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2 May 2023

### Cultural Appropriation of Modern Art

The world is presently bearing witness to a fierce contest between globalization and cultural individualism, which is the innate urge in a culture to remain independent from the influences of dominant cultures. As advances in technology increasingly strengthen the interactions between cultures around the world, there is an equally fervent move to maintain a sense of cultural identity and independence within one's culture. Fearing the prospect of becoming absorbed by a dominant nation's culture, minority cultures especially are becoming more protective over their cultural property. As such, we are observing an increased focus in philosophical literature on cultural appropriation, and specifically what qualifies as pernicious cultural appropriation.

Now, when it comes to cultural property, there is no category of items more fiercely protected than that of art. Hegel, the preeminent philosopher on aesthetics, said: "It is in works of art that nations have deposited the profoundest intuitions and ideas of their hearts; and fine art is frequently the key ... to the understanding of their wisdom and their religion" (Hegel, "Introductory lectures on aesthetics"). In art, we find the heart of a culture's identity, and thus one can sympathize with the fact that minority cultures are especially protective of their artistic traditions.

But even with each culture's commitment to cultural individualism, globalization has redefined the process of creating art. Unlike tangible cultural artifacts, artistic ideas are

intangible, dynamic and free-flowing. Similar to how the study of philosophy in America today still bears many similarities to how the ancient Greeks studied philosophy, some 9,400 kilometers away and roughly 2000 years ago, so artistic ideas span time and space, changing and augmenting as they move. In today's modern age, because the world is more interconnected than ever before and cultures share and interact with each other to a greater degree than ever, we must rethink how some artistic idea could belong to a culture. I will call this the *globalization thesis*.

In this paper, I'll explicate and defend a framework for evaluating whether or not some act of cultural appropriation of an artistic idea is pernicious or not. To be exact, I'm concerned with cultural appropriation in the form of the production of some artistic product that draws on some artistic idea that has been taken, in some sense or another, from a culture that the artist didn't belong to. Not only that, but my framework should only be applied in the context of today's modern world, where intermingling of cultures is essentially all but inevitable.

To arrive at my framework, I'll first enumerate a list of claims for why cultural appropriation of cultural artifacts is commonly argued to be pernicious. Then, drawing on the globalization thesis, I'll argue that because of the distinct nature of artistic ideas from other cultural artifacts, such as cultural patrimony or religious traditions, cultural appropriation of artistic ideas should have different standards in order for it to qualify as pernicious. More specifically, I claim that claims of authenticity and ownership aren't conceivable when it comes to modern artistic ideas, and instead, the prevalent social inequalities and background epistemic injustices in a society should dictate whether or not an act of cultural appropriation of modern art is permissible or not.

## I. PERNICIOUS CULTURAL APPROPRIATION

To begin, I first address the question of how an act of cultural appropriation could be pernicious in the first place. Phrased in formal terms, the question I'm addressing is why is some member of some culture A not allowed to use some item of cultural property P belonging to culture B? To answer this question, I will reconstruct three popular claims that contemporary moral philosophers give for why certain acts of cultural appropriation could be pernicious. These claims are:

- Ownership Thesis: B owns P, therefore A is not allowed to use it.
- Authenticity Thesis: P originated in B, therefore A's usage or recreation of P will be inauthentic. Thus, A's usage or recreation of P will necessarily be worse on some aesthetic dimension, and so A ought not to use or recreate P.
- Background Epistemic Injustice Thesis: Because of the systematic inequalities in a given society, and thus the epistemically privileged position of A and epistemically marginalized position of B, A's usage of P is impermissible because it would lead to further injustices.

The Ownership Thesis is quite intuitive. As is the case with any form of property, my ownership of it allows me to have sole power over who is allowed to use it. For instance, the owner of some private property has the jurisdiction to reject its access to anyone, on the threat of calling the authorities to forcibly remove them.

