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Erich Hatala Matthes  
ematthes@wellesley.edu

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## Cultural Appropriation Without Cultural Essentialism?<sup>1</sup>

Erich Hatala Matthes, Wellesley College, [ematthes@wellesley.edu](mailto:ematthes@wellesley.edu)

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### I. Introduction

Cultural appropriation in the arts is a diverse and ubiquitous phenomenon. It might plausibly be thought to include occurrences as varied as 1) the *representation* of cultural practices or experiences by cultural “outsiders” (sometimes called “voice appropriation”); 2) the *use* of artistic styles distinctive of cultural groups by non-members; and, 3) the procurement or continued *possession* of cultural objects by non-members or culturally distant institutions.<sup>2</sup>

Cultural appropriation can often seem morally problematic. When the abstract schemas above are filled in with details from actual events, we often find *misrepresentation*, *misuse*, and *theft* of the stories, styles, and material heritage of people who have been historically dominated and remain socially marginalized.<sup>3</sup> For example, consider representations of Native Americans in Hollywood Westerns, use of Navajo motifs in fashion and marketing, and the continued retention and display of Australian Aboriginal artwork by the British Museum.<sup>4</sup> The actions of pop music artists such as Miley Cyrus and Iggy Azalea have also helped to usher the language of cultural appropriation into

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<sup>1</sup> Thanks to audience members at the University of Connecticut conference on Dominating Speech, the Dartmouth Philosophy Department’s work-in-progress seminar, and the Tau Zeta Epsilon Arts and Music Society at Wellesley for helpful feedback on earlier drafts of this essay. Thanks also to Helena de Bres, Suzy Killmister, Hailey Hugot, and Fani Ntavelou Baum for their thoughtful comments. Special thanks to all of my philosophy of art students at Wellesley, without whom I could not have written this essay. Thanks always to Jackie Hatala Matthes.

<sup>2</sup> James O. Young, *Cultural Appropriation in the Arts* (Blackwell Publishing, 2008); “Profound Offense and Cultural Appropriation,” *The Journal of Aesthetics and Art Criticism* 63, no. 2 (2005). I will focus in this paper on the first two forms of appropriation, and leave aside the appropriation of objects. There is a vast literature on cultural property that is in many ways distinct from the literature on cultural appropriation. Moreover, it is much more straightforward to understand how outright theft of material objects is harmful and morally objectionable. Nevertheless, I believe my arguments here do have implications for the appropriation of objects, which I hope to explore in future work.

<sup>3</sup> Cf. Thomas Hurka, “Should Whites Write About Minorities?,” in *Principles: Short Essays on Ethics* (Harcourt Brace, 1999).

<sup>4</sup> Many of the examples I focus on in this essay will concern appropriation from indigenous communities. This is because indigenous writers have been a particularly rich source of objections to cultural appropriation, and because those cases tend to be especially clear illustrations of appropriative harms. However, the framework that I propose here should have application to appropriation from any marginalized cultural groups.

the popular lexicon. Yet cultural appropriation has received scant attention from philosophers.<sup>5</sup> Moreover, there is a mismatch between the sentiments of some of the major philosophical writings on cultural appropriation and the concerns expressed by scholars and critics in other disciplines.<sup>6</sup> James O. Young, the philosopher who has written most extensively on cultural appropriation, acknowledges that representations or uses of cultural stories and styles by outsiders is potentially offensive, but is doubtful about its harmfulness. Indeed, he writes: “I am deeply skeptical about the claim that artists will do much harm to the cultures from which they borrow,” and he is similarly skeptical about the extent and frequency of those harms that he does acknowledge can befall cultural members.<sup>7</sup> His monograph is, by design, largely a moral and aesthetic defense of cultural appropriation.<sup>8</sup> In contrast, writers outside the discipline of philosophy have expressed much more concern about the harmfulness of cultural appropriation, particularly with respect to its power to oppress and silence, though explanation of the mechanisms by which appropriation causes these harms is not always fully developed.<sup>9</sup>

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<sup>5</sup> Exceptions include James O. Young and Conrad G. Brunk, eds., *The Ethics of Cultural Appropriation* (Blackwell Publishing, 2012); Young, *Cultural Appropriation in the Arts*; “Profound Offense and Cultural Appropriation.”; Elizabeth Burns Coleman, “Aboriginal Painting: Identity and Authenticity,” *The Journal of Aesthetics and Art Criticism* 59, no. 4 (2001); Thomas Heyd, “Rock Art Aesthetics and Cultural Appropriation,” *The Journal of Aesthetics and Art Criticism* 61, no. 1 (2003); John Rowell, “The Politics of Cultural Appropriation,” *The Journal of Value Inquiry* 29 (1995); George P. Nicholas and Alison Wylie, ““Do Not Do Unto Others...” Cultural Misrecognition and the Harms of Appropriation in an Open-Source World,” in *Appropriating the Past*, ed. Geoffrey Scarre and Robin Coningham (USA: Cambridge University Press, 2013).

<sup>6</sup> Bruce Ziff and Pratima V. Rao, eds., *Borrowed Power* (USA: Rutgers University Press, 1997); Loretta Todd, “What More Do They Want?,” in *Indigena: Contemporary Native Perspectives in Canadian Art*, ed. Gerald McMaster and Lee-Ann Martin (Vancouver: Douglas & McIntyre, 1992); “Notes on Appropriation,” *Parallelogramme* 16 (1990); Lenore Keeshig-Tobias, “The Magic of Others,” in *Language in Her Eye: Views on Writing and Gender by Canadian Women Writing in English*, ed. Libby Scheier, Sarah Sheard, and Eleanor Wachtel (Coach House Press, 1990); Richard A. Rogers, “From Cultural Exchange to Transculturation: A Review and Reconceptualization of Cultural Appropriation,” *Communication Theory* 16 (2006); Rosemary J. Coombe, “The Properites of Culture and the Politics of Possessing Identity: Native Claims in the Cultural Appropriation Controversy,” *Canadian Journal of Law and Jurisprudence* VI, no. 2 (1993). Janice Hladki, “Problematising the Issue of Cultural Appropriation,” *Alternate Routes* 11 (1994).

<sup>7</sup> Young, *Cultural Appropriation in the Arts*, 113.

<sup>8</sup> *Ibid.*, Preface.

<sup>9</sup> See examples from Schulman and Phillips (cited in Hladki 104, 109) and discussed below in section II.

Consequently, my first task in this paper is an intervention in the philosophical literature on cultural appropriation. I aim to take seriously the claim that cultural appropriation can be harmful, and objectionably so. Indeed, I believe that philosophers have developed powerful conceptual resources that can be employed to bolster our understanding of the mechanisms by which cultural appropriation can cause harm by oppressing and silencing. I demonstrate this by bringing the literature on cultural appropriation into dialogue with recent philosophical work on harmful speech and epistemic injustice.<sup>10</sup> Despite the fact that artistic expression is widely regarded as a form of speech, almost no one (to my knowledge) has considered how the harms of cultural appropriation might be illuminated by reference to philosophers' work on dominating speech.<sup>11</sup> One of the key insights of that literature concerns the relationship between harmful speech and *systems* of oppression and marginalization, and I employ this observation in order to argue that cultural appropriation is just one way, among others, in which social marginalization can interact with speech in order to cause harm. Thus, on my account, cultural appropriation has some descriptively unique features, but does not issue in a unique kind of harm.

