandatory for children of a certain age and failure to provide education to them (either at a school or somewhere else, if that is allowed) is consequently legally penalized. The state exercises here its coercive power in that it forces parents to provide a certain level of education to their children. Failure to learn how to read is not legally penalized. Through mandatory education, the state hopes to shape the ways in which its future citizens will think and reason, but individuals cannot be forced to adhere to anything they are taught. For this reason, the content of mandatory education falls under the scope of expressive power.

We believe the state should address some of the wrongs of cultural appropriation, or some of the harms associated with it, through its expressive power (see also Riley and Carpenter 2015, 868). But how, and to say what?

First, as a speaker, there are a number of things that the state should do. When the state has itself engaged in wrongful cultural appropriation or when it has allowed or supported individuals to wrongfully appropriate in its name, it should acknowledge its wrongdoing—for example, in the case of public museums and illicitly acquired cultural objects.⁷ Consider the website of the National Gallery of Australia, where there is a page specifically dedicated to the question of the provenance of its collections. Since the museum is public, the messages that it expresses can be considered public speech. The text explains that the gallery is currently investigating the history of ownership of several artifacts and that it will repatriate them to their rightful possessors⁸ if they have been unjustly acquired: “If, on the balance of probability, the Gallery considers a work was likely stolen, illegally

excavated, exported in contravention of the law of a foreign country, or unethically acquired, we take all the necessary steps to return it to its country or community of origin” (National Gallery of Australia, n.d.). The recognition that the history of ownership of many of the cultural objects of the collections of its National Gallery must be reviewed is a highly significant message given by Australia.

When the state is witness to acts of wrongful cultural appropriation, it can also use its expressive power to condemn certain behaviors. Consider again the case of the Aalst carnival, depicting racist and antisemitic tropes. It was fully appropriate for the Belgian Prime Minister, Sophie Wilmès, to make the following declaration: “The use of references and stereotypes that stigmatize communities and populations based on their origins creates division. It jeopardizes coexistence” (Arnoudt 2020, our translation). Even if the carnival might not be considered criminalizable hate speech under Belgian law, Wilmès, as head of government, clearly sent the message that the stereotypes used are disrespectful and morally objectionable.

Similarly, the state’s expressive power as a speaker can promote or fight a group’s marginalization. The United States, for example, signals that it is addressing Indigenous peoples as equals by having brought back the idea of “government-to-government relationships with Indian tribes” in official documents, referencing a treaty relationship that twentieth-century Native activists successfully pushed to have recognized (Deloria, Jr. 1974; Bureau of Indian Affairs n.d.). This is not the same as explicitly claiming that one should respect the particular requests made by a given marginalized cultural group—and, as we have argued, any moral obligation to respect these requests is only ever *prima facie*. But this suggests that one should treat the members of other cultural groups as one’s equals, which in turn makes one more receptive to potential requests made by these groups.

Second, as a spender, the state should consider wrongful cultural appropriation when making decisions regarding the use of public money. The most relevant kinds of expenditure here is the funding of art programs. Political philosophers disagree about whether state funding of the arts can be neutrally justified or not (Dworkin 1985; Brighouse 1995), but all liberal democratic states do in fact fund the arts. When they do, to what extent should they take cultural appropriation into account?

In 1992, the Canada Council for the Arts considered adopting guidelines that amounted to a “blanket refusal to fund works that address cultures other than that of the applicants” (Young 2008, 154). The proposal was highly controversial at the time, and the Canada Council ended up not adopting these guidelines. Such a blanket ban on subject appropriation would have been wrong: It would have meant that no publicly funded artist could have ever represented other cultures at all in their work.

But there are two ways in which considerations about cultural appropriation should be relevant. First, funding agencies should take cultural

appropriation into account when it is wrong. When artists use disrespectful stereotypes of other cultures, they should not be criminally censored by the state, but they should also not be supported by it. If an artist applies for a grant to develop a project that uses morally objectionable stereotypes, this is a good reason for the state to not give funding to that artist. The present-day Canada Council for the Arts, for instance, explicitly takes into account “when cultural borrowings or adaptations from a minoritized culture reflect, reinforce or amplify inequalities, stereotypes and historically exploitative relationships that have direct negative consequences on equity-seeking communities in Canada” (Canada Council for the Arts n.d.): This is legitimate, since it is only concerned with a certain type of wrongful cultural appropriation and does not extend to all kinds of cultural borrowings.⁹

Second, funding agencies should take cultural appropriation into account when the way an artwork culturally appropriates diminishes its artistic value. A perfectly executed replica of a masterpiece is not art. This is not to say that artists cannot borrow from the work of others, including the work of cultural others. But it is part of the task of art experts and funding agencies to determine the extent to which cultural appropriation might make the artwork itself less artistically valuable. The assessment of the artistic quality of any project is complex and could rely on various standards of evaluation; sometimes, originality or innovation might be one of these standards. Rowell (1995) and Taylor (1995) each make a similar argument by suggesting that “authenticity of voice” might be used as a criterion to judge art. If cultural appropriation affects the artistic quality of the work, even when it is not wrong, it should be taken into consideration for funding decisions.

It is important to note, however, that there will be many cases in which artists culturally appropriate in perfectly acceptable ways. In such cases, public funding should not be affected. Publicly funded artists can legitimately represent other cultures and their members or use their stories or styles, to the extent that this is done respectfully and that it does not involve plagiarism. In other words, funding agencies should not reject a funding application just because the artist has been inspired or influenced by a different culture. But a rejection might be justified depending on how the appropriation is done, the context in which it is done, and the role it plays in the artwork.

Finally, as an educator, the state can exercise its expressive power in particular through decisions regarding the content of school curricula. Our claim is not that there should be dedicated courses entirely focusing on cultural appropriation but rather that school curricula address the harms of colonialism, White supremacy, and oppression that are intimately related to some forms of cultural appropriation.¹⁰ Cultural appropriation as theft/plagiarism/exploitation has often taken place within the framework of colonialism or settler colonialism; disrespectful stereotypes are usually racist and can be understood against the background of White supremacy; and it is the fact

that a group is still today socially vulnerable and marginalized, as a result of historical oppression and domination, that gives weight to its appropriation-related requests. What ultimately matters is that future citizens understand the wrongs of colonialism, White supremacy, and oppression. If they do, we can expect that they will be significantly less likely to engage in wrongful cultural appropriation themselves or to justify the wrongful cultural appropriation of others. Beyond this, learning about the harms inflicted by some cultural groups on others is crucial to provide the conditions of respectful intercultural exchange.

Repatriation

Let us return to the topic of illicitly acquired works of art. People should be legally sanctioned if they steal from others, including if what they steal happens to be in the possession of members of another cultural group. But in many cases, art thieves are long gone and cannot be punished anymore. The European soldiers, colonizers, and archeologists who looted the cultural objects now in the collections of major Western museums did not face legal sanctions in their lifetime. How should this historical harm be addressed today?

