

Cultural Appropriation and the Intimacy of Groups

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What could ground normative restrictions concerning cultural appropriation which are not grounded by independent considerations such as property rights or harm? We propose that such restrictions can be grounded by considerations of intimacy. Consider the familiar phenomenon of interpersonal intimacy. Certain aspects of personal life and interpersonal relationships are afforded various protections in virtue of being intimate. We argue that an analogous phenomenon exists at the level of large groups. In many cases, members of a group engage in shared practices that contribute to a sense of common identity, such as wearing certain hair or clothing styles or performing a certain style of music. Participation in such practices can generate relations of group intimacy, which can ground certain prerogatives in much the same way that interpersonal intimacy can. One such prerogative is making what we call an appropriation claim. An appropriation claim is a request from a group member that non-members refrain from appropriating a given element of the group's culture. Ignoring appropriation claims can constitute a breach of intimacy. But, we argue, just as for the prerogatives of interpersonal intimacy, in many cases there is no prior fact of the matter about whether the appropriation of a given cultural practice constitutes a breach of intimacy. It depends on what the group decides together.

The popular debate over cultural appropriation tends to polarize around two positions. At one extreme is *universal entitlement*: the view that anybody may appropriate anything they like from other cultures within the boundaries of property law, including musical styles, hair styles, and religious dress. Defenders of this view often cite the value of cultural interchange and freedom of expression, and claim that more restrictive views are stifling to art, speech, and culture. On the other extreme is *universal restrictiveness*: the view that cultural appropriation from marginalized groups is impermissible. Defenders of this view cite the vulnerability of marginalized groups and the fact that appropriation typically benefits the dominant group rather than the marginalized

group. We take both of these extreme positions to underestimate the complexity of the issue. The goal of this paper is to chart a middle path, which will integrate considerations from both sides.¹

Much of the academic discussion of cultural appropriation has focused on the appropriation of unique physical objects.² Questions about this sort of appropriation hinge on issues of property rights. Outside of the academy, the contemporary debate over cultural appropriation has been primarily concerned with cases that do not appear to be analyzable in terms of property rights. A major focal point of this debate has been the phenomenon of *style appropriation*—that is, the use of stylistic cultural innovations distinctive of one culture by members of another culture, including hairstyles, fashion, cooking techniques, musical styles, and slang.³ What could ground normative restrictions concerning style appropriation, given that it does not appear to involve the violation of property rights?

We propose that in many cases, such restrictions can be grounded by considerations of *intimacy*. Consider the familiar phenomenon of interpersonal intimacy. Certain aspects of personal life and interpersonal relationships are afforded various protections in virtue of being intimate. It would in many cases be considered an unacceptable breach of intimacy, for example, to read someone else's love letters. Crucially, the protections afforded by interpersonal intimacy can be insisted upon or waived by the participants in an intimate relationship. A couple may decide to keep their love letters entirely private, or they may decide to read the letters to a close circle of

¹ The term “cultural appropriation” is often used pejoratively; our usage is neutral. We prefer this valence-neutral usage because it accommodates without a proliferation of terminology the possibility that some forms of appropriation are ambiguous, unproblematic, or even laudable. See, for instance, Andrea Walsh's and Dominic Lopes's very useful account of the laudable re-appropriation of racist colonial imagery by First Nations artists (Walsh and Lopes 2009).

² For example, in the most recent philosophical anthology on cultural appropriation, the majority of essays take up questions of physical appropriation of physical remains and archeological finds, or slightly more esoteric forms of property ownership – such as ownership of genetic information, or intellectual property (Young and Brunk 2012).

³ James Young discusses other types of appropriation, including content appropriation, which involves borrowing the content of artistic works, stories or myths of another culture (Young 2010, 6). Young also discusses what he calls ‘subject appropriation’, which involves adopting another culture or group as subject matter. For example, a white American author engages in subject appropriation when they write a book from the point of view of a Black African character. We take this to be a distinct phenomenon and don't explore it directly in this paper. We do think, however, that our account would be a promising starting point for an analysis of the norms surrounding subject appropriation.

friends, or they may publish them for the world to see. The permissibility of reading a couple's love letters hinges on what the romantic partners decide together about whether others may read it.

We argue that an analogous phenomenon exists at the level of large groups. In many cases, members of a group engage in shared practices that contribute to a sense of common identity, such as wearing certain hair or clothing styles or performing a certain style of music. Participation in such practices can generate relations of *group intimacy*, which can ground certain prerogatives in much the same way that interpersonal intimacy can. One such prerogative is making what we call an *appropriation claim*. An appropriation claim is a request from a group member that non-members refrain from appropriating a given element of the group's culture. Ignoring appropriation claims can constitute a *breach of intimacy*. But, we argue, just as for the prerogatives of interpersonal intimacy, in some cases there is no prior fact of the matter about whether the appropriation of a given cultural practice constitutes a breach of intimacy. It depends on what the group decides together. One group may decide that it very much objects to outsiders appropriating its religious musical style, while another group may permit or actively encourage such appropriation by outsiders. In the first case appropriation would constitute a breach of intimacy, whereas in the second case it would not.

We proceed in four stages. In section 1, we discuss the varieties of appropriation claims that are frequently made and the arguments that are offered to support them. We argue that many appropriation claims are *expressive* in nature and that further explanation is needed as to why such claims have normative significance. In section 2, we give an account of the way in which considerations about interpersonal intimacy can have normative significance and argue that this account can plausibly be extended to the case of group intimacy. In section 3, we consider the normative implications of the intimacy account. We argue that the intimacy account supports a context-dependent normative outlook and militates against the extreme positions in either

direction. In section 4, we consider problems for the intimacy account and suggest directions for further research.

Section 1: Preliminaries

There is a complex debate underway about cultural appropriation, manifested in the thousands of think pieces, blog posts, editorials, tweets, and academic papers concerning the topic that have been published over the last several years. The arguments commonly offered to support appropriation claims can be divided roughly into three categories:

- Arguments based on the harmfulness of cultural appropriation (harm arguments)
- Arguments based on the objectionable symbolism of cultural appropriation (objectionable symbolism arguments)
- Arguments holding that appropriation claims by members of the relevant group—regardless of justification—generate a sufficient reason not to appropriate (claim deference arguments)

We distinguish between two types of appropriation claims: expressive and independently grounded. An expressive claim expresses the wish of a group member that outsiders refrain from appropriating a given cultural element, and need not cite a rationale. Independently grounded appropriation claims, on the other hand, identify an independent rationale for others abstaining from the relevant form of appropriation. There are analogous types of claims elsewhere in the normative world. “Please don’t touch me,” is an expressive claim – the very fact that I don’t want you to touch me and have said so grounds its normative force. One need not offer a rationale to support such a claim or to ground its normative force. On the other hand, “Physical contact gives me hives, so you shouldn’t touch me” is an independently grounded claim. It reports a fact independent

of the claim itself that grounds its normative force. An independently grounded claim stands or falls with its rationale. If the rationale could be debunked, the claimant should abandon the claim. An expressive claim, on the other hand, stands without need for a rationale. One can deny that an expressive claim has normative weight, but its expressive content does not normally admit of direct contestation. One can deny that someone's wish not to be touched has normative force, for instance, but it would normally be out of place to deny that the person in fact wishes not to be touched.