My second task in this paper is to consider a problem that nevertheless faces moral objections to cultural appropriation. These objections are predicated on making a distinction between cultural "insiders" and "outsiders," or "members" and "non-members." However, as a range of scholars has pointed out, such distinctions have the potential to fall prey to a harmful

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<sup>10</sup> In particular, I have in mind Kristie Dotson, "Tracking Epistemic Violence, Tracking Practices of Silencing," *Hypatia* 26, no. 2 (2011); Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford and New York: Oxford University Press, 2007); Ishani Maitra, "Silencing Speech," *Canadian Journal of Philosophy* 39, no. 2 (2009); Mary Kate McGowan, "Oppressive Speech," *Australasian Journal of Philosophy* 87, no. 3 (2009).

<sup>11</sup> After this article was accepted, it came to my attention that this connection is suggested in Nicholas and Wylie, "'Do Not Do Unto Others...'" Cultural Misrecognition and the Harms of Appropriation in an Open-Source World." Nicholas and Wylie identify this connection as a promising avenue for future research, and I hope this article makes a positive contribution to that call.

cultural essentialism.<sup>12</sup> Roughly, because essentialist theses about culture are false, practices of distinguishing cultural insiders from outsiders on the basis of such theses are prone to be harmfully exclusionary. Moreover, with my account of appropriative harms in place, we can see that the harms of cultural essentialism are eerily similar to the harms of cultural appropriation. Thus, persons who make claims objecting to cultural appropriation predicated on essentialist distinctions between insiders and outsiders risk causing harms of a similar kind to the appropriations to which they are objecting.<sup>13</sup> A few scholars have noted this problem in the context of cultural appropriation, but I argue that none have identified an adequate solution.<sup>14</sup> In response, I argue that the account of appropriative harms that I present here, informed by work on the systematic nature of dominating speech, has the resources to explain many of the general harms of cultural appropriation while eschewing the identification of cultural outsiders in individual cases. Thus, the account not only bolsters our understanding of how cultural appropriation can cause harm, but, moreover, may provide the resources to lodge objections to cultural appropriation without exacerbating the harms of essentialism.

This move, however, is not without dangers of its own. Though it allows us to avoid charges of cultural essentialism, jettisoning the practice of distinguishing insiders from outsiders in individual cases may sometimes vitiate objections to acts of cultural appropriation, leaving us without the

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<sup>12</sup> For a recent discussion of cultural essentialism in the context of the literature on multiculturalism, see Alan Patten, *Equal Recognition: The Moral Foundations of Minority Rights* (Princeton and Oxford: Princeton University Press, 2014), Chapter 2. See also Uma Narayan, “Essence of Culture and a Sense of History: A Feminist Critique of Cultural Essentialism,” *Hypatia* 13, no. 2 (1998); Alison Stone, “Essentialism and Anti-Essentialism in Feminist Philosophy,” *The Journal of Moral Philosophy* 1, no. 2 (2004); Marjorie Rhodes, Sarah-Jane Leslie, and Christina M. Tworek, “Cultural Transmission of Social Essentialism,” *Proceedings of the National Academy of Sciences* 109, no. 34 (2012).

<sup>13</sup> Though not necessarily to the same degree. I discuss this further below.

<sup>14</sup> Coombe, “The Properites of Culture and the Politics of Possessing Identity: Native Claims in the Cultural Appropriation Controversy.”; Rogers, “From Cultural Exchange to Transculturation: A Review and Reconceptualization of Cultural Appropriation.”; Hladki, “Problematizing the Issue of Cultural Appropriation.”

resources to adequately explain the nature of the wrong in question.<sup>15</sup> Thus, in such cases, the risks of essentialism must be weighed against the importance of lodging the most complete and fitting objection to the harmful act.

## II. *The Harms of Cultural Appropriation*

I have so far been employing the term ‘cultural appropriation’ in a morally neutral way (it can, but need not be, morally objectionable, and this is consistent with how the term is often defined in philosophical discussions). For instance, according to Young: “The common feature...is the taking of something produced by members of one culture by members of another.”<sup>16</sup> This definition requires that we specify the conditions under which cultural appropriation is or is not morally objectionable. Others provide a more normatively laden definition that entails that cultural appropriation is *ipso facto* morally objectionable. For instance, Loretta Todd writes: “For me, the definition of appropriation originates in its inversion, cultural autonomy. Cultural autonomy signifies a right to cultural specificity, a right to one’s origins and histories as told from within the culture and not as mediated from without.”<sup>17</sup> Now, there is general agreement that, if cultural appropriation is morally objectionable, it is only objectionable when a member of a dominant cultural group appropriates from a member of a marginalized group: no reasonable person thinks that, for instance, an indigenous person does something wrong by employing some Western artistic style. There are many reasons why this is true, not the least of which is that it is in the nature of a dominant cultural group to *dominate* and impress its culture upon others. There is a particularly horrific record of the

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<sup>15</sup> By analogy, we might worry about trying to explain *all* racism just by appeal to systematic or institutional racism. There are contexts in which such explanations are inadequate to capturing the overt prejudice and bigotry of interpersonal racism.

<sup>16</sup> Young, “Profound Offense and Cultural Appropriation.” Though Young uses the word “produced,” he explicitly includes representations of persons who are members of a given culture by cultural outsiders.

<sup>17</sup> Todd, “Notes on Appropriation,” 24. For further discussion of definitions, see Hladki, “Problematizing the Issue of Cultural Appropriation.”; Deborah Root, *Cannibal Culture: Art, Appropriation, and the Commodification of Difference* (USA: Westview Press, 1996), especially Chapter 3; Ziff and Rao, *Borrowed Power*, Introduction.

murder, displacement, and oppression of indigenous peoples by Western colonists, conditions which contribute to forced cultural assimilation.<sup>18</sup> Under such conditions it is thus difficult not to belong, at least in some sense, to the dominant culture, and therefore infelicitous to speak of appropriating from it.<sup>19</sup> There are therefore reasons to be cautious about the neutral definition, since it can be misused. In any event, since I will be offering an account of how cultural appropriation can be harmful, the reader is free to use either type of definition as a point of departure. Depending on whether one prefers the neutral or normative definition, my account will either differentiate when cultural appropriation is morally objectionable from when it is not, or delineate what counts as cultural appropriation at all; but this is just a matter of semantics. For the sake of clarity and specificity, I will continue to use cultural appropriation in the morally neutral sense, using terms such as “appropriative harms” to refer to the morally objectionable instances.

Young considers a range of ways in which the representation of cultural insiders (what he calls “subject appropriation”) and the use of their styles, motifs, songs, etc. (“content appropriation”) by cultural outsiders might be harmful.<sup>20</sup> He considers the possibility that (mis)representation, assimilation, and loss of economic opportunity might be among the harms of cultural appropriation, yet he seems to think the occurrence of these harms is extremely limited. In the conclusion of the chapter, he writes: “some content and subject appropriation can be a sort of assault on the members of a culture. Such appropriation is wrong. While this must be acknowledged,

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<sup>18</sup> See, for instance, Dee Brown, *Bury My Heart at Wounded Knee* (New York: Holt, Rinehart & Winston, 1970).

<sup>19</sup> Thanks to Nora Berenstain for discussion and references on this point. See What Is Cultural Appropriation, February 2nd, 2012, <https://ardhra.wordpress.com/2012/02/26/what-is-cultural-appropriation/>; Jarune Uwujaren, Everyday Feminism, February 2nd, 2013, [http://everydayfeminism.com/2013/09/cultural-exchange-and-cultural-appropriation/?utm\\_source=policymic](http://everydayfeminism.com/2013/09/cultural-exchange-and-cultural-appropriation/?utm_source=policymic). Also, compare with Hurka: “White works wouldn’t keep Native artists from a wider audience if Natives already had that audience. Nor would there be “appropriation” if Natives were succeeding in telling their stories in their own way.” Hurka, “Should Whites Write About Minorities?,” 184. For further thoughts on cultural assimilation, see Ziff and Rao, *Borrowed Power*, 5-8.