Now, the central question that must be addressed in the reconstruction of this thesis is on what basis B could claim to own P, an item of intangible property. Firstly, there is the claim that cultures inherit cultural property that was produced by a member of the culture. Another claim centers on collective ownership due to collective production. Quoting from James O. Young's article "Cultures and Cultural Property," he says: "A culture's stake in intellectual property is

often said to result from traditional practices of the culture. These practices are supposed to include an acceptance of the collective ownership of certain items” (Young 115). Young also provides a basis of ownership that is derived from the “great value that some property has for members of a culture” (Young 120).

The Authenticity Thesis follows a similar vein of logic. The idea is that because a cultural outsider doesn’t belong to the culture in question, his attempts at recreating the art of that culture will necessarily be aesthetically flawed. Young, in his article “Art, authenticity and appropriation,” calls this the *aesthetic handicap thesis*, and he continues by providing common arguments in defense of it. For instance, he discusses how “the ability to use a style successfully is linked to membership in a culture” (Young 457), and thus “artists cannot successfully employ a style unless they have had experiences available only to members of a culture” (Young 457).

Paul C. Taylor gives a different version of the authenticity argument when he makes the case that white people cannot truly play the blues, a black cultural art form. In his article “So Black and Blue: Response to Rudinow,” he discusses the *Black Blues Authenticity Thesis*, which claims that “Candidate blues performances in which white performers participate cannot work in the experience of the BBA-adherent listener in a way generating the feeling that marks blues performances proper” (Taylor 314). Thus, even if a white person performs the blues as exceptionally as the best black performer, his performance is inauthentic because he is white, and this affects the reception of his performance, at least to BBA-adherent audience members. Extrapolating this to our question of art in general, the authenticity argument says that even if some cultural outsider appropriates an artistic style to produce art that is as exceptional as the best art a cultural insider could produce with that same artistic style, the mere knowledge that the

cultural outsider doesn't belong to that culture sours the reception of his product, and thus he ought not to make art using an artistic style that belongs to some culture he isn't a part of.

The Background Epistemic Injustice Thesis says that because of the current social structure and its prevalent inequalities, the cultural appropriation of artifacts belonging to marginalized cultures by dominant cultures will lead to further injustices. This perspective is defended by Erich Hatala Matthes, who argues that the further injustices in question would be epistemic injustices, specifically credibility deficits and excesses. In the first sentence of his article "Cultural appropriation and oppression," he writes: "The wrong of cultural appropriation is rooted in imbalances of power" (Matthes 1003). And in his paper "Cultural Appropriation Without Cultural Essentialism," he writes:

"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. 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 'the epistemic privilege of the oppressed'" (Matthes 351).

Thus, when members of a dominant cultural group speak for a marginalized group, the dominant cultural group's credibility excess leads to them being trusted as a source of representation for the marginalized culture more than they should, thus furthering the dominant cultural group's credibility excess. It also leads to the creation of credibility deficits in that members of the marginalized group are unable to communicate their cultural knowledge to the extent that they are epistemically warranted. And because these credibility excesses and deficits are unjust, acts of cultural appropriation that involve a dominant cultural group appropriating from a marginalized cultural group are impermissible.

## II. CULTURES, GLOBALIZATION, AND MODERN ART

In this section, I'll provide a more robust conception of modern art, and in doing so, argue that ownership and authenticity claims against pernicious cultural appropriation don't hold.

The first order of business is to define what I mean by "art." Indeed, art is a contentious subject in contemporary philosophy, and I don't wish to involve myself in that discussion. Rather, I'm using the category of art primarily to distinguish the content that I'm discussing from other cultural artifacts. Thus, when I say art, I really mean *artistic ideas*, which are intangible, dynamic, and free-flowing and can manifest themselves in paintings, music, drawings, and dances. The blues, for instance, falls under this category, while the Parthenon Marbles, being a tangible cultural artifact, don't. Furthermore, artistic ideas exist on a level that's more abstract than just the intangible. For instance, the song "The Wheels on the Bus" is intangible, yet it is not an artistic idea because it is static not dynamic. That is, though innovative artists could change certain aspects of the song, such as the tempo or key that it's played in, its central rhythms and chord progressions are always the same. Furthermore, any variation of the song will repeat most, if not all, of the original's lyrics.