Often, the issue of reparation is difficult in part because it is unclear *how* any reparation today could rectify past wrongs. When we are talking about genocide, colonialism, or slavery, it is not immediately clear which form reparations should take, as there is no standardized way to redress these multifaceted injustices. In the case of stolen objects, however, things appear simpler: A stolen object should be returned to its place of origin. In other words, reparation means repatriation of unjustly acquired cultural objects.¹¹

The idea that reparation for theft involves the return of the stolen objects is intuitive. If a thief stole a ring, a formal apology would not suffice. The victim of the theft would correctly insist that the ring be returned to them. However, it is less clearcut that unjustly acquired cultural objects should be repatriated. This is because the repatriation of unjustly acquired cultural objects faces three objections that don't apply in the case of the stolen ring.

Objection 1: The Identification of the Relevant Cultural Groups

First, for repatriation to be possible, it is not enough to determine that a given cultural group was the rightful owner at the time of the theft. We also must determine which cultural groups should possess which cultural objects today. The more time has passed, the more difficult this task will be.

There is a serious issue regarding the possible ownership of cultural objects by groups, but this worry about the lineage of groups should not be exaggerated. Groups don't always have institutions and boundaries that remain stable over time, but sometimes they do, and usually, this will be sufficient to

make a case about who should be an artwork's trustee. For instance, Appiah (2006a, 119) is right to note that "the Greeks claim the Elgin marbles, which were made not by Greece—it wasn't a state when they were made—but by Athens, when it was a city-state of a few thousand people." Nevertheless, for Appiah and for us, what matters for the question of repatriation is not whether those who want the stolen goods returned are the same as the ones who made or commissioned goods in the first place. The question is about whether there are sufficient continuities between the cultural group in possession of the goods at the time they were stolen and the cultural group that exists today. Greece today is undoubtedly very different from Athens in the fifth century BC when the Parthenon was constructed, but Greece today is not that far away from Greece 200 years ago when Lord Elgin removed the Marbles. Greece might have been occupied at the time by the Ottoman Empire, but it did not dissolve into it. The language and the culture remained largely the same. The fact that the Greek war of independence started in 1821, less than 20 years after Elgin removed the Marbles, confirms that the Greek people saw themselves at that time as forming a nation. Peoples and cultures evolve over time, but surely there is a continuity here that can be recognized by both cultural insiders and outsiders. The fact that it is sometimes difficult to determine who should be considered the descendants of the owners of the object doesn't mean that it cannot be done, and even less that it should not be done.

Objection 2: The Universal Value of Cultural Objects

As we saw in [Chapter 2](#), cosmopolitans often argue that cultural objects belong to all of humanity: Cultural objects can be seen as "components of a common human culture, whatever their places of origin or present location, independent of property rights or national jurisdiction" (Merryman 1986, 831). If that is true, then maybe no one can own the Parthenon Marbles and maybe Britain is just as entitled as Greece to being their guardian.

Four responses can be made to this objection. First, art historians commonly estimate that 90 percent of cultural objects originating in Africa and constituting Africa's cultural heritage are in museums and private collections outside the continent (Sarr and Savoy 2018, 3). Someone living in Paris has access not only to several major museums in their own city, but they are also a short train ride away from many others. As Matthes (2017) observes, from a distributive perspective, this is very unequal. Far more African artworks should be in Africa. If cultural goods have universal value, ambitious programs of repatriation that focus on artworks with morally tainted legacies of theft and colonial violence create a more just distribution in access to universally valuable cultural goods.

Second, the horrific colonial depredations wrought on the African continent by European powers are an important part of the story of how some—though of course not all—artworks left Africa. It's not random bad luck that

created the distributive inequality, in other words. As [Chapter 2](#) argued, the cosmopolitan position overlooks the significance of moral taint.

Third, as [Sarr and Savoy \(2018, 44\)](#) point out, aesthetically minded cosmopolitans should appreciate that repatriating stolen objects is really good for African art. By interacting with repatriated artworks, “new generations create new things, actualize new ideas and shepherd new forms into the world that until then, had not existed,” they write.

Fourth, those who appeal to the universal value argument to oppose repatriation claims ignore an important distinction between ownership and custodianship (see also [Carpenter, Katyal, and Riley 2008](#)). That nobody owns the Parthenon Marbles does not entail that they should stay in Britain. Even if Greece could not be said to be the rightful owners of the Marbles because, arguably, the Marbles belong to all of humankind, it does not entail that Greece is not their rightful custodian.

Objection 3: The Problematic Implications of Repatriation

Should *all* stolen cultural objects be returned to their rightful possessors? Arguably, this would be problematic for several reasons: Museums might lose most of their current collections; the societies to which the objects would be returned might not be able to store the objects or preserve them correctly; more importantly, the prospect of a world in which members of a cultural group only have access to the objects that they rightfully inherited from past generations looks grim. Being in contact and exchanging with the cultures of others, learning about them and learning from them is precious for all of us. If the British Museum could only display objects made by British people, wouldn't this be a step backwards? Yes, without a doubt. But this objection is based on a slippery slope fallacy. Just because it can be argued that some objects should be repatriated—stolen objects whose possession is morally tainted—does not mean that all of them should be. Moreover, the fact that the objects were unjustly acquired is an important consideration, but it is not the only consideration that matters. In our view, those who currently possess an unjustly acquired cultural object may hold onto it only if one of the following two conditions applies.¹²

First, repatriation is not required if the rightful possessors of the unjustly acquired objects have not explicitly requested it ([Appiah 2006a](#), 131). Imagine, for example, an object that was unjustly acquired centuries ago, and nobody today claims a cultural connection to the original owners. In that case, there is simply no cultural group that the object should be returned to ([Eaton and Gaskell 2009](#), 240). If this is so, the object can remain where it is. Whenever the rightful trustees can be identified, however, and whenever they have issued an explicit request that the cultural objects be returned to them, this request should be given appropriate consideration—and should be accepted, except if the second condition is not met (see also [Robertson 2019](#), 217; but

cf. [Matthes 2017](#), 948). This means that museums should make an inventory of all the objects in their possession and investigate their origins, which is the process that Paris's musée du quai Branly - Jacques Chirac is undertaking ([France24 2021](#)). A cultural group from whom a work of art is stolen can only make the request for its return if it knows that the object exists and that it has been unjustly acquired. It is the duty of those who currently hold an object to be able to prove that this object is rightly in their possession.

