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Away from Violence toward Justice: A Content Analysis of Cultural Appropriation Claims from 2013–2020

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Abstract

The purpose of the study was to explore instances of cultural appropriation by fashion designers and brands (FD&B), identify cultural sources of inspiration, and, through a justice-centered lens, critique how practices of appropriation manifest as violence. A latent content analysis approach was utilized to focus on the underlying meanings of cultural appropriation in the fashion design practices of fashion designers and brands. Cultural appropriation practices manifested through three theme categories: a) the white lens, b) the capitalist motive, and c) negligence in the research process. Analysis showed that practices extend beyond

the traditional definition of cultural appropriation, the apparel design process has connections to violent practices that manifest in cultural appropriation, and positionality plays a role in the apparel design process and research. Future areas of research are suggested concerning cultural appropriation research, the apparel design process, and apparel design education.

KEYWORDS: cultural appropriation, design inspiration, media, misappropriation, fashion design, apparel design

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Introduction

The fashion industry has faced accusations of cultural appropriation (CA) over the past few decades (Vézina 2019). In the development of apparel, it is common for fashion designers to engage in product development processes that transform inspiration into fashion items. During this process, fashion designers and brands (FD&B) have utilized traditional cultural symbols significant to marginalized communities and low-wage regions, transforming them into fashionable items, resulting in accusations of CA (Green and Kaiser 2020). This has become a common cycle within the fashion system. Thus, CA should be seen as a form of praxis with intentional methods and strategies with categories of consequences.

The creative design process traditionally begins with a spark of inspiration (Lee and Jirousek 2015). This inspiration may derive from a cultural object, image, or experience (Eckert and Stacey 2000) leading to a garment or accessory (Omwami, Lahti, and Seitamaa-Hakkarainen 2020). In some cases, this process involves an effort of appropriateness and appreciation of culture whereas others, may be considered inappropriate (Pozzo 2020). Cultural symbols acquire meanings based on the learned and shared experiences of the adopter(s). Bypassing research and actively ignoring the symbol's traditional cultural context leads to inappropriate interpretations (Han 2019). The reproduction of stereotypical representations is actively harming source communities when using cultural symbols to create fashion, leading to negative cultural and economic consequences for appropriated communities (Vézina 2019).

Cases of cultural misappropriation potentially perpetuate structures of dominance, marginalization, and power inequities (D'Silva, O'Gara, and Villaluz 2018). The fashion industry continues to ignore instances of misappropriation despite its existence between cultures (Shirwaikar 2009, 120). To avoid these potentialities, CA should be critically discussed and analyzed within the context of dominance, exploitation, and power with relation to fashion design decisions. Through this lens, those engaged in the fashion industry will gain insight to understand the detrimental consequences of these systemic and structural relations that exist between dominating and marginalized countries. Although researchers

like Ziff and Rao (1997) discuss power and CA, there still exists a void in this discussion and analysis regarding the nuances of power in fashion CA practices and how these practices obstruct the justice these communities deserve. We believe the conversation of CA is deeper than appropriation vs. appreciation, dominant vs. marginalized, and harmful vs. unharmful rather there are more violent and oppressive undertakings threaded in this practice. To engage in this discussion, we sought to explore instances of CA by FD&Bs by identifying cultural sources of inspiration in the appropriated designs and making meaning of how CA embodies violent methods that preserve systems and structures that harm historically marginalized communities' lives. Instances of CA since the emergence of the Black Lives Matter Movement in 2013 were chosen to frame the beginning of a justice centered discussion on this practice.

Literature Review
Sources of inspiration

Designers use multiple sources of inspiration to support the development of designs. Sources of inspiration are defined as "[any] object, image, phenomena, or abstract concept from which designers draw ideas" (Eckert and Stacey 2000, 1). The selection of sources plays multiple roles in defining context, idea generation, and mental representation of designs (Eckert and Stacey 2000; Omwami, Lahti, and Seitamaa-Hakkarainen 2020). Experienced designers will collect sources of inspiration throughout their careers and learn to select, adapt, and transform inspiration for their designs through multiple strategies (Eckert and Stacey 2003). Each strategy involves the translation, simplification, and alteration of the source of inspiration, which could result in the loss of the inspiration's original meaning potentially resulting in negative implications for those from whom the source is derived. This process has been identified as appropriation (Mete 2006).

Appropriation and cultural appropriation

Appropriation is a part of history. The term is derived from the Latin *ad* meaning "to" and *proprius,* "own or personal", yielding in combination, *appropriare*, "to make one's own" (Nelson 1996, 162). For years, the topic of appropriation has been a politically and ethically nuanced discussion that requires critical unpacking (Green and Kaiser 2017). At a foundational level, Green and Kaiser (2017) conceptualize appropriation, as the imitation of another time, place, person, or subject. Nelson (1996) defines appropriation as taking for one's use, but suggests the term "sinister", implying theft. Building on the theory, Heyd (2003) also suggests a connection to morality. Theorizing the taking becomes "morally problematic" when it is not legitimate, fair, or does not give

attention to the rights and needs of the appropriated. Jennifer Ayres (2017) encompasses the range of appropriation practices visualizing the term as an umbrella that ranges from inspiration to theft with degrees of borrowing during the design process and suggests the ethical responsibility belongs to the designer. Despite the connotation of appropriation, it is necessary to characterize appropriation as not objective but rather subjective and motivated. Importantly, appropriation is perception (Nelson 1996) and "the consequences can be disquieting or painful" (Edward Said, Nelson 1996, 127).