The first type of argument given in support of cultural appropriation claims is based in considerations of *harm*. Claims supported by such arguments are the clearest examples of independently grounded appropriation claims. Harm arguments hold that some forms of cultural appropriation cause harm to members of the culture that is being appropriated from. These arguments typically deploy the premise that historical oppression has rendered some groups particularly vulnerable to being harmed through cultural appropriation. A wide variety of potential harms are often cited, including the promotion of harmful stereotypes,⁴ the dilution or erasure of important cultural practices,⁵ epistemic injustice,⁶ intellectual property theft,⁷ the taking of economic opportunities that are thereby closed off to cultural insiders,⁸ and even the annihilation of the group.⁹ We do not doubt that such arguments often identify genuine harms. For instance, it is clear that appropriating from marginalized groups in a way that negatively stereotypes them can play a causal role in perpetuating or worsening oppression. On a case by case basis, if a form of

⁴ <https://www.thoughtco.com/cultural-appropriation-and-why-its-wrong-2834561>; discussed in (Young 2010, 107-113).

⁵ Baraka on cultural genocide discussed in (Gracyk 2001, 113) and (Young 2010, 118-120).

⁶ (Matthes 2016).

⁷ See "Of Seeds and Shamans" and "Native American Intellectual Property Rights: Issues in the Control of Esoteric Knowledge" in (Ziff and Rao 1997).

⁸ See Briahna Joy Gray on cultural exploitation: <https://www.currentaffairs.org/2017/09/the-question-of-cultural-appropriation>. Also: <https://www.npr.org/sections/thesalt/2016/03/22/471309991/when-chefs-become-famous-cooking-other-cultures-food>; discussed in (Young 2010, 114-118).

⁹ Elizabeth Coleman argues for restrictions against use by outsiders of certain images from aboriginal paintings. Such images, says Coleman, can count as insignias, which have an essential social function, much like heraldic devices or official stamps. Such insignias can only perform their social function when their use is restricted to authorized persons. In the cases of highly threatened groups, such as aboriginal groups, the uncontrolled use of such insignias threatens the stability and survivability of the group (Coleman 2001).

appropriation can be shown to likely cause harm, then that fact has normative significance and should be weighed accordingly.¹⁰ But appropriation claims are often made in the absence of evidence of harm. Thus, harm arguments are only able to ground a limited range of claims. What might ground an appropriation claim, even in the absence of evidence of harm?

The second type of argument given in support of appropriation claims is what we call an ‘objectionable symbolism argument’. Objectionable symbolism arguments hold that when a group is suffering under oppressive power structures, members of dominant groups should avoid appropriating from the oppressed group in a manner that draws attention to the power imbalance and the way it benefits the appropriator. For example, take the case of dreadlocks. Black Americans face a systematic disadvantage on the labor market. In order to meet norms of respectability, they are under pressure not to wear hairstyles that signal Blackness.¹¹ But white people can appropriate Black hairstyles and be seen as “cool” or “edgy” while still enjoying a variety of social and economic advantages. It is seen as distinctly unfair for members of an advantaged group to benefit in this manner from the cultural innovations of the oppressed. This sense of unfairness cannot plausibly be analyzed in terms of the *property rights* of the group being appropriated from. A group cannot own a hairstyle. The offending unfairness lies rather in the background power dynamics that are symbolically enacted by cultural appropriation.¹² A white person wearing dreadlocks can be interpreted by a Black onlooker as symbolically enacting the dynamics of white privilege. In this case, white people use Black cultural innovations as fashion accents with impunity while Black people who display such indicators are denied social respect and economic opportunity.

Another example is the sale of imitation Native American war bonnets as fashion accessories by retailers such as Urban Outfitters. Many Native American commentators have found

¹⁰ Cf. (Young 2010, 153).

¹¹ <http://www.blackenterprise.com/career/dreadlocks-ban-corporate-success-stories/>

¹² See Briahna Joy Gray on cultural disrespect: <https://www.currentaffairs.org/2017/09/the-question-of-cultural-appropriation>

the symbolism of this practice severely objectionable.¹³ War bonnets have special cultural meaning, and are traditionally only worn by highly respected individuals who have earned the privilege of wearing them. When a white person wears an imitation war bonnet as a fashion accessory, a Native American onlooker might take their appropriation to symbolically enact the dynamics of colonialism, because it is a further instance of white people taking from Natives without permission. White Europeans invaded North America, ignored treaties and inflicted atrocities for hundreds of years, created conditions where Native Americans face systematic disadvantages, and now add insult to injury by appropriating a garment that has special meaning for many tribes despite objections from tribal members.

We find it plausible that considerations of objectionable symbolism can sometimes be the basis for independently grounded appropriation claims. As philosopher James Young has argued, this is especially true for cases where appropriation causes profound offense.¹⁴ By ‘profound offense,’ Young means that which is offensive to one’s *moral* sensibilities.¹⁵ He thinks that when an act is widely found to be profoundly offensive, this provides a *prima facie* reason to believe that it is morally wrong.¹⁶ On his account, these reasons are decisive in cases of appropriation where members of the relevant group widely agree that the act is profoundly offensive and where there are no sufficiently strong countervailing considerations.¹⁷ Young cites as examples murals in the Parliament Buildings in Victoria, British Columbia by George Southwell.¹⁸ One of these murals depicts a bare-breasted indigenous woman working on the construction of Fort Victoria, while another, titled *Justice*, depicts an indigenous person arraigned before a colonial judge. We think that claims concerning such extreme cases could count as independently grounded, even bracketing considerations of harm. Southwell’s murals are so clearly objectionable because the meaning of the

¹³ <http://nativeappropriations.com/2010/04/but-why-cant-i-wear-a-hipster-headaddress.html>

¹⁴ (Young 2010, 129-151).

¹⁵ (Young 2010, 130).

¹⁶ (Young 2010, 134).

¹⁷ (Young 2010, 146).