Second, repatriation is not required if the practical conditions regarding the shipping, reception, and custodianship of the cultural objects are not met. This condition is common in the repatriation literature. However, it can also be questioned. [Appiah \(2006a, 132\)](#) laments that repatriating "some objects to poor countries with necessarily small museum budgets might just lead to their decay." But who decides that a museum budget is too small? This is speculative and raises concerns about paternalism and perverse incentives against the backdrop of unequal power dynamics ([Matthes 2017](#), 946). Moreover, there is clear expressive value in a nation that has benefitted from possessing stolen artworks to enjoy for a hundred or more years to subsidize the cost of their return and (at least partially) their post-repatriation public display ([Robertson 2019](#), 172). We should also be wary about double standards and exaggerating dangers in a way that play on stereotypical representations of Global South countries. [Robertson \(2019, 91–95\)](#) describes the extensive damage to the Parthenon Marbles resulting from the British Museum's poor trusteeship. However, despite concerns such as these, it seems that some practical considerations should indeed limit repatriation in some cases. Cultural objects should not be returned if they are so fragile that shipping them would likely damage them or if there was no appropriate trustee (such as a museum) to receive them. Moreover, UNESCO regulations dedicated to keeping cultural objects in their place of origin made it impossible to ship abroad Afghanistan's non-Islamic artifacts in the early 2000s, resulting in their destruction by the Taliban, who considered them blasphemous ([Appiah 2006b](#)). If there is a serious risk that repatriation would lead to the destruction of cultural objects, then those who currently hold the objects should keep them until there is no such risk anymore. Those who request the repatriation of cultural objects also have an obligation to not only look after them but also provide public access to them (at least through temporary exhibitions). Cultural artifacts, even if they were unjustly acquired, should not be taken out of a museum if the motivation is to lock them in private residences. This is a way to acknowledge that, even though the claims of cultural property should be taken into consideration, they should be balanced with the claims of the universal value of cultural objects. We are not all equally suited custodians of these objects, but we might all have an interest in having access to them.

The upshot of all this is that when a cultural object has been unjustly acquired, when an explicit repatriation request has been issued, and when it can be shown that the object will be safely shipped and will be properly cared for,

it would be wrong for those who currently hold the cultural object to refuse its repatriation. When either of these two conditions is not met, those who currently have the object can keep it—but it should be publicly acknowledged that the object has been unjustly acquired.

In the recent case of repatriating Benin's stolen royal treasures, none of the conditions for the right to keep the artifacts was met. The cultural artifacts were undoubtedly unjustly acquired.¹³ In 1892, in the context of French colonization, French troops led by Colonel Alfred Dodds stole artworks from the Abomey Palace in the Kingdom of Dahomey, which is now Benin. There is absolutely no room for any claim that Dodds was authorized to take the objects. This was theft. Dodds brought the treasures back to France and donated them to the Musée du Trocadéro between 1893 and 1895 (Sarr and Savoy 2018, 52). At this point, French law made the cultural artifacts inalienable: It is not only that France now owned them, but that France did not have the authority to sell them or give them away. They entered the collection of the musée du Quai Branly in 2003. Benin officially asked for the return of the royal treasures in 2016. At the time, the French government rejected Benin's demand, arguing that such a repatriation would be illegal due to the inalienability of cultural artifacts. The shipping and access condition is met as well: The objects are not so fragile that they could not have been shipped, and Benin has long made plans to safely receive them, look after them, and provide public access to them.

In 2018, the Sarr-Savoy Report commissioned by French President Emmanuel Macron recommended that “objects that were removed and sent to mainland France without the consent of their countries of origin be permanently returned – if the country of origin asks for them” (Nayeri 2018; Sarr and Savoy 2018). Following the report, Macron decided that the Abomey treasures should be returned to Benin. The repatriation took place in November 2021. This was the right decision, and the repatriation is widely considered successful: The returned objects are as safe in Cotonou as they were in Paris, and Benin is preparing a new museum that will become their permanent home (France24 2023). But it is also not as successful as some pretend it is: Benin had requested the return of thousands of objects held in French museums, and was not involved in deciding how many, and which exactly, would be returned in 2021 (Morand 2022). Museums in France and elsewhere are still full of objects that have been unjustly acquired and that their rightful possessors have requested (Sarr and Savoy 2018; Robertson 2019; Pugh 2022). Except when there are reasonable doubts regarding the safety of the objects or whether there will be public access to them, these should be returned.

Conclusion

In this chapter, we have argued that there are different ways in which the state should address wrongful cultural appropriation. A criminal law response might be warranted in a small number of cases, e.g., when cultural

appropriation amounts to hate speech. But in these cases, relevant laws already exist in many countries. What else can the state do?

First, the state should exercise its expressive powers as a speaker, as a spender, and as an educator. Even though it should be legally permissible for people to engage in wrongful cultural appropriation, the state can use its expressive powers to criticize the use of this permission and encourage respectful behavior.

Second, the state should acknowledge wrongdoing when it has supported the theft of cultural objects and it should also consider reparations for its past wrongdoing. When morally tainted objects are still in its possession, for instance, when they are still part of the collections of public museums, the state might also have a duty to repatriate objects to their rightful possessors.

But what if all unjustly acquired objects are returned and the British Museum ends up completely empty? That is a possibility. Considering the size of its current collection, this is not a very likely scenario. Indeed, though our repatriation discussion has focused on the UK and European contexts, in the United States, a 1990 law jumpstarted a process of repatriating Native cultural items and human remains. [Carpenter, Katyal, and Riley \(2008, 1093\)](#) comment that “the plundering of American museums by Indian tribes that many feared simply has not occurred. Tribes have demonstrated cautious restraint, often leaving in museums those items they have determined they cannot properly house or care for.”

Besides, repatriation hardly precludes museums from acquiring other objects, this time through just transactions: They can buy artifacts at a fair price, or collaborate with museums around the world to exchange exhibitions. Thankfully, unjust collections aren’t necessary for museums to exist.

Notes

- 1 We use state to mean any kind of political authority, and not only that of national government. Cities or other local political entities, therefore, are included.
- 2 For the status of the Parthenon Marbles under present-day international law, see [Robertson \(2019, chap. 6\)](#).
- 3 It is a case of subject appropriation, i.e., the representation of individuals from a different culture ([Young 2008, 7](#)). After the sketch, Dieudonné was prosecuted for “racial defamation,” to use the French legal term, but was found not guilty.
- 4 There are exceptions to this. In the U.S., vendors falsely presenting their wares as Native-made are subject to potential criminal penalties under the Indian Arts and Crafts Act ([Langlie 2023](#)). Our more general point is that criminalization shouldn’t be the state’s main tool for responding to wrongful cultural appropriation.
- 5 For an insightful discussion of the arguments provided by the French government, see [Lægaard \(2015\)](#).
- 6 Expressive power, as defined by Brettschneider, includes what [Audi \(2000, 87–88\)](#) has called “secondary coercion,” which applies to the way in which public money is spent, and which he distinguishes from “primary coercion,” which includes obligations and prohibitions.
- 7 This does not mean that an apology will be sufficient, but it is a necessary first step. We discuss the question of repatriation in section 3.