Now, recall from the introduction of this paper that my framework applies only to modern art because I am thinking about the exchange of artistic ideas after the advent of globalization. Thus, by "modern art" I mean art that combines cultural ideas and concepts from multiple existing cultures, not necessarily all art that's being produced in a certain time period. Though some objectors may claim that there exist isolated nations that are completely separate from any other culture, my definition of modern art excludes the artistic production of these cultures. And on a practical note, the existence of these nations in today's world are extremely

few and far between; indeed, when we think of famous artistic pieces or schools today, practically none of them were produced in a vacuum or apart from other cultures. Thus, it is an empirical fact that today's art is generally a product of multiple cultures interacting with each other.

This is not to say, however, that art can't largely be the product of one main culture. Contemporary K-Pop, for instance, often draws on beats and styles used in American hip-hop, however this doesn't mean that K-Pop is as much a black cultural product as it is a Korean cultural product. This is a generalizable phenomenon: specifically, modern art is generally the production of one culture that draws on one or more other cultures to inspire and evolve its art; call this the *artistic pollination phenomenon*.

Now the artistic pollination phenomenon has interesting implications with regards to cultural appropriation. Previously, I've outlined three claims for why cultural appropriation is or could be pernicious. I will now use the artistic pollination phenomenon to explain why ownership and authenticity claims with regards to pernicious cultural appropriation are incoherent.

Recall that the Ownership Thesis claims that because some culture B owns P, some other culture A is not allowed to use P. Put in the context of art, we have that because some culture B owns some artistic idea P, some member M of another culture A is not allowed to use P. In my reconstruction of this thesis, I also highlighted the fact that the validity of this thesis turns on the bases for which a culture could claim to own some cultural property. Indeed, it seems highly dubious to say that some culture can truly and wholly own an artistic idea. The basis for this ownership could be argued for by the fact that certain members of the culture created this artistic idea, and therefore it belongs to their culture. But from the artistic pollination phenomenon, we

have that modern artistic ideas are a blend of multiple cultures influencing and iterating upon each other. Thus, could it really be said that a member of a culture created an artistic idea and thus has full ownership of it when, in the context of modern art, he himself drew on other artistic ideas that lie outside his culture? This seems highly contradictory, for one cannot take from others and then claim that his creation is off limits to other artists.

Take the K-Pop example that I gave above. One could argue that Koreans “own” K-Pop because it was ostensibly developed by Korean singers and dancers. Yet at the same time, pop music, consisting of R&B, hip hop, rock, and other musical forms, first arrived to the Korean peninsula due to the influence of American pop. There, American pop was essentially appropriated and adopted by Korean locals to create what we call K-Pop today. Thus, if anything, it would seem that Americans are the rightful owners of K-Pop, for K-Pop is an evolution of Western pop. But obviously, this would be a preposterous thing to say: just because some form of art has its history in one culture does not mean that that culture has a monopolistic ownership of all future iterations of that art. Thus, it seems logical to discard the claim that Koreans own K-Pop. Generalizing this conclusion, then, it’s inconceivable to say that cultures can own artistic ideas when all artistic ideas are a result of cross-cultural influences.