Appropriation is important to the fashion industry and is a result of research and fashion responsiveness (Mete 2006). Although CA has long been a part of the fashion system, there are multiple definitions and interpretations making CA conversations complicated. Green and Kaiser (2020) define CA as taking aesthetic or material elements from another culture and not giving credit or compensation to members of that culture. Heyd (2003) suggests the acquisition and transformation of ideas, images, and art styles originally generated by indigenous peoples and other historically marginalized groups by members of mainstream society. Monroy (2018) defines the term in a similar manner, but acknowledges the ideas, images, or styles are applied to an unrelated culture. Scafidi (2005) frames CA as taking intellectual property and cultural artifacts for one's own use, involving the public display of and access to cultural goods, the debate of cultural authenticity, and the commodification of the cultural product. Young and Brunk (2012, 5) emphasize the need to distinguish "wrongful from benign appropriation" stating there are instances that cause unjustifiable harm (e.g. violation of property rights and an "attack" on the sustainability and identity of the appropriated culture) and offense while other instances don't.

Although multiple definitions exist for CA, a common theme among these ideas are the transferring of cultural property from one culture to another. Researchers distinguish dominant and marginalized groups as those who take and receive culture (Han 2019; Matthes 2019; Ziff and Rao 1997). When dominant cultures take from another culture without thorough research and omit cultural context, they actively commit CA (Han 2019). A method involved in acts of cultural appropriation is depicting a source culture through an external lens, experience, or social and cultural interpretation (Young 2010). Not involving the interpretation of the source culture results in consequences like risking stereotype portrayal, exploitation, and oppression of the referenced culture (D'Silva, O'Gara, and Villaluz 2018; Matthes 2019). Disregarding the indigenous eye in the transfer of meaning or representation of property from their culture could either be a conscious or unconscious task. However, this process within CA acknowledges a psychological positioning subjective to certain understandings of context and society that have violent consequences and should be investigated.

Theoretical Framework
Symbolic violence

Pierre Bourdieu (2001, 1–2) defines symbolic violence as "a gentle violence, imperceptible and invisible even to its victims, exerted for the most part through the purely symbolic channels or communication and cognition (more precisely, misrecognition), recognition, or even feeling". This type of "gentle" violence is initiated through schemas of thought that one group is dominant, and the other is dominated, and the dominant groups controls institutions and establish the behaviors, values, and traditions considered the "norm", while receiving benefits of privilege (Jewell 2020). To achieve privilege, the dominant group constructs categories from the dominant perspective onto the dominated, appearing natural (Bourdieu 2001). Thereby naturalized, those who are considered the dominated embody the socially constructed categories and only see themselves in relation to the dominant, hence acts of violence asserted toward them appear invisible.

To understand the theory of symbolic violence is to be clear of the danger of "gentle" violence. Still dangerous, it appears to, first, pose a minimal threat and happens without warning, presenting itself as unknown (Coles 2016). The dangers in assuming that symbolic violence minimizes physical violence assumes there are no real effects, and its "invisible" nature hinders efforts of resistance before the violence materializes (Coles 2016). Any successful act of symbolic violence presumes authority, and any force that exerts symbolic violence has the power to impose meaning, making it legitimate, thereby concealing power relations and adding to its own force in the power relation (Bourdieu and Passeron 1990). Hence, symbolic violence's sinister presentation impact the dominated culture from encounter to consequential subjugation, impeding the group's self-advocacy.

Silencing, commodification, and capitalism are extensions of symbolic violence in acts of CA, yet previous research overlooks the violent impact of this relationship between power and cultural practices within fashion. The naturalizing of these practices is present in the fashion design decisions and those involved in the decision-making benefit from these systems of power. Symbolic violence through acts of apparel CA are continuously imposed on dominated and marginalized communities. It is necessary FD&Bs involved in the decision making take the time to consider the effect of their actions and the harm caused by the imposed relations of power within the fashion industry. Through a latent content analysis of instances of CA, it is suggested those who adopt CA practices do not fully consider the lives of those appropriated from and this frames the analysis of the study's research objectives.

