

## **Does Cultural Appropriation Cause Harm?**

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Abstract: Cultural appropriation is often called a buzzword and dismissed as a concept for serious engagement. Political theory, in particular, has been largely silent about cultural appropriation. Such silence is strange considering that cultural appropriation is clearly linked to key concepts in political theory such as culture, recognition, and redistribution. In this paper, I utilize political theory to advance a harm-based account of cultural appropriation. I argue that there are three potential harms with cultural appropriation: (1) nonrecognition, (2) misrecognition, and (3) exploitation. Discerning whether these harms are present or absent offers a means of placing specific instances of cultural appropriation on a spectrum of harmfulness. I conclude by considering how cultural appropriation, and associated appropriative harms, may be avoided.

Keywords: cultural appropriation, culture, cultural property, recognition, exploitation, mascots, multiculturalism

Indigenous imagery and names have long been appropriated in the production of mascots, logos, and company names, and there is a similarly extensive history of Indigenous Peoples fighting against these appropriations. As early as 1968, the National Congress of American Indians “began a campaign to address native stereotypes found in sports and media” (as quoted in Black 2002, 605). Sports teams appropriating their names and mascots from Indigenous Peoples is still commonplace though, and includes the Washington Redsk\*ns, Edmonton Eskimos, and Cleveland Indians. In particular, the Washington Redsk\*ns derive their name from a colonial term wherein Indigenous Peoples were labeled “red” as a racial identifier and it is commonly considered a racial slur. Legal battles over the Redsk\*ns name have been ongoing for more than 25 years. At one point, it seemed like the activism against the Redsk\*ns had worked as the United States Patent and Trademark Office canceled the Washington

Redsk\*ns trademark registration in 2014 citing it as disparaging (Baca 2004; Phillips 2017). Still, many of these team names and mascots have proven durable as even that trademark decision was later vacated in 2018 since the law it depended on was found unconstitutional. Through all this, the Washington Redsk\*ns have retained their name and their logo that is meant to look like an Indigenous man with brown skin and feathers in his hair. Fans often dress up as the Redsk\*ns logo and other mascots by donning feather headdresses, braids, and painted skin (see **Figure 1**).



**Figure 1.** A photo from the 2014 Indians' home opener against the Minnesota Twins. A protest against the Cleveland team's name and Chief Wahoo logo was organized by the local chapter of the American Indian Movement (AIM). Pictured left is Robert Roche, a Chiricahua Apache tribe member. Pictured right is a Cleveland Indians baseball fan who is not Indigenous. The Chief Wahoo logo was later retired in October 2018, due in part to AIM's efforts, although the Cleveland Indians have not changed their name.

Note: Image is reprinted with permission. Photo taken by Peter Pattakos (2014).

While the number of sports teams with appropriated Indigenous imagery and names has dropped, there are still a significant amount of these teams present and debate continues about whether these teams, and appropriation more generally, is harmful and, if it is harmful, in what way. That there remains so much confusion about appropriation is disturbing as “[p]erhaps the scariest of racial stereotypes and prejudices arise when the public cannot recognize such ills” (Black 2002, 608). Political theory is uniquely situated to clarify this confusion due to it being concerned with political issues of recognition and redistribution.

This paper aims to fill the gap of political theory work on cultural appropriation by contributing to current literature in three main ways. First, this paper uses the politics of recognition to consider the potential harms of nonrecognition, misrecognition, and exploitation. These harms relating to lack of recognition have not been sufficiently explored in cultural appropriation literature and, accordingly, the political dimension of these harms has been missing. Second, it confronts political theory with the issue of cultural appropriation and how it impacts political understandings of culture, recognition, and redistribution. It serves as a call to action for political theory, and political science more broadly, to investigate cultural appropriation. Third, this paper offers a means of determining the harmfulness of cultural appropriation through the exploration of whether an instance of cultural appropriation results in nonrecognition, misrecognition, and exploitation. Rather than a strict demarcation, this paper argues that there is a spectrum between the most to least harmful instances of cultural appropriation.

In what follows, this paper first situates itself in current understandings of culture, cultural property, and cultural appropriation. Defining these terms will allow for a more

thorough analysis of the potential harmfulness of cultural appropriation. Next, it explores the specific harms that cultural appropriation may result in: nonrecognition, misrecognition, and exploitation. These harms are explored through a continuation of the example of companies and sports teams appropriating Indigenous imagery and names. Introducing the politics of recognition, specifically G. W. F. Hegel and Frantz Fanon, to cultural appropriation offers a new way to understand and describe what cultures experience when their cultural property is appropriated. Lack of recognition can result in serious harms to cultures as they are silenced, made invisible, and stereotyped. After, the harm of exploitation is unpacked, and specific instances are presented. This section addresses how cultural appropriation is related to dispossession and can result in the loss of potential economic revenue and commodification. These three harms are then combined to explore the overall harmfulness of appropriation. Finally, suggestions are offered about how best to avoid cultural appropriation and appropriative harms.