A hypothetical objector could argue that this line that I take seems to rule out intellectual property claims. For instance, one question the objector could have is that given that musicians draw on the music of other musicians, does this mean that they cannot make ownership claims over their music? This objection, however, stems from a misunderstanding of the subject matter of cultural appropriation that I’m discussing. Recall that the question I’m dealing with is evaluating pernicious cultural appropriation of artistic ideas, which are abstract, dynamic, and free-flowing. Crucially, intellectual property, though abstract, exists on a level that’s more



concrete than artistic ideas. For instance, Eric Clapton, a renowned blues musician, could claim ownership over his best-selling single “Wonderful Tonight,” but he can’t claim ownership of the blues. The difference between the two is that the intellectual creation of an artist is static and essentially unchanging, and thus it is able to be the subject of intellectual property rights.

However, the blues, like all artistic ideas, is constantly changing and evolving, and it exists on a level that’s more abstract than a specific work. Analogously, the woodworker who made the first chair ever could have ownership over that chair or even the specific design of it, but he certainly doesn’t have ownership over all chairs. By the same token, artistic ideas can’t be the subject of intellectual property rights. Indeed, this principle is highlighted in Section 102 of the Copyright Act:

“In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work” (U.S. Congress 8).

And just as how it seems dubious to say that one culture can own an artistic idea, so it also seems questionable to say that some artistic idea can only be recreated authentically by members of a certain culture. The Authenticity Thesis, put in terms of our question regarding artistic ideas, would claim that because some artistic idea P originated in a culture B, some other culture A’s usage or recreation of P will be inauthentic. Thus, A’s usage or recreation of P will necessarily be worse on some aesthetic dimension, and so A ought not to use or recreate P.

As discussed in the reconstruction of this thesis, much of the thrust of this argument centers on what Young calls the aesthetic handicap thesis. When it comes to artistic ideas, however, the aesthetic handicap thesis seems to hold little truth. In particular, it’s rather difficult to pinpoint where some artistic idea originated, given the artistic pollination phenomenon. Recall that the artistic pollination phenomenon says that the production of art is generally the result of

one culture (call this C) drawing from multiple other ones (call these C'). Then, given some artistic idea (call this A) that's created by a member of C while drawing on artistic ideas from C', should A be said to originate in C or C'? If one answers with C, then I would object by saying that this is incorrect temporally, because the creation of A was contingent upon the existence of other artistic ideas that existed in C' before A was created. Thus, because A drew upon and was produced after artistic ideas from C', A originated in C'. But if one answered my question with C', then I would object by saying that the bulk of the intellectual work for the creation of A occurred in C, even if the artist drew upon artistic ideas in C'. Thus, A could plausibly be said to have originated in C.

What one should understand from my brief discussion above is simply that it's inconceivable to definitively say that some artistic idea originated in one culture and not any other. Thus, the argument that cultural outsiders cannot authentically engage with an artistic form that belongs to another culture seems to also support the claim that cultural insiders cannot authentically engage with that same artistic form precisely because that artistic form could be said to have originated from another culture.

Consider the question of whether or not K-Pop originated in Korea. This would certainly seem to be the case, however, I have previously discussed how K-Pop was largely a result of American pop music arriving to the Korean peninsula. Thus, though K-Pop is a result of Korean influence and culture, it has its true origins in America. Then, this would mean that K-Pop originated, in some senses, in America. Koreans, then, ought to be considered as cultural outsiders when it comes to K-Pop, and thus the Authenticity Thesis would argue that any attempts at recreating K-Pop by Koreans would be aesthetically worse. This obviously cannot be the case.

### III. ART AND BACKGROUND EPISTEMIC INJUSTICES

Now, because the Authenticity Thesis and Ownership Thesis don't hold when it comes to artistic ideas, what we have left is the Background Epistemic Injustice Thesis. What I'll show in this section is that this should be the only criterion by which we judge whether or not some act of artistic cultural appropriation is pernicious or not.