¹⁸ (Young 2010, 131).

symbols is fixed by the historical context.¹⁹ There is no available interpretation of these symbols that is not profoundly offensive.

The majority of cases, however, are not nearly so clear; most symbols and symbolic acts are open to a range of interpretations. In many cases, an act of appropriation *could* be taken to be objectionable, but group members do not in fact find it to be objectionable. Consider, for instance, David Bowie's influential take on soul music. This act of appropriation and its resounding popularity *could* be interpreted as objectionably enacting the dynamics of white hegemony, but could also be celebrated as a mutually beneficial cultural exchange, as it has been by those Black writers who point to Bowie as an exemplar of how to borrow from other cultures without causing offense.²⁰ Consider, also, divides in the Indian community over the appropriation of the sari: some view it as insulting; others celebrate it as signaling the mainstreaming of Indian culture.²¹ We therefore think that many appropriation claims based on objectionable symbolism arguments are best understood as *expressive* rather than *independently grounded*. In such cases, it is not the free-standing fact that an act of appropriation *could* be interpreted in an objectionable way that matters, but rather what matters is that group members *in fact* find it objectionable. Appropriation claims of this sort express the wishes of group members that outsiders refrain from a form of appropriation that they find objectionable. These are, on our taxonomy, expressive claims.

This brings us to the third type of anti-appropriation argument that has frequently been made: claim deference. Adrienne Keene, a professor of Native American studies, articulates a claim deference argument on her blog *Native Appropriations*:

But the thing that keeps bothering me is that we're expected, as community members, to have perfectly reasoned, calm, point-by-point rebuttals to your image and words. The burden of proof is on us, not you. Why can't we, as the cultures you're "respecting" simply say "no"? Why do we have to defend and fight and write 1400 words about why, and then listen while others mock our pain and

¹⁹ For an excellent general treatment of this idea, see the discussion of incorrigible social meanings in (Patridge 2011, 307-9).

²⁰ <http://www.theroot.com/how-david-bowie-inspired-and-was-inspired-by-black-artist-1790853923>;
<http://www.highsnobiety.com/2016/07/11/cultural-appropriation-justin-timberlake/>.

²¹ <https://www.xojane.com/issues/my-indian-parents-are-fans-of-cultural-appropriation?page=586>

hurt as being “overly sensitive”? Why can’t you show us respect by just listening to us when we say, “Hey Christina, that headdress? It’s not for you to wear.”

Keene thinks that, at least in the case of oppressed groups such as Native Americans, no justification for an appropriation claim should be required aside from the claim itself. By definition, such appropriation claims are expressive rather than independently grounded, since the wishes of the claimant are taken to generate a prescription to refrain from the relevant form of appropriation without reference to an independent justification. Keene argues that the burden of proof shouldn’t be on members of oppressed groups. If members of such groups don’t want outsiders appropriating some element of their culture, then—she claims—that should be enough.

Our primary concern with claim deference is that it does not appropriately respect the agency of group members who disagree with appropriation claimants. Imagine, for instance, that a small but vocal set of group members issue forceful appropriation claims regarding a certain cultural element, while the majority of the group is actively in favor of outsiders appropriating the cultural element in question. In cases like this, simply deferring to appropriation claims without attending to dissenting voices discounts the agency of a great many legitimate stakeholders.

Consider the controversy that erupted in 2015 concerning a kimono-themed exhibit at Boston’s Museum of Fine Art. The exhibit was originally developed in Japan by the Japanese public broadcasting corporation NHK, but was later displayed in Boston with NHK’s cooperation.²² The exhibit featured Claude Monet’s painting, *La Japonaise*, which depicts his wife Camille wearing a kimono. The painting is generally taken to be a comment on French fascination with Japanese culture. NHK provided the museum with a set of kimonos they had previously commissioned for the original Japanese exhibit and visitors were invited to try on a kimono and pose in front of the painting. Shortly after the exhibit began, a small, multi-ethnic group of protestors began standing in

²² <https://www.bostonglobe.com/lifestyle/style/2015/07/07/mfa-backs-down-over-kimono-event-response-protests/lv9NHcnpW0lsRE77d9hvkI/story.htm>

front of the painting with signs denouncing the exhibit as objectionable cultural appropriation.²³ The protests made headlines and soon a group of Japanese counter-protesters joined the fray to defend the exhibit.²⁴ The counter-protesters wore kimonos and held signs that read, for instance, “I am a Japanese language teacher, and I welcome exhibits that share Japanese culture with the community.”²⁵ According to Julie Valk’s analysis, a multi-ethnic alliance concerned to combat western appropriation of Asian culture in general attempted to assert an appropriation claim regarding the kimono, but a group of Japanese-Americans disagreed and actively came out in favor of the kimono exhibit.²⁶ The original protesters were successful in provoking the museum to stop letting visitors try on kimonos. Even supposing that these protesters included at least some Japanese-Americans, we think it is problematic for these few individuals (let alone their non-Japanese allies) to effectively have veto power over the Japanese organizers of the event and the Japanese counter-protesters who defended it. Claim deference effectively affords the most restrictive voices within a group the power to overrule the rest of the group, and thereby objectionably limits the agency of group members who do not share the most restrictive viewpoint. We are not here claiming that the kimonos should or should not have been displayed – only that it is a problematic procedure for outsiders to effectively act as arbiters of a disagreement internal to a group by automatically deferring to the more restrictive contingent.

Although we think that claim deference is too strong, we will propose another, more equitable route to grounding the normative importance of expressive appropriation claims. In what follows, we argue that expressive appropriation claims can be analyzed in terms of *group intimacy* and the prerogatives it grounds.

²³ <https://www.bostonglobe.com/arts/2015/07/18/counter-protesters-join-kimono-fray-mfa/ZgVWiT3yIzSIQgxCghAOFM/story.html>

²⁴ Ibid.

²⁵ https://whyevolutionistruue.files.wordpress.com/2016/02/img_0935.jpg

²⁶ (Valk 2015).

Section 2: The intimacy account

In this section, we present an account of the normative importance of expressive appropriation claims that centers on the concept of *intimacy*. We first present an account of group intimacy, and then we argue that expressive appropriation claims can best be understood as asserting boundaries of group intimacy.