Before moving on, it is important to note that harmful cultural appropriation claims most often come from marginalized cultures and that these claims carry a heightened normative importance. Marginalization occurs when a group is treated as insignificant, unimportant, and unworthy of respect. Means of marginalization are both direct and indirect including discrimination, social exclusion, and violence. Marginalized groups are particularly susceptible to cultural appropriation as they are denied the recognition and resources afforded to others and, indeed, we see the vast majority of cultural appropriation claims coming from marginalized cultures. As such, it is important to consider the context of cultural appropriation claims and how they relate to broader socio-economic and political struggles; not to do so

would be to fundamentally misconstrue the debate as one occurring between two parties with the same opportunities and, therefore, to play into the further oppression of marginalized groups.

### **Defining culture, cultural property, and cultural appropriation**

In order to consider whether cultural appropriation is harmful, it is necessary to understand cultural appropriation and the closely associated concepts of culture and cultural property.

Since a more thorough examination of these terms is beyond the scope of this paper, I pull from common definitions while qualifying and identifying potential problems as necessary.

Charles Taylor describes culture as having “a language and a set of practices which define specific understandings of personhood, social relations, states of mind/soul, goods and bads, virtues and vices, and the like” (1992, 205). I would add that cultures are not static, but hybrid.

Whether it be due to interactions with new peoples, technologies, or environments, cultures rarely remain the same throughout time. A culture that attempted to stay eternally true to one definition of itself would seem to be problematic as it would involve essentializing the culture to match one reified definition and policing cultural members to match that definition (Appiah 2005; Benhabib 2002). Culture does not, however, need to be defined in an essentialist way if the hybrid nature of culture is recognized. Alan Patten, for instance, promotes a non-essentialist definition of culture that focuses on social lineage or how culture is “constituted by the exposure by some group of people to a common and distinctive set of formative conditions” (2011, 741).

There are a number of normative justifications for culture including those from communitarians (Taylor 1992) and liberals (Kymlicka 1995), in addition to others who are concerned with the resulting oppression when people's freedom to things like culture is interfered with or denied (Pettit 1997). These accounts take the view that culture carries meaning for individuals and so the ability to engage with one's culture must be secured. Will Kymlicka, for instance, argues that culture is a primary good (1995). Primary goods are:

various social conditions and all-purpose means that are generally necessary to enable citizens adequately to develop and fully exercise their two moral powers [capacities for a sense of justice and a conception of the good], and to pursue their determinate conception of the good. (Rawls 2001, 57)

Since primary goods are something that all individuals want, even on a "thin" conception of the good, it is possible to assess how just a society is based on the distribution of these primary goods. Culture being denied, degraded, or destroyed is thus harmful, while culture being protected helps to promote an individual's ability to pursue their idea of the good and, therefore, their agency.

A strong element in the persistence and growth of culture is cultural property. It is in part through cultural property that cultures are able to protect and embody their specific understandings of the world, including the possible sacredness of certain pieces of property.

Janna Thompson defines cultural property as:

Something is the cultural property of a collectivity if and only if a) it was legitimately acquired by the collective or its members – that is, not taken without consent or justification from others — or possession of it has been made legitimate by changes in circumstances; b) the item plays an important role in the religious, cultural or political life of people of the collectivity by functioning as a symbol of collective ideals, a source of identity for its members, as a ceremonial object, a focus of historical meaning, an expression of their achievements, or as a link with founders or ancestors. (2003, 252)

Questions around cultural property include how a culture could own property and how ownership is ascertained (Brown 2003; Coombe 1998; Mezey 2007). While a fuller discussion on determining cultural property is not possible here, I do not believe it should hinder our consideration of appropriative harms. Understanding how and why cultural appropriation could be harmful may indeed help us in more detailed conversations around ownership of cultural property. Furthermore, there are instances, as detailed herein, where it is accepted that something is cultural property but the harmfulness of appropriating that property is denied.

Cultural appropriation is often defined as the “taking – from a culture that is not one’s own – of intellectual property, cultural expressions and artifacts, history and ways of knowledge” (Keeshig-Tobias 1992). There are at least three forms of cultural appropriation identified in the literature: subject appropriation, content appropriation, and tangible object appropriation (Young 2008). Subject appropriation consists of a representation of culture by an outsider, for instance a cultural outsider writing a book about the culture. Content appropriation involves an outsider presenting cultural property as their own or utilizing pieces of cultural property for their work. Appropriation of Indigenous imagery and names for team names and mascots is an example of content appropriation. Finally, tangible object appropriation occurs when an outsider takes physical items from the culture. Tangible object appropriation is one of the most well-known forms of cultural appropriation. Its history stems from the taking of land, artifacts, and human remains; many of which are now in museums.

### **Three potential harms of cultural appropriation**

The harms detailed below are intertwined, though not necessarily so, and mutually reinforcing. I separate out these harms, however, as they are not reducible to one another. That is to say, the exploitation cultures experience is not exclusively due to cultural nonrecognition or misrecognition. Likewise, there may be cases where cultures experience nonrecognition or misrecognition without consequent exploitation. Distinguishing between these harms and whether or not each is occurring can help in determining the potential harmfulness of cultural appropriation.

