When Concerns Of Cultural Appropriation Risk Supporting Intellectual Property

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May 25th, 2017

The latest entry in panics over social justice comes from my hometown, where some folks have created a list shaming restaurants and foodcarts that were owned by white people but sold "non-European international cuisine." One of the more annoying restaurants on that list has now closed as a result of hate mail. While the existence of this list (and derivative lists) has generated the sort of furious apoplexia you'd expect in the culture wars, it raises some complex subjects.

On the one hand, boycott lists are in some real sense both the market at work and a matter of freedom of information that enables people to have more informed agency in their choices. On the other hand, five years ago the social justice milieu broadly swore up and down that their discourse on cultural appropriation was a serious and engaging critique of the way historical injustices echo forward through cultural performance and that no one cared if white people made burritos. Now what was the textbook strawman has apparently become an active frontier.

And yet there are also good reasons to boycott several of the restaurants that were brought up in this list. Infamously some smug yuppie opened a British restaurant in a historically black neighborhood named "Saffron Colonial" that romanticized Britain's colonialism. This is insensitive to say the least. Colonialism was an unfathomable atrocity and the British Empire in particular was a genocidal machine that rivaled the Third Reich. Its name deserves to be spat on and its victims mourned for the rest of eternity. There is no future for our species but one in which "colonial" is a curseword. Unfortunately such a future is still poorly distributed and there are many still blithely unaware of its monstrosity or who feel no compulsion to acknowledge it. It's not "erasing history" to react with disgust at someone attempting to open a holocaust themed deli. There are subjects where basic etiquette calls for degree of somberness and respectful attention to historical trauma. Or at least if the knife of irreverence is to be wielded on such subjects it should be done with care and attention to power.

The creators of the original restaurant list objected that they don't oppose white people making "non-white" food *at home* but rather in a market context where they could drive people of color out of business. Yet it's annoying that this minor distinction resonated as legitimate with some leftists. To assert that people shouldn't sell food not of "their culture" is to embrace the paradigm of intellectual property entirely, albeit with the same pretenses as a "creative commons

non-commercial" license: the rotten core presumption of information ownership left totally un-challenged but now with a superficial progressive sheen.

For as long as I've been an anarchist I've staunchly held two hardlines: anti-racism and freedom of information. I see these as some of the most immediate and basic prescriptions that follow from anarchism's aspirations and anyone that knows me knows the intensity and severity of my opposition to both. Increasingly popularized notions of "cultural appropriation" appear to many to bring these two commitments to a head, and so this might be a good time to revisit how cultural appropriation can avoid constituting an intellectual property claim, but also how the two paradigms can creep into overlap and how I believe anarchists should break when the tension arises.

While the specific instantiations of racism and intellectual property in our world are directly responsible for the deaths of many millions, the suffering of countless more, and the immeasurable sabotage of humanity's advancement as a whole, it's important to note that our opposition to them is not contingent upon said historical particulars. Racism and intellectual property are also evil *in the abstract*; they divide minds and slice away our options, constraining our freedom. Both racism and intellectual property inflict immense network damage on society, restricting the flow of information and thus our capacity for agency. Even if the historical footprint of white supremacy and IP law were somehow removed, even if the explicit violence underpinning them was abolished, the very logic of racism and intellectual property is one of oppression. Even if racial segregation was "voluntary" and information ownership was sustained by nonviolent social norms they'd still be deeply objectionable for anarchists and we would push to change such norms.

It's also important to note that anarchism or any commitment to abolishing all power relations — not merely some flavors of them — obliges some constraint in our means. It's causally incoherent to attempt to gulag someone into liberation. And there are externalities to many strategies that make them intolerable for anarchists even if they can accomplish their goals. Some limited goals can be achieved by brutal means that establish new tyrannies, but the goal of abolishing power itself cannot. At the same time this does not oblige pacifism or pretending as though the institutional horrors of our world do not exist. Murder is bad but the numbers clearly work out if you can murder Hitler to save millions from being murdered. Ends and means are interconnected, even if they are not precisely one-to-one.