Let's begin by considering the most familiar form of intimacy: intimacy between individuals, which we call *interpersonal intimacy*. This is the sort of intimacy that exists between, for example, romantic couples. Crucially, this form of intimacy is ordinarily taken to sufficiently ground a variety of prerogatives. Thi Nguyen and his spouse have odd pet names for each other, and a funny dance that they do when one of them is sad. Are their friends allowed to witness, use and transmit those pet names and that funny dance? There is no independently grounded fact of the matter; it simply depends on where the couple decides the boundary should be. Once the boundary has been set, it generates normative constraints for others. If Thi and his spouse do not want their friends to use their pet names, then their friends shouldn't use them. There is one important caveat: in order for intimacy to ground such prerogatives, the intimate practices in question must be sufficiently distinct from pre-existing practices. If the funny little dance that Thi and his wife do for each other is the Electric Slide, they don't have any say over whether or not their friends can perform it.

Intimacy has received relatively scant philosophical treatment, despite its evident importance.²⁷ Perhaps the most robust philosophical account of intimacy to date is Julie Inness' analysis of intimacy and its relationship to the right to privacy. She points out that what the right to privacy protects is heterogeneous; it pertains to the distribution of personal information, access to persons and bodies, and autonomy in decision-making. The only thing that might plausibly unite and explain all the sorts of things protected under the right to privacy, she argues, is the concept of

²⁷ Ted Cohen's work on intimacy, especially as it relates to humor, is an important exception, and the indirect inspiration for our account (Cohen 1978, 1999). However, his account does not discuss the normative consequences of intimacy, and so is not directly relevant to our argument.

intimacy. Intimate acts, on her account, are those that *draw their meaning and value from the agent's motivational state of loving, liking, or caring for*.²⁸ In her example, if someone shared some old love letters with you and did so as a way of embodying their love for you, then that sharing is intimate. What matters is the motivational state, not the type of action taken. One might show someone old love letters for a variety of reasons: perhaps for the sake of revenge, or because one was paid an enormous amount by a gossip columnist. If the sharing is not meant to express loving, liking, or caring for, then it does not count as intimate.²⁹

Her account is intended to explain interpersonal intimacy, but we suggest that it points to a promising way of understanding *group intimacy*. For Inness, what makes an act intimate is that it expresses an agent's loving, liking or caring for another person and thereby has special meaning and value for the agent. We propose that, in the case of larger groups, what makes a practice intimate is that it functions to embody or promote a sense of common identity and group connection among participants in the practice, and thereby renders it meaningful and valuable to these participants. *Intimate groups* are groups bound together by such practices. We do not mean to imply that intimacy shared among larger groups works precisely the way intimacy works within families or between couples, nor do we mean to imply that every member of an intimate group stands in a relation of interpersonal intimacy to every other member of the group. Rather, we propose that there is type of relation that exists at the scale of large groups that is *analogous* to intimacy among couples or within families. Group intimacy does not entail that the members of the group all know each other or spend time around each other. Rather, it entails that the group is bound together by common practices that ground a sense of unity shared by members of the group.

Our proposal is that, in much the same way as familial or romantic intimacy can ground the right to privacy, intimacy enjoyed by larger groups can ground certain prerogatives to which their

²⁸ (Inness 1996, 90-2).

²⁹ (Inness 1996, 74-94).

members may lay claim.³⁰ Failing to respect such prerogatives can, at least in some cases, constitute a problematic *breach of intimacy*. We call ‘the intimacy account’ the view that considerations of intimacy ground the normative importance of expressive appropriation claims. A full treatment of this issue is outside the scope of this paper, but we think that there are at least two *prima facie* reasons to think that the prerogatives of interpersonal and group intimacy have normative importance. The first is simply that meaningfulness has *prima facie* normative importance. If an agent derives meaning from a relation to an individual or group, others should respect the agent’s preferences regarding this relation unless there is some overriding reason not to. The second is that intimate practices are important loci of self-determination for both individuals and groups, such that respecting the prerogatives of intimacy is an important way of respecting such self-determination.³¹ To be clear, we stop short of Inness’ claim that personal intimacy grounds a *right* to privacy; we make no parallel claim that group intimacy can ground any such rights. Furthermore, we do not think that the prerogatives of intimacy are necessarily overriding; they generate *pro tanto* normative reasons, the ultimate importance of which depends on contextual considerations. For instance, suppose an atheist attends a Catholic church as a tourist and the priest requests that only Catholics take Holy Communion. If the atheist takes Communion despite this request, as an act of tourism and for no other reason, we believe his action constitutes a problematic breach of intimacy. On the other hand, it might be ultimately justifiable for a comedian to poke fun at the intimate practices of the Catholic Church, since such satire might promote worthwhile aesthetic or socio-political aims that generate countervailing reasons.

Implicitly or explicitly, all of the anti-appropriation arguments discussed in section 1 depend on the premise that oppressed groups deserve special consideration with respect to

³⁰ This is a different view from the one that Young considers at (Young 2010, 125-128), according to which appropriation is a violation of the individual privacy of group members. We mean to identify a prerogative *analogous* to privacy. We do not claim that appropriation in general can be considered a privacy violation.

³¹ Inness directly relates autonomy to the right to privacy at (Inness 1996, 95-112).

appropriation. The wish from members of a Native American tribe that outsiders not perform the tribe's traditional music would seem to hold more weight (other things being equal) than a wish from Christians that a secular choral group not perform "A Mighty Fortress is Our God." We now suggest an explanation for the asymmetry: oppression is exactly the sort of contextual consideration that gives the prerogatives of intimacy heightened normative importance. If a group is socially and politically marginalized, it becomes especially important to defer to the group in matters relating to its practices and institutions, to afford the group as much self-determination as possible.

What we think is particularly helpful about relating cultural appropriation to the concept of group intimacy is that considerations of intimacy help to explain the normative importance of expressive appropriation claims. On our analysis, then, expressive appropriation claims can be understood as attempts to set boundaries concerning a group's intimate practices. Ignoring an appropriation claim of this sort might in some cases constitute a breach of intimacy. Consider the recent debate in Brazil concerning the appropriation of African head wraps by non-African Brazilians. Ana Maria Gonçalves claims in *The Intercept* that the African diaspora has left many Africans living in Brazil without a sense of belonging.³² She writes, "As a result of [the diaspora], we are who we are: Beings without a defined belonging, without easily traceable roots, who are no longer from there and were never fully planted here." She goes on to argue that the head wrap plays an important role in grounding a sense of common identity among members of the African diaspora, and suggests that this, along with the oppression that African immigrants face, should give non-Africans sufficient reason to respect the appropriation claims of Africans regarding the head wrap. She writes:

Wearing a head wrap is a form of belonging. It is joining with another member of the diaspora who also wears in a head wrap and, without needing to say anything, know that he or she knows that you

³² <https://theintercept.com/2017/02/17/white-brazilians-dont-want-to-accept-their-racism-in-controversy-over-african-head-wraps/>

know that the head wraps on our heads cost and continue to cost our lives. To know that our precarious housing was once considered illegal, immoral, abject. In order to carry this head wrap on our heads we had to hide, pilfer, disguise, and deny it. It was cover, but it was also a symbol of faith, of resistance, of union. The collective head wrap that we inhabit was constantly racialized, disrespected, invaded, made profane, and criminalized. Where were you when all of this was happening? You who now want to kick down the door and take a seat on the living room sofa, just as we have almost been able to restore the dignity of our head wraps. Where are you when we need help and humanity to preserve these symbols?