<sup>20</sup> Young, *Cultural Appropriation in the Arts*, 6-7, 106-28.

a great deal of content and subject appropriation is completely benign. Most cultural appropriation neither sets back the interests of individual members of cultures nor damages cultures.”<sup>21</sup>

I believe that the limited extent of Young’s worries about the harms of appropriation may stem from insufficient attention to the mechanisms through which appropriation can cause harm.

For instance, consider the following passage in Young’s discussion of misrepresentation:

It is true that outsiders can harm insiders by misrepresenting them in certain ways. Pretty clearly Hollywood filmmakers have harmed members of Native American cultures by employing bigoted stereotypes. It is *difficult to say with certainty* how much harm has been done to members of Native American cultures by old Westerns and the like. Members of these cultures have been subjected to terrible discrimination, but *it is difficult to know how much* of this discrimination can be attributed to Westerns and other works of art (novels and so on) that (mis)represented First Nations cultures. Still, it seems *reasonable to hypothesize* that works of art involving subject appropriation have increased discrimination against First Nations members.<sup>22</sup>

On the one hand, Young is acknowledging that it is plausible that misrepresentations can be harmful, but on the other hand, he expresses repeated uncertainty regarding how and to what extent this might occur. Moreover, to the extent that misrepresentation is harmful, he believes that it “is not wrong qua act of cultural appropriation. A film or novel that harmfully misrepresents a culture would be as wrong produced by an insider as it is when produced by an outsider.”<sup>23</sup> While I agree that it is worth acknowledging that harmful misrepresentations can have diverse sources, and I will argue later that *identifying* the source is not always essential to explaining the harm, the blithe equivalence presented in this statement compounds the worry that there is insufficient attention here

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<sup>21</sup> Ibid., 127-28. Young follows the jurisprudential literature and treats the matter of *offensive* appropriation separately from harmful appropriation (though he arrives at similar conclusions). I will not discuss the matter of offensiveness here, since I take it that a demonstration of the harms of appropriation provides a firmer foundation for a moral objection. Indeed, for this reason, I think that a focus on offensiveness tends to make worries about cultural appropriation easier to dismiss. See “Profound Offense and Cultural Appropriation.”

<sup>22</sup> *Cultural Appropriation in the Arts*, 107-08. Emphasis added.

<sup>23</sup> Ibid., 108.

to the mechanisms through which appropriation might harm, and the power dynamics upon which those mechanisms depend.<sup>24</sup>

Discussion of cultural appropriation outside the philosophical literature indicates the direction we might take in providing a fuller account of appropriative harms. Consider the following sample of representative statements:

“Appropriation occurs when someone else speaks for, tells, defines, describes, represents, uses or recruits the images, stories, experienced, dreams of others for their own. Appropriation also occurs when someone else becomes the expert on your experience and is deemed more knowledgeable about who you are than yourself.”<sup>25</sup>

“The ‘right’ to use the voice of the Other has, however, been bought at great price—the silencing of the Other; it is, in fact, neatly posited on that very silencing.”<sup>26</sup>

One empowered individual's discriminatory speech can rob an entire group of people of their ‘right’ to speak. By valuing absolute speech rights above civil rights, PC-troublers are helping reseal the silence of those who, historically, have had the least access to speech, just as that access was being forged...Silencing disenfranchised voices is the most effective way to prevent real social change.<sup>27</sup>

Specific historical experiences and contemporary political struggles provide the relevant context for considering claims of cultural appropriation. Only by situating these claims in this context, can we understand how supposedly abstract, general, and universal principles (like authorship, art, culture, and identity) may operate to construct systematic structures of domination and exclusion in Canadian society.<sup>28</sup>

These quotations contain common themes. They present a picture of cultural appropriation as harmful because of the way that it interacts with *dominating systems* so as to *silence* and *speak for* individuals who are already *socially marginalized*. How precisely might cultural appropriation do these

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<sup>24</sup> There is much more to say about Young's book-length treatment of cultural appropriation than there is insufficient space to include here. However, I believe I have accurately, albeit briefly, characterized his approach.

<sup>25</sup> Todd, “Notes on Appropriation,” 24-5.

<sup>26</sup> Phillips, as quoted in Hladki, “Problematizing the Issue of Cultural Appropriation,” 109.

<sup>27</sup> Schulman, as quoted in *ibid.*, 104-5.

<sup>28</sup> Coombe, “The Properites of Culture and the Politics of Possessing Identity: Native Claims in the Cultural Appropriation Controversy,” 271.

things? Recent philosophical work on dominating speech and epistemic injustice helps to more fully explain the mechanisms by which appropriation can harm in these ways.

People lead social lives, and the breakdown of social communication can be deeply harmful. Though there are nuanced differences in the accounts they provide, this is a common theme among philosophers' work on silencing and epistemic injustice. For instance, Ishani Maitra explains how a speaker can be "communicatively disabled" because "she is unable to fully successfully perform her intended communicative act" due to failures on the part of her audience.<sup>29</sup> According to Kristie Dotson, "epistemic violence is a failure of an audience to communicatively reciprocate, either intentionally or unintentionally, in linguistic exchanges owing to pernicious ignorance."<sup>30</sup> As Miranda Fricker puts it, a speaker suffers a testimonial injustice when she receives "a credibility deficit owing to identity prejudice in the hearer."<sup>31</sup> We can clearly see the aforementioned themes from the cultural appropriation literature emerging in these accounts: the relevant harms follow from a speaker's inability to communicate as a knowledgeable person because prejudice and ignorance render the audience incapable of hearing her as such. Dotson and Fricker in particular emphasize the systematic nature of this epistemic injustice. On Dotson's account, pernicious ignorance is a species of *reliable* ignorance with structural sources, and, according to Fricker, the prejudices that enable testimonial injustice track an individual across multiple dimensions of social life.

How are the prejudice and ignorance that lead to an audience's failure to hear the speaker constructed? Both Dotson and Fricker emphasize the role played by images and stereotypes. In her discussion of "testimonial quieting," one of the specific varieties of epistemic violence that Dotson distinguishes, she draws on the work of Patricia Hill Collins, who identifies "controlling images" as a

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<sup>29</sup> Maitra, "Silencing Speech," 327.

<sup>30</sup> Dotson, "Tracking Epistemic Violence, Tracking Practices of Silencing," 242.

<sup>31</sup> Fricker, *Epistemic Injustice: Power and the Ethics of Knowing*, 28.

source of reliable ignorance.<sup>32</sup> One way that images can be controlling is that they invoke misrepresentations that affect how members of a cultural group are viewed. For example, Adrienne Keene has done important work identifying the range of ways that acts of cultural appropriation have misrepresented Native Americans by presenting monolithic and homogenizing stereotypes of Native identity.<sup>33</sup> Fricker identifies stereotypes as “the basic mechanism in testimonial exchange whereby prejudice corrupts hearer’s judgments of speaker credibility.”<sup>34</sup> Interestingly, Fricker offers an account of stereotypes *as images* that “are capable of a visceral impact on judgment, which allows them to condition our judgments without our awareness, whereas it would take an unconscious belief to do so with comparable stealth.”<sup>35</sup> Images, of one kind or another, are the primary currency of cultural appropriation in the arts, and thus on Fricker’s account, it should be no surprise that cultural appropriation can condition judgments that generate harmful credibility deficits.

