

Cover Versions: Ethics, Appropriation, and Expertise

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Abstract: Ethical issues arise when musicians perform and record “cover” versions of songs. In this paper I discuss performances of Blues music by professional musicians who do not have strong cultural ties to this material. I begin with a discussion of musical authenticity and appropriation, and then discuss some of the surrounding ethical issues, drawing on James O. Young’s defense of profound cultural offense. Could harm arise from cross-cultural musical covers, and if so, is this harm always a relevant consideration for musicians? What do musicians owe to people who came before them and upon whose cultural traditions they are building?

Keywords: Blues, musical performance, popular music, cultural appropriation, ethical issues in performance, James O. Young, authenticity in music

In this paper I discuss some of the ethical issues that arise when musicians perform and record “cover” versions of songs. Covers have been defined in various ways.¹ For the purpose of this paper, I will understand “cover versions” or “covers” to be recordings and performances of traditional and popular songs that have already been recorded by (and may be strongly associated with) other musicians. I will be particularly interested in cover versions of Blues songs, and I will further restrict my inquiry to musicians who perform for others and accept compensation for doing so. I make this restriction because I do not believe that fully amateur musicians (those who do not perform for audiences or perform only for friends and families) have the same duties – to audiences and to themselves – as do professional musicians.

The Blues originated as a form of African American folk music. Performances by musicians who are not part of that tradition might be considered inauthentic, or even condemned as a morally problematic form of cultural appropriation. There is an unfortunate history of white musicians covering songs first recorded by Black artists soon after they were released. These “white” versions, rather than the original versions, would be played on radio stations and made available in juke boxes. The result was that Black artists were marginalized, with little financial reward or recognition for their contributions.² With time (and in a few cases, legal actions), many of the white popular musicians who built their careers by performing Blues and Blues-inspired music came to acknowledge the African American musical and cultural traditions which inspired them.

Clearly, Blues covers raise a number of ethical issues and I will touch upon several of them in this paper. We usually (but not invariably) think of ethical violations as causing harm. Could harm potentially arise from cross-cultural musical covers, and if so, is this harm always a relevant consideration for musicians? What do we owe to people who came before us and upon whose cultural traditions we are building? This question has wider implications beyond music, but music is a good place to start thinking about them. What does it mean to acknowledge a predecessor, and what are the implications if that “predecessor” is not an individual but an entire cultural tradition? Do our moral commitments change if the tradition to which we are indebted is not one in which we grew up? Finally, traditions develop and change, in both positive and negative ways. It is no easy matter to say when a tradition has been degraded and when it has

simply changed. That said, does a band that calls itself a “Blues” band have a duty to faithfully represent the shared musical practices that have come to be associated with Blues music?

There are no easy answers to these questions. My aim in this paper is to continue the conversation by raising issues and offering some possibilities for consideration.

Authenticity and Appropriation

In any discussion of performance and race the topics of authenticity and cultural appropriation quickly arise. Joel Rudinow’s seminal article, “Race, Ethnicity, Expressive Authenticity: Can White People Sing the Blues?” is still germane.³ In this influential paper, Rudinow characterizes authenticity as the kind of credibility that comes from having the appropriate relationship to an original source. He argues that the authenticity of a Blues performance turns on the performer’s expertise. Rather than consider the performer’s ethnicity, instead look to his or her degree of mastery of the idiom, including but not limited to technical mastery. Evidence that the performer has mastered the idiom can be sought “in and around the performance” for the performer’s recognition and acknowledgment of indebtedness to sources of inspiration and technique.

Let me present a hypothetical example to better motivate the discussion. I give you Etienne – a fan of Blues music as well as an amateur musician. He is a decent singer and fairly accomplished on the keyboard. Etienne grew up and lives in Europe. He has no cultural or personal connection with American Blacks besides his appreciation of Blues music. Etienne is not a native English speaker and does his best to understand obscure references in song lyrics.

Let’s further imagine that Etienne has a group of like-minded friends who are also amateur musicians. They all work in their respective careers and perform together as a Blues band during their spare time. The name of their band includes the word “Blues.” They play in bars, community centres, outdoor festivals, and at private events. They make a little money doing this – probably enough to cover the band’s expenses, with some extra for refreshments. Their repertoire is made up of traditional Blues songs like “Sweet Home Chicago” and “Dust my Broom.” They also cover Blues material made famous by rock musicians, such as Jimi Hendrix and Eric Clapton.