Gonçalves' appropriation claim makes explicit references to considerations of group intimacy. We think that a similar pattern of justification is implicit in a wide range of claims. Notice the similarities of this case to the cases referenced in section 1 concerning dreadlocks and war bonnets. In all three cases, members of an oppressed group seek to set a boundary by asking non-group members to refrain from appropriating a stylistic cultural element that has importance for each group's identity. Wearing a headdress is an *intimate practice*, and likewise for dreadlocks³³ and war bonnets.³⁴ We can now see more clearly what some find so objectionable about the symbolism of these forms of appropriation. The cultural elements being appropriated are meaningful to group members because of the roles they play in intimate practices that unite the group. The expressive appropriation claims many group members have made against these forms of appropriation are attempts to exercise prerogatives of group intimacy.

But, crucially, the intimacy account does not yield objective determinations about who can participate in an intimate practice. Intimacy is flexible — relations of intimacy can be extended, outsiders can be granted temporary or long-term insider status, insiders can be exiled, and boundaries can be re-drawn. Furthermore, notice the order of operations with intimacy. It is not the case that a relationship is first established as intimate, and only then can the participants in the relationship engage in intimate acts. Engaging in intimate acts is what constitutes an intimate relationship. Similarly, we suggest that acts of group intimacy are not necessarily predicated on the prior existence of the group. Certainly, pre-existing groups can create intimate practices and bind

³³ <http://smithsonianeducation.org/migrations/rasta/rasessay.html>

³⁴ <http://nativeappropriations.com/2010/04/but-why-cant-i-wear-a-hipster-headdress.html>

themselves further together through these practices. Consider, for example, the origins of African American culture. Paul Taylor tells the story of a group of slaves, newly arrived in the Americas, who had, during the long voyage, shaved their hair into the patterns of stars and half-moon:

The uprooted Africans in the story were positioned to become African Americans because they had first been seen as treated as blacks. They put stars in their hair in response to this forced insertion into the crucible of racialization... Instead of entering the new world in the manner of the mainly thought to be, unadorned, unmarked by the self-conscious creation of meaning, they found common cause in the essentially human act of aesthetic self-fashioning.³⁵

Individuals were thrown together by violent external forces—effectively forced into a group—but then, through engaging in intimate practices, developed agency with respect to this grouping.

It is also possible for individuals who previously did not constitute a group in any sense to coalesce into an intimate group through such practices. Intimate groups are not necessarily united by any essential features of group members, nor do they necessarily fall within any particular lines of race, class, culture, or gender. There might be multi-racial, multi-ethnic, multi-cultural intimate groups centered on practices such as skateboarding, Star Wars fandom, and the like, and indeed such groups can (and do) issue appropriation claims that express the desire to protect the boundaries surrounding their intimate practices. Intimate groups can sometimes *self-constitute through intimate practices* – they can come into existence as a result of self-identification, valuation, and mutual engagement through intimate practices. In cases where intimate practices are created within pre-existing groups, these practices can serve to maintain, strengthen, or further develop the group's identity.

Many intuitions about cultural appropriation are better and more fully explained by the intimacy account than any other account. Most commentators who endorse restrictive normative views about cultural appropriation hold that group members have standing to make appropriation

³⁵ (Taylor 2016, 1-2). The theme of aesthetic self-fashioning and the creation of group agency is developed throughout the book.

claims without needing to offer supporting evidence.³⁶ An account according to which the normative weight of appropriation claims rests entirely on independent grounds will be hard-pressed to explain this standing. The intimacy account, on the other hand, can readily explain why group members can have standing to issue appropriation claims without supporting evidence. It is the prerogative of group members to collectively set the boundaries concerning their intimate practices. Issuing an appropriation claim is a way for an individual to make their stance regarding such a boundary known, to seek its adoption by the group and have it respected by outsiders.

Consider how well the intimacy account captures the kinds of cultural elements that are most often the objects of appropriation claims. Religious rituals, modes of dress, traditions of food preparation, musical styles — these cultural elements play a central role in binding groups together and generating a common identity. Consider, by way of contrast, the sorts of cultural elements that, though characteristic and perhaps even culturally emblematic, are rarely the subject of appropriation claims. European circular traffic design, Chinese agricultural terracing, and Japanese techniques for packaging food for vending machines do not derive their value from community connection; all have been borrowed by other peoples and cultures with little resistance on the cultural appropriation front. The intimacy account offers an explanation: these cultural elements do not have the same significance with respect to the unity and identity of the groups that innovated them as hairstyles, fashion, or food. Traffic design and agricultural plans are not usually ways for group members to express affection for, membership in, or a sense of unity with the group.

The intimacy account echoes accounts of the variable usability of ethnic slurs by insiders and outsiders. As Luvell Anderson argues, certain racial slurs have different meaning when used by an in-group member than when used by an outsider.³⁷ When used by an insider, a racial slur can be used to express camaraderie, as a value-neutral descriptor, or as a form of mild derogation. But

³⁶ See, for example, Adrienne Keene's remarks quoted earlier.

³⁷ Anderson (forthcoming).

even its derogatory use here is entirely different from the derogatory use in the hands of a racist. The distinction between these uses, says Anderson, is best explained in terms of *communities of practice* — communities organized around a particular endeavor. We take the intimacy account to expand upon the notion of a community of practice, since it explains not only why some communities of practice have rightful say concerning the boundaries of some of their practices, but also explains standard intuitions about the sorts of practices where such boundaries have normative importance. The American Medical Association is a community organized around the practice of medicine, but this practice is not used to express affection and solidarity with the group, and thus is not an intimate practice.