Note that in the context of cultural appropriation, the images employed do not even need to be *mis*representations in order for the relevant harms to be generated, though there is no doubt a much higher likelihood of misrepresentation in such contexts. Members of dominant cultures, in virtue of their social status, already tend to have what Fricker calls a “credibility excess”: their credibility is inflated beyond what is epistemically warranted.<sup>36</sup> When members of dominant cultural groups speak on behalf of members of marginalized groups, even if they speak accurately, their credibility excess can contribute to the judgment that the members of the marginalized group have no special credibility with respect to their experience, that they lack what Uma Narayan has called

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<sup>32</sup> Dotson, “Tracking Epistemic Violence, Tracking Practices of Silencing,” 242. Citing Patricia Hill Collins, *Black Feminist Thought* (Routledge, 2000).

<sup>33</sup> Adrienne Keene, *Native Appropriations*, 2/17, 2014, [www.nativeappropriations.com](http://www.nativeappropriations.com).

<sup>34</sup> Fricker, *Epistemic Injustice: Power and the Ethics of Knowing*, 30.

<sup>35</sup> *Ibid.*, 37.

<sup>36</sup> *Ibid.*, 17.

“the epistemic privilege of the oppressed.”<sup>37</sup> Recall Loretta Todd’s statement above: “Appropriation also occurs when someone else becomes the expert on your experience and is deemed more knowledgeable about who you are than yourself.”<sup>38</sup> Or compare Lenore Keeshig-Tobias, who, in considering the helpful work produced by some non-native writers, provides the following qualification: “Their commitment is truly appreciated. But in all honesty, there comes a time when they, like all white supporters of Native causes, will have to step back in the true spirit of respect for self-determination and equality, and let the real Native voices be heard. These voices have much to offer.”<sup>39</sup> Fricker’s discussion of credibility deficits and excesses helps us explain how even accurate representations in acts of cultural appropriation can have harmful consequences for members of marginalized cultural groups by inappropriately conditioning societal understandings of expertise.

It is important to see here that the source of the representation, coupled with underlying social inequalities, as opposed to its accuracy alone, plays a key role in explaining what can make cultural representations harmful *qua* acts of appropriation. Recall that Young claims that insofar as cultural misrepresentation is wrong, it is not wrong *qua* act of cultural appropriation: it would be “as wrong” if it were produced by an insider. However, the observation that even accurate representations can constitute harmful appropriation puts pressure on this claim: it indicates that the source of the representation, in conjunction with social inequalities, can lead to credibility deficits just as misrepresentation can. Moreover, it is revealing to note that the ability of cultural insiders to harmfully misrepresent can be traced to the same underlying problem. Frustratingly, the same social

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<sup>37</sup> Uma Narayan, “Working Together across Difference: Some Considerations on Emotions and Political Practice,” *Hypatia* 3, no. 2 (1988).

<sup>38</sup> Todd, “Notes on Appropriation,” 25.

<sup>39</sup> Keeshig-Tobias, “The Magic of Others,” 177. Compare with the Disability Rights slogan “Nothing about us without us” discussed by Elizabeth Barnes, *The Minority Body* (Oxford University Press, forthcoming), 3, 48. Barnes also discusses the implications of Fricker’s work on epistemic injustice for people with disabilities, and it is worth noting that some such cases (for instance, those involving representation in the arts) will qualify as instances of cultural appropriation on the account that I have provided here. For a recent example, see Scott Jordan Harris, “Why *The Theory of Everything* is a disappointing depiction of disability,” *Slate*, 1/20/15. Though issues of cultural appropriation often arise at the intersection of culture with race and ethnicity, this need not be the case.

inequalities that can lead to silencing through credibility deficits when those with epistemic authority speak for the marginalized can also lead to unwarranted credibility excesses: namely, cases where members of socially marginalized groups are burdened with “speaking for” the group. The very lack of voices from underrepresented groups thus can itself inflate the importance of how group members represent the group in the eyes of a broader audience, even when they are not attempting to represent the group at all. Writing about the history of the dominant culture in the United States, Kwame Anthony Appiah notes that this culture “was not merely an effect but also an instrument of...domination,” and here we see two related ways in which that instrument evinces itself.<sup>40</sup>

One might object that I have now claimed that members of socially marginalized groups are harmed both by credibility deficits and by credibility excesses, claims that might seem in tension with each other. However, there is no tension here. The fact that the credibility excesses wielded by members of dominant groups contribute to their ability to amplify, through cultural appropriation, the credibility deficits of marginalized people does not entail that credibility excesses for marginalized people counteract that harm. Remember that both credibility deficits and excesses are epistemically unwarranted, and moreover, that the credibility excess that burdens one with “speaking for” the group will often entail that people are listening intently even when one does not intend to speak to them at all, enabling the possibility of insider misrepresentation. Surely, it is not, descriptively, a case of cultural appropriation when an insider engages in cultural misrepresentation, but we can now see how the explanation of that harm can be linked with the harms of cultural appropriation, whether it involves misrepresentation or not: they both find their source in the distribution of credibility deficits and excesses. Cultural appropriation is just one way that underlying social inequalities can evince themselves through acts of expression and representation. It should be

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<sup>40</sup> Kwame Anthony Appiah, "Race, Culture, Identity: Misunderstood Connections," in *The Tanner Lectures on Human Values* (University of California at San Diego, 1994), 116.

no surprise, and is illuminating to see, how harms of expression and representation can emerge from social inequalities in other ways as well.

Because this account explains the harms of cultural appropriation through the creation and exacerbation of credibility deficits, it will not identify as harmful cases of cross-cultural use of stories and styles that do not have such effects. But reflection on when objections to cultural appropriation tend to arise suggests that this is a positive feature of the account. For instance, consider how infrequently one hears charges of cultural appropriation when it comes to cultural cuisine, in contrast with film, literature, and fashion. Indeed, it is often regarded as a feather in the cap of an outstanding chef that she can cook across a range of cultural styles. It seems plausible that such practices fail to elicit objections because food often lacks representational content, and thus tends not to contribute to credibility deficits in the manner of harmful cultural appropriation.<sup>41</sup> It likewise seems like a positive feature of the account that it will be more ambivalent about more controversial claims of cultural appropriation, like those surrounding jazz and the blues, where links with credibility deficits may be more ambiguous.<sup>42</sup>

What I have provided here is just a brief sketch of how philosophical work on dominating speech and epistemic injustice can illuminate the mechanisms through which cultural appropriation can harm. The works discussed here are rich and have much to offer in fleshing out our understanding of cultural appropriation: moreover, there are of course disagreements among the philosophers working on these issues. My goal has been to introduce some of the major elements of these works in order to counter the impression, presented in Young's writing on cultural appropriation, that the concomitant harms are especially limited or difficult to explain. Cultural

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<sup>41</sup> Though on the representational content of food, see Carolyn Korsmeyer, "The Meaning of Taste and the Taste of Meaning," in *Arguing About Art*, ed. Alex Neill and Aaron Ridley (New York: Routledge, 2008). Moreover, it is not impossible for use of cuisine to constitute an appropriative harm. For instance, one might worry about the way in which massive chains like Taco Bell serve to construct a monolithic caricature of cultural groups for those who have limited access to other sources of relevant information. Thanks to John Kulvicki for discussion on this point.

<sup>42</sup> For discussion, see contributions to part four of *The Blues: Philosophy for Everyone* (Wiley-Blackwell).

appropriation can harm by interacting with preexisting social injustices to compromise and distort the communicative ability and social credibility of members of marginalized groups. Given the prevalence of underlying social inequalities, there is no reason to think that these harms will be so limited or difficult to identify.

