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Ownership and transmission in contemporary dance and beyond: A short introduction to the Special Issue.

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Keywords:	Ethnographic Approach, Cultural Property, Copyright, Contemporary Dance, Social norms
Abstract:	The aim of this collection is the investigation and contextualisation of specific arts practices for what they can show us about the transmission and ownership of knowledge. Our authors make explicit the modes of sharing that are part of the creative process in contemporary dance and in Irish traditional music and examine the principles of transmission and social mores that allow ideas to move between practitioners. This introduction sets out some context for the volume and our approach, which is to work alongside practitioners to understand and make explicit the social principles and expectations of ownership that are part of the process of producing these art forms.

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Abstract

The aim of this collection is the investigation and contextualisation of specific arts practices for what they can show us about the transmission and ownership of knowledge. Our authors make explicit the modes of sharing that are part of the creative process in contemporary dance and in Irish traditional music and examine the principles of transmission and social mores that allow ideas to move between practitioners. This introduction sets out some context for the volume and our approach, which is to work alongside practitioners to understand and make explicit the social principles and expectations of ownership that are part of the process of producing these art forms.

Keywords: Cultural Property, Copyright, Contemporary Dance, Commons, Sharing.

The aim of this collection is the investigation and contextualisation of a specific arts practice for what it can show us about the transmission and ownership of knowledge. Our approach begins from an understanding that creative cultural practices enact social principles that are a key part of their realisation. It is the intention of the authors gathered in this volume to make explicit modes of creation and sharing that are part of a living art form. The key focus is contemporary dance, supplemented by European folk dance, and Irish traditional music. We are interested in particular in the creative processes whereby ideas and movement material are made in the genre of contemporary dance, and the processes of transmission that allow these

ideas to move between practitioners, both horizontally during creative improvisation, and hierarchically through pedagogy and influence. The supplemental focus on Irish traditional music and on folk dance allows us to highlight some specifics of each, while attending to the legal and social context of these practices in contemporary society.

Although a straightforward definition of contemporary dance may prove both elusive and controversial, dance scholar Bojana Cjević offers a helpful summary: ‘the term “contemporary dance” has replaced “modern dance” since the 1990’s and circulates as a putatively more neutral denominator than “modern” and “postmodern dance,” which are marked by disputes about modernism in Anglo-American dance criticism and history (Manning 1988; Banes 1989). “Contemporary dance” serves merely to distinguish the present-day production of dance from the coexisting historical or canonical forms and styles of – originally West-European - theatre dance (ballet, “classical dance,” also referred to as “academic dance”), or from other non-Western dance traditions as well as dance forms geared to non-art purposes (social, therapeutic, entertainment, etc.)’¹ As Whatley (this volume) describes it, ‘contemporary dance is a theatrical form that has evolved to reflect its own cultural, political and aesthetic history. But it is a diverse practice and develops often through the particular style characteristics, vocabularies and idiosyncrasies of the individual choreographer and/or dancer’.

Our efforts in this volume are not towards definition. Rather, our concern with community, commons, ownership, and sharing turns us toward the social milieu of contemporary dance as a professional community with concerns over livelihood and the persistence of their art form. We begin from the observation that there is evidence that processes of creativity are made

¹ B. Cjević 2015: 5.

possible by ideas and assumptions about reciprocity and exchange that are crucial to these artists' practice, but that are not often articulated explicitly either by practitioners, or known more widely. We have worked with dance makers to understand their practice for their hidden gems of social intelligence anticipating that those gems are of value beyond the practice, and can be made an aspect of what this genre has to share with a wider public.

While many have addressed modes of creation in dance making, and some focussed on contemporary dance, our volume differs in an important manner that we make explicit at the outset. We are interested in an accurate understanding of the social principles that are brought into being while making dance. We are interested for another purpose than merely explicating them, or of translating bodily forms of creativity into knowledge.² Doing so is important, and we rely upon descriptions in our work, but they are not the ultimate goal of this exercise. Our intention is to make principles explicit in order that they can inform and shape answers to questions in other realms of practice. The focus of our common research in the Dance, Digitisation, Ownership Work Group³ is in trying to achieve adequate understandings of social principles, and reflect upon how they can be helpful in reflecting on the effect of legal regimes on collaboration and knowledge sharing more generally. We are thus interested in exploring the social, moral, ethical, and political principles that shape and are shaped by work in the dance studio. We propose that the opportunity offered by this focus is to highlight aspects of working with other people that are often obscured by conventional institutional, legal, or commercial considerations.

