

Afro-Cuban Folkloric Dance in the Age of Intellectual Property

Carolyn Renée Pautz*

Abstract: This article analyzes drafts put forth by the World Intellectual Property Organization (WIPO) to examine the gaps that are created when institutions attempt to assign authorship of traditional knowledge and traditional cultural expressions to individuals and communities and how these gaps impact the use of folkloric dance in cultural institutions. The analysis produced via anthropological mappings of policy is underpinned with an examination of terminologies that circulate between fields of discourse, spiraling their way into public policies concerning marginalized peoples' rights, economies of art, and intellectual property. This is followed by ethnographic accounts of Afro-Cuban folkloric dance classes, for it is in the dancing bodies that gaps between policies of authorship and the reality of unstable streams of transmission and reception materialize. By reproducing and circulating these unstable streams, combined with various legal doctrines put forth by WIPO, cultural institutions appropriate Afro-Cuban folkloric dance to commodify individuals and communities.

Keywords: Afro-Cuban folkloric dance, capital, folklore, heritage, intellectual property, Lucumi, orisha, Pierre Bourdieu, WIPO

INTRODUCTION

Drawing on critical pedagogy, embodied knowledge, folkloric studies, sociology, and anthropological mappings of intellectual property rights of folkloric artistic practices and products, I intend to examine the subjectivities that avail themselves of Afro-Cuban folkloric dance in the Alvin Ailey Extension curriculum. I argue that the Ailey Extension reproduces outdated lenses of folkloric studies that, when combined with various legal doctrines put forth by the World Intellectual Property Organization (WIPO), which regularly shift authorship between individual and community, facilitate abilities to appropriate and misuse Afro-Cuban folkloric dance to commodify individuals and communities. Thus, even an institution

*Temple University, Philadelphia, PA, United States; Email: crpautz@gmail.com

such as the Ailey School and its corollaries, which are deserving of respect for their many contributions to, and celebrations of, dance, black culture, and marginalized peoples, can suffer having their position of resistance and power inverted by relativist, modernist, and neoliberal capitalist agendas run amok.

The broad foundation for this examination is built upon the lenses of embodied knowledge and structuralism, with critical pedagogy and folkloric studies used to address specific research findings concerning the educational institution, the folkloric pedagogical environment, and the dancing itself. These methodologies compliment one another while offsetting limitations. As both a method and a resulting product used to collect and organize information, anthropologist and dance scholar Yvonne Daniel remarks that embodied knowledge is a rich and viable form of “knowledge found within the body, within the dancing ... which the body articulates as it grows in ... practice over a lifetime.”¹ As a conceptual framework within the African diaspora, embodied knowledge is also an already-revered concept that has been developed over generations in order to “reveal what the body knows, what it is capable of and, recalling Michel Foucault, what it does.”² In this regard, it provides a lens through which to understand Afro-Cuban folkloric dance as a durable “somatic rhetoric,” an accrue-ment of physically encoded knowledge and an alternative means toward the produc-tion of knowledge and culture.³ It is a useful framework through which to understand the development of Afro-Cuban folkloric technique as way of being in the world and as a form of social capital in circulation between dissimilar fields.

As a methodology, embodied knowledge is useful for analyzing subaltern cultures because it creates space for agency, providing an opening through which to understand power as negotiated and productive. Even though it exists inherently, embodied knowledge is a “hidden transcript” that speaks to a lack of agency and acts of violence to which individuals cannot openly or imme-diately respond; in dance studies, it has frequently been employed for the purpose of recuperating agency in a celebratory manner.⁴ Unfortunately, the magnified focus on agency can be both misleading and extended to lengths that isolate Afro-Cuban folkloric dance from larger structures of domination. Even though embodied knowledge as a framework reveals a web of diasporic cogni-zance, as a result of its capacity to also function as capital in both the form of product and process, it remains open to commodification and appropriation within capitalism. These methodological limitations must be acknowledged. I counterbalance them with structuralist analyses of embodied capital, sym-bolic capital, and the Ailey Extension as a dance education institution that draw on the structuralist theorizations of sociologist Pierre Bourdieu. Employing structuralism will elucidate the powerful influence that social structures such

¹Daniel 2005, 4–5

²Daniel 2005, 5.

³Glancy 2011, 27.

⁴Scott 1990.

as WIPO and the Ailey Extension have on individuals and collectives as well as the accumulation and dispossession of embodied and symbolic capital in the form of Afro-Cuban folkloric dance.