Methods
Study design

To achieve the aim of this research, a latent content analysis approach (Hsieh and Shannon 2005) was utilized, where the process of interpretation focused on the underlying meanings of CA claims against FD&Bs. Latent content analysis has been utilized in previous research to analyze sources written with varied purposes and perspectives by multiple authors (Jones and Lee 2022; McBee-Black and Ha-Brookshire 2020). The research objectives were to explore power and dynamics between members of dominant and historically marginalized groups. Latent content analysis allows the analysis to go beyond the words used and refers to the process of interpretation of content, interpreting the context of the words and phrases used (Hsieh and Shannon 2005). In addition, the researchers occupy differing positionalities influenced by their identities, biases, and understanding of their surroundings (Burawoy 1998). This research incorporated an intersectional perspective highlighting the attention to the U.S. English speaking researchers' multiple identities and using that to shape methodological choices and data analysis (Reyes 2020).

Source of data

Content analysis was used to systematically search online in google news for two phrases—"fashion designers and cultural appropriation" and "fashion brands and cultural appropriation" to determine claims of cultural appropriation against FD&Bs to 1) determine how fashion designers and brands have been accused of CA and the cultures that are used as sources of inspiration and 2) understand how acts of appropriation impact historically marginalized communities and cultures. Google search, an open-sourced database, was used in the U.S. to collect data following previous research (McBee-Black and Ha-Brookshire 2020). The initial google search yielded 222 articles in the news search category, adding the date filter of July 2013 to March 2021. July 2013 was chosen as a significant date based on the creation of the Black Lives Matter (BLM) movement founded after the murder of Trayvon Martin, with the mission to eradicate white supremacy, intervene in violence inflicted on Black communities, and create space for Black imagination, innovation, and joy (Black Lives Matter n.d.). The creation of BLM encouraged the open forum of conversations surrounding power relations and the oppressive treatment of historically marginalized groups. From the total 222 news articles collected under the search terms, articles were excluded based on a selective criterion only including single reported instances. Finally, duplicates were also excluded, resulting in 68 media articles, some articles classified within multiple categories (Table 1).

Table 1. Media article summary of data used for analysis with theme categories.

Year	Designer/brand	Claim	Culture/ community	Number of articles	Theme category(ies)
2018	Adidas & Pharrell	Hindu spiritual festival	India and Nepal	2	1, 2
2020	Balenciaga	Stole Vietnamese garment & motorbike-inspired concept	Vietnamese	1	3
2018		Ripped off hip hop brand	Hip Hop culture	1	2, 3
2019	Carolina Herrera	Deviations from the Tenango de Doria, Hidalgo, Saltillo & Coahuila culture & communities	Indigenous Mexico	8	2, 3
2014	Dame Trelise	First Peoples' war bonnet	First Peoples	1	1
2016	Dolce & Gabbana	Glamorization of traditional Eastern garment	Muslim	1	1, 2
2015	Dsquared2	Colonizing First Peoples	First Peoples	2	1
2016	Free People	Release of offensive Native American inspired collection	Indigenous Peoples	2	1,2
2018	Gucci	Religious turban	Sikh	5	1, 2
2018		Ripped off Black designer's designs	Black community	1	2, 3
2020	Guo Pei	Tibetan religious art	Tibet	1	1
2015/2020	Isabel Marant	Use of patterns from indigenous Mexican communities	Indigenous Mexico	10	2, 3
2019	Kim Kardashian	Using 'Kimono' as the source identifier for brand	Japanese culture	3	2, 3
2015	Kokon To Zai	Spiritual protective caribou skin parka	Inuit Tribe	2	2, 3
2015	KTZ	Indigenous designer designs	First Peoples	1	1, 3
2017	Louis Vuitton	Use of traditional blanket cast	Maasi of Kenya and Tanzania	1	2
2021		Incorrect reference of Jamaican flag	Jamaica	2	3
2020	Marni	Undermining Black models and their history	Black community	1	1,3
2018	Marine Serre	Crescent symbol	Islam	1	1
2018	Michael Kors	Resembling Mexican sweater design	Mexico	1	2
2020	Neiman Marcus	Geometric patterns referencing Northwest Coast weaving	Alaska Native	1	2, 3
2014	Paul Smith	Resembling Pakistani Chappal shoe	Pakistan, South Asia	1	2

Table 1. (*Continued*).

Year	Designer/brand	Claim	Culture/ community	Number of articles	Theme category(ies)
2018	Ports 1961	Manipulation of Black Lives Matter slogan	Black community	1	1
2020	Ralph Lauren	Used historical Black fraternity symbol	Black culture	1	3
2017	Stella McCartney	Use of Ankara print	African Culture	2	2
2017	Topshop	Resembling the Palestinian keffiyeh	Palestine	1	1
2020	Ulla Johnson	Seminole Patchwork	Seminole Peoples Tribe	2	1, 2
2015/2018	Victoria's Secret	Inappropriate references to multiple cultures	Multiple cultures	6	1, 2, 3
2018	Zara	Resemblance to the "lungi"	Southeast Asia	1	2
2020		Stealing design of multicolored Mexican clutch	Mexico	1	2
2021	Zimmermann	Ripped off traditional embroidery of Mexican artisans	Oaxaca region of Mexico	2	2, 3
2018	Zuhair Murad	Offensive representations of Indigenous cultures	Indigenous cultures	1	2, 3
Total				$N = 68$	

Note. Theme 1 refers to the white lens, theme 2 refers to the capitalist motive, and theme 3 refers to negligence in the research process.