#### ***Recognition***

To understand why nonrecognition and misrecognition are harmful, one must first have an idea of what recognition is and what it confers. Theorists of recognition largely draw on Hegel. In comparison to a social ontology that views individuals as formed prior to social interaction, Hegel notes that identity is formed in dialogue with others (1977). He writes that “[s]elf-consciousness exists in itself and for itself, in that, and by the fact that it exists for another self-consciousness; that is to say, it is only by being acknowledged or ‘recognized’” (Hegel 1977, 178). What Hegel is referring to is the way in which knowledge of oneself relies, in part, on recognition from others. It is through engagement with others and other’s perceptions that an individual comes to form an understanding of themselves. That is not to say other’s formulations about the individual fully determine that individual’s consciousness. Rather, the individual reworks and plays with these materials. Hegel’s contribution to political theory was

to assert the impact that others have on consciousness. Individuals are not formed in separation from others around them, they are a negotiated presence amongst them.

Since a sense of personhood relies on recognition, denial of recognition can feel like self-negation and carries significant personal and social consequences. Nancy Fraser argues that “[t]he ‘struggle for recognition’ is fast becoming the paradigmatic form of political conflict in the late twentieth century. Demands for ‘recognition of difference’ fuel struggles of groups mobilized under the banners of nationality, ethnicity, ‘race,’ gender, and sexuality” (1995, 68). These demands come in response to the denial of recognition through nonrecognition and misrecognition. For our purposes, we will focus on cultural nonrecognition and misrecognition. Nonrecognition occurs when a culture is rendered voiceless or invisible through structural power relations. Misrecognition, on the other hand, arises when cultural groups are routinely labeled in a skewed and disrespectful way. Often, misrecognition involves the production and use of stereotypes. Taylor argues that both nonrecognition and misrecognition constitute harm as:

our identity is partly shaped by recognition or its absence, often by the misrecognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being. (1992, 25)

Fanon further captures how people suffer psychological harm when others ignore or demean them since this lack of recognition or distorted recognition can become internalized and result in self-loathing (2008).

## ***Nonrecognition***

There are two main processes of nonrecognition that can be present with cultural appropriation: voicelessness and invisibility. The *aphonia* or voicelessness that occurs in nonrecognition can be seen as a form of epistemic injustice as cultural members' epistemic contributions regarding their culture and cultural property is prejudicially denied or ignored (McConkey 2004). In cultural appropriation, it is specifically cultural property ownership claims that are denied. While it is possible, and necessary, to question cultural property and appropriation claims, nonrecognition involves ignoring the claim and appropriating the material without regard to the culture. Cultures reasonably have a concern here as their proposed property claims are being prejudicially discounted. Of particular concern is the background relations of power as it is mainly the property claims of marginalized cultures that are not respected. Akin to the land taken through past and current colonial acts, cultural property is believed to be unowned and available. Deborah Root argues the assumption of availability in cultural appropriation is due to a sense of entitlement – “If we think we already own something, why would we ask anybody's permission to take it?” (1996, 72). We is relevant here as it is the privileged who determine what is available for the taking while other voices are silenced or ignored.

Invisibility, in comparison to voicelessness, focuses on how cultural groups are erased in the media and more broadly in society. Referring back to the appropriation of Indigenous imagery and names by sports teams, it is important to consider the overall lack of media representations of Indigenous Peoples, both in quantity and quality (Mastro et al. 2015). The psychology of invisibility developed by Stephanie Fryberg and Sarah Townsend shows how a

lack of representation in the media can limit the social identities available to a person (2008). Individuals are formed in part through their engagement with the social environment and the possible ways of being that are presented to them. Lack of media representation can, therefore, constrain the amount of ideas or images individuals have to orient themselves in the world (Fryberg and Eason 2017). Some groups, like white individuals, have an abundance of contemporary representations in media, so they have multiple references for ways of being (e.g., artist, doctor, teacher, scientist). In comparison, Indigenous Peoples are commonly portrayed as eighteenth century figures like Pocahontas or a warlike figure. A content analysis of the 345 most viewed US primetime television shows between 1987 and 2008 found that only 3 regular characters out of 2336 (0.001%) were Indigenous (Tukachinsky, Mastro, and Yarchi 2015). There is a dual consequence for this lack of recognition that impacts both Indigenous Peoples and other's understandings of Indigenous Peoples:

These historical omissions keep Natives from recognizing that the struggles their group experiences are based on an ongoing process of oppression, rather than their own individual shortcomings; and non-Native individuals may not recognize the ways in which their attitudes and actions may be biased by a sterilized history that romanticizes the relationship between Native Americans and European Americans. (Fryberg and Eason 2017, 556)

Nonrecognition results in cultural members and their epistemic contributions not being acknowledged. It propagates dispossession as cultural property is seen as available for the taking and it heightens misrecognition as there are not various voices and ways of being available to combat stereotypes.

## ***Misrecognition***

Misrecognition occurs when a culture is essentialized or confined to a set of properties. Often, misrecognition takes the form of stereotypes. When these stereotypes are pervasive, they are extremely difficult to contest as they seem natural and, thus, unnoticeable. Daniel Hausman finds that:

Stereotyping harms members of some identifying group mainly by affecting the beliefs and hence the actions of non-group members ... it operates on a structured group mainly by influencing the attitudes of group members or by changing the material circumstances with which the group must deal. (2008, 161)

The possible consequences of stereotyping are threefold: (1) it causes non-group members to view the group stereotypically, (2) it influences group members to view themselves and the group in a stereotypical manner, and (3) it changes the sociopolitical environment within which the group lives and works.

