

Appropriation & Attribution

This video introduces the general ethics concepts of appropriation and attribution. Attribution is giving credit where credit is due. Appropriation is the complex borrowing of ideas, images, symbols, sounds, and identity from others.

Cultural appropriation is the use of elements of one culture by another culture, such as music, dress, imagery, or behavior and ceremony. To learn more about this in relation to stereotypes and media representations watch *Representation*.

Issues of artistic and intellectual attribution are often related to copyright laws and intellectual property policies. For a better understanding of the relationship between law and ethics, watch *Legal Rights & Ethical Responsibilities*.

Appropriating or using others' work without proper attribution can cause reputational and financial harm, among others. To learn more about various types of harm, watch *Causing Harm*.

The case studies covered on this page explore issues of cultural appropriation, artistic appropriation, and legal and artistic attribution. "Christina Fallin: "Appropriate Culturation?"" examines the intentions of a musician after she posted a controversial picture on social media and was criticized of cultural appropriation. "Appropriating "Hope"" details the trial over Shepard Fairey's portrait of Barack Obama and the extent to which an artist can use and modify another's artistic work. "'Blurred Lines" of Copyright" examines the legal debates over proper attribution in the Marvin Gaye Estate's lawsuit against Robin Thicke and Pharrell Williams.

Many other general ethics and behavioral ethics concepts are explored in detail in *Concepts Unwrapped* videos.

Discussion Questions

1. What is the relationship between attribution and appropriation? How are they similar? How are they different?
2. The video acknowledges that artistic progress may not be possible without incorporating important developments from the past. Do you agree? Why or why not?
3. How can artists use others' creative works in an ethical manner? When is appropriation unethical?
4. Case law suggests that someone cannot claim intellectual property rights after throwing away the original work. Do you agree with this position? Why or why not?
5. Have you ever pirated or copied works protected by copyright? What harms did you cause? Do you feel you were ethically justified to do so? Why or why not?



6. Think of an example of something you consider to be a “rip-off” and something you think is an innovative repurposing of another’s work. What makes them different? Could your conclusions be shaped by your own interests?
7. Fair use is a doctrine that allows for limited use of copyrighted materials without acquiring permission, for purposes such as teaching, journalism, parody, or critique. Do you agree with these parameters? Are there other instances that should constitute fair use?
8. According to the terms and conditions of YouTube, the company says it may use any works uploaded as it chooses, but will not claim credit for creation of the piece. Do you think this is ethically permissible? Why or why not? Would you feel comfortable with YouTube using a video you created in an advertisement for the company?

Additional Resources

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Craig, David. 2006. “Description and Attribution.” In *The Ethics of the Story: Using Narrative Techniques Responsibly in Journalism*. Lanham, MD: Rowman & Littlefield Publishing.

Lessig, Lawrence. 2008. *Remix: Making Art and Commerce Thrive in the Hybrid Economy*. New York: The Penguin Press.

Luke, Belinda, and Kate Kearins. 2012. “Attribution of Words versus Attribution of Responsibilities: Academic Plagiarism and University Practice.” *Organization* 19 (6): 881-889.

Merryman, John Henry, Albert E. Elsen, and Stephen K. Urice. 2014. *Law, Ethics, and the Visual Arts*. Alphen aan den Rijn, The Netherlands: Kluwer Law International.

Ursin, Reanna A. 2014. “Cultural Appropriation for Mainstream Consumption: The Musical Adaptation of *Dessa Rose*.” *Mosaic: A Journal for the Interdisciplinary Study of Literature* 47 (1): 91-109.

Young, James O., and Conrad G. Brunk (Editors). 2009. *The Ethics of Cultural Appropriation*. Malden, MA: Wiley-Blackwell.

For more information on concepts covered in this and other videos, as well as activities to help think through these concepts, see Deni Elliott’s workbook *Ethical Challenges: Building an Ethics Toolkit*, available for free download at the link below. This workbook explores what ethics is and what it means to be ethical, offering readers a variety of exercises to identify their own values and reason through ethical conflicts.

Transcript of Narration

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“As young children, we learned that everyone has the right to control the use of their property. Keep it, share it, give it away—it seemed that simple. But as adults, we find ourselves trying to navigate through physical and virtual worlds where issues of intellectual property and ownership are much more complex. Much of what is ethical and unethical in the area of intellectual property has to do with following the law. While laws governing appropriation and attribution are struggling to keep up and add clarity in our rapidly evolving world, ethical analysis can help guide the way.

Attribution means giving credit where credit is due. In theory, the author of any published work has a right to control how his or her intellectual property is used. But in practice, most people click ‘agree’ when signing on to websites such as YouTube without ever being aware that they’re signing over their rights to their material to the corporation that owns the site:

Sometimes, all that’s legally and ethically required to use material is a citation explaining its origins. Other times, content is protected by copyright and has explicit limitations.

We all know that we’re not supposed to plagiarize our papers. But what about artists or musicians who learn their craft by copying famous predecessors? Are these ‘original’ works if they’re infused with the style of the masters? Would we call that stealing? Or influence?

Music professor and computer scientist David Cope created a computer program that produces ‘original’ compositions in the style of previous composers. The computer-generated music sounds like Mozart or Bach, for instance, but it’s not. Two CDs have been produced and sold with no legal action taken because the copyrights to the individual works expired long ago.

In another case, Composer John Oswald created sound collages, using samples of previously recorded works. He claimed that the sound collages were original compositions. He listed all his sources, but did not get permissions to use them. Record companies filed lawsuits, and ultimately, unsold copies of his albums were destroyed. So, in some cases, the courts have allowed unrestricted use where sampling led to the creation of new pop hits. In other cases of deconstruction and remixing, the courts have decided that these artists must get permission from the copyright owners of the original music.

Ethically speaking, using others’ intellectual property for one’s own gain without permission is stealing. The original creator is denied credit and is deprived of control over his or her creation. Passing off another’s property as one’s own is an act of deception.

But appropriation is more complex. Appropriation can mean borrowing ideas, images, symbols, sounds and identity from others. Many would argue that progress in art, music, and architecture wouldn't even be possible without incorporating important artistic developments of the past.

Sometimes appropriation is ethically permissible and other times not. For example, many of our government buildings and banks have appropriated ancient Greek architectural features, such as columns and capitals, to project images we associate with democracy, wealth, and freedom. On the other hand, controversial instances of cultural appropriation abound, such as the NFL's use of Native American symbols like the logo for the Washington Redskins.

Whenever possible, we should follow the rules we learned in childhood about respecting the property rights of others: If what you want to use doesn't belong to you, then use it only in ways that the owner permits. If it's impossible to ask for permission, then ask yourself how you would want the creation to be used or attributed if it were your own. And if ownership itself is the subject of debate, then the use should be subjected to a systematic moral analysis to determine what harms the appropriation might cause and whether they are justified. When it comes to appropriation and attribution, the laws may still be murky, but ethical behavior doesn't have to be."