Etienne and his friends are mid-level amateur musicians. Etienne himself projects a charismatic stage presence as the lead performer. Yet despite their efforts, the band does not actually sound very “bluesy.” In fact, all their songs sound more or less the same. They play everything with a “driving” beat more appropriate to different musical styles. The groove in the Blues should be laid-back or before the beat.⁴ Instead they play directly on the beat or even rush ahead of the beat, making them sound more like a rock and roll band than like a Blues band. In addition, there is little musical interplay between the singer and the other musicians, or between the lyrical content and the music.

While Etienne and his band are hypothetical, they resemble actual “Blues” bands throughout the world, playing in local music festivals and in bars and pubs. Some of them are excellent amateur musicians who acknowledge and do their best to raise awareness of African American cultural traditions that inspired their music. However other such musicians give me the impression that they first got to know the Blues repertoire through recordings made by British, (white) American, and European rock artists, and they now cannot hear the music in any other way. Whether or not any of them have explored earlier recordings by African American artists, they too seldom seem to have been inspired by such recordings or to have integrated them into their own performance practices.

Etienne and his friends clearly do not meet the criteria that Rudinow has suggested for a performance to be authentic. This is not because they are White Europeans but because they have not (yet) attained a high enough level of mastery over the Blues idiom. I refer here to both the musical elements of the Blues (its typical rhythmic patterns) and the cultural aspects (their lack of acknowledgement to African American traditions.) To listeners familiar with the Blues, Etienne and his friends simply do not sound authentic.

While the question of authenticity is in this case easily settled, I would like to raise a further question. How should the music-making of Etienne and his friends (and their real-life counterparts) be considered from an ethical point of view?

Appropriation and Ethics

One of the most important considerations in thinking about the ethical implications of our actions is any harm that they may cause. If an act causes harm, then there is at least a *prima facie* reason for thinking that it might be morally wrong. Are Etienne and his friends causing harm by offering mediocre performances of Blues standards? Let's start with potential direct harm to real individuals.

If Etienne and his friends were being hired over better African American musicians, then I would argue their performances cause harm in that they perpetuate economic injustice. And if they did cause harm in this way, then I would argue that the band's performances were at least morally problematic, if not wrong. However, cover bands such as Etienne's typically perform in a geographic and economic niche where they are among the few musicians available for hire who perform Blues covers in public settings. Their work does not displace unionized professionals or better African American musicians. In fact I would venture that if the people who hire bands like Etienne's were able to find better musicians, or musicians with stronger cultural ties to the Blues, they would hire them instead. A lack of competition allows Etienne and his friends to dominate the Blues scene in their niche. Their performances do not harm the economic interests of other musicians who can play in a more authentic manner, and so are not morally problematic for this reason (although there may be other reasons.)

Are audiences harmed if they develop a skewed, unfavourable idea of the Blues from listening to Etienne and his friends? If performers contribute to misinformation about musical traditions, then there is at least some reason to consider their performances morally problematic. However I doubt this is happening here. The people who go to hear Etienne's band and those like them are probably already familiar with the Blues genre and with specific songs. They also have access to much better Blues performances through recordings. I trust that the audience is smart enough to realize that Etienne and his friends are not professionals, have little evident cultural connection to the Blues, and that perhaps better Blues performances might be found elsewhere.

It would seem that Etienne and his friends (and their real-life counterparts) do not directly cause harm, and so there is little *prima facie* reason for thinking that their hobby of performing the Blues might be morally problematic. However the harm that may arise from our actions is not always immediately evident or easily traced. I would further argue (against proponents of Utilitarian ethics) that an act might be morally problematic even if it does not cause harm. Setting aside these complications about ethical theory, I would like to explore the idea that, even if musicians do not cause direct harm (either by harming particular individuals or by contributing to harmful states of affairs) their performances might nonetheless be morally problematic.

In Defense of Appropriation?

I turn here to the work of James Young on profound offense and cultural appropriation.⁵ Young distinguishes harm from offense. While he understands "harm" as a setback to one's interests, "offense" is a negative state of mind. A person who is offended experiences some level of outrage, disgust, or dismay. "Profound" offenses are those that strike at a person's "core values or sense of self."⁶ Young acknowledges that the distinction between harm and offense is only approximate, as certain offended states can hinder an individual's interests.