- 8 Note that we use “rightful possessor,” as opposed to “rightful owner,” to indicate that some individual or group might have a legitimate claim to something, even if they don’t have ownership rights in the strict legal sense (see [Chapter 2](#)).
- 9 Besides, the Canada Council for the Arts also explicitly recognizes that “not every claim of cultural appropriation [in this narrow sense of wrongful appropriation] is necessarily legitimate or reasonable, especially given the wide spectrum of context-specific scenarios” (Canada Council for the Arts n.d.).
- 10 See also [Mehdi \(2021, 392\)](#). We are simply assuming that readers will agree that colonialism ([Ypi 2013](#)), White supremacy ([Mills 1999](#)), and oppression ([Young 1990](#)) are seriously wrong.
- 11 Redress for past injustice is not the only argument that can be used to support repatriation. As [Björnberg \(2015, 462\)](#) argues, “repatriation could also be defended on pragmatic grounds (repatriation is the best way of securing good relations among states or nations), on the grounds of cultural rights (repatriation should be used to secure people’s right to their cultural heritage), or on aesthetic grounds (repatriation furthers the integrity of artworks and makes it easier for people to gain a contextualized understanding of them).” Note also that our discussion focuses exclusively on the repatriation of cultural artifacts, not human remains or stolen lands. See [Carpenter, Katyal, and Riley \(2008\)](#) for a wider-scope discussion of repatriation in the American Indian context.
- 12 The burden, in other words, is on those who currently possess contested artworks to show why they should keep them in their possession.
- 13 It is important to note that these cultural artifacts were not created in a vacuum. The wealth of the kingdom of Dahomey was largely derived from its participation in the trans-Atlantic slave trade, and consequently, the artifacts themselves could be considered as morally tainted. But, see an essay about the theft of Nigerian art by [French \(2024\)](#) arguing that complicity in slavery does not discredit the case for repatriation.

6 How Should Individuals Respond to Cultural Appropriation?

How should you react when faced with a case of cultural appropriation that you believe crosses a line? To begin with, it's worth repeating our earlier claim that in most cases, cultural appropriation is not morally wrong. When it does not involve “theft-like” conduct like exploitation and wrongfully denying artistic credit, when it is not disrespectful, and when it does not involve ignoring valid requests made by marginalized cultural groups, it is morally permissible to borrow from the cultures of others. Moreover, there are often good reasons to encourage the kind of openness associated with cultural exchange. When non-Italians enjoy pizza and non-Koreans enjoy bibimbap, human social life is enriched.¹

However, when cultural appropriation runs afoul of the moral standards described by the theft, disrespect, and request arguments, this is a sufficient reason to say that people should refrain from appropriative conduct. Wearing a Pocahontas costume to a Halloween party—even if, as [Chapter 3](#) argued, you are Native yourself—is morally wrong. This means people should simply not do it. Some kind of response by others is usually warranted, but that response cannot take any form. In this chapter, we argue that the form the response should take depends on the details of the case. We first distinguish four scenarios that identify the relevant considerations for how one should respond. We then discuss online shaming as a response to morally wrongful cultural appropriation, as well as the alternative of private conversations. Finally, we discuss responses to cases of cultural appropriation which are better explained by structural injustice than moral wrongdoing.

Appropriating American Indian Culture across Contexts

Consider four different cases of wrongful cultural appropriation.

The School Party

A primary school in Switzerland organizes an end-of-year party on the theme “Around the World.” One Swiss teacher (who has no connections to Plains Indians in the United States or to any other Native nation) has set up a table

with paint, glitter, and stickers, where children are invited to make their own feathered headdresses, which are supposed to reference some kind of unspecific “Native American” culture. Nearby, they can dress up in paper buckskin clothes and get a paper tomahawk, and at a facepainting station, a parent volunteer applies Hollywood Western-style “war paint.”

The Random Guy on Social Media

A man has a social media account with a few hundred followers. Not all followers know the man personally, but it is clear from what he posts that he lives somewhere in the United States and that he is not Native. For Halloween, he posts a picture of himself wearing a feathered headdress, suede fringe pants, and again, “war paint.”

The Pop Star on Social Media

Same case as the previous one, except that the social media user is an internationally famous singer with millions of followers all over the world.

The Big Fashion Company

A big fashion company launches its new collection. It includes products that use motifs recognizable as references to American Indian cultural traditions in the United States. The company advertises the new collection as a celebration of Native American cultures. The company did not talk to any representative of a Native nation, and no Native person was involved in the design, production, or advertisement of the collection.

Now imagine that you attend the school party as a parent, that you are one of the few hundred followers of the random guy, and that you know about the pop star and the fashion company because their presences are ubiquitous. What should you do in those cases?

It seems clear that these four cases are not equally wrong. But even in the School Party and Random Guy on Social Media cases—which are arguably less morally objectionable than the Pop Star and Big Fashion Company cases—there is still something morally troubling, and you might want to react in some way. You might even think that a lack of reaction would mean a lack of moral disapprobation, so you might feel like you have a duty to respond. If you are Native yourself, then you might think that your cultural identity makes this duty even weightier. Besides, you might also think that your response, whichever form it takes, will have more impact precisely in those cases because they are small-scale.

Our main argument is that which response is the most appropriate will depend on the context, and not directly on the act of cultural appropriation itself. In all four cases, the same culture is being appropriated, and the members

of that culture have generated widely shared non-appropriation requests. The cases are, however, different in normatively relevant ways.

To begin with, whether the act of appropriation is public or not matters, and in what way the act is public matters as well. The act of cultural appropriation is exactly the same in the case of the random guy and the pop star, and yet the responses should be different, in part because these cases are not public in the same sense. Whether a few hundred or a few million people will be witnesses to a wrongful act matters. Other things considered equal, it is more wrong to post a disrespectful photo online when one has millions of followers than when one has a few thousand, and it is more wrong to post a disrespectful photo to a few hundred followers than it is to wear a disrespectful costume and go to a party without posting any photo online. The more public influence one has, the more one contributes to an atmosphere where wrongful cultural appropriation is normalized.

Moreover, the cultural context of the wrongful appropriation matters: The ignorance of the appropriation-related requests of Native peoples living in the United States is more understandable for Swiss people than it is for non-Native Americans or Canadians who know and can be reasonably expected to know, about respect norms and requests concerning the appropriation of Indigenous cultural traditions.

Finally, whether a party is profiting from the act of wrongful cultural appropriation is normatively important. Not only is the appropriator taking something that they did not create themselves, but they are making financial gain with what they took, while those who created it are not (Lenard and Balint 2020, 345–46).

The public dimension, the cultural context, and the profit motive make cultural appropriation cases more or less wrong, and they also affect which response is appropriate. How one should respond—if at all—to wrongful appropriation will depend, we argue, on which aim the response is supposed to achieve. We therefore propose three considerations, based on three possible aims, to help decide on the best way to respond.

The first consideration is whether any response, and if so, which response, is likely to educate the wrongdoer so that they can understand why their behavior was wrong. In many cases that look like the Random Guy scenario, we are sometimes willing to accept that appropriative actions come from a place of ignorance. Quite possibly, this person just didn't get the memo on "My Culture is Not a Costume." If others witness the norm violation, they might want to respond to educate the norm violator, in the hope that they will not engage in the wrongful act again.

The second consideration is to what extent any response, and if so, which response, is likely to educate others who might witness the response. The latter might also not fully understand why the norm is a valid one, or who might disagree with its specific interpretation. People disagree about whether certain costumes are truly disrespectful, for instance. A public response might

be needed to explain the norms and justify their validity, which might on the one hand improve public debate about these social norms, and on the other hand, help reduce the likelihood that others engage in the same wrongful act. The “My Culture is Not a Costume” social media movement served to both educate the public about offensive Halloween and carnival costumes as well as reinforce a norm that sees costumes that promote cultural and racial stereotypes as morally wrong.