Consider the case of sports teams appropriating their names and mascots from Indigenous Peoples. These teams tend to promote the image of Indigenous Peoples as warlike fighters or noble savages (Black 2002). A study by John Chaney, Amanda Burke, and Edward Burkley found that individuals often have a negative implicit bias toward these mascots as people find them unpleasant (2011). Their finding contradicts claims that these mascots honor and appreciate Indigenous Peoples. Their study further sought to see if the negative implicit bias towards mascots would lead to stereotyping of American Indian people. To do so, they measured participants' implicit bias towards American Indian mascots and then told participants that they would be working with an American Indian partner to complete a variety of tasks. They found that a negative stereotype bias toward American Indian mascots predicted how participants assumed their American Indian partner would enjoy nonacademic tasks

(cultural and environmental tasks) over academic tasks (math and verbal tasks). Furthermore, those who held a stronger negative bias towards American Indian mascots were more likely to perceive their American Indian partner in a stereotypical manner. Their findings show how stereotypes, even when not explicitly known or stated, affect the lives of others. In this study, the impacts directly relate to educational and occupational limitations as Indigenous Peoples are less likely to be considered as enjoying academic tasks. In other cases, the impacts of misrecognition through stereotyping could include an increased risk of imprisonment, child welfare involvement, physical and mental health concerns, and (re)victimization.

When misrecognition becomes internalized, it can lead individuals to feel shame and self-loathing. A study by Stephanie Fryberg, Hazel Markus, Daphna Oyserman, and Joseph Stone found that exposure to stereotypical Indigenous mascots and representations (including Pocahontas and Chief Wahoo, former mascot of the Cleveland Indians) led to American Indian high school and college students feeling lower personal and community worth and having lower achievement-related expectancies (2008). To understand how internalization occurs, it is useful to turn to Fanon (2008). Although Fanon's work explores how misrecognition occurs in the context of race, his work applies to culture and has been used by Glen Sean Coulthard (2014) and Taylor (1992) in cultural analysis. Fanon argues that misrecognition has been an intentional weapon of colonizers and oppressors. These groups impose an image of inferiority upon perceived others by misrecognizing others while promoting the superiority of themselves. As an exemplification, Fanon describes an experience where a white child he passed on the street said: "Look, a N\*gro" followed by "*Maman*, look, a N\*gro; I'm scared!" (2008, 91). Fanon says that self-objectification is the result as "incapable of confronting the Other, the white man,

who had no scruples about imprisoning me, I transported myself on that particular day far, very far, from myself, and gave myself up as an object” (1992, 92). The objectification or depersonalization of people denies their own creation of meaning. In Fanon’s case, he shares that “Since I realize that the black man is the symbol of sin, I start hating the black man. But I realize that I am a black man” (2008, 174). This internalization of the oppressor’s prejudicial and hateful gaze can result in self-loathing and shame. It is, therefore, extremely limiting and harmful to well-being and self-esteem.

Nonrecognition and misrecognition through appropriation create a hostile environment wherein cultural groups are silenced or made invisible, and subject to stereotypes that impact their self-recognition and the recognition of others. Imbalanced access to resources furthers the impacts of appropriation as marginalized groups often do not have the social, political, and economic resources available to constantly battle nonrecognition and misrecognition. Still, many cultures have fought back against cultural appropriation and asserted their cultural understandings. One way we can see this is through the numerous repatriation claims made to have cultural property returned to cultures, including the activism that led to the passage of the Native American Graves Protection and Repatriation Act (Greenfield 2007; Gunn 2010). Another way is through the continued activism aimed at ending the appropriation of Indigenous imagery and names for mascots and logos (Wilbur and Keene 2019). Cultural appropriation, like other tools of oppression, can threaten and harm cultural groups but many cultural groups have shown their resilience in the face of such threats. Still, cultural resilience does not undermine the necessity of addressing the threat of appropriation and challenging oppression.

Before moving on to exploitation, it is worthwhile to pause and consider the objection that cultural appropriation is not harmful since it is done in appreciation of the culture and therefore offers the cultural group recognition. News outlets in particular often frame the issue of cultural appropriation as one of “Appreciation versus Appropriation” (Estrada 2016; Hosie 2018). By taking Indigenous imagery and names, corporations are said to be recognizing the beauty of the culture and promoting cultural understanding. Redsk\*ns owner Daniel Snyder has stated that “the name really means honor, respect” (ESPN 2014). Going a step further, it could be argued that *not* engaging in cultural appropriation is a form of nonrecognition since the contributions of cultures are not being recognized by outsiders.

However, the harms of nonrecognition and misrecognition give us strong reasons for doubting if cultural appropriation does engage in cultural appreciation and meaningful recognition. An individual painting their face and wearing a headdress to be like a mascot does not necessarily mean they will be aware of dilemmas faced by Indigenous Peoples. There is no automatic connection between engaging in cultural appropriation and knowing about or caring for the cultural group. While putting on a costume, for instance, may be an attempt to engage with or “try on” the culture, it is done on the terms of the appropriator and their interests. Furthermore, it is often done without an awareness of how cultural members may have been historically or are currently being denied the ability to express their culture. My account of appropriative harms allows us to respond to this objection by noting that recognition requires avoiding nonrecognition and misrecognition. Simply donning cultural apparel that one deems beautiful or that one appreciates is not recognition.