It is not beyond question that a listener might be profoundly offended by the sound of inauthentic Blues. A Blues aficionado – someone who has spent a lot of time seeking out genuine Blues, has taken steps to understand its cultural traditions, and who supports more authentic musicians when possible – could be offended by an inept Blues performance that tries to pass

itself off as the genuine article. However the Blues aficionado's "offense" is more likely to be aesthetic than moral, or as much aesthetic as moral. The situation changes if our Blues aficionado has strong cultural ties to Blues music. In such a case, an inept performance purporting to be authentic might indeed insult his or her sense of self. Young's work is fruitful for me even if the offense caused by Etienne and his friends is less than profound. The argument for hard cases should apply equally to weaker cases. If profoundly offensive acts can be excused, then it should follow that the same defense should apply to "mildly" offensive acts.

Young argues that artists do not inevitably act wrongly when they produce artworks that are a source of profound cultural offense. He offers two reasons in support of this conclusion. The first is straightforwardly Utilitarian. A work of art that some find profoundly offensive might nonetheless provide social utility or value. As examples, Young cites the musician Paul Simon and the composer Steve Reich. Both have had artistic success drawing on different elements of African musical traditions, and in doing so enriched the lives of many music fans. When the social value of an artwork outweighs the offense that caused by cultural appropriation, we have a reason to think that the cultural appropriation is not wrong.⁷

The second reason is also broadly Utilitarian, but the benefit accrues to the artists in question rather than to society more generally. Young writes that the creation of an artwork might be "essential" to an individual's self-realization. Furthermore, artists often use their work to understand "matters that they find to be of pressing importance." When they do so – when artists act in good faith, in response to a compelling imperative, produce artworks in pursuit of self-realization and disinterested inquiry – they do not act wrongly.⁸ They are not morally blameworthy, even if these works are a source of profound offense. To put it another way, (some) artists get a moral "pass" because the creation of art is (at least sometimes) a privileged form of expression.

The argument from social utility seems plausible but has some odd implications. It seems that cultural appropriation is fine for Paul Simon but not necessarily for Etienne. This conclusion is troubling, because we usually hold that the same moral rules apply to everyone unless there is a morally relevant difference between them. Police officers in the course of their duty are morally permitted to do things that an ordinary citizen is not, because being charged with enforcing the law is a morally relevant difference. We might agree to give some individuals a benefit that is denied to others, because we deem their life circumstances to provide a morally relevant difference. Is artistic skill a morally relevant difference, such that the same act is approved if carried out by an accomplished artist but not by a mediocre artist? The thought that this might be correct is at least a little discomfiting. For one, this claim invites us to excuse or explain away moral transgressions by successful artists. For another, it puts a greater moral burden on less skilled artists when we might ordinarily believe that the reverse should hold, and artists whose work has the potential to reach a larger audience have the heavier moral burden.

Despite these hesitations, I think that the argument from social utility is helpful here. There is something special about hearing a live band, even an amateur band. There is even something special about hearing an amateur band that is not particularly good. I invite readers to think about their own experiences. What I have noticed is that even when the band is only passable, listeners tend to recognize the tunes being played, dance, and generally enjoy themselves. Etienne and his friends, despite their musical and moral shortcomings, are adding to the sum-total of joy in the world.

Young's second defense of offensive cultural appropriation is that artistic expression is privileged when artists create works in service of self-realization or disinterested inquiry. Young implies, and I think most would agree, that a person's intentions are a significant factor in assessing the morality of their actions. There is a significant moral difference between someone who punches another person in a pique of anger, and someone who punches another person in self defense or to protect a vulnerable third party. Of course, intention is only one factor among

many in assessing the morality of actions, and not necessarily always the most significant factor. Certainly, it is not enough, from a moral point of view, to have good intentions.

Young's second line of defense also gives rise to uncomfortable implications. To illustrate what I mean, I must introduce you to another cover band. Katerina and her band play weddings, parties, casinos, and corporate gigs in and around a major city. They are paid to play, and the musicians earn enough that playing in the band provides some of their income in addition to covering the band's expenses. Katerina's band does not present itself as a Blues band, although they will play Blues if asked. In fact, they will play almost anything if asked. If a client requests a song that they do not already know, they will learn it and perform it for that client. Katerina's band can learn new music without too much effort because each member plays at a high level. All make at least part of their income from music, whether as pick-up musicians for other bands, studio players, music teachers, or sound engineers.