Section 3: Normative implications of the intimacy account

We distinguished in section 1 between independently grounded and expressive appropriation claims. We have now provided an account of expressive appropriation claims and their normative force. These claims express the wishes of group members concerning the boundaries of group intimacy. The intimacy account can explain something that an account based solely on harms could not: the standing that a group member has to register their claim, and have it be taken seriously, without empirical evidence. Harm arguments are subject to demands for empirical evidence; they are contestable. But the prerogatives of intimacy are not. When someone asks that you not repeat what they said in a dark and emotionally naked moment, their claim as to the intimate nature of their words and their request for privacy is not up for debate. You may think other considerations are more important (perhaps if their words indicate that they are in danger and you need to tell their spouse) – but these considerations do not bear on their assertion that their words are private, and that it would be a breach of intimacy for you to repeat them. The reasons of intimacy can be defeated, but the content of expressive claims is not normally open to direct contestation. Thus, the intimacy account explains how group-members can have the standing

to issue appropriation claims without incurring an obligation to litigate questions of justification.

This account has a variety of normative implications and raises a number of difficult questions. We have already discussed problems that arise for *universal entitlement* – that is, the view that anybody can appropriate any style for any reason. The intimacy account suggests another reason to reject this view: it utterly discounts the normative importance of group intimacy. But the intimacy account also suggests a significant rejoinder to *universal restrictiveness* – the view that cultural appropriation from historically oppressed groups is impermissible. As part of respecting the prerogatives of interpersonal intimacy, we must respect decisions to relax or waive the protections of privacy. Love letters between two individuals are private, but a couple can waive the protections of privacy by publishing them. A couple might choose to publish their love letters for a variety of reasons, perhaps because they think the letters are aesthetically worthwhile, or for money and fame, or as a form of exhibitionism. It would be objectionably paternalistic for an outsider to try to prevent them from publishing their letters out of concern for their privacy. Similarly, at the group level, respect for the prerogatives of group intimacy entails respecting a group's wishes, whether they be to restrict access to their intimate practices or open them up for wider participation. If groups have the prerogative to restrict the use of their intimate practices, they also have the prerogative to proactively spread these practices, whether they wish do so for the sake of money, influence or simply as a gift to the world.

The intimacy account therefore implies that, absent clear independent grounds, we cannot determine whether or not a given form of appropriation is objectionable without consulting the wishes of the particular group. Whether or not an act of appropriation constitutes a breach of intimacy cannot be determined from its external features, nor can it be inferred from parallels with other cases. Take, for instance, a member of an ethnic majority who wears a style of garment traditionally worn by an ethnic minority. Whether or not such an act constitutes a breach of intimacy will depend on the particular decisions and declarations of the relevant group. By all

appearances, the vast majority of individuals for whom the creation and display of the war bonnet is an intimate practice actively oppose its appropriation as a fashion accessory. There may be some individuals who are indifferent to the issue, but there do not appear a significant number who are actively in favor of this form of appropriation. But the same is not necessarily true for all cases where a member of the ethnic majority wears a garment appropriated from an ethnic minority. It could happen, for instance, that Japanese people come to a widespread agreement that Westerners should be actively encouraged to appropriate the kimono. If this were the case, then it would not constitute an intimacy breach for Westerners to wear kimonos. Whether or not a given form of appropriation constitutes a breach of intimacy cannot be determined independently of the decisions, wishes, and expressions of the relevant group.

Thus, for an outsider to declare that a form of appropriation is objectionable without consulting the particular group being appropriated from, is for that outsider to presume to speak for an intimate group of which they are not a part. This is a form of *arrogation of voice*, and –like appropriation—it can constitute a serious breach of intimacy. Imagine that Jane, a French person, wears a garment that has special cultural meaning for Vietnamese people to a concert of Vietnamese music. Eleanor, another French person, sees an Instagram photo of Jane at that concert, and writes a blog post criticizing Jane for cultural appropriation. Suppose that neither Jane nor Eleanor has investigated Vietnamese attitudes about the use of traditional dress by non-Vietnamese; in this case Jane is being presumptuous in appropriating an intimate practice. If it turns out that Vietnamese are widely opposed to non-Vietnamese wearing the garment, then her appropriation would constitute an intimacy breach. But Eleanor has committed what might be seen as another type of intimacy breach: she has presumed to speak for, and preemptively decide on behalf of, a group that she is not a part of. Such defensive measures by outsiders may be justifiable in cases where a community has spoken with something that approaches a unified voice. Outsiders may be right to amplify a group’s wish, especially when that group has been subject to historical

oppression. But Eleanor has proceeded without attending to the group's voice at all.

Let's consider a slightly subtler case. Suppose that Brady is a well-meaning white person sensitive to concerns about cultural appropriation who reads several blog posts from Vietnamese-Americans complaining that the existence of pho restaurants run by white Americans is a form of problematic cultural appropriation. In light of these few appropriation claims, Brady tries to instigate a boycott of white-owned Vietnamese restaurants. Here, it seems plausible to think that Brady has also committed a breach of intimacy. He has acted on the basis of a very limited number of voices, without adequately investigating what the larger group thinks. He did not presume to speak directly for the group in the way that Eleanor did, but he *did* unilaterally privilege the voices of a limited number of group members. Unlike Eleanor, Brady attended to voices from within the group, but he took these few voices to express the wishes of the group as a whole, effectively appointing himself the arbiter of what might be a disagreement internal to the group. Brady's taking up of the role of arbiter might be seen by the group as a breach of intimacy. This is not to say that Brady shouldn't *amplify* the relevant voices. It's one thing to broadcast that there are Vietnamese people who are opposed to white-owned Vietnamese restaurants, but it is quite another to take measures to enforce that preference without regard to the attitudes of the rest of the group.

If the boundaries of a group's intimacy are set expressively, only members of that group can set them. When outsiders attempt to set boundaries for intimate groups they do not belong to, they engage in a kind of intimacy breach: presuming to speak for an intimate group that one is not a member of. This applies whether the outsiders are arguing for a policy like that of universal entitlement (which totally disregards the boundaries of intimacy) or universal restrictiveness (which foists boundaries upon groups irrespective of their wishes). The intimacy account prescribes that we should listen to each particular group and take account of its wishes, whether

they are restrictive or permissive. We hold that an appropriate normative outlook regarding cultural appropriation must be attentive to the particular wishes of particular groups.