### *III. Insiders, Outsiders, and Cultural Essentialism*

The previous section offered an account of appropriative harms. I argued that philosophical work on silencing speech and epistemic injustice can bolster claims about the harms of cultural appropriation found outside the philosophical literature by explaining the mechanisms through which cultural appropriation interacts with underlying dimensions of social injustice. However, we now face an additional problem. Objections to cultural appropriation are typically predicated on a distinction between cultural insiders and cultural outsiders. Indeed, many writers question whether the concept of cultural appropriation can even be deployed independently of such a distinction. As Young puts it: “The concept of cultural appropriation has no application unless insiders and outsiders, members and nonmembers of a culture can be distinguished.”<sup>43</sup> Or compare Bruce Ziff and Pratima Rao: “The need to describe a community of insiders and outsiders is implicit in most of what has been said about the practice of appropriation...some test of group belonging seems required in discussions about cultural appropriation.”<sup>44</sup> Let’s call this *the conceptual restriction* on cultural appropriation: if a purported case of cultural appropriation isn’t predicated on the insider/outsider distinction, then it isn’t properly speaking a case of cultural appropriation. The associated worry with the conceptual restriction, however, is that the practice of distinguishing insiders from outsiders can fall prey to a problematic cultural essentialism that can itself be harmful.

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<sup>43</sup> Young, “Profound Offense and Cultural Appropriation,” 136.

<sup>44</sup> Ziff and Rao, *Borrowed Power*, 3.

If discourse surrounding cultural appropriation is predicated on an essentialist practice of distinguishing insiders from outsiders, then lodging objections to cultural appropriation may itself be subject to moral objections. I will first explain how the harms of cultural essentialism are similar in kind to the harms of cultural appropriation, which results in an ironic double-bind for the individual who endeavors to object to acts of appropriation. I will then consider five responses to this problem, and argue that none is fully satisfactory. Ultimately, I will suggest that the account of harmful appropriation that I introduced in the previous section can offer a potential solution to the problem of essentialism, but not without a cost.

#### *A. The Harms of Essentialism*

Distinguishing cultural insiders from cultural outsiders requires criteria for cultural membership. The problem is that such criteria construct “essential” or “necessary” boundaries with the propensity to falsely represent cultures as homogenous, static, and monolithic. As Narayan puts it, essentialist generalizations “depict as homogenous groups of heterogeneous people whose values, interests, ways of life, and moral and political commitments are internally plural and divergent.”<sup>45</sup> As Suzy Killmister elaborates, essentialist accounts of group membership can involve “misframing” of the group, leaving out members who self-identify as belonging or who do not fit the typical mold, as well as “reification” of group criteria, which can stand in the way of “reconceptualizing or reinterpreting” dominant understandings of membership within the group.<sup>46</sup>

Essentialist generalizations about culture are thus liable to operate in a similar way to the stereotypes and misrepresentations of group members that often arise in the context of

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<sup>45</sup> Narayan, “Essence of Culture and a Sense of History: A Feminist Critique of Cultural Essentialism,” 88.

<sup>46</sup> Suzy Killmister, “Group-Differentiated Rights and the Problem of Membership,” *Social Theory and Practice* 37, no. 2 (2011): 233; Cf. Patten, *Equal Recognition: The Moral Foundations of Minority Rights*, 40-45; Hladki, “Problematizing the Issue of Cultural Appropriation,” 111; Tommie Shelby, “Foundations of Black Solidarity: Collective Identity or Common Oppression?,” *Ethics* 112, no. 2 (2002): 253.

appropriation. The practice of distinguishing cultural insiders from outsiders will either implicitly or explicitly appeal to criteria that contribute to rigid societal understandings of what group members are like, which can lead to credibility deficits where an individual does not fit the mold or endeavors to challenge established understandings of group membership.<sup>47</sup> Notice how similar this harm is to the harms of cultural appropriation as articulated in the account above. Granted, they are not identical, since the essentialist generalizations involved in distinguishing insiders from outsiders will often arise from *within* a group, as opposed to being imposed from without through cultural appropriation. However, such practices can also create hierarchies of dominance even within an otherwise marginalized group, so the power dynamics of the cultural appropriation model are not necessarily absent in the case of distinguishing insiders from outsiders. For instance, policing the boundaries of cultural groups can construct common understandings of “real” or “authentic” group members that serve to disenfranchise those who do not meet all the relevant criteria. For instance, Adrienne Keene has written about the experience of having her cultural membership questioned from both within and without Native American communities based on her skin color and upbringing, despite being a person of Native American ancestry and an activist and scholar on various issues of concern to Native communities.<sup>48</sup> This is a prime example of the harm that cultural essentialism can cause.

As we have seen, many objections to cultural appropriation occur at the intersection of race and culture. The matter of membership in racialized groups is just as, if not more, complicated than the matter of membership in cultural groups. For that reason, I cannot give it adequate treatment

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<sup>47</sup> The link between essentialism in cultural appropriation discourse and Spivak’s notion of “epistemic violence” is also suggested, in passing, in Rogers, “From Cultural Exchange to Transculturation: A Review and Reconceptualization of Cultural Appropriation,” 495, 97. Interestingly, Rogers asks whether understanding cultural appropriation in terms of cultural dominance and exploration might not itself do epistemic violence to marginalized groups by implying that they are without agency in their interactions with other groups.

<sup>48</sup> For instance, see her post “She’s so pale’: The good and bad of national exposure,” [nativeappropriations.com](http://nativeappropriations.com), accessed 2/21/15.

here. This is no doubt a lacunae in the overall picture that I am presenting, one that could be filled in different ways depending on one's substantive commitments concerning topics in the philosophy of race. Before proceeding, I want to mention a few reasons for adopting the focus on cultural groups in general, granting that these groups can and do often have a racial element.<sup>49</sup>

First, cultural groups are not always defined in partially racialized terms, and so it is helpful to approach the problem of group membership in a manner that can address all kinds of cultural groups. For instance, as mentioned above (footnote 38), there are cultural groups surrounding disability that can also be sites of cultural appropriation, not to mention other marginalized cultural groups that cut across racialized categories, such as those surrounding religion, sexual orientation, gender identity, etc.

Second, even where race does seem to play an important role in defining cultural group membership, it is important to emphasize that there is not a 1-to-1 correspondence between racialized groups and cultural forms. For instance, there is not a single "Native American Culture," but a plurality of diverse cultural groups that native peoples participate in.<sup>50</sup> The same can be said of "Black Culture," which, though it can be read as a shorthand for a plurality of cultural forms that share a specific racialized element, can easily slide into representing a homogenizing and essentialist conception of culture, not to mention inviting conflict over the true or "authentic" culture of black people.<sup>51</sup> So even in contexts where we must attend to race in understanding cultural group membership, it is important to attend at the same time to the cultural diversity among people who are lumped into the same racialized group.

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<sup>49</sup> For consonant concerns about conflating racial groups and cultural groups, see Appiah, "Race, Culture, Identity: Misunderstood Connections," 116ff.

<sup>50</sup> This is a point that Keene frequently emphasizes at [nativeappropriations.com](http://nativeappropriations.com)

<sup>51</sup> Shelby, "Foundations of Black Solidarity: Collective Identity or Common Oppression?," 249-54.