When Katerina and her band play Blues covers, it has nothing to do with self-realization or disinterested inquiry. The band plays songs that the audience wants to hear, even when the material is not particularly challenging for them or gratifying to play, and they do so with conviction. You would never know that Katerina dislikes a particular song from the way she performs it. Like Etienne's band, Katerina's band plays to please their audience. They strive to do so out of a sense of professionalism, and also because it makes sense from a business point of view. Katerina's band competes for bookings with other similarly skilled musicians, and a significant amount of the work they get is due to referrals from happy customers. If they are booked less frequently, it will mean a loss of income. Hence Katerina's band has more of an incentive than Etienne's band to make sure that their audiences have a good time.

Etienne and Katerina are both motivated by the desire to please their audience. Etienne is also motivated by sincere (if misguided) appreciation for the Blues. They are happy to be paid for performing, but that is not their main objective. Katerina and her colleagues are not motivated by disinterested inquiry, nor by a desire for self-realization. The Blues is just one of the many genres they have mastered. It would seem, according to Young, that Katerina's band is more vulnerable to the charge of wrongful cultural appropriation than is Etienne's band. Yet at the same time Katerina's band provides greater social utility than Etienne's, which would seem to make their appropriation of the Blues and other musical traditions to be less morally problematic. So Young's two lines of defense pull against each other.

Appropriation and the Debt to Sources of Inspiration

When musicians appropriate the music of another culture, what do they owe to the individuals and cultures who have inspired them? This is a difficult question, and it might be easiest to start with what they do *not* owe. I would argue that they do not owe fidelity to the past nor to the way things have been done in the past. First, the demand to be faithful to the past is difficult even to formulate coherently. Faithful to which aspect of the past? Traditions are not monolithic. They develop and change over time. Attempts to be faithful to the past risk being arbitrary. This is not necessarily a bad thing. If a musician wants to make it their life work to recreate the music of a particular place in a particular era, there is nothing wrong with such a project. However a self-imposed personal project should not be mistaken for a general ethical injunction.

Turning to positive duties, I would argue that there are three duties related to "covering" or performing music of a tradition to which one does not personally belong. They are: the duty not to misrepresent that tradition; the duty to acknowledge the inspiration provided by the tradition; and (in some circumstances) the duty to promote the tradition.

Musicians have a duty not to misrepresent the traditions that have inspired them. My formulation of this duty as negative – *not to* misrepresent rather than to represent accurately or faithfully

– is intentional. As I said above, “faithful” or “accurate” representation is not an appropriate general directive. At the same time, a musical tradition can only be modified so much before it is transformed into something else. This is not necessarily a bad thing but a part of the normal evolution of musical styles and genres. The line between “acceptable stylistic innovation within a tradition” and “new genre” is generally worked out by musicians and fans over time.⁹

The duty not to misrepresent musical traditions is related to the prior duty of musical competence. (Once again, I’m speaking about musicians who perform for others, and primarily of those who do so for financial compensation. The duties of amateur musicians are not as stringent.) The duty to be competent in a particular style goes beyond the established duty to oneself, to other musicians, and to audiences to play competently. Someone who is not yet competent in a particular musical style should be cautious about performing in it, to avoid the possibility of misrepresenting the tradition. There is a difference, for example, between a poor performance of a personal composition and a poor performance that purports to be Blues, as the latter might cause listeners to form a negative impression of the Blues. If performers are competent and want to make creative innovations within the tradition, they should be clear that this is what they are doing. This responsibility is not unique to Blues performances. Similar duties would hold for performers of gamelan or Zydeco music.

The duty of acknowledgement is related to our larger duty of gratitude. Generally speaking, one should not attempt to pass off as a completely original production something that has been inspired and nurtured by others. I would argue that the duty of acknowledgment and giving credit where due is an established (although perhaps not explicitly documented) ethical norm among musicians. In interviews and talks, professional musicians in every genre tend to speak with gratitude about their teachers, their musical influences, and those who inspired them.

Finally, musicians have a duty to promote the traditions that have informed their musical practice. This might be as simple as telling listeners where they can hear more of a particular musician or style of music. Highly successful musicians have correspondingly greater duties. What the cover band at my local bar owes to its musical predecessors is certainly less than what the Rolling Stones or Led Zeppelin owe.