Data analysis procedure

Upon competition of the data search and refining the data used, analysis began. To guide the analysis, the researchers created an analysis table rooted in fashion inspiration (LaBat and Sokolowski 1999), cultural appropriation (Ayres 2017; Green and Kaiser 2017), and power imbalances (Boonstra and Gravenhorst 1998) and determined codes to guide the interrogation of each article, acting as a codebook (Krisjanous, Allayarova, and Kadirov 2022). Next, the two researchers independently reviewed each of the 68 media articles through the analysis table codes. Finally, the researchers proceeded through a cyclical process utilizing the analysis table to discuss the cultural appropriation claims, the media article, and the researchers' evaluations and reflections until themes emerged. Analysis triangulation was employed to ensure validity and reliability. First, after the creation of the analysis table and codes, an outside reviewer checked that the coding was aligned with previous literature and theory. To ensure reliability, the articles were checked for themed category placement. Second, during the researchers' review of the article intracoder and intercoder reliability was continually affirmed by checking of code meaning and application. Third, during theme generation and interpretation, constant comparative methods were

employed until complete consensus was confirmed between the researchers (McAndrews and Ha-Brookshire 2013).

Findings and Discussion

Data analysis revealed three theme categories: a) the white lens, b) the capitalist motive, and c) negligence in the research process. Each interpretive of the authors' varied perspectives from the sample articles. FD&B within these categories ranged from lifestyle to luxury Euro-American brands utilizing cultural elements from historically marginalized communities and cultures.

The white lens

Current designers' and brands' appropriation practices involved borrowing elements from historically marginalized communities and communicating the practices through a Euro-American constructed socio-cultural lens that historically and contemporarily privileges the white citizen. In this context, marginalized communities are often referenced as "outsiders" to the dominating white identity and are purposefully disempowered and denied power and resources (Jewell 2020). In this type of discourse, imposing narratives and decisions in interest of those in proximity to whiteness regardless of geographic locality to fit a design vision is not only a symbolically violent act but a practice that contributes overall to CA. Of the 68 total articles, 27 articles illustrated construction through the white lens with its own sub-practices: (a) trivialization of the cultural elements' meaning and (b) westernization of the cultural elements' meaning.

Trivialization of cultural elements' meaning

Based on the appropriation claims in the news articles, instances involved cultural items being transformed into frivolous, commercialized commodities. When these practices happen, margin of error results from the creative transformation of inspirational sources that glamorize and reinforce self-serving purposes. For example, there has been conversation around the use of eastern cultural garb in fashion and its reception of value only when subjected to romanticization by western society. Quoting a piece from *The Guardian*, Ford (2021) references this practice but also acknowledges how those same glamorized clothing items often leaves, in this instance, some Muslim women who wear cultural garb to be perceived as "extremist" and placed in harmful instances of attack and criminalization. These types of narratives and potential threat are based on harmful socially constructed dichotomies grounded in histories of colonialist and imperialist violent practices. Diminishing the value of a marginalized culture privileges dominant cultural interpretations which mimics historic white-washing and normative productions

of meaning that further oppresses marginalized groups (Garner 2021). Iterating the item's cultural meaning to the degree of desirability while ignoring the systemic oppressive lineages of the source community redesigns violence.

For example, Gucci, a global fashion enterprise, commodified the Sikh daastar, a religious and cultural symbol, while disregarding its traditional meaning and history and ignoring Sikhs' global discrimination and murder for wearing turbans (Kaur 2019). The daastar, traditionally tied fold-by-fold, was criticized as being minimized to a fashion accessory "hat" that was worn by models who were white passing. The underlying issue of this claim is that Sikhs are being discriminated against for wearing the turban, but on the white consumer it is considered fashionable. This highlights the intended purpose and goal of the apparel design process. As the design process is necessary to create fashion, research should be a vital step in those processes because "even those who think they are familiar can [still] reproduce stereotypes" (Collins 2000, 254).

Another example is the luxury brand Dsquared2's fashion marketing department's description of their Women's Fall/Winter 2015 collection as "The enhancement of Canadian Indian tribes. The confident attitude of the British aristocracy. In a captivating play on contrasts: An ode to America's native tribes meets the noble spirit of Old Europe" (CBC News 2015). The brand's play on words characterizing the Canadian Indian tribes as "enchanting" and the British aristocracy's "confident attitude" reinforces a harmful historical narrative. This version of history disparages First Peoples tribes' presence and authority and glorifies the colonization of marginalized communities by dominating entities. This type of marketing wordplay and fashion showcase is a dangerous example of the damage brands can impose upon marginalized communities for the sake of justifying one's design vision.