Finally, there is a range of theories of race that make it difficult to sort out how precisely to treat the role of race in cultural group membership. For instance, many regard the biological theory of race as a fiction.<sup>52</sup> Other theories of race are explained in terms of cultural group affiliation,<sup>53</sup> but this makes using race as a marker of cultural group membership appear circular. Social constructivist accounts of race are currently popular, but, granting some such account, even where cultural groups are *coded* for race, this does not always entail that cultural group membership requires belonging to a particular racialized group (this is arguably the case in hip hop culture(s), for instance, and seems to apply also to religious-cultural practices that are coded for race, such as Zen Buddhism).<sup>54</sup> Summing up, then, while the realities of inequality along racialized lines requires that we remain vigilant about the important role that race plays in discussion of cultural appropriation, there are good reasons not to simply conflate cultural group membership with racialized group membership.<sup>55</sup>

Returning to the topic of cultural essentialism, it is important to acknowledge that charges of essentialism have been used before in an attempt to *dismiss* claims about cultural appropriation and to, for example, police indigenous cultural autonomy.<sup>56</sup> It should be clear from the previous sections that this is not my goal: the upshot of worries about essentialism need not and ought not be that claims of cultural appropriation are baseless. On the contrary, I have argued that cultural appropriation is a real phenomenon that can be harmful. The worry is that even in seemingly clear cases of cultural appropriation, the *practice* of identifying outsiders relies on essentialist assumptions

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<sup>52</sup> Though see Quayshawn Spencer, "A Radical Solution to the Race Problem," *Philosophy of Science* 8, no. 5 (2014).

<sup>53</sup> For instance, see Chike Jeffers, "The Cultural Theory of Race: Yet Another Look at Du Bois's 'the Conservation of Races'," *Ethics* 123, no. 3 (2013). Also Shelby, "Foundations of Black Solidarity: Collective Identity or Common Oppression?" 241.

<sup>54</sup> Thanks to Kate Manne for the suggestion that group membership might be coded for race.

<sup>55</sup> To be clear, none of this precludes the reality that race can be among the *most* important dimensions of acts of cultural appropriation. For instance, see Brittney Cooper's excellent discussion "Iggy Azalea's post-racial mess: America's oldest race tale, remixed," *Salon*, 7/15/14.

<sup>56</sup> Coombe, "The Properites of Culture and the Politics of Possessing Identity: Native Claims in the Cultural Appropriation Controversy," 267ff; Todd, "What More Do They Want?" 76.

about cultural membership that can themselves be harmful to others in similar ways. Even if those engaged in the classification of members are not operating with an explicit theory of cultural group membership, they at least implicitly employ criteria that can fall prey to the misframing and reification discussed above. A demand for explanation from an excluded individual will often make these criteria explicit.<sup>57</sup>

In light of this, I am moved to take seriously the worries about essentialism, especially given the nature of the harms in which essentialism is implicated, and in particular their similarity to the harms of cultural appropriation. Thus, the task in responding to these worries is to see if there is a conception of cultural membership on offer that allows for robust claims of cultural appropriation without falling prey to the harms of essentialism. This is a version of the “dilemma of essentialism” recently discussed by Alan Patten in the context of multiculturalism. As he puts it:

*either* culture is understood in an “essentialist” way, in which case multiculturalism is empirically and morally flawed; *or* culture is understood in a nonessentialist way, but then the concept no longer supplies multiculturalism with the means of making the empirical judgments and normative claims that matter to it.<sup>58</sup>

In what follows, I briefly consider five responses to the problem of essentialism in the context of cultural appropriation, but argue that none provide a fully satisfactory solution.

## *B. Five Responses to the Problem of Essentialism*

### *i. Family Resemblances*

In considering how to distinguish cultural insiders and outsiders, Young notes that we face a serious *epistemic* problem: we don’t know where to draw the line. He consequently suggests that we

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<sup>57</sup> Compare with the account of labels in Anna Stubblefield, “Racial Identity and Non-Essentialism About Race,” *Social Theory and Practice* 21, no. 3 (1995): 345-6. Stubblefield’s account of labels and oppression is in many ways distinct, not to mention broader, than the account that I present here, though the relationship between labels and credibility deficits does emerge at various points (for example, 356). It might be read as another way in which the harms of cultural appropriation can intersect with a broader theory of oppression.

<sup>58</sup> Patten, *Equal Recognition: The Moral Foundations of Minority Rights*, 39.

employ the concept of “family resemblances” to talk about cultural groups, in the hope that this will avoid the difficult, perhaps impossible, task of defining cultures and cultural membership in terms of necessary and sufficient conditions.

The difficulty with this response is that, despite rejecting the notion of a strict definition of cultural membership, it does not actually mollify the harms of cultural essentialism surveyed above. For instance, consider Young’s description of Canadian culture: “One has to define Canadian culture in terms of possession of enough of some pool of characteristic: liking hockey, valuing universal health care, listening to the CBC, being committed to parliamentary democracy, admiring the novels of Michael Ondaatje, and so on.”<sup>59</sup> Readers may find this description quaint or charming, and given that Canadians (at least *qua* Canadian) are not socially marginalized, it is unlikely to be harmful. However, in his book, Young provides an example that is far less anodyne. He offers a description of the features of “the culture of gay men,” but the description is really just a list of stereotypes about gay men.<sup>60</sup> Neither the fact that no feature on this list is regarded as necessary or sufficient for cultural membership according to the family resemblance model, nor the fact that Young writes: “to be fair, I have identified traits of a certain gay subculture,” prevents such a list from falling prey to the same worries as a stricter essentialism about culture. Recall that it is the *practice* of distinguishing insiders and outsiders that motivates the moral concern about cultural essentialism. As Killmister notes in discussion of the family resemblance model of group membership, insofar as it is indeterminate, it fails to determine who the members of a group are, and insofar as it relies on a stricter interpretation of the list to avoid this issue, it falls back into the problems of essentialism.<sup>61</sup> Given that Young’s worry about defining cultures is an epistemic one, it

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<sup>59</sup> Young, “Profound Offense and Cultural Appropriation,” 137.

<sup>60</sup> *Cultural Appropriation in the Arts*, 16.

<sup>61</sup> Cf. Killmister, “Group-Differentiated Rights and the Problem of Membership,” 233.

is perhaps unsurprising that his solution fails to address the moral concerns with cultural essentialism.

*ii. Self-Identification*

One clear way to avoid the problem of cultural essentialism is to place the practice of group identification in the hands of the individual and hold that the only legitimate criterion of cultural membership is self-identification as a member. However, if self-identification is the criterion of group membership, then the ability of individuals to lodge claims about cultural appropriation will be weakened to the point of irrelevance. Given a self-identification criterion, the only claim that one could make in identifying cases of cultural appropriation is that an individual who *herself* does not identify as a group member is appropriating from the group with which she does not identify. While there is something to be said for self-identification as a self-reflective check on cultural appropriation (I will touch on this idea again at the end of the paper), such a restriction takes the teeth out of objections to cultural appropriation lodged by others. Many people who engage in acts of harmful cultural appropriation *do* self-identify as members of the cultural group from which they appropriate: indeed, it is the very sense of entitlement from self-identified membership that may motivate the appropriation.<sup>62</sup> For instance, New Age appropriation of Native American cultures has received much discussion on this score.<sup>63</sup> Thus, self-identification may avoid cultural essentialism, but at the cost of vitiating claims of cultural appropriation that are predicated on the insider/outsider distinction.<sup>64</sup>

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<sup>62</sup> For example, see the opening of Todd, "Notes on Appropriation."