The objection might arise that asking musicians to acknowledge and promote the traditions that have inspired them is asking them to do something *extra*-musical. If gratitude, say, cannot be conveyed through musical sound alone (or in “the music itself”), then to ask it of musicians is misplaced. However this objection rests on a flawed conception of music. I have argued elsewhere that the nature of music is fundamentally social, and that even solitary listening to music is best conceived of as a social phenomenon.¹⁰ Let me elaborate: Music is created by human beings, usually for the benefit of other human beings. (Even in the very few cultures where unmediated natural sound can be considered music, the grouping of natural sound with song or instrumental music is a social convention.) The transmission of music from one generation to the next begins very early in life, as we can see through the universal practice of singing children to sleep, and the cross-cultural phenomenon of special musical repertoires for children. Even musicians who are self-taught must rely on other human beings (or recordings of them) to grasp how their instruments are supposed to sound, not to mention how to make sounds into a musical work.

All of this is to say that a musical performance is not limited to the sounds made by musicians. Performances are social events and encompass the performers’ interactions with the audience, including introductions, remarks about the music being performed, and ad-lib exchanges among band members and with the audience. The communication between a musician (especially, popular musicians) and their audience is not limited to what is said from the stage. It also includes what is conveyed in media interviews, statements to the press and (in the present day) postings on social media. All of this give plenty of opportunity for musicians to acknowledge their debts to the musical traditions that have inspired them, and to promote those traditions.¹¹

Final Thoughts

Would it be better, from an ethical point of view, for Etienne and his friends to play some other kind of music, or not to perform at all? To put the issue in its starkest form, might they have a *duty* to refrain from playing Blues covers, despite their evident pleasure in performing?

I would say no. As I argued above, Etienne's band, despite its shortcomings, is performing a useful social function by sharing their love of music. However it does not follow that musicians such as Etienne have no further ethical responsibilities. It is not easy to specify (let alone quantify) what musicians who perform the Blues owe to their African American predecessors. But that does not mean that they owe nothing. Whatever the debt, it might not be obvious how performers might begin to discharge it. But that does not mean that they should do nothing.

Judging by their performances, the hypothetical Etienne and his friends (as well as many non-hypothetical musicians) could and should do more in this respect.¹²

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Notes

- ¹ See for example Michael Rings, "Doing it Their Way: Rock Covers, Genre, and Appreciation," *Journal of Aesthetics and Art Criticism* 71:1 (2013), 55-63; and P.D. Magnus, *A Philosophy of Cover Songs*, Open Book Publishers, 2022.
- ² For one discussion of these issues, see Denise Oliver Velez, "Black people create, white people profit: The racist history of the music industry. Available at: <https://www.dailykos.com/stories/2020/6/14/1948464/-Black-people-create-white-people-profit-The-racist-history-of-the-music-industry>. Accessed on July 2, 2022.
- ³ Joel Rudinow, "Race, Ethnicity, Expressive Authenticity: Can White People Sing the Blues?" *Journal of Aesthetics and Art Criticism* 52:1 (1994), 127-37.
- ⁴ See Tiger C. Roholt, *Groove: A Phenomenology of Rhythmic Nuance* (New York; Bloomsbury), 2013.
- ⁵ James Young, "Profound Offense and Cultural Appropriation," *Journal of Aesthetics and Art Criticism* 63:2 (2005), 135-146.
- ⁶ Young, 135. Young draws here on Joel Feinberg, *The Moral Limits of the Criminal Law*, vol. 2, *Offense to Others* (Oxford University Press, 1985).
- ⁷ Young, 139.
- ⁸ I read Young here as meaning artists do not act wrongly when the works they produce are in pursuit of either 1) self-realization; or 2) disinterested inquiry. Arguably an artist could not coherently pursue both aims in the same work, as self-realization is not disinterested.
- ⁹ See Jennifer C. Lena, *Banding Together: How Communities Create Genres in Popular Music* (Princeton University Press, 2012).
- ¹⁰ See my *Why Music Moves Us* (Palgrave MacMillan), 2015, chapter six.
- ¹¹ See also Jeanette Bicknell, "Reflections on John Henry: Ethical Issues in Singing Performance", *Journal of Aesthetics and Art Criticism*. 67:2 (March 2009): 173-80.
- ¹² I am grateful to participants and co-panelists in the American Society for Aesthetics 2022 Virtual Summer Aesthetics Festival panel on the Ethics of Covers, and especially to Evan Malone and P.D. Magnus for sharing their forthcoming paper, "The Ethics of Cover Songs." For discussion and comments on earlier drafts I thank Ian Jarvie, Jennifer Judkins and Justin London.

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