² see Leach and Davis 2012.

³ I am grateful for the support that the Centre for Science and Innovation Studies, UC Davis, provided for the working group.

This volume then is a process of ‘path clearing’⁴ that utilises, in part, the study of material through an ethnographic lens. We wish to lay the ground work for the possibility of intervening in wider debates on the ownership of, the governance of, and protection of, knowledge forms that do not fit easy into criteria that usually govern the circulation of knowledge. The papers collected here are gathered to set out some of the fundamental elements and aspects of both understanding the making of contemporary dance specifically as a process of knowledge creation and transmission. We are concerned with where and how this specific practice might help us to reformulate intractable issues relating to kinds of knowledge that are embodied, that are collectively produced and collectively owned, that are forms of heritage, and thus slip beneath the radar, or worse, are distorted and corrupted, by modes of ownership that lack sound conceptual frameworks for accommodating their social complexity. As the contributions make clear, the conceptual frameworks that are visible in intellectual property law and in cultural property precedent present such problems.

I introduce the term ‘heritage’ here not because the majority of our examples from contemporary dance (or from music) are ‘cultural property’ in themselves (although several contributors do talk about practices that are designated cultural property). Instead, we are looking to learn about how social principles that govern the creation and circulation of dance material are at once embedded in and emergent from a genre which in its essence, has analogous aspects with intangible cultural property more generally. These include the bodily nature of the practices, the governance of their creation and reception by principles outside standard commodity or intellectual property regimes, a strong component of the work that contributes to the emergent personhood of practitioners, and to the constitution of groups of people who share their identity through association with and practice of, a cultural form. In

⁴ Jackson 1989.

our case, the ‘community’ (a self-designation, see Leach this volume) is a professional one in which individuals are concerned with making a living.

We should remember that the concept of ‘cultural property’ does not refer to a fixed domain, a territory which practices are naturally either ‘within’ or outside.⁵ Definition and advocacy play a major role in deciding what is and is not cultural property, especially when the definitions of UNESCO are an arbiter. If it is ‘culture’ that is the subject of property, it is necessary that it is practiced to survive. The practices (including musical) we look at here are sustained through complex structures of commercial and non-commercial support. All arts occupy a political position in a society, what unites them is the importance and value practitioners see in their continuation, how this is achieved internally to the practice, and through external recognition. Our volume addresses these aspects directly.

What this points to is that understanding contemporary dance as ‘heritage’ or ‘cultural property’ depends on the context in which contemporary dance becomes an object of exchange and transaction (in the making of a piece, in the later performance of the piece, in practices of fixation etc.). It depends on who is the subject to exchange knowledge (which includes considerations of hierarchy, achievement, and thus visibility in the genre), and also on the timing of an identification of ‘knowledge’ to be transferred. It might be argued from the papers collected here that contemporary dance is better described as a ‘tradition’ – as a process of knowledge and value transmission – or by alluding to the notions of propriety and ethos - than as strictly heritage or cultural property. Yet as these terms tend to also shift, and overlap, just as the needs and situation of practitioners’ changes, our endeavour to understand the principles of transmission and ownership here are relevant to thinking about why, when,

⁵ See Boyle (1996) who makes a similar point with reference to the ‘commons’.

and with what effect, things are enabled as art, as heritage, or as in the case with one of our examples, indeed, national cultural property.

While contemporary dance shares many aspects with heritage and cultural property (oral transmission, restricted circulation, master-pupil relationships) our claim is not that contemporary dance is cultural property, but that we can learn important things about the ownership of performed practices and their transmission through attention to their emergent social norms and ethos. As above, our intention is to make principles explicit in order that they can inform and shape answers to questions in other realms of practice. The next paper in our volume (Leach) attends to the context of contemporary dance, and introduces, through a detailed synthetic discussion, the papers and their arguments.

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