<sup>63</sup> For instance, see Rogers, "From Cultural Exchange to Transculturation: A Review and Reconceptualization of Cultural Appropriation," 487, 90; Coombe, "The Properites of Culture and the Politics of Possessing Identity: Native Claims in the Cultural Appropriation Controversy," 276, 78.

<sup>64</sup> For further discussion of self-identification and group membership, see Killmister, "Group-Differentiated Rights and the Problem of Membership," 234-38. Killmister explains how self-identification can also negatively impact other group members' sense of cultural belonging.

iii. *Re-Framing the Question*

In response to a host of problems that arise when we attempt to assign group membership in discussion of group-differentiated rights (including the problem of essentialism), Suzy Killmister suggests that we reframe the question in terms of the particular interest that individuals may have in group membership. As she argues, different interests may favor different methods for determining group membership; insofar as infringement of these interests is a harm to people who are not properly included as group members, we should allow the avoidance of these harms to suggest the proper method for determining membership in a given case.<sup>65</sup>

This is a nuanced and promising framework for addressing a complex problem. Indeed, it provides helpful tools for explaining how the harms of cultural appropriation might fall across group lines demarcated by different methods of assessing group membership. For example, the harm of a credibility deficit or excess may befall a person in virtue of an audience identifying her as a group member (what Killmister calls a “subjective list” account of group membership), independently of whether she qualifies as a group member according to other criteria or methods of assessment, such as self-identification or group-endorsement.<sup>66</sup> Despite these virtues, however, Killmister’s framework may not provide a solution for the dilemma of essentialism when it comes to lodging objections to cultural appropriation. Recall that according to the conceptual restriction, what makes cultural appropriation harmful *qua* cultural appropriation is precisely the fact that the acts in question are being carried out by outsiders. If we need to appeal to the distinction between insiders and outsiders in order to explain what makes something a case of cultural appropriation in the first place, then we cannot differentiate insiders and outsiders in these cases based on an interest in avoiding the

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<sup>65</sup> Ibid., 244.

<sup>66</sup> Ibid., 248.

harm of appropriation. The solution I propose below makes room for incorporating Killmister's framework into the response to essentialism, but it first requires some revision in how we think about the conceptual restriction on cultural appropriation.

*iv. Strategic Essentialism*

An alternative way of acknowledging the legitimacy of objecting to cultural appropriation, even in the face of worries about essentialism, is simply to retain the offending concepts and distinctions despite that critique. This is an approach employed by multiple writers in the cultural appropriation literature. For instance, Hladki writes: “While I am problematizing the notion of cultural appropriation and reworking its theoretical frames of reference, I am also holding on to the strategic use of the term for cultural politics.”<sup>67</sup> In a similar fashion, Rogers, having critiqued certain models of cultural appropriation based on worries about essentialism and offered an alternative model of “transculturation,” writes: “although this essay argues for a privileging of transculturation and a reconceptualization of culture as dialogic or conjectural, a qualified retention of the other models and types of appropriation is still warranted” because they are “still useful: analytically, heuristically, and pedagogically.”<sup>68</sup>

This approach is characteristic of “strategic essentialism.” As Alison Stone discusses in the context of gender essentialism, “strategic essentialism” attempts to reject essentialist definitions of a group as *descriptively* false, while hanging onto a *political* notion of essential group identity in order to “galvanize” social reform.<sup>69</sup> However, as she argues, it is not clear that such a distinction is viable, since political uses of essentialism seem to tacitly rely on descriptive ones for their success. As she

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<sup>67</sup> Hladki, “Problematizing the Issue of Cultural Appropriation,” 112.

<sup>68</sup> Rogers, “From Cultural Exchange to Transculturation: A Review and Reconceptualization of Cultural Appropriation,” 500.

<sup>69</sup> Stone, “Essentialism and Anti-Essentialism in Feminist Philosophy,” 142.

explains:

one cannot defend essentialism on strategic grounds without first showing that there is a homogeneous set of essentialist assumptions that exerts a coherent influence on women's social experience—which amounts to defending essentialism on descriptive grounds (as well)... Strategic essentialism has not resolved this problem, for it has not stably demarcated any merely political form of essentialism from the descriptive essentialism which critics have plausibly condemned as false and oppressive.<sup>70</sup>

To condemn cultural essentialism while simultaneously relying on it in order to articulate objections to cultural appropriation produces an uncomfortable tension that renders this a sub-optimal solution to the dilemma at hand.

v. *Lineages*

In response to the problem of gender essentialism, Stone proposes the idea of women as a genealogy or lineage: "I argue instead that women have a 'genealogy': women always acquire femininity by appropriating and reworking existing cultural interpretations of femininity, so that all women become situated within a history of overlapping chains of interpretation."<sup>71</sup> Without questioning the success of this account for the problem of gender essentialism, we can see that it runs into trouble when confronting the dilemma of essentialism for cultural appropriation: if what it is to be part of a cultural group is to appropriate and reinterpret what it means to be part of that culture, then engaging in cultural appropriation is *ipso facto* to be a member of that culture. Thus, this response ends up in the same camp as self-identification, undercutting the ability to identify those engaging in appropriation as cultural outsiders.

Patten also proposes a lineage-based response to concerns about essentialism. His social lineage account of culture, in response to the dilemma of essentialism for multiculturalism, unites

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<sup>70</sup> Ibid., 144.

<sup>71</sup> Ibid., 135.

members of a culture in virtue of their having shared a “set of formative conditions that are distinct from the formative conditions that are imposed on others.”<sup>72</sup> Patten argues that these conditions can overlap to secure cultural continuity over time, without succumbing to the empirical and normative problem of cultural reification.

While Patton’s account may serve to avoid cultural reification over time, I worry that the emphasis on formative conditions remains too rigid for the synchronic concerns of cultural appropriation. While sharing a set of formative conditions may be sufficient for group membership, it’s not clear that it’s necessary. Indeed, there may be considerable variety among the formative conditions of individuals who plausibly belong to the same cultural group, especially with respect to shifts in cultural identity. For instance, particularly when it comes to artistic expression, we may want to make room for the reclamation of cultural ties that have been attenuated in the face of adoption, migration, or displacement. The idea that not sharing in the same formative conditions as other members precludes these people from cultural membership may thus be overly restrictive.

This is no objection to the social lineage account in general: it may function perfectly well for Patten’s purposes of justifying minority group rights with respect to the liberal state.<sup>73</sup> I have only suggested that the account may run into problems as a solution to the dilemma of essentialism in the context of cultural appropriation.

#### *IV. Cultural Appropriation Without Cultural Essentialism?*

It seems that many of the attempted solutions to the dilemma of essentialism run up against the conceptual restriction on cultural appropriation. Potential reconceptualizations of cultural membership appear to leave us unable to robustly distinguish cultural insiders from outsiders, which

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<sup>72</sup> Patten, *Equal Recognition: The Moral Foundations of Minority Rights*, 51.

<sup>73</sup> *Ibid.*, Chapter 4.

seems to undermine claims about cultural appropriation. If we care about the harms of appropriation and we care about the harms of essentialism, we are still faced with a dilemma. This may be an intractable problem. However, I believe the account of appropriative harms that I have offered provides us with some resources that we can use to navigate between the horns of the dilemma.