With these considerations in hand I think the resolution between the ideals of anti-racism and freedom of information is relatively straightforward.

Cultural exchange is great; effectively mocking something of deep symbolic value to oppressed people you're not a member of is shitty. Are you sticking a historically repressed religious symbol up your ass? Not respectful. Are you perpetuating a caricature of a class of people? Not respectful. Now obviously there's a place for being not respectful. It's fucking awesome when members of oppressed groups generate their own Piss Christ equivalents, because ultimately fuck being respectful to the idols of any culture/religion, but suffice to say folks associated with the colonization or authoritarian suppression of a culture/religion doing such is generally *a bad look*, to say the least.

Most people understand that it's just different when a white person uses the n-word versus when a black person does. Regardless of a specific individual's intent, the history and context of racism understandably affect perceptions and reactions. The same is of course true when a white person wears a headdress. Of course as always with any incantation of "member of oppressed/

oppressor class" there's often a lot of category fuzziness and it's important not to treat shit like a rigid legal system. Anarchists are concerned with *ethics* where most of social justice discourse has concerned itself with *enforcing social norms*, two quite different undertakings.

Where we must dismiss "cultural appropriation" entirely and strenuously is when it starts operating like a collectivist intellectual property. Like people expecting to hold a monopoly on the production of a certain cloth pattern. Abolishing the evil of intellectual property is infinitely more important than someone's pet strategy for getting a tiny bit more money into the hands of POC. There's a difference here between "spend money at POC businesses to counteract white supremacy a little bit" which is fine and good and "if a white person sells a burrito that's unethical" which is the logic of IP.

Note the distinction. There are many means of providing subsidies to oppressed peoples to counterbalance systemic injustice. It's not worth grabbing any and every possible one, and there's something to being honest and *direct* about urging a counter-subsidy without dressing it up in some kind of claim to cultural ownership.

Just as you can't solve white supremacy by empowering the police or the state, you also can't solve white supremacy by empowering intellectual property. If white-owned businesses selling burritos are pushing people of color out of a market they used to monopolize and leading to economic immiseration then we should address the diffuse but ultimately violent foundations of institutional white supremacy subsidizing said businesses or holding back POC businesses, not try to patch up the status quo through horrifyingly short-sighted strategies of legitimizing collective intellectual property. And let's not forget that ultimately economic monopolies of any kind are bad.

If the point is to repair the economic damage done by white supremacy then why should we feel *more* compelled to subsidize a latino owned restaurant selling burritos than a latino owned restaurant selling stroganoff?

The true answer is obviously the expediency of appealing to unfortunately widely existing indoctrination in intellectual property, plus a lurking cultural nationalism/separatism that the left is bad at rejecting when it's not completely explicit. Another answer is that many feel white owners are prone to misrepresent cuisines they're not native to. Such concerns are actually fine and legitimate, but also a distinct issue. A list of restaurants misrepresenting traditional cuisines is different than a list of white owned restaurants.

It's long been noted that a part of the ideal of freedom of information is a commitment to accurate identification of authorship and origin. Many of the sins addressed in "cultural appropriation" critiques actually address the *slicing away* of information. An ethical obligation to be *honest* is not remotely the same thing as claiming that the originator of an idea owns it and should be able to control its reproduction.

Of course the most common criticism of "cultural appropriation" discourse is that it deals in sweeping aggregates, tying race to culture in a way that'd make the nazis proud, and also collapsing the fluid complexities of the real world into simplistic morality tales of group A and group B. It's one thing to speak of culture in the sense of a fluid ecosystem of ideas and practices too messy to make any clear divisions within, it's another to speak of some kind of monolithic, static and totalizing culture, some kind of singular collective entity with clear insides and outsides.

At the same time discrete cultures *do* exist in the nationalist sense; we do not live in a world merely of individuals networked in ways that defy all simple representations but one of oppres-

sively constructed arbitrary "races", "nations" and "cultures" — this is simply a historical fact, albeit a sad one. It is also a a state of affairs that anarchists ultimately aspire to dissolve.