Westernization of the cultural elements' meaning

Instances of westernization included cultures' and communities' traditions being fetishized, stereotyped, and marketed as more "acceptable" on white models. Westernization is typically defined as societies or cultures adapting to practices of western Europe through methods of influence. While western cultures are taking ideas and practices from eastern cultures, eastern cultures are forced to assimilate into the established universal norms dictated by western trends (Yan and Bissell 2014). Scholars have defined western cultures as valuing Eurocentric or white definitions of beauty while eastern (e.g. Japan, Korea, and China), "overseas countries" (e.g. Latin America and South Africa), or non-white cultures (e.g. African American) are not considered ideal if not emulating westernized standards (Patton 2006; Yan and Bissell 2014). Traditional ideas of European standards steer processes of assimilation grounded in an idea that one culture is more superior than another.

Through trading, colonization, and missionary exhibitions, the United States is a product of western European colonization and a "significant exporter of western culture" (Britannica, n.d.). Acknowledging how historical interactions play into contemporary practices whether (or not) based on cultural connection is the integral element of the conversation. History has an impact on the structures maintained in the fashion industry, and the link between history and current practices determines structures of power and decisions surrounding treatment between "dominant" and marginalized cultures.

For example, Marine Serre released hijabs as part of their 2018 collection in limited light colors to emulate flesh-skinned tones, creating disturbing reactions. Semaan (2018, 6), an Arab-identifying fashion activist, who studies the relationship between fashion, politics, and social change felt "seeing a white woman wearing [the hijab] feels like a privilege available only to her. She is able to do it, but most of us aren't". As noted in the *The Cut* article, Celine Semaan discusses how there is a recognition of the politicized identity the hijab possesses when the item's consumption and the industry's history of colonialism are at play. What becomes more frightening and quite violent, is the lack of clarity in the designer's aesthetic choice being seemingly "deliberate" to avoid the political connotations of the hijab being used as fashion. The designer's use of Islamic imagery, her inspiration of "terrorist attacks in Paris", and disregarding the negative use of the word radical against Muslims by naming the collection "Radical Call for Love" represents a silent attack that feeds on existing power struggles with westernization and colonization. Not only does it reinforce oppressive systems and power relations, but this also communicated that white people have the privilege to freely don other's cultural symbols when those in the community are being dehumanized for wearing the same cultural symbols (Diallo 2021). Further conveying, that origins of colonialism and supremacy of structural and cultural racisms are preserved through color-blindness (inability to be influenced by racial prejudice) and white privilege.

The capitalist motive

Capitalism is a characteristic of a systemic and systematic economic operation that focuses on capital accumulation and the measures to accrue profit. A proponent of the enhanced capital accumulation that we see in fashion is due to reproducible patterns of fashionable goods production and consumption, altering business institutions, social relations, and awareness (Sewell 2010). There is an unquestionable link between capitalism and worker exploitation. To reap maximum profit, workers must receive a small portion of profit (if any) from the product of their labor while the capitalist maximizes their wealth (Abdourahamane 2021). In fashion, these practices involve the enhanced capital accumulation of FD&Bs and negligence of source communities

who rely profitably on the appropriated cultural symbol. Of the 68 total articles, 53 articles illustrated the intent of a capitalist motive through two sub-themes: (a) commodifying the use of cultural elements and (b) the lack of compensation. Both disregarding the opportunity of collaboration with the source community.

Commodification of cultural elements

The capitalist motive involved the commodification of cultural elements to meet the desired profit. The news articles revealed some FD&Bs would copy traditional cultural elements, incorporate the element into a fashion item, and sell the item for significantly more than the source communities' selling price. This practice takes away the indigenous artisans' opportunity to make a living, further contributing to classism.

Silent and micro-aggressive practices that undermine historically marginalized communities while imbuing western qualities are linked to marginalized countries' treatment in colonial and post-colonial histories. Histories of enslaved peoples cultivating resources and manufacturing garments through unpaid labor is the foundation of the fashion industry (Square 2020). This practice has been repurposed through the evolution of globalization, more so through unsustainable and unlivable paid labor (Barber 2021). Western countries have a history-long dependency on eastern traditionally pillaged countries to sustain the global capitalist economy (Baker n.d.). Aja Barber (2021) uses the term traditionally pillaged countries to reference countries that are resource and labor-rich and are exhausted for these reasons. Reliance on traditionally pillaged countries has resulted in less than equitable and dehumanizing treatment surrounding poor factory conditions, unfair wages, and migrant child and refugee labor creating a narrative of modern-day slavery and systems of "white domination and commodification of the body" (Mezzadri 2015).