Section 4. Group boundaries and group speech

This brings us to the most difficult questions that the intimacy account faces: how do we ascertain what the right group is to listen to, and how do we ascertain what such a group's collective wishes really are? We have skirted around these issues until this point, but we must now complicate the picture. Much excellent work has been done recently on how some sorts of groups might decide things jointly and speak as a collective entity.³⁸ The technical term for a collection of people that together possess a form of agency is 'group agent'. A group agent, in Philip Pettit and Christian List's influential account, is a group of people sufficiently organized to have group-level representations and motivations, and which has the capacity to process them and act on their basis. Group agents have systems in place by which the mass of individual voices, opinions, and decisions that issue from members of the group can be systematically processed into a singular voice. Such systems include voting procedures, decision hierarchies, and the like. The clearest examples of group agents are group institutions with robust organizational and normative structure: governments, corporations, and professional organizations. The beliefs and decisions we attribute to the whole group are not simply reducible to the beliefs and decisions of the majority of group members. For example, the American Medical Association is surely a group agent: it makes decisions, gives pronouncements, and we can praise it for its good decisions and hold it responsible for epistemic and moral errors. A particular belief or decision gets to count as the group's belief or decision if and only if it is processed in the right way, according to the rules of the organization: it

³⁸(Rovane 2004; Toumela 2007; List 2011; Gilbert 2013; Pettit 2014a; Pettit 2014; Rovane 2014; Lackey 2017) is a very brief sampling of this extended literature. We have, for brevity's sake, focused on Pettit and List's account, but our comments are compatible with any of these accounts. (Tollefsen 2015) is a particularly good recent overview of the literature.

must, for instance, be raised at a designated assembly in front of the properly selected delegates, discussed through defined procedures and then voted on. By such means, the AMA has issued pronouncements about, e.g., the effectiveness of vaccines. These pronouncements report the beliefs of the group. But there are surely many beliefs that most or all members of the AMA hold which do not count as beliefs of the AMA. For example: most AMA members presumably believe that climate change is real, but since that belief has not passed through the decision-making procedures of the group, it does not count as a belief of the AMA and it cannot be attributed to the AMA, nor can the AMA be held responsible for it.

We have proposed that intimate groups are constituted when a set of individuals engage in intimate practices that express or give rise to a sense of common identity and group unity. But this proposal does not entail that intimate groups will meet the conditions for counting as group agents. Certainly, an intimate group could also be a group agent. Some Native American tribes, for example, might be intimate groups that also qualify as robust group agents, since they are organized by a system of governance. In cases such as this, there may be a straightforward way to discover the group's wishes. But surely many intimate groups do not qualify as group agents. They lack the requisite organizational structure. Some groups may have intimate practices that express group solidarity, but nothing like a robust procedure for arriving at group decisions. Let's call such groups *sub-agential*. Many intimate groups are sub-agential. Such groups may have some animating basis for cohesion, but they are not group agents in the strict sense.³⁹

These considerations lead to a number of difficulties. The first is what we might call *the boundary problem*: the problem of how to determine the boundaries of a group. A version of this problem has been explored at length by Erich Matthes.⁴⁰ The topics of cultural appropriation and

³⁹ For those interested theoretical account of such an animating basis from the literature on groups, likely candidates include Bryce Huebner and Marcus Hedahl's notion of a shared interest and Margaret Gilbert's account of joint commitment, both of which might plausibly ground prescriptions for behavior towards the group, but neither of which requires sufficient structure for group-hood to guarantee a singular voice (Huebner and Hedahl forthcoming; Gilbert 2013).

⁴⁰ (Matthes 2016).

group intimacy make the boundary problem particularly salient, because in many cases what's at issue is precisely membership in some group. Consider the case of the *poser*. The poser identifies with outlaw biker culture, has motorcycle-themed tattoos, and wears a leather jacket under a sleeveless denim vest with a skull and crossbones patch on the back, but does not and never has ridden a motorcycle. The intimate group of outlaw bikers objects to the poser's appropriation of biker culture, but the poser insists that they self-identify as a biker and therefore are entitled to participate in biker practices. What's being contested isn't whether or not some established group has given the poser permission to participate in an intimate practice. Rather, what's being contested is who gets to be a member of the deciding group in the first place. We think that intimate groups should have the prerogative to set their own boundaries, but this creates a circularity: in order to set the boundaries of a group, the group members need to arrive at a decision; but in order to identify which people have legitimate standing to participate in this decision, we need to know where the boundaries are.

This problem won't exist if an intimate practice is created within some pre-existing group with boundaries drawn on some independent basis. But the boundary problem seems a significant one in the case of groups that self-constitute through intimate practices. This problem is genuinely difficult, and the difficulty sheds light on an area which demands further investigation. Much of the work on the nature of groups and group agents has been directed towards explicitly defined groups with clear boundaries – corporations, nations, and short-term actively cooperating teams. Relatively little has been done to investigate, for example, how we are to determine the boundaries of a sub-agential group without objective membership conditions, such as the groups that constitute various types of *communities*. We hope that our work here encourages further inquiry into these issues.

This brings us to the second major difficulty that the intimacy account faces: even assuming that we can settle the question of a group's membership, how could a sub-agential group issue

group-level decisions about the boundaries of the group's intimate practices? The intimacy of a group grounds certain prerogatives for the group, but if an intimate group is sub-agential it has no procedure for issuing group decisions about how to exercise these prerogatives. Again, a group that meets the robust standards for group agency can "speak" in a straightforward sense. But our claim is that it is possible for there to be a less strictly organized, more inchoate sort of group, such that the group's intimate practices could ground prescriptions for outsiders, but which does not have the right kind of organizational structure to make clear pronouncements about its wishes.⁴¹

This puts the well-meaning outsider in a difficult position: how does one respect the wishes of a sub-agential group? We suspect the difficulty of this position has led many such well-meaning outsiders to opt for the easy heuristic of universal restrictiveness, but we think this is a mistake. Universal restrictiveness offers a clear guide to action, but does so at the expense of adequately respecting the prerogative of intimate groups to open their practices to outsiders. A difficult problem emerges when we consider how to assess the wishes of a sub-agential group: call it the problem of *runaway defaults*. A well-meaning outsider might reason in the following way: first, one ought to err on the side of caution by deferring to appropriation claims by default. Second, this stance should only be relaxed when the group has given its univocal permission. Third, such univocal permissions are rarely or never generated by sub-agential intimate groups. Therefore, the default stance of claim deference will rarely (if ever) be relaxed for such groups. This leads to an objectionable result – even in cases where an overwhelming majority of group members have expressed their desire to encourage a particular form of appropriation, our well-meaning outsider will still refuse to accept their preference. The problem here is that the well-meaning outsider has applied an inappropriately strict standard. A sub-agential group is not set up to issue univocal permissions, and we therefore should not seek such permissions.

⁴¹ For example, Jennifer Lackey's study of group assertion largely focuses on groups which are sufficiently organized as to officially designate an authorized spokesperson (Lackey 2017).