We all recognize that colorblindness is willful blindness and the suppression of knowledge and agency in a world of constructed races. Something similar is true with cultures in relation to historical and institutional racism. Yet we must also remember that any "culture" distinct and persistent enough to even be spoken clearly of (much less claim ownership of anything) is itself already arguably imperialist, certainly dangerously nationalist. It may be a dick move to wear dreads, bindis and war bonnets, but at the same time Rastafarianism was imperialist, Hinduism was imperialist and the Lakota Sioux were imperialist. Just because the crimes of such societies/cultures/nations utterly pale in comparison to European colonialism and the countless mass graves of white supremacy doesn't mean they're not ultimately objectionable too.

As an anarchist I don't swallow the poisonous "quick fix" of backing smaller nations against bigger ones. Trying to "equalize" power relations is ultimately no fix for power relations themselves; the goal is liberation from power relations, not equal constraint under them. We believe in backing individuals in rebellion against their nations and tearing down all borders. There's certainly a place for "don't be a racist douchecanoe, recognize the symbolism and perceptions broadly at play in cultural artifacts as a result of institutional racism", in no small part because attentiveness to the unique experiences and trauma of other people is deeply in line with the ideals of freedom of information. But at the end of the day anarchism means being culture traitors or it means nothing. We long for a day when cultural miscegenation has proceeded until culture is impossible to be differentiated into distinct cultures, when culture is a fluid mess to be splashed about in, not something that constrains or defines us.

Many of the dynamics pointed out by critics of cultural appropriation are valid and worthy of note or serious response. It fucking matters that the flow, drift and mutation of culture has been shaped not just by free association but by systemic violence. While an idealized variant of globalization is the apex of anarchist aspirations, we are all the poorer for the processes by which actually existing globalization has so far occurred — and some of us are quite a lot poorer for it. Yet there has always been a grave risk of "cultural appropriation" discourse dissolving into appeals to the perceived legitimacy of intellectual property — granting cultures, nations or collectives the assumed right to "own" ideas, practices, or other such technologies. The left has a longstanding tendency to assume that the collectivization of tyranny is the same thing as its abolition, just as it has repeatedly fallen into a reflexive embrace of nationalisms of the oppressed assuming such to be the only path of resistance; both despicable tendencies are ever lurking in discourses around cultural appropriation. What's irritating about social justice discourses is a tendency to obscure or avoid honest ethical and strategic discussions by jumping ahead to trying to socially pressure certain behaviors. But certain codes of behavior always carry underlying logics or justifications; social justice has provided a means for folks with goals or strategies that wouldn't be accepted by many explicitly (like ownership of information, racial or cultural segregation) to push for the normalization of their abstract premises via hyperparticularized conversations about tactics and behavior.

I should clarify despite my critiques here that I'm bullish about social justice discourse on the whole — in no small part because I subscribe to old fashioned enlightenment notions like the best arguments tending to rise to the top. I think the explosion of attention to things like cultural appropriation in the last decade is a staggering testament to the intellectual singularity unleashed by the internet and freedom of information. I have never felt much need to step in

and call out toxic dynamics or deadend analyses, in part because I have such high estimation for discourse itself. Traditionally marginalized people sharing their unique experiences and perspectives and hashing things out is exactly what the ideal of freedom of information promised. The occasional fallacy or outbreak of opportunistic browbeating is of so little concern in comparison to the stultifying silence and unexamined oppression that preceded widespread internet adoption that I've never had much but laughter at those hyperventilating about social justice toxicity and overreach. It happens, to be sure, but it's as silly an "existential threat" as radical Islam and those deeply worried about such things betray their own lack of faith in debate, empathy and the unquenchable acid of cultural miscegenation. Just as the internet perceives censorship and intellectual property as damage and routes around, humanity perceives nationalism and cultural segregation as damage to be routed around.

There is no border through which we will not carve, no wall through which we will not break. Liberation is ultimately to be found in connection, not division — in sharing, not stealing. The only justification for ownership is scarcity, and culture should never be scarce.

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