The third consideration is to what extent any response, and if so, which response, is likely to provide support to those who are wronged by the wrongful act of cultural appropriation. A cultural insider has a responsibility to think about other members of their group, and not just themselves. A cultural outsider has a responsibility to make sure that their action is not unproductive, self-benefiting moral grandstanding (Tosi and Warmke 2016), but is aligned with the interests of the appropriated-from group. In both cases, acknowledging the wrong can be—though is not automatically—comforting and a valuable source of recognition for members of the broader group whose members are wronged.

Beyond the question of the aim of the response, does it matter *who* is responding to wrongful appropriation? Whether one is an outsider or insider of the wrongfully appropriated culture is relevant. Outsiders might simply lack sufficient information to be able to respond: There might be uncertainty about the extent to which some act is considered disrespectful, or about whether an appropriation-related request exists.² This epistemic advantage gives insiders greater moral authority, which gives more weight and validity to their responses.

Publicly Shaming Wrongful Cultural Appropriation

In the early 2010s, Miley Cyrus, a White singer, faced accusations of appropriating Black and hip-hop culture in an attempt to leave behind the image of the Disney child star and rebrand herself as a cool and edgy singer. She heavily borrowed from Black styles of music but also appropriated other features of Black culture, including twerking and wearing dreadlocks. After every public appearance or controversial public statement, thousands of reactions appeared on social media blaming her for “accessorizing” herself with Black culture and profiting from the cultural innovations of Black creators without acknowledging her debt toward them (Stewart 2013; see also Cottom 2013; Jackson 2019, 22–25). Nor is Miley Cyrus the only one. Ernest Owens (2023, 9–10) describes the pop career of Justin Timberlake in similar terms. Lauren Michele Jackson’s 2019 book, *White Negroes: When Cornrows Were in Vogue and Other Thoughts on Cultural Appropriation*, covers Christina Aguilera, Britney Spears, and the whole Kardashian family, among others. Unsurprisingly, the internet has lots to say about all this. When artists, celebrities, and other public figures are accused of cultural appropriation, social media seems

to have become the public court in which these accusations are judged. Non-famous people have faced accusations too, but their social media trials usually happen on a small scale (though this is not without exceptions). With public figures, the public trials include social media attacks, but also articles on traditional media websites and blogs. They become part of the public debate.

Is public shaming morally permissible? Public shaming refers not to the fact that those who are the targets of public shaming necessarily feel the emotion of shame, but to the fact that targets of public shaming are publicly presented as shameful: It matters as a social practice rather than as a feeling (Aitchison and Meckled-Garcia 2021, 9). Shaming and morally tainted cultural appropriation have a logical connection. As we saw in Chapter 2, Oshana (2006) describes shame as the natural and morally fitting reaction of an individual aware of the moral taintedness of their actions. Shaming someone else says, “you *should* be ashamed,” telling them that they’re in morally tainted cultural territory. As such, Billingham and Parr (2020a; 2020b) argue that public shaming is a permissible way to enforce social norms and punish the wrongdoer.

However, consider the many prominent cases of people being harassed and facing serious threats as a result of public shaming gone too far. For example, Fusco (2017) writes about how opponents of Dana Schutz—whose controversial depiction of Black lynching victim Emmett Till was displayed at a prominent NYC art exhibition—broke into the White artist’s email account and sent a public letter in her name saying the painting should be removed.

And so, there can be serious problems with public shaming, especially online public shaming. Frye (2022) argues that the problem is one of scale: It is disproportionate since the sanctions can be overly severe, and it increases the risk of error since photos and videos posted online often lack context. Aitchison and Meckled-Garcia (2021, 3) argue that online shaming necessarily violates basic respect and due process. For these reasons, “it is a moral wrong and a social ill when directed at individuals, regardless of its beneficial consequences.”

Despite the importance of such considerations, we view moderate forms of public shaming as defensible when we’re talking about two specific kinds of targets. The first is group agents, in particular, large companies (Radzik et al. 2020, chap. 2). The problems identified above only apply when individuals are publicly shamed. But consider the vast number of examples of publicly shamed corporate entities, e.g., that sell products made in sweatshops (Nike), that knowingly sell harmful products while downplaying the risks to users (Purdue Pharma), that keep doing business in Russia after the invasion of Ukraine (Unilever), or that pursue environment-damaging and climate-killing projects (TotalEnergies). In all these cases, very few people know the names of CEOs or any individual agents who might be considered responsible for wrongdoing. These companies are basically faceless entities. They can still be shamed. But no single individual has their reputation permanently stained, no single individual is publicly humiliated, and therefore the problems that philosophical critics of online shaming write about don’t apply.³

Additionally, publicly shaming companies can be efficient. In the hope of shutting down shaming and boycotting campaigns that can entail significant financial losses, companies sometimes respond, acknowledging responsibility and promising to change. Radzik (2020, 41–45) argues that holding a wrongdoer accountable and encouraging a reparative response is the main reason to engage in public shaming. Calling for a formal apology, monetary compensation for the victims, a CEO’s resignation, or changes in the corporate structure are all fair game. Jessica Metcalfe’s (2014) “How-to Guide” for interacting with companies that appropriate Native culture emphasizes forward-looking demands like requesting donations to Native organizations and collaborations with Native artists and designers. Of course, a company’s response can be dissatisfying, particularly when it’s a statement half-heartedly mentioning such-and-such steps in the boilerplate jargon of in-house PR specialists (Pham 2022, 114)—if there’s a response at all. But even when nothing changes, social punishment reinforces the validity of the moral norm that has been violated, and functions as a reminder to other companies that they risk blowback if they engage in similar norm-violating activities.

And so, publicly shaming companies is an opportunity to reformulate, explain, and justify wrongful cultural appropriation norms. Not everyone knows, for instance, that burning sage is an important ritual for many Native groups. When sage is sold by Sephora under the label “Starter Witch Kit,” it is a clear case of wrongful cultural appropriation. It combines the three wrongs that we have identified. The French-owned company is profiting from an Indigenous cultural practice in a way that obscures the practice’s origins, the association of the practice with witchcraft relies on harmful stereotypes, and Native persons have issued non-appropriation requests. A post by Adrienne Keene on her *Native Appropriations* blog (2018) exemplifies the right kind of response to this case.

The second case in which public shaming is appropriate is against public figures—in particular, celebrities and political leaders. This is because being famous gives them a platform and a standing that allows them significant influence over what people do and think. This has been called the “epistemic power” of celebrities (Archer et al. 2020). When public figures engage in wrongful actions without facing any kind of sanction, it sends the message that their actions were not *that* objectionable, which in turn might lead more people to engage in that specific action. In other words, when one is doing something wrong publicly, then it makes sense for the response to be public.