The Background Epistemic Injustice Thesis says that because of the systematic inequalities in a given society, and thus the epistemically privileged position of some culture A and epistemically marginalized position of another culture B, A's usage of P is impermissible because it would lead to further injustices, such as epistemic injustices on top of the pertaining background epistemic injustices. Summarizing the reconstruction of Matthes' argument from above, we have that because cultural appropriation can amount to speaking for some culture, the already epistemically privileged position of a dominant culture leads it to gain a credibility excess with respect to the knowledge of a marginalized culture. In turn, members of that marginalized culture could suffer from credibility deficits.

How does this apply to artistic ideas? Recall from Hegel that art contains "the profoundest intuitions and ideas" (Lectures [1886, 13]) of a nation's heart. Thus, art is a powerful medium by which a nation communicates its thoughts. Matthes agrees with this sentiment when he says that "artistic expression is widely regarded as a form of speech" (Matthes 345). Thought about in this sense, cultural appropriation of artistic ideas is equivalent to the usage of one culture's *channel of communication* by another culture.

The blues, for instance, is one medium through which black people spoke about their oppression. When white performers performed the blues, it was no longer understood as a

channel of communication through which black people could express their past of suffering. It became a channel of communication for other ideas, such as a love interest of the singer or the appreciation he has for his hometown. As such, when black musicians use the blues now, the weight of their message is blunted, for the blues today isn't ubiquitously understood as a medium through which blacks can express their sufferings. Due to the appropriation of the blues by white performers, blues has become music that simply communicates the feelings of the singer rather than a lament of the sufferings in black history.

With the blues in mind, the Background Epistemic Injustice Thesis can be applied to art in this sense: because of the systematic inequalities in a given society, and thus the epistemically privileged position of A and epistemically marginalized position of B, A's usage of P is impermissible *because it leads to P no longer being understood as a channel of communication for B*, which would be the specific further injustice. Note that it is a necessary condition that A is in a socially dominant position while B is in a socially marginalized position. For if this weren't the case, then A's usage of P wouldn't lead to P no longer being understood as a channel of communication for B. Recall that it is because of the socially dominant position of A that its members derive a credibility excess. Thus, when members of A use P for a reason other than its original purpose, society is led to believe that P's purpose all along was whatever A used it for. This incorrect belief leads to a credibility deficit with respect to B's usage of P as a channel of communication.

Now, one thing to make clear is that underlying this claim is the assumption that the dominant cultural group would not use a marginalized cultural group's artistic idea for the same purpose that the marginalized group used it for. The reason that I exclude this possibility is because doing so is also morally impermissible, for when a dominant cultural group uses a

marginalized cultural group's artistic idea for its original purpose, this essentially amounts to the dominant cultural group speaking for the marginalized group. For instance, when it comes to white blues musicians, one will find that they almost never sing about the suffering of black people in America, which was the original purpose of the blues. Why white musicians wouldn't sing about this seems intuitive, for if a white man hadn't experienced the oppression that African-Americans had experienced, why would he sing about it?

Furthermore, note that the perniciousness of dominant cultural groups speaking for marginalized ones has been heavily buttressed in philosophical literature. In Linda Alcoff's article "The Problem of Speaking for Others," she argues that "how what is said gets heard depends on who says it, and who says it will affect the style and language in which it is stated, which will in turn affect its perceived significance (for specific hearers)" (Alcoff 13). With these epistemic principles in mind, she writes: "the practice of privileged persons speaking for or on behalf of less privileged persons has actually resulted (in many cases) in increasing or reinforcing oppression of the group spoken for" (Alcoff 7). Thus, even if cultural outsiders speak accurately for a cultural group that they aren't part of, this is still pernicious, a position that Matthes also holds because of the epistemic injustices that would be created.

#### IV. CONCLUSION

In this article, I've shown why claims of ownership and authenticity are invalid when it comes to evaluating whether or not acts of cultural appropriation of artistic ideas are pernicious or not. I've also argued that, given the prevalent social inequalities in a society, it is impermissible for a member of a dominant cultural group to appropriate an artistic idea from a marginalized cultural group because then that artistic idea would lose its original purpose and meaning.

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