For example, Michael Kors sold an traditional Mexican-inspired sweater with a reported estimated cost of $500 converting to "thousands of Mexican pesos" (Torres 2018, 4). The appropriated sweater known as the "Baja jacket [or] hoodie" originated in Mexico and was introduced in North America in the 1970s by a subculture of surfers who took the garment back to California. The sweater may be found in multiple outlets and available for wide consumption when traveling to Mexico. However, in this instance, the use and sale of the sweater presents an issue. The designer describes the inspiration of his collection as being inspired by travel and getaways, but there is no mention of *who* is the inspiration. Countries visited by designers are occupied by people who are not only sharing their cultures but are, in this case, sustaining a livelihood by sharing their cultures. Although CA involves the exchange of cultural meaning, symbols, and inspiration, the person in proximity to this inspiration is worth consideration. The distance proximity effect is when an individual's physical or psychological

distance to a stimulus affects their perceived risks or behavior(s) (Li et al. 2021). A designer's or brand's distance from the source community limits their accessibility to social relationships and the commitment to social wellness, leaving them to rely on limited knowledge and judgement based on their socioeconomic positioning. By choosing to not engage in closer proximal relations with the source community, the choice is made to exclude them from the production of the fashion good—from conception to production—while also not considering the enterprises of working-class people.

In another example, fashion brand Louis Vuitton released a Men's Spring/Summer 2012 collection that included accessories inspired by a traditional African cast blanket from the Maasai Shuka tribe in Kenya and Tanzania. While highlighting the ways in which a community is being capitalized upon, it is important to discuss capitalism in relation to the source communities' economic position. Not only was the tribe not compensated through the sale of the luxury brands' items, but "nearly 80% of the Maasai population in Kenya and Tanzania are living below the poverty line" (Young 2017, 4). The Maasai people also maintain their identity and culture though traditional dress and customary practices. Historically, the canon of intellectual property often marginalized traditional knowledge and intellectual property law (Rimmer 2015). However, instruments like the *United Nations Declaration on the Rights of Indigenous Peoples* 2007 provides an overview of the protections and rights indigenous people have concerning their traditional knowledge and traditional cultural expressions (Assembly 2007). Reflected in the Kenyan legislation, the *Protection of Traditional Knowledge and Cultural Expressions Act* provides a framework for the national protection of traditional knowledge and cultural expression (Kenya 2016). Although seeming to be highly protected, the Maasai Intellectual Property Initiative (MIPI) are working toward a licensing agreement for profits to be properly distributed to the Maasai people. Having access to knowledge surrounding copyright and intellectual property is a privilege not all marginalized communities are fortunate of having. However, it is also important for those outside of these communities to give attention to the historical context of the people that the traditional "roots, culture and customs" belong to as a practice of raising our consciousness to traditional knowledge and cultures (Oyange-Ngando 2018, 2).

Lack of compensation

"As an industry, we really need to look at the systems that we operate within" (Del Barco 2019, 2). Monopolism, seeking to favor an actor over another while disregarding collaboration, is a characteristic that has framed the clothing and textile industry (MKE Community Journal 2021). Issues with FD&Bs not compensating the source communities are violent acts that interfere with the source communities' survival

contributing to their further marginalization. Artisans' livelihoods are built on use of traditional cultural symbols from their indigenous communities, but despite paying homage to the cultures some FD&Bs overlooked collaborating with the source creators.

For example, Isabel Marant was accused of using patterns from indigenous Mexican communities, including designs from the women of Santa Maria Tlahuitoltepec in her Spring/Summer 2015 Etoile collection (Mic 2015) and elements from the Purepecha people of Mexico's Michoacan state in her Fall 2020 Etoile Marant collection (Reuters 2020). Christopher Sprigman, NYU law professor, noted an appropriate avenue to settle disputes such as this would be efforts to protect "traditional knowledge" (Fashion Law 2020). This method would be appropriate considering some of the symbols "have a deep meaning for [the] culture" and this would also be "protection for the artisans who have historically been 'invisible'" (Reuters 2020).

Carolina Herrera also used indigenous designs from the Tenango de Doria, Hidalgo, Saltillo & Coahuila communities in Mexico in her 2020 Resort collection. Mexico culture secretary Alejandra Frausto questioned if the designer intended to compensate the indigenous communities with profits from the collection's sale (MND 2019) while the National Regeneration Movement planned legislation to protect indigenous communities' work from being used without compensation (Reuters 2019). Meanwhile Carolina Herrera's creative director Wes Gordan expressed the collection intended to show appreciation for the country and the work witnessed within the country (Jones 2019).

Cultural appreciation is defined as conducting research on the history and significance of a cultural element resulting in an "educated decision" of the appropriateness and/or offensiveness of its use (Green and Kaiser 2020, 144). In this instance, the concern of whether the communities would be compensated lie outside the "working definition"—involving structures of power existence between the appropriator and the appropriated. Although conducting research and considering the contextual usage of the symbol or cultural reference are important, justice in appreciation of cultures extend further than these practices. Justice in appreciation begins with considering the context the fashion industry is situated within—a capitalist condition. Knowing we operate within a capitalist-driven industry means a method of justice in cultural appreciation is financial reparations to the source community for their symbols and references. Neglecting compensation for the source community and this impact on their livelihood manifests as violence within power structures in cultural appropriation or appreciation as a practice. Justice is knowing these communities deserve to be redressed for the use of their knowledge and customs and practicing such actions.