Recall that the account of appropriative harms presented above, applying arguments from the philosophical literature on dominating speech and epistemic injustice, identifies cultural appropriation as a *structural* or *systematic* harm. It is because of underlying systematic social inequalities that cultural appropriation is able to create credibility deficits in the way that it does. In order to respond to the dilemma of essentialism, we can here appeal to another insight from the literature on systematic harms: namely, that oppressive systems and practices do not necessarily require the identification of an oppressor. As Sally Haslanger explains: “In cases of structural oppression, there may not be an oppressor, in the sense of an agent responsible for the oppression.”<sup>74</sup> Haslanger’s focus here is on how to assign moral responsibility to agents who are privileged within an oppressive system.<sup>75</sup> But the insight can be applied to the dilemma of essentialism for cultural appropriation by relieving us of the need to engage in the practice of identifying insiders and outsiders. Recall that, on the account that I have provided, the harm of cultural appropriation is explained in terms of the credibility deficits that it creates and exacerbates. The weight of the explanation, then, is primarily a function of how the audience is led to perceive a given speaker and his/her credibility. If cultural appropriation did not lead to credibility deficits then, at least as far as what I’ve said here is concerned, it would not be harmful, and as we’ve recognized from the outset, this possibility is predicated on conditions of social marginalization. While cultural

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<sup>74</sup> Sally Haslanger, “Oppressions, Racial and Other,” in *Racism in Mind*, ed. Michael P. Levine and Tamas Pataki (USA: Cornell University Press, 2004), 102-03.

<sup>75</sup> For application of this idea in the context of oppressive speech, see McGowan, “Oppressive Speech.”

appropriation is one route by which credibility deficits are created and exacerbated, I have maintained that it is just one way among others in which social inequalities can evince themselves through acts of expression and representation: it is the problem of unjust credibility deficits generally and the systematic inequalities that allow for them, as opposed to specifically those generated by individual acts of cultural appropriation, that should be of primary concern.

This suggests that being in a position to identify particular instances of cultural appropriation by employing the insider/outsider distinction is not the essential task in objecting to the prevalence of unjust credibility deficits. This is not to say that this task is unimportant, but only that identifying the proximate cause of a certain harm might take a back seat when we have the harm itself (credibility deficit) and its ultimate cause (social marginalization) clearly in view. Cultural appropriation is a way that an individual can act harmfully in conjunction with systematic inequality, but we do not need to identify the agent or attribute responsibility to them in individual cases in order to understand the nature of such harms in general. Especially since harms that are a function of artistic expression and representation are ones we may be particularly hesitant about regulating, we may be better served by focusing on ameliorating the harmful effects, which is itself part of the task of combatting the ultimate harmful cause: namely, working to eliminate systematic social marginalization. If the practice of distinguishing insiders and outsiders itself can generate credibility deficits, then the systematic account of cultural appropriation presented here may provide a reason to put such practices aside.

If this account is successful, then we can relax how we invoke the conceptual restriction on cultural appropriation: we do not need to rely on the practice of distinguishing insiders from outsiders in individual cases, and thus the essentialism that such practices are heir to, because we can instead focus our attention on fighting systematic social marginalization, which will have the downstream effect of ameliorating the harms of appropriation. There is no morally unique harm that

we fail to address if we devote less attention to identifying individual acts of cultural appropriation. By focusing instead on the broader, systematic problem, we can avoid the charge of essentialism.

There is, to be sure, a real worry here that I've explained cultural appropriation right out of the picture: I've argued that appropriative harms are just one instance of a broader phenomenon, and that we can avoid the risks of essentialism by focusing on that construal of the harm instead, leaving the insider/outsider distinction largely out of the frame. It is crucial to note, however, that despite this revision in focus, the account keeps squarely in view the core features that critics of cultural appropriation have identified: the account is still presented in terms of systematic social inequalities and the silencing of marginalized individuals. Moreover, I have not denied that cultural appropriation is a descriptively distinctive phenomenon that we do well to understand and keep in mind when thinking about the harms of social marginalization and domination. I have only questioned whether it is worth focusing on the identification of individual instances of appropriation, given how this seems to embroil us in harmful essentialist practices. A descriptively distinct understanding of cultural appropriation also maintains its importance in deliberative contexts, where it can be employed subjectively by an individual to assess whether her own act of artistic expression or representation would be harmful. If one does not self-identify as a group member, one is in a position to see the ways in which one's actions might constitute harmful cultural appropriation without imposing any particular conception of group membership on others.

Moreover, it is worth noting that, as we have seen from Killmister's discussion, the kind of subjective list criteria that might influence audiences in making judgments about credibility (i.e. who audiences *take* to be members of a given group) may not overlap substantially with criteria of membership that group members themselves would endorse or care about. Thus, the understanding of cultural membership that is most salient for group members, and that they might have the strongest interest in articulating when making the insider/outsider distinction, may not even be

operative in explaining some appropriative harms: the criteria for group membership may not be conceived of consistently across outsider audiences and cultural group insiders. Perhaps this observation will help mollify worries about giving up the focus on distinguishing insiders from outsiders.

Or, at least this might be so in a range of cases. The account that I have offered works particularly well for cases of misrepresentation and misuse of stories and styles that we can clearly trace to the generation of credibility deficits. However, it is important to acknowledge the shortcomings of this solution to the essentialist dilemma. There will be some cases where identifying an individual as a cultural outsider may be essential to properly characterizing the harm that has been caused. For example, consider the appropriation of practices and styles that are regarded as *secret* within the culture, and where the circle of secrecy is set by cultural membership. To give up on distinguishing insiders from outsiders in such a case appears to undermine our ability to explain the particular character of the harm.<sup>76</sup> Thus, although employing essentialist understandings of culture may be morally risky, it may sometimes be unavoidable in order to accurately characterize the harm. Additionally, one might argue that the task of combatting systematic social marginalization *requires* calling out individual acts of cultural appropriation, in which case the harms of essentialism may be a necessary cost of seeking social justice. Even if this is true, however, it is important to acknowledge that these costs are real, and may visit extra harms on the most marginalized members of society.

In closing, I want to emphasize three points. First, shifting our focus to the systematic nature of appropriative harms not only offers a potential route to avoiding cultural essentialism, but also helps us to see how appropriative harms are an instance of a broader category of harms connected with social marginalization. Though I've argued that appropriative harms are not morally unique, I believe that we learn something, as opposed to lose something, by acknowledging this.

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<sup>76</sup> Thanks to Dave Ripley for suggesting this case.

Second, even if one is unmoved by the dilemma of essentialism or my proposed solution to it, one can still accept the account of appropriative harms that I have offered. I believe this both corrects a prominent take on cultural appropriation in the philosophical literature, and illustrates the broad power and application of recent work on dominating speech and epistemic injustice. This account also avoids reference to conceptions of either cultural property or cultural rights, and thus demonstrates how we can make sense of objections to cultural appropriation without employing these controversial concepts.

Finally, people often worry about the negative implications that objections to cultural appropriation might have for cross-cultural appreciation and understanding. However, I think this worry is precisely backwards. Questions about appropriation are distinct from questions about whether we have reason to *value* other cultures. As I have argued elsewhere, I think we often do have such reasons, and that cultural values can have a broad scope.<sup>77</sup> But reasons to value other cultures should, properly regarded, lead us to take more seriously claims about appropriation, rather than mistakenly elevating such reasons to entitlements concerning use and possession. After all, as we have seen, cultural appropriation often goes hand in hand with misrepresentations of culture, something anyone who values a culture should be concerned about. More importantly, valuing a culture should involve increased sensitivity to the injustices faced by its members. If anything, a failure to acknowledge the harms of cultural appropriation should lead us to question whether someone truly values a culture, rather than leading to the mistaken judgment that concern about cultural appropriation stands in the way of cross-cultural appreciation.

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<sup>77</sup> Erich Hatala Matthes, "Impersonal Value, Universal Value, and the Scope of Cultural Heritage," *Ethics* 125, no. 4 (2015).