It is also relevant that public figures are far less likely to face the kinds of disadvantages faced by ordinary people. Celebrities and political leaders alike tend to be surrounded by people who work for them, admire them, and defend them. When Miley Cyrus is accused of cultural appropriation, her fans often jump in to justify and excuse her behavior. Besides, being famous gives public figures the opportunity to respond to any accusation they might face. They have a right and the resources to defend themselves that has no equivalent

for ordinary people, whose voice tends to be overwhelmed by those of their accusers.⁴ Miley Cyrus' career did not stop, she did not get "canceled." She wrote a short text in which she apologized, and she moved on (Jackson 2019, 26). This is not to say that being the target of public shaming was not hurtful to her—but her celebrity counterbalanced many negative effects that public shaming might have.

Though public shaming is morally permissible in the cases we've identified, we also do not see it as morally required. There can be significant risks involved in challenging the powerful, especially when this happens online. Owens recounts what happened in 2016 when he tweeted at Justin Timberlake, expressing his annoyance at the serial appropriator's trite Twitter response to actor Jesse Williams's fiery antiracist speech at the BET Awards. Timberlake tweeted back, rejecting Owens' criticism of his appropriation of Black R&B culture: "The more you realize that we are the same, the more we can have a conversation. Bye." Timberlake's fans then went on the offensive, making threats against Owens and "hurl[ing] racist and homophobic replies" (Owens 2023, 11).

Owens (2023, 14) remarks that Timberlake, with his 55 million Twitter followers, probably knew he would be supported as the victim if he replied to a gay, Black journalist with two thousand followers. But, despite the stress and unpleasantness that his attempt at shaming a celebrity brought about, Owens defends the broader phenomenon of "cancel culture" against its many critics. In line with philosophical defenses of public shaming, Owens sees it as an age-old tool that now happens to be facilitated by social media, defending its norm-enforcing value. Nonetheless, we can observe, Owens was not morally obliged to say what he said to Timberlake, given the risk of having to endure significant personal costs—a risk emerging from the very power dynamics facilitating Timberlake's fame and fortune in the first place.

There are further reasons for viewing public shaming as morally permissible but not morally required. There might be a tension between stating one's own view and getting the relevant appropriation norm "right" when it is in flux or contested. It can moreover be difficult for there to be uptake about how you are speaking only from your own perspective—even when you say this explicitly—instead of appointing yourself a group's spokesperson, whether as a cultural insider or outsider.⁵ And you yourself might not be sure that a morally valid appropriation norm is forming or in place, or what group should get to decide these things. Nguyen and Strohl (2019, 987–88) write about the contestation over norms between the multi-ethnic protestors of a Boston Museum of Fine Arts exhibit that allowed visitors to try on kimonos, and Japanese American counterprotesters who were favorable toward the exhibit. From Nguyen and Strohl's perspective, the former group assumed they had the epistemic authority to decide the norm on whose basis their public shaming effort rested—and in this case, got it wrong.

Finally, it can be difficult to successfully communicate one's intentions on the internet. Tosi and Warmke's (2016) account of moral grandstanding

involves an agent's *intention* of taking a moral stand so as to be perceived by others as taking a moral stand. Someone who takes a moral stand for morality's sake is not moral grandstanding (see also [Nguyen and Williams 2020](#), 58–68, on “moral outrage porn”). Nevertheless, if one formulates what they see as a thoughtful social media post about wrongful cultural appropriation, there is the risk that others will interpret a self-benefiting motivation. Changing the topic to virtue signaling is also a convenient way of sidestepping the original issue of wrongful cultural appropriation.

Private Conversations as an Alternative to Public Shaming

Let's turn to School Party and Random Guy on Social Media. These are scenarios where private conversations are the best response. Why? Recall our claim that responding to wrongful cultural appropriation can *educate the wrongdoer*, *educate bystanders*, and *publicly support victims*. Though there might be good reasons to do these three things, it can be difficult for one response to do all of them at the same time. It often makes sense to prioritize one aim over the others based on the context of the situation.

What aim should enjoy priority in the Random Guy on Social Media case? The educative aim seems obvious. A personal conversation (perhaps via DMs) can establish whether Random Guy had never heard that American Indian Halloween costumes were stereotypical and disrespectful, or whether he's heard this but deeply disdains “political correctness.” The context matters for the educative aim. If Random Guy is genuinely ignorant, then shaming him with the goal of making him feel ashamed is unnecessary. There is a good chance that an explanation will be enough to prompt him to take the picture down and make better Halloween costume choices in the future. Similar things can be said about the School Party case, the archetypal case where we're assuming that disrespectful stereotypes and not honoring requests about Native head-dress appropriation are non-maliciously intended. It's fun and pedagogically useful to have school events where kids can learn about other cultures. These events can still happen. There are myriad books and online resources about cultural sensitivity in the classroom that a parent can share with their kid's teacher, not as a social punishment, but to reduce the likelihood of wrongful cultural appropriation at school events in the future.

In the case of Random Guy, however, suppose that he is culpably ignorant (Moody-Adams 1997; [Medina 2013](#), chap. 4; [Mills 2017](#)). He is easily in a position to know that many American Indian people find stereotypical Halloween costumes disrespectful, but avoids or discounts this information. Here, a private conversation might go in more of a shaming direction: Random Guy might not be the kind of person who *will* feel ashamed if his Halloween costume choice is questioned, but it's fine to engage with him in a way that tries to evoke this emotional response. The educative aim here is twofold. Random Guy (1) directly hears a defense of the “My Culture is Not a Costume”

norm, perhaps getting context for it that he'd never before encountered; and (2) learns, or is reminded, that he faces negative, unpleasant reactions when he wears a disrespectful Halloween costume. While he may vehemently defend himself, the hope is that the experience of social punishment serves a deterrence purpose when he's making future costume choices. But of course, we shouldn't be overly sanguine. Random Guy might be so ticked off that he doxes his interlocutor and goes for something even more offensive next Halloween. And so, the unpleasantness that Owens endured after tweeting at Justin Timberlake might also be the outcome of a private conversation.

In scenarios like School Party and Random Guy on Social Media, is a response morally permissible or morally required? In the School Party case, since your kid attends the school and you have repeated interactions with their teacher, there's probably a decent chance of your educative aim being successful. In the Random Guy on Social Media Who Seems Genuinely Clueless scenario, it seems again that a few DMs could go a long way. However, context matters deeply in these cases. For example, you might face significant epistemic uncertainty about what the boundaries are of the group that gets to decide or whether it's a case of cultural appropriation or not. Though we won't rule out the possibility of a *prima facie* moral duty in certain kinds of cases, such a duty is implausible as a universal rule.