## ***Exploitation***

Exploitation is strongly related to recognition as material conditions, like distributive injustice, underlay recognition struggles (Fraser 2000). Exploitation occurs when cultural property is unfairly taken in a way that harms cultural members, while benefitting the appropriator. Exploitation, in this case, is structural since what matters is not only an unfair transaction between two parties, where say one cultural piece is undervalued in a face-to-face transaction, but rather a structural imbalance of power produced by injustice in the political and social environment (Zwolinski 2012). Appropriation masks power imbalances as it appears that society is accepting the culture since cultural imagery and names are being sold and shared widely but, in reality, these cultural materials may not reflect the culture accurately and most often do not financially benefit the culture. Exploitation theory is useful in showing how situations, like appropriation, that may appear to be just can indeed be harmful. I will focus on two exploitative harms: loss of economic potential and commodification.

Loss of economic potential occurs when cultural property is “wrongfully exploited for financial gain” (Ziff and Rao 1997, 14). The volume of economic potential taken could be very significant and even a driving force behind cultural appropriation, as evidenced in Joane Cardinal-Schubert’s statement: “Money, that is what appropriating is about. Whether the issue is land or art or iconography or ceremonial reliquiae, the focus of the deprivation is money” (1997, 122). Currently, profit is gained through the cultural appropriation of knowledge, medicines, exercises, spiritual practices, names, stories, styles of art, and pieces of tangible property sold or kept in museums. Even if cultures that were appropriated from did try to get into the market at this point, they would likely not be able to compete with large companies in

producing and disseminating distinctive goods from their culture (Perreault 2003; Radcliffe 2006).

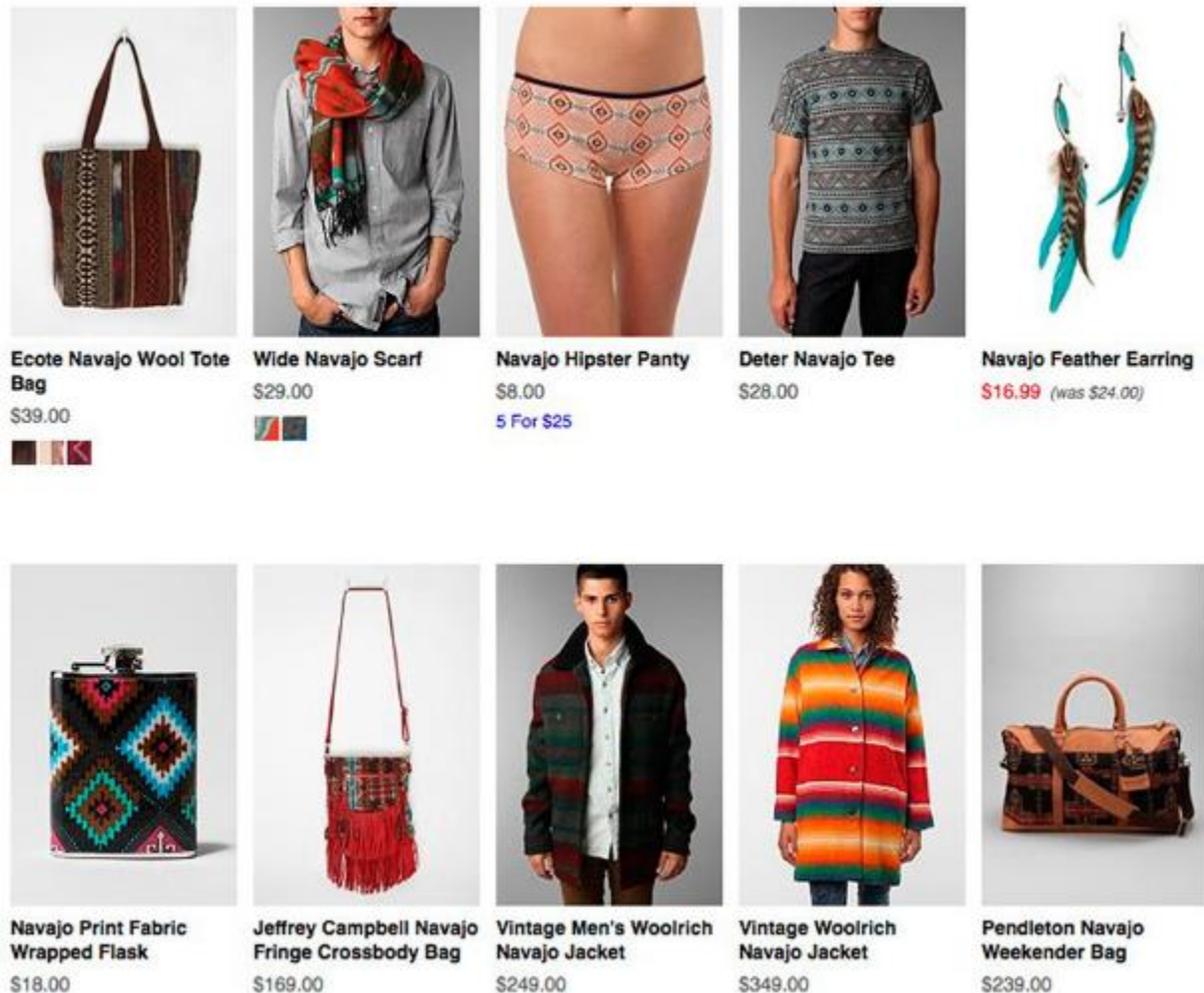
Appropriation from Indigenous Peoples for team names and mascots is, no doubt, related to money. These teams do not treat Indigenous Peoples as a contemporary group, but as a cipher for making money (Black 2002). One blatant example of this treatment is the appropriation of Chief Illiniwek, the former mascot of the University of Illinois at Urbana–Champaign, in the production of toilet paper. Clem Iron Wing, an Illini Native, shares that:

The eagle feather (which accompanies Chief Illiniwek) is the primary religious symbol of the American Indian. We would like to know how many persons of faith would like their religious symbols used to wipe human excrement?...Remember the brown stain on the eagle feather and you will know what their honor means. (as quoted in Black 2002, 612)

While corporations claim that they are respecting or honoring Indigenous Peoples through appropriation, examples like this call into question if appropriation is little more than a money-making tactic.

A further example can be found in appropriations of Indigenous imagery and names by Urban Outfitters, a lifestyle retailer based in the USA (Keene 2010; Riley and Carpenter 2016). Often under the label of “Navajo,” they have dreamcatchers, moccasins, totem poles, Pendleton blankets, and headdresses (see **Figure 2**). Many of these pieces by Urban Outfitters were not commissioned by those in the Indigenous community and the profits did not go back to Indigenous Peoples. When Urban Outfitters takes and sells these products without consultation and consent of the culture, they seize a large source of potential direct revenue from the culture (CBC Unreserved 2016). They also make it more difficult and competitive for the Navajo Nation to sell distinctive goods with their name due to overcrowding and competition. Indeed, the Navajo Nation sued Urban Outfitters for trademark dilution in 2012

but their claims were denied as Navajo was deemed not famous enough to be eligible for protection (Moynihan 2018).



**Figure 2.** Screenshot of items labelled “Navajo” and sold by Urban Outfitters.

Note: Image is reprinted with permission. Screenshot taken by CULTURS (Patrick 2014).

Commodification, on the other hand, has more to do with how cultural property is transformed into a commodity through appropriation. Commodification is explored by Michael Sandel in his book *What Money Can't Buy: The Moral Limits of Markets* (2012). Sandel notes two objections to commodification: the fairness objection and the corruption objection. The fairness objection captures how some individuals may be forced to sell their cultural property

as a result of the dire circumstances they are placed under due to colonialism, imperialism, and other forms of oppression. It may be dealt with through the establishment of fair bargaining conditions and consent. Going back to the case of Urban Outfitters, they did eventually reach a settlement with the Navajo Nation regarding their use of the “Navajo” name in the marketing of their products. While the details of the settlement are largely unknown, one piece agreed on was that the Navajo Nation would collaborate with Urban Outfitters to produce jewelry (Landry 2006). Here, the Navajo nation seemed most concerned about fairness. The production of Navajo necklaces was not objectionable. What was problematic was the lack of consultation, involvement, and reciprocity with the Navajo people.

The corruption objection, on the other hand, rejects the commodification of cultural property even if the background bargaining conditions are fair. When cultural property is bought and sold on the market, the property is encoded with market values and seen as a tool for profit. These market values can conflict with how the culture values the property as something meaningful or sacred. For instance, the appropriated Indigenous headdresses and war bonnets that are on mascots and donned by sports fans carry deep spiritual significance to many Indigenous Peoples, so they are not something to be bought and sold for everyday use (Keene 2010). When cultural property that is deemed to be uncommodifiable is taken and commodified, cultures have the ability to protect what is deemed to be most sacred to them hindered thus resulting in nonrecognition, misrecognition, and exploitation all at once.

The tendency to take and commodify cultural property is not an isolated phenomenon, but part of a broader system of dispossession. Rosa Luxemburg argues that the accumulation of capital requires that:

Force, fraud, oppression, looting are openly displayed without any attempt at concealment, and it requires an effort to discover within this tangle of political violence and contests of power the stern laws of the economic process. Bourgeois liberal theory takes into account only the former aspect: "the realm of peaceful competition", the marvels of technology and pure commodity exchange; it separates it strictly from the other aspect: the realm of capital's blustering violence which is regarded as more or less incidental to foreign policy and quite independent of the economic sphere of capital. (1968, 453)

Luxemburg highlights how appropriation is often guised in the rhetoric of cultural sharing or commodity exchange, when it is, in fact, only obtained through dispossession. Her point again challenges those who argue that appropriation is an example of cultural sharing or appreciation (Page 2017). Those promoting this view tend to present appropriation as occurring in cultural markets where merchants willingly share their distinctive goods and histories. To them, appropriation is a positive aspect of globalization and enables creativity and innovation (Lessig 2008). Rather than a positive exchange, Luxemburg shows how appropriation is part of ongoing colonial and imperial practices where groups have their bodies, land, and property violently taken from them. Instead of promoting creativity and innovation, appropriation simply steals and reproduces cultural property.