Negligence in the research process

From the definition of cultural appreciation, we learned that conducting research is vital. The design process is a multi-leveled problem-solving

approach that involves the investigation of sources and potential approaches that meet the designers' and brands' design needs. Investigative approaches involve research efforts that draw designers closer to potential solutions. However, how often are these research efforts considering the source community and their historical connections within the research? Acknowledging the historical and contemporary contexts of oppression for marginalized identities is necessary in research practices and emphasizes the responsibility in research (Dillard 2000). Research as responsibility invites those who are historically and contemporarily marginalized into the research as valuable sources in interpretation. Of the 68 total articles, 42 articles illustrated negligence in the research process through two sub-themes: a) disregarding fully documented histories and b) not requesting permission for use of cultural symbols.

Disregarding fully documented histories

As previously stated, the history of societal systems impacts contemporary practices. To meet design visions, some FD&Bs would incorporate cultural symbols into their designs without acknowledgement of the source despite the symbols' researchable presence. For example, Ralph Lauren released a pair of chinos displaying symbols from the historical National Pan-Hellenic Council (NPHC) fraternity Phi Beta Sigma Fraternity Inc. Phi Beta Sigma is a historical Black fraternity founded in 1914 at Howard University and has documented histories for over 100 years of its existence. In a statement from the fashion brand, the use of the trademarked symbol was considered "an oversight" (Akhalbey 2020); however, with the breadth of research that exists historicizing NPHC organizations since their foundation this would rarely classify as a mistake.

In another example, fashion brand KTZ released fashion items inspired by First Peoples patterns and designs for their Fall 2015 collection. A representative from the forum Native Appropriations recognized a similar design in the work of Los-Angeles based Apasaalooke (Crow) and Northern Cheyenne designer Bethany Yellowtail (Forbes 2015). Not only did Yellowtail's designs incorporate traditional Crow beadwork, but the meaning of the geometric patterns also has important cultural meaning that was trivialized in a write-up by the KTZ designer. Marketing the KTZ collection as a "tribute to 'the primal woman indigenous to this land,' who evolves into a sexualized, empowered being" (Forbes 2015, 1) empowers oppressive images of First Peoples women through the patriarchal-normative gaze of other cultures.

Based on the two examples, a historical understanding of the source communities involved in the design process is necessary, mindful, and responsible. Not acknowledging centuries of a communities' existence and "playing" with the discourses that control how they exist are dangerous and perpetuate violent practices. Research has been conducted that enable

designers' decisions in not partaking in co-design with marginalized communities emphasizing the process as a burden (Jagtap 2021). This research fails to interrogate existing systems of power that control the participation of marginalized communities in traditionally pillaged countries which informs designer's perceptions of co-design. However, this research does emphasize embeddedness in the source communities as a practice of continuity and efficiency. Being more critical of the types of power structures that exist in design stages, particularly research, have the potential to better inform why practices like CA occur.

Unrequested permission for cultural elements

Gaps in the research process also involved failure to contact (or follow through with contacting) the appropriated source to request permission for use of their cultural symbols in fashion designs, acknowledging the lack of consent from the source communities.

For example, fashion label Zimmerman debuted a tunic dress with designs inspired by the artisans from the Oaxaca region of Mexico. Instituto Oaxaqueno de las Artesanias called for the brand to explain their design process and to give recognition to the "traditional custodians" of the motifs (Singer 2021). Stephen Wigley, associate dean of fashion enterprise at Royal Melbourne Institute of Technology, stated if brands are not willing to collaborate with the source communities, then they should eliminate the design from their vision. Although designers and their teams have a vision, if they are not willing to partner with the source of inspiration and request their permission to use traditional elements of their culture other avenues of design should be considered.

Similar to this instance, luxury European designer KTZ sold a sweater with an exact replicated design of a caribou skin parka originally created by an Inuit shaman to offer spiritual protection. The Nunavut family of the original creator stated they were not asked permission, nor involved in a formal contract arranging the requested rights to use the design (CBC 2015). The incident received backlash suggesting neo-colonial undertones of culturally appropriating indigenous communities (Krupnick 2015) emphasizing a subtle violent practice connected to taking from marginalized communities.

Implications, Future Research, and Limitations

In the content analysis of google news articles covering CA claims against FD&B, three themes were identified: a) the white lens, b) the capitalist motive, and c) negligence in the research process. The analytical framing was based on the previously defined characteristics of CA in fashion- change in meaning, commodification of cultural elements, and negligence in conducting research. Scholars have suggested strategies to alleviate the manifestation of harmful CA practices in fashion design (Park and Chun 2020). However, these strategies do not fully call out

the ways marginalized communities' lives are shaped by existing structural forces, how CA practices enforces these structures and harm marginalized communities, and how CA should be interrogated for just solutions. Implications should involve (re)cognizing CA as a practice. These practices are based on how we choose to theorize, and they are habits that have consequences for all those involved.