What if it's Random Guy on Social Media Who Would Dox You that we're talking about? In her work on the ethics of taking offense, [McTernan \(2023\)](#) describes the unremarkableness of how we show we're offended in everyday life—disapproving eye contact with a fellow queuer when someone skips the line, or an askance look after one's boss makes a sexist remark. Small, subtle expressions of taking offense have a valuable norm-enforcing function, McTernan argues. In this spirit, some response to Random Guy on Social Media Who Would Dox You seems required because Random Guy's actions are more obviously wrong—it's not that he doesn't know how many Native people feel about appropriative Halloween costumes, it's that he doesn't care. But a response needn't be a conversation. Disengaging from this person and giving them one less social media follower without fanfare is a fitting and justified response.⁶

In addition to the moral considerations above, which apply for both cultural outsiders and insiders, there are also those that apply specifically to insiders. If you're an insider who views cultural appropriation as indeed wrongful, wanting to disengage or educate one's interlocutor often comes naturally. But, the subjective reactions of cultural insiders vary, which raises the question about whether insiders have a *prima facie* duty to respond. In some cases, the answer will hinge on whether one has a more general duty to resist forms of oppression experienced by one's group. There are ongoing philosophical debates on this subject that we don't have space to adjudicate here, with camps arguing that there is such a duty (e.g., [Boxill 2010](#); [Vasanthakumar 2018](#)), and camps arguing that there isn't because this heaps further burdens upon already-burdened individuals (e.g., [Yankah 2022](#)). Nevertheless, three points can be made that, presumably, both camps would agree with.

First, because it's your culture that's being wrongfully appropriated, you have a first-person stake in the matter that seems to license a wider range of emotional reactions than would be licensed for an outsider. For example, you might have more moral leeway to express anger, even the kind of anger that is sometimes cast as "unproductive" in a structurally unjust society (see [Srinivasan 2018](#) for an "apt" discussion; as well as [Cherry 2021](#)). There seems to be more of an onus on outsiders to refrain from certain kinds of emotional reactions if this would impede insiders' efforts to fight wrongful cultural appropriation.

Second, regardless of whether you in fact *have* a moral duty to respond, if you view cultural appropriation as wrongful, you will often feel *as though* you have a duty to say something. Because it is your culture, you have insider knowledge about the injustice, an "epistemically privileged" perspective ([Vasanthakumar 2018](#), 470–71).⁷ And, speaking for yourself as someone who personally feels wronged could have great educative value for an appropriator who'd be inclined to brush off criticisms from another cultural outsider. But this raises the consideration about burdens. A theme of several posts on Adrienne Keene's *Native Appropriations* blog has to do with how exhausting it is to consistently say something about the wrongful appropriation of Native cultures: "It's a never ending battle, and some days I'm too tired to fight" ([Keene 2010](#)).

Keene goes on to discuss a friend's suggestion, carrying a stack of business card-sized messages that she could pass out to random strangers she encounters. She invites readers of the post to discuss the idea in the comment section, and one points out the connection to a performance art piece by Adrian Piper in the late 1980s. Piper would keep a pile of "calling cards" on hand. She would distribute them in social situations where her light skin color led an interlocutor to speak in the unfiltered way they would with another White person:

Dear Friend,

I am black.

I am sure you did not realize this when you made/laughed at/agreed with that racist remark. In the past, I have attempted to alert white people to my racial identity in advance. Unfortunately, this invariably causes them to react to me as pushy, manipulative, or socially inappropriate. Therefore, my policy is to assume that white people do not make these remarks, even when they believe there are no black people present, and to distribute this card when they do.

I regret any discomfort my presence is causing you, just as I am sure you regret the discomfort your racism is causing me.

Sincerely yours, Adrian Margaret Smith Piper

(quoted in [Phelan 2003](#), 97–98)

Calling cards are a witty method of engagement that is not as burdensome as a full-blown conversation with every single person who calls meetings “pow wows,” while having more educative potential than an askance look.

Third, when it comes to appropriation-related requests, as [Chapter 4](#) specified, there is no moral requirement for insiders to calibrate their views on outsider appropriation to match perspectives that have become dominant within their group. It is similarly worth emphasizing here that there is no duty to defend an appropriation-related request that you disagree with. If it’s your view that “Hipsters will wear fake headdresses forever, but we still have the real thing,” then this is exactly what you should say (HolyWhiteMountain and Strohl 2019). A plausible moral theory shouldn’t promote groupthink.

Responding to Cultural Appropriation x Structural Injustice⁸

The first part of this book did not lay out a binary where cultural appropriation is either morally wrong or morally innocuous. We discussed forms of cultural appropriation where the dynamics of structural injustice are on display, yet it’d go too far to construe appropriative acts by individuals as morally wrong. In this chapter so far, our focus has been on responding to cultural appropriation that is morally wrong. What about responding to non-morally-wrong-yet-structurally-unjust cultural appropriation?

Our discussion of shaming has implicitly considered it a form of social punishment. The classic definition of punishment is that it involves both hard treatment and censure (Narayan 1993). Both features are straightforwardly present when online shaming is the response to the moral wrongs of Pop Star on Social Media and Big Fashion Company. We’ve disputed, however, that hard treatment would be appropriate in the case of School Party and Random Guy on Social Media Who Seems Genuinely Clueless. It’s not that the teacher and the random guy did nothing morally wrong. Their actions were morally wrong, but their ignorance makes what they did far less culpable. Only censure—*viz.*, expressing disapproval of their actions—is appropriate because of its educative function. As such, these are borderline cases of social punishment, if they qualify as “punishment” at all.

But what about non-morally-wrong-yet-structurally-unjust cultural appropriation? Are forms of social punishment appropriate? [Pham’s \(2022, chap. 3\)](#) discussion of Spanish fashion brand Balenciaga’s copying of the Thai “rainbow” bag sheds light on these questions. The rainbow bag is a mass-produced rectangular plastic bag used everywhere in Thailand for shopping and laundry. In 2016, a Balenciaga runway show featured a model carrying a rainbow bag made of leather. Thai social media users immediately noticed and began posting images of themselves with their rainbow bags in mundane, ordinary settings. Posts associated with the Thai/Balenciaga meme, to use Pham’s label, used both Thai hashtags and English hashtags like #balenciagabag ([Pham 2022, 78–79](#)).

From Pham's discussion, at least, it doesn't seem that Balenciaga's copying amounted to moral wrongdoing. No requests seem to have been issued by Thai people about outsider appropriation of the bag, nor did Balenciaga's version play on disrespectful stereotypes. What about considerations related to our theft argument? The price of the Balenciaga bag is exorbitant—US\$2,500—whereas rainbow bags cost 75 baht/US\$2.10 (Pham 2022, 78), and Balenciaga did not acknowledge the bag as being a Thai rainbow bag. However, though the Balenciaga bag's price tag is ridiculous, Balenciaga also sells "Super Destroyed Baggy Pants" at the same price point. Denim jeans and rainbow bags are equally everyday items. Maybe Balenciaga was wrong to have not given credit to Thai culture, but this is not clear either. The rainbow bag is everywhere where people shop in Thailand, but it's not an intergenerationally transmitted artistic form or mode of creative expression like the blues is for Black Americans or the Tlahuitoltepec blouse is for the Mixe people. Instead of calling it morally wrong for Balenciaga to make a rainbow bag, it seems appropriate to comment on how broader structural injustice enables a situation where Balenciaga's copy is viewed positively in the fashion world and retailers at the price Balenciaga asks for.