Overall, we should be wary when seeing cultural goods up for sale. Who is it that produced the good? Who is receiving the profits from the sale? Were fair bargaining conditions in place? Is it something that should be sold? The answers to these questions result in serious consequences for cultures that face exploitation due to loss of economic potential and commodification.

### ***Combining the three potential harms***

The three potential harms I identify must fit into a broader account of harm to explain why cultural appropriation may be harmful. One popular account of harm is consequentialism wherein actions are judged by the consequences they produce. The three potential harms and their consequences detailed herein would seem substantial enough on a consequentialist account for cultural appropriation to be considered harmful, especially given that the cultures appropriated from are likely to be those most marginalized. I believe that other accounts of harm would similarly come to this conclusion. For example, consider the counterfactual account of harm where harm is a *wrongful* setback to interests (Feinberg 1984, 36). If we have an interest in being recognized, as Hegel argues we do, then misrecognition and nonrecognition are a setback. We furthermore all have an interest in economic security, so appropriation from marginalized cultures who are often in a precarious financial position is obviously a setback to their interests.

Judging if cultural appropriation is harmful, and potentially how harmful, requires considering whether the potential harms listed herein are present. Each potential harm may not be present in every case of cultural appropriation. Furthermore, how the potential harm operates within individual cases of cultural appropriation may differ as well. It may be, for instance, that some cases of cultural appropriation are extremely exploitative due to their explicit and undeniable commodification of cultural property and that these cases also engage in blatant nonrecognition and misrecognition through prejudicial stereotypes. Other cases, in comparison, maybe more blurred so that there appears to be recognition but there is still exploitation as profits do not go to the culture recognized. As such, the application of these

potential harms will look different depending on the case of cultural appropriation under examination. This is a benefit to my theory as it has the ability to analyze and respond to diverse cases of appropriation, as opposed to saying that cultural appropriation is always equally harmful.

Overall, my account of the potential harms in cultural appropriation takes seriously that cultural appropriation is a distinct phenomenon that needs to be addressed. My claim differs from other cultural appropriation scholars like James Young who argue that cultural appropriation may not result in oppression or that it only does so to a limited extent. Young states that:

Some people will find my conclusions objectionable on the ground (which I acknowledged at the outset of this essay) that appropriation from indigenous cultures is common and these cultures are often terribly disadvantaged. This oppression is deplorable but the appropriation of artistic content has contributed comparatively little to the oppression of indigenous peoples. (2008, 152)

Young argues that the real issue is not appropriation but the marginalization or oppression of Indigenous groups. What he misses is how appropriation is a tool of oppression with a distinct history and means of operating. Cultural appropriation carries very real dangers in the form of nonrecognition (voicelessness and invisibility), misrecognition (stereotyping and self-loathing), and exploitation (potential economic loss and commodification). Any worthwhile account of appropriation must, therefore, deal with and respond to these specific harms even though they operate within a broader context of oppression.

### **How to avoid cultural appropriation**

A question remains about whether cultural appropriation, and its associated harms, could ever be completely avoided. One suggested way to avoid cultural appropriation is to seek permission

to use cultural property. In order to assess how gaining permission impacts the potential harmfulness of cultural appropriation, it is useful to investigate an example. Based on a real-life scenario, the Intellectual Property Issues in Cultural Heritage Project explores a case study of Indigenous imagery and names being appropriated by game designers (2015). The game designers wanted to create a board game about Māori warriors and sought permission from a Māori elected official for their project. By seeking permission, the game creators better enabled recognition to occur since the Māori were acknowledged so nonrecognition was addressed. There was also the possibility to address misrecognition as the culture could grant permission only when they are being properly recognized without stereotypes. The harm least likely to be addressed through permission is exploitation. While seeking permission can minimally ensure that the cultural property is not something that should not be commodified, it does not necessarily involve the sharing of economic benefits.

Although seeking permission to take cultural property is certainly better than not doing so, there are still a number of issues that permission alone does not address. First, as already detailed, a lot depends on how permission is gained including whether there is review for misrecognition and whether financial benefits are shared. These are not pieces that permission can guarantee. Second, permission may not always be gained in a free and fair way. Sandel highlighted the necessity of fair bargaining conditions with his focus on the fairness objection (2012). If the background conditions are such that the group is forced to give permission due to financial constraints or undue pressure, then permission was not fairly gained. Third, there may be questions about whether the person or organization granting permission has the authority to speak on behalf of the culture. This issue came up in the Māori warrior board game case

study (Intellectual Property Issues in Cultural Heritage Project 2015). When the game was released, there were a series of problems including misspellings of Māori names, the problematic inclusion of sacred deities, and some non-Māori motifs. Questions arose about who would permit the game and it came out that permission was only obtained by an individual who was not regarded as a cultural steward and so was unauthorized to grant permission. Thus, what seemed like a promising instance of avoiding cultural appropriation turned out to still have harmful effects.