The problem may become clearer if we consider the inverse case. Imagine another individual – an optimistic permission seeker – who reasons in the following way: first, one ought to let a group decide for itself whether or not outsiders may appropriate from that group. Second, with very few exceptions, groups cannot arrive at univocal decisions about whether or not outsiders may appropriate from them. Third, absent a univocal decision, it would be arrogation of voice to infer that a group does not want outsiders to appropriate from them. Therefore, with the exception of rare cases where a group issues a univocal decision, one may appropriate whatever one wishes. The optimistic permission seeker makes the same basic mistake as the well-meaning outsider: applying an inappropriately strict standard to a sub-agential group. In both cases, the standard employed is nearly impossible to meet; thus, whatever one takes as the default prescription will turn out to be unimpeachable, for all practical purposes.

While sub-agential groups are not set up to issue univocal decisions, they can still *approximate* such decisions. We propose that a sub-agential group approximates a univocal decision when a considerable number of group members voice such a decision and there is an insignificant amount of dissent from within the group. In many cases, sub-agential groups will not meet this standard for approximating a univocal decision. In these cases, it may be very hard to figure out what to do. Both horns of the dilemma might be uncomfortable and fraught with normative peril. This should be unsurprising, given the complexity of social life and the degree of oppression and injustice that pervades the world today, not to mention the inherent difficulty of assessing the wishes of sub-agential groups. In fact, we ought to be suspicious of theories that purport to offer an easy way out of this obvious tangle. The issue of cultural appropriation is difficult, and it serves no one to bury that difficulty with blanket presumptions.

Easy heuristics establish clear guides to action at the expense of genuine respect for the intimacy of groups. In many cases the wishes of a group are indeterminate. In such cases, respect for group intimacy entails attending to and respecting this indeterminacy. When an intimate couple

disagrees with one another, outsiders breach their intimacy by inserting themselves into the debate. We hold that the same is true in the case of group intimacy. In many cases, when a group has not approximated the expression of a univocal wish, the intimacy account may not yield a clear and settled course of action. But this reflects the genuinely unsettled state of the group's wishes. It is crucial, in respecting the intimacy of a group, to respect even the fact that its wishes have not yet settled. Deciding on a course of action in such cases may be unavoidably uncomfortable. An outsider may receive an invitation from a group member to participate in a practice and know in advance that other group members will resent their presence. Or an outsider might receive an item of clothing or jewelry as a gift from a group member that they are hesitant to wear because of appropriation concerns. There may be no comfortable solution. A strict default would make the decision easier, but at the expense of genuinely respecting the intimacy of groups.

Postscript: a rejoinder to Matthes

We greatly appreciate Erich Hatala Matthes' clear and astute response to our piece.⁴² He offers an alternative account of the normativity of cultural appropriation, according to which cultural appropriation is wrong when it exacerbates and/or manifests oppression. We would like to briefly sketch our response.

Matthes' oppression account has two parts: appropriation can be wrong if it *exacerbates* oppression or if it *manifests* oppression. Exacerbating oppression is a clear-cut harm, and our account already recognizes that appropriation can be wrong in cases where it is harmful. However, as we have noted, such harms may be difficult to demonstrate, and appropriation claims are often made in the absence of demonstrable harm. Our analyses diverge over cases in which appropriation is seen as manifesting oppression. First, "manifesting oppression" seems too broad a characterization. Members of dominant groups manifest oppression in a variety of ways throughout

⁴² [editor: please add reference]

their lives (e.g., accepting deferential treatment from law enforcement and desirable employment opportunities). The wrong Matthes is pointing to must be more distinct than this. This emerges when he characterizes the wrong in question as *exploitation* rather than as a mere manifestation of oppression. An instance of appropriation can be seen as exploitative when it is perceived as taking advantage of oppressive power relations to benefit members of a dominant group without regard for the interests of the oppressed group. But whether or not an instance of appropriation is exploitative is a matter of interpretation that should be decided by the group in question. As we argue in section 1, David Bowie's appropriation *could* be seen as exploitative, but could instead be seen as a mutually beneficial cultural exchange. Matthes suggests that the oppression account has an easier time coping with the boundary problem than the intimacy account does, because his account entails the normative status of appropriation depends on facts about oppression that come apart from the issue of group membership. But here he faces a dilemma. If he admits that the group should get to decide what counts as exploitative, his account fails to evade the boundary problem, since this principle presupposes that there is some way to distinguish group members from non-members (note that he freely employs the language of 'insiders' and 'outsiders'). If he denies that the group should get to decide this, his picture seems paternalistic. Who should have standing to determine whether or not a form of appropriation is exploitative if not the group in question?

The central issue here concerns the grounds for the normativity of cultural appropriation. Matthes claims that the primary ground is oppression, while we endorse a pluralistic account according to which in many cases, group intimacy is the primary ground. Matthes objects to our account by pointing out that there are some groups for which intimacy does not seem to generate even weak normative reasons, such as the KKK. The KKK is, crucially, a group of which we heartily disapprove. We agree that the intimacy of the KKK ultimately has no normative pull, but we think this is because considerations of group intimacy for the KKK are drastically outweighed by other considerations – in particular, the KKK's moral contemptibility. To adjudicate between our

competing accounts, we should instead consider neutral cases. Does an intimate group, which is neither oppressed nor morally contemptible, have standing to make expressive appropriation claims with normative weight? Imagine a long-standing, morally decent group that has neither been oppressed nor advantaged by oppression. Suppose this group has a ceremonial dance used to express group solidarity and many insiders speak out to say that this dance is deeply meaningful to the group and they urgently request that outsiders not appropriate it, while no insiders speak up to oppose this stance. We think that the fact that group members find the dance meaningful and make this request on the basis of its meaningfulness generates a reason for outsiders not to appropriate it. This reason could be outweighed (perhaps very easily), but we think that ordinary intuitions about the normative importance of meaningfulness and self-determination strongly support the claim that the group's wishes should have *some* normative weight.

Moreover, the oppression account is unable to explain the difference between the kinds of practices that are typically subject to appropriation claims and those that are not. Appropriation discourse tends to concern hairstyles, music, and dance rituals, but not urban design solutions, farming techniques, medical practices, or packaging techniques, even though many such practices are innovations of oppressed groups. The intimacy account offers an explanation for this divergence: practices that tend to come up for appropriation claims are the ones that function to embody or promote a sense of common identity and group connection among participants in the practice. The oppression account does not explain why it is considered objectionable to borrow hairstyles from oppressed groups, but not to borrow farming or medical practices. Moreover, the oppression account seems to recommend deferring to oppressed people in any way that would function to materially and symbolically undermine oppression. But no one advocates for deferring to oppressed groups with regard to, for example, driving practices (perhaps by designating a

special lane for members of oppressed groups). The intimacy account is better equipped than the oppression account to explain the limited scope of calls for deference towards oppressed people.⁴³

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