Given this, the Thai/Balenciaga meme was the perfect response. What the meme did, first and foremost, was to mock Balenciaga and the absurdity of Balenciaga's bag being seen as high fashion. Some social media users "joked that the original Thai bag was the superior bag, pointing to its budget-friendly price and its 'waterproof' construction" (Pham 2022, 86). One user posed in the style of a Balenciaga runway model, along with the hashtags #balenciaga, #balenciagabag, and the eye roll emoji (Pham 2022, 87). Pham described the significance of the memes using Balenciaga's own hashtag: The posts prevented Balenciaga from claiming the design as an original innovation; Thai social media users "clarified the bags' origins and repositioned themselves as fashion and style originators" (Pham 2022, 89). The posts also subverted a fashion stereotype that Pham's account calls attention to, where Asian countries are the site of "knock-offs" and the "pirating" of Western designs, when in fact, Western designers frequently copy with impunity (Pham 2022, chap. 2).

A notable feature of the Thai/Balenciaga meme is that Thai social media users did not make the kinds of demands that typically follow a moral violation. Pham writes that the meme

didn't "cancel" the Balenciaga brand or the lookalike bag. Social media users didn't call for a boycott of the brand, no one destroyed their Balenciaga products, retailers didn't pull Balenciaga stock from their shelves and inventory, and no public apology was demanded (or offered)....

(Pham 2022, 88)

Given the lack of hard treatment—and indeed, the lack of censure—it seems clear that the Thai/Balenciaga meme was not intended as social

punishment per se. And, if boycotts and apologies were called for, this arguably would have been incongruous with the meme's ironic tone.

This is not to say that attempts at social punishment would have been morally impermissible. Copying the rainbow bag was hardly the first time Balenciaga made headlines for cultural appropriation (Thomas 2021). Given its stature as a prominent label in an industry whose practices are often morally questionable, even when not straightforwardly morally wrong, social punishment practices are probably justifiable on forward-looking, deterrence grounds. But it's unclear whether calls for socially punishing Balenciaga would have done much to unsettle deeply entrenched power inequalities in the fashion industry. If Thai social media users had gone the more severe route of trying to get Balenciaga to retract the bag, this would have been more onerous—for all the discussions of social media's lazy politics of outrage, anger can be hard work—and frustrating if Balenciaga responded with silence. The Thai/Balenciaga meme, with its lightness and irony, is a sustainable response to structurally unjust cultural appropriation in a structurally unjust world.

Conclusion

In this chapter, we've defended public shaming as a response to morally wrongful cultural appropriation by large companies and powerful public figures. In other cases, private conversations have more educative potential, as well as being more morally defensible, since publicly shaming ordinary individuals can result in disproportionate social punishment. Finally, public shaming could be appropriate when large companies and powerful public figures repeatedly engage in non-morally-wrong-yet-structurally-unjust cultural appropriation. However, structural injustice is a difficult Goliath to take on. For the Davids in these situations, though non-social-punishment-based mockery is unlikely to topple the giant, it is perhaps the best weapon available.

Along with examining the ethics of responding to cultural appropriation, a central purpose of this book has been to examine the ethics of cultural appropriation itself using a pluralistic framework. Borrowing from the culture of others, we have argued, is not necessarily wrong, but is also not necessarily right. Whenever it is wrong, it is because it amounts to theft, disrespect, or the violation of valid requests from cultural groups. And so, to return to our example from the introduction, *was* Johnny Depp starring in the Dior ad a case of wrongful cultural appropriation? We would argue that the ad disclosed the wrong of disrespect because of the use of harmful stereotypes. This would be true independently of whether Johnny Depp is himself a member of the Comanche Nation, since the duty of respect applies to outsiders and insiders alike. But is it morally objectionable for individuals to enjoy the art, fashion, and food of cultures other than their own? Usually no. Cultural borrowing is ubiquitous, and the wrongs identified in this book are only present in a narrow range of circumstances. So go ahead and enjoy watching Bollywood movies if

you are not Indian, dancing to Bossa Nova if you are not Brazilian, and singing Edith Piaf if you are not French. Not only is appropriation not wrong in these instances but it might be beneficial to everyone involved.

But why, then, do we need the label cultural appropriation at all, if the wrongs that we end up identifying exist outside of cultural appropriation, and if cultural appropriation also exists outside of these wrongs? We are hesitant to draw simple conclusions here. The term “cultural appropriation” has inspired simplistic denunciations of the policing of what others listen to, eat, and wear, which is said to be based on an objectionable and essentialist understanding of cultural belonging. Maybe the language of cultural appropriation sows the seeds of its own misunderstanding. But then again, the backlash has created an opportunity for those who think that cultural appropriation discourse captures something morally important to spell out and refine their ideas. More often than not, the conclusion is that a moral wrong other than the sheer fact of cultural borrowing is the issue (even if this is not articulated using the painstaking argumentation of analytical political philosophy). This doesn’t mean that the “cultural appropriation” label is ineffectual or irrelevant, however. A valuable public discourse about the ethics of cultural exchange is possibly invigorated by a flawed and sometimes misleading buzzword. Racist carnival costumes, stolen artifacts in the context of colonialism, and enjoying *bò bún* as a non-Vietnamese person have, admittedly, not much in common. Yet the concept of cultural appropriation allows to give a single name to a widespread and multifaceted phenomenon. As an umbrella term, it is a relevant category to think about what cultural groups owe to each other. The fact that knowing that an act amounts to cultural appropriation doesn’t tell us if it is wrong is not in itself a problem. Rather, it is a testament to the complexity of cultural relations.

Notes

- 1 See Narayan (1997, 184–85), who is critical of the unspecific concept of “ethnic food,” while defending culinary multiculturalism in societies where immigrants are often scapegoated for crime and unemployment.
- 2 For the same reason, it might be more justified for some outsiders rather than others to respond, because they have some special knowledge of or connection with the appropriated culture.
- 3 What about small companies? When the group is small, publicly shaming it might quickly turn into publicly shaming its members, and might be morally objectionable on those grounds. But we acknowledge an important distinction between publicly shaming Nike and publicly shaming a local school.
- 4 As an example that bears out the point about resources, Riley and Carpenter (2015, 910–11) discuss the money spent by football team owner Dan Snyder to foster Native support for keeping the name “Redskins.”
- 5 Keene writes about this theme on her *Native Appropriations* blog.
- 6 In their work on far-right political movements, Badano and Nuti (2018, 157) defend a “duty of pressure” where reasonable individuals are required to challenge unreasonable “relatives, friends, and colleagues” on their politics. If we specify that

Random Guy Who Would Dox You is someone you know well, this argues for having a conversation rather than unfollowing him.

- 7 Mentioning an “epistemically privileged” perspective is not an endorsement of standpoint theory (Harding 2004), which has been critiqued for promoting essentialist and monolithic conceptions of membership in marginalized groups.
- 8 If you are reading this, you are probably an analytical philosopher who knows very little about fashion industry norms. (Any knowledge that we ourselves have results from research undertaken for this book.) “Cultural Appropriation x Structural Injustice” is a play on how fashion brands label collaborative undertakings: Gucci x Balenciaga, Fendi x Versace, etc. This section is about non-morally-wrong-yet-structurally-unjust cultural appropriation in fashion.

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