First, academic literature on CA has found it hard to provide a clear definition. Green and Kaiser (2020, 144) present working definitions or interpretations of the terms surrounding appropriation. The scholars suggest that "our theoretical, political, and ideological understandings of [cultural appropriation] are ever evolving". From this study, the definition of CA extends further into a more insidious evolution when the historical, social, political, and economic context is tied to the practice. The findings suggest CA both manifests as taking and plagiarizing for the capital accumulation of the appropriator at the expense of the appropriated's humanity, but also exposes social, political, and economic power imbalances. The interpretation now illuminates the nuances in imbalances of power and wellbeing between the wealthy and the working-class. While also exposing roots and reproduction of colonialism and imperialism, control in legality, and the hyper-active, capitalist environment that thrives on pillaging and reactive recourse. Definitions are important to our understanding, and they frame the ways we choose to imagine (Hooks 2001). How expansive would our understanding of CA practices and the impact it has on marginalized communities be if we chose to theorize CA as just and safe? Future research should continue to interrogate the evolution of the term CA for further clarity and imbue transformative imagination that involves more equitable and thriving practices for the working-class.

Second, the findings engage in a discussion further than the relationship between CA with the apparel design process and considers justice as relational. Previous studies have discussed appropriation and the influences of culture on the design process (Eckert and Stacey 2000; Mete 2006). The goal of this research was to discuss the responsibility of the FD&Bs when engaging in appropriation and apparel design and what this means for the justice of the source communities. Strategies toward responsibility are FD&Bs knowing their positions in the CA power hierarchy, investing in expanding knowledge and grounding research in the social, economic, cultural, and political context of the source communities, and interrogating their relationship with source communities. While engaging these strategies, it is notable that justice looks different for each cultural group. It takes an expansive and willing consciousness to understand that their justice is more so connected to how their lives happen in addition to the institutions that surround their existence (Ladson-Billings 2015). The ways appropriated communities' lives happen should not be cause for FD&Bs to not meaningfully engage with them in the apparel design process although it has been perceived

as a barrier in previous research (Jagtap 2021). Justice in apparel design must rely on restorative and transformative principles and resolutions and not colonial forms of justice (Ladson-Billings 2015). This would involve the appropriator, appropriated, and their respective community's participation in defining harm and/or violence and searching for acceptable solutions for all participants in the apparel design process. Future studies should continue to interrogate how these conversations are designed, who is involved, and how this may inform appropriation practices in apparel design.

Third, scholars have mentioned that CA is free to interpretation, regardless of design intentions (Park and Chun 2020). Every designer does not pursue fashion design education, and the fashion design classroom is not the only space to become educated on fashion design practices. Individuals interested in fashion design should choose to engage in conversations and processes that encourage a deeper understanding of global traditions (Assomull 2021). For those who educate fashion design students, collaboration, cultural awareness, and respectful exchange are important topics, but so is justice as praxis in design. Scholars have begun to theorize what fashion education could be when incorporating social justice pedagogy into the curriculum (Reed, Covington, and Medvedev 2022). Future research should continue to explore, interrogate, and eventually deconstruct how fashion education has manifested itself as an institution of knowledge production and dissemination that has not strayed away from a "ethnocentrism, eurocentrism, or a profit orientation" (Reed, Covington, and Medvedev 2022, 1) that imposes violence on the most marginalized.

Finally, the researchers' positionality played an important role in the research design, analysis, and interpretation of the project giving guidance for future researchers in this area. Researcher 1 is a Black woman and doctoral student. Approaching the research through these identities situates her as a person with marginalized identities but also challenges her mind in committing to engage in the institution of research. Researcher 2 has moved through this world from a perspective of white, heteronormative privilege and her social-economic class has many times been able to overcome her clashes with misogyny. Though both researchers' differing identities could be seen as potentially problematic especially in the discussion of power, both researchers are committed to change through diverse collaboration. CA fashion incidents should be analyzed in more intentional and thoughtful ways to assure equitable design practices (Green and Kaiser 2020). Future research should include scholars locating themselves in their research to understand how their positions affect the process, outcome, and their understanding of the phenomenon (Manohar et al. 2017). Further, those involved in the apparel design process should consider how their identities and positionalities affect their design decisions when it comes to inspiration, design methods, and design vision.

As with any research, limitations in this study concern the sample of articles. First, Google news search was utilized to collect the study's data, which is limited by not only the terms used but also where the search was conducted. Google search is personalized by users' search history, device, and current location and this research was conducted by English speakers living in the U.S. Future research could conduct this type of research in various locations and compare. Second, data did not include claims of cultural appreciation/inspiration or opinion pieces of cultural appropriation limiting understandings of FD&Bs' motivations. Most of the articles also utilized accounts from both the brand and those who represented the source community and/or culture. Although the accounts may be perceived as "opinion", those who are expressing oppression based on their cultural identity should be regarded as principle and appropriate sources for addressing issues of marginalization and CA. Future studies should involve a critical discourse analysis to investigate the media reporting of cultural appropriation to understand the role media plays in describing and explaining CA.

Disclosure statement

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