The difficulty with obtaining permission points to the complexity, but not impossibility, of avoiding cultural appropriation. The best way to ensure that cultural appropriation is not harmful is to put the work into building cultural knowledge, fostering relationships, and following cultural protocols; these are pieces that the game developers above missed. An example where cultural appropriation was avoided is the video game *Never Alone* (also known as *Kisima Ingitchuna* in Iñupiaq) initiated by the Cook Inlet Tribal Council (March 2015). The Council partnered with E-Line Media, a non-Indigenous owned company, to produce a game based on an Iñupiaq story “Kunuksaayuk” that they gained permission to share and alter. The Council was motivated to create *Never Alone* to become “more financially self-sufficient” and to transfer “cultural knowledge from one generation to the next” (March 2015). These motivations speak directly to what is lost when something is appropriated: potential financial gain (exploitation) and recognition.

*Never Alone* does not seem like an instance of cultural appropriation because there was partnership from beginning to end. It was the Council that initiated the relationship with the company, there was extensive consultation throughout, and the release of the product was

done under E-Line Media and Upper One Games, the first Indigenous-owned game company created with help from the Council. In creating the game, there was a cultural ambassador, Amy Fredeen, and the lead writer, Ishmael Hope, was a storyteller and poet of Iñupiaq and Tlingit heritage. The E-Line Media team also made visits to Alaska to hear stories and seek images for the game, in addition to sharing their progress. Doing so involved some learning and changes as ideas were discussed and reformulated. The Founder and President of E-Line Media shares how: “When people hear about the game, they think that we went and made a game about the Alaska Natives culture. That’s not really true. We made our game with our Alaska Native partners” (Hudson 2015).

While *Never Alone* avoided cultural appropriation, the example also highlights how easily a project can veer into harmful cultural appropriation. When the E-Line Media team first started exploring Indigenous characters in video games, they found that “[i]t ran the gamut from being terrible stereotypes to just appropriation” (March 2015). The most common experience seems to be companies unilaterally deciding to use Indigenous imagery and names without any consultation, recognition, or compensation. This could have been the case if E-Line Media simply decided to create the story or use the story without partnership. Another issue is when permission or discussion occurs at the beginning of the process but does not continue throughout the project. For example, E-Line Media Producer Matt Swanson shared how the villain of the game changed from a raven after input from the community:

As Westerners, we have lots of stories where [the raven] is a trickster character, and things like that. And they pushed back on that and said, ‘Look, that’s not really culturally appropriate. The raven in our culture is a much more sort of sacred character’. (March 2015)

If that review and partnership were not present then the resulting product could have involved harmful cultural appropriation even with permission. What seems to make the difference then is not exclusively permission but full and equitable partnership.

Ultimately the best way to avoid appropriative harms is to avoid cultural appropriation. Doing so involves partnership from conception to completion of the product or project. It is through acknowledgement and consultation that misrecognition and nonrecognition can be avoided. Likewise, partnership can ensure that the property is something that can be commodified without corruption and that there is sharing of the economic benefits. Interestingly, what seems to have worked in terms of the partnership for *Never Alone* also aligns with existing work on Community-Based Participatory Research (CBPR) that focuses on “collaborative, equitable partnership in all phases” and “co-learning and capacity building among all partners” (Israel et al. 2012). Engagement with CBPR work and principles may, therefore, be a fruitful avenue for future considerations on how to avoid cultural appropriation, especially as it relates to academic research and writing (Haig-Brown 2010).

## **Conclusion**

This paper has answered the question: Does cultural appropriation cause harm? I identify three potential harms: nonrecognition, misrecognition, and exploitation. Nonrecognition and misrecognition pull on Hegelian notions of how individuals are dialogically formed and how a lack of recognition or misrecognition can be harmful. When cultures are seen as no more than mascots and when cultures are stereotyped, they are dehumanized. There is no need to know or understand them because meaning is imposed upon them. Exploitation is a related harm in

that outsiders profit from the efforts and labor of cultures while denying them any benefits.

Cultural property is commodified for financial gain regardless of the culture's desires, and the money goes to those outside of the culture. These three potential harms serve as a guideline to understand and assess instances of cultural appropriation. They lead to the finding that cultural appropriation is harmful, despite claims that cultural appropriation recognizes and appreciates cultures.

Generally, addressing the potential harms of cultural appropriation requires broad social, political, and economic reform. For cultures, they need to, and already do, fight against nonrecognition, misrecognition, and exploitation by asserting and reaffirming their self-determination (Eason, Brady, and Fryberg 2018). Doing so can involve several means including awareness campaigns, intellectual property rights, and activism. For those who are engaging in cultural appropriation, or attempting to avoid it, there is a need to partner with cultures. As shown, it is through partnership that the harms identified can be avoided. For policy makers and lawyers, there is a need to work with cultures to consider if and how we can use law and policy to protect against these harms. For researchers, there is a need to investigate and challenge cultural appropriation, including how it occurs in academic institutions. For consumers, there is a need to investigate and be aware of what they are buying, where it is coming from, and who is benefitting from its sale. This paper contributes to these efforts by offering the tools to name and describe the potential harms associated with cultural appropriation and by suggesting a means through which cultural appropriation can be avoided.

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