Finally, I will closely examine the relationship between teaching, learning, and the variety of learning environments individuals and communities produce and reproduce using tools from critical pedagogy and folkloric studies. I will analyze the Ailey Extension as an institution, the folkloric pedagogical environment, and Afro-Cuban folkloric dance using educational anthropologist Judith King-Calnek's theorization of interethnic pedagogy, as constructed by Manoel de Almeida Cruz, who draws heavily from Paulo Freire and Henry Giroux. In step with anthropologist Lorraine Aragon, I will employ anthropological mappings of drafts put forth by WIPO to examine the gaps that are created when institutions attempt to assign authorship of traditional knowledge (TK) and traditional cultural expressions (TCE) to either individuals or communities and how these gaps impact the use of folkloric dance in cultural institutions such as the Ailey Extension. The analysis produced via these methodologies will be underpinned with ethnographic accounts of Afro-Cuban folkloric classes held at the Ailey Extension and personal interviews with priests and priestesses (who have chosen to remain anonymous) concerning dancing in socio-religious settings. Folkloric studies as a methodology (which inherently utilizes a certain amount of ethnography), especially that put forth by folk artists and educators such as Kristin Congdon, Zoila Mendoza, Andriy Nahachewsky, and Theresa Buckland, will be both employed and critiqued in my ethnographic dance analysis. For as much as folkloric studies and the processes it engages with is an integral method to my research, it must be acknowledged that folklore and the field of folkloric studies is directly related to modernism and articulates closely with capitalism.

The terms heritage, intellectual property, TK, and TCE must be defined to understand how they function at the level of the cultural institution and in relation to WIPO, an United Nations (UN) agency, as this organization will come to bear on the analysis of the Ailey Extension's pedagogical agenda. It is also useful to define and interrogate the term folklore since Afro-Cuban folkloric dance is the primary object of ethnographic analysis. Finally, a brief definition of cultural capital and social capital will be offered to highlight the disjunctures caused when economic rule irrupts into dissimilar fields, intercepting and bifurcating the function of folklore as a symbolic good.

WIPO was formed in 1970 in response to conditions of globalization and the shifts from liberal to neoliberal capitalism that began in the second half of the twentieth century. It intended to address "inequitable conditions of international trade and governance,"⁵ while "promoting creative intellectual activity and facilitating the transfer of technology to ... developing countries in order to accelerate

⁵Aragon 2012, 271.

economic, social and cultural development.”⁶ Mirroring the development of the term intellectual property during this time period, the conditions of cultural property shifted from “a universal heritage of mankind” to one of “proprietary patrimony,”⁷ allowing governments and state-recognized ethnic, religious, and Indigenous groups to assert ownership and exchange rights, via legal language, in order to protect cultural heritage as a form of intellectual property.⁸

Implicit in the WIPO drafts is an ambivalent stance to the UN’s concept of cultural heritage, which is officially defined by the UN Educational, Scientific and Cultural Organization (UNESCO) and subject to heritage law. Heritage, as a form of material capital (including embodied) and symbolic capital (including processes and ideas), refers to the culture (past and present) and TK possessed by a community in its embodied, objectified, and institutionalized state. Most importantly, it is considered integral to the identity and function of that community and the individuals who embody that community. Intellectual property is a form of cultural capital that can also exist in both a material and symbolic state and whose creation is attributed to the labor of an individual or legally identifiable person or group of people. The current conceptualization of both heritage and intellectual property can be traced to Enlightenment-era notions of property rights.⁹ In general, property rights are related to notions of “possessive individualism,” which dance scholar Anthea Kraut theorizes as the ability to remain self-possessed of one’s inalienable property.¹⁰ As an apparatus that has gained traction with the development of neoliberal socio-economic structures under WIPO, intellectual property magnifies the reliance on the act of individualism through its emphasis on verifiable authorship, self-realization, and state recognition of existence as a pre-qualifier for possession.

Although I will focus on intellectual property, it is important to note the differences between intangible property law (including intellectual property) and heritage law as they impact how folklore and the communities it is sourced from are framed. The former is concerned with setting labor and commodities in motion within global markets, while the latter is concerned with safeguarding cultural products and practices and restricting their flow between uneven political and economic spheres. While both are controversial, it can be generally observed that what heritage law seeks to safeguard, intellectual property law seeks to liberate for circulation.¹¹ Although WIPO does not represent any particular nation, it has the capacity to develop markets, maintain flows of circulation, and alter techniques

⁶Agreement between the United Nations and the World Intellectual Property Organization, 1975, http://www.wipo.int/treaties/en/text.jsp?file_id=305623 (accessed 10 November 2016) (WIPO Agreement).

⁷Aragon 2012, 271.

⁸Aragon 2012; World Intellectual Property Organization (WIPO) 2016.

⁹Kraut 2016.

¹⁰Kraut 2016, 46.

¹¹For more, see Aragon 2012; Brown 2005.

of the body because neoliberal frameworks favor globalization and contractual relationships.¹² My analysis will further elucidate how these contractual relationships encourage the circulation of dance and other forms of cultural and social capital beyond the markers of history and community, dispersing them among global consumers.¹³

Since 2000, and in response to technological globalization, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) has worked to develop functional legal terms and policies specifically protecting non-Western folklore that take the forms of TK and TCEs.¹⁴ WIPO divides labor, processes, and materials between these two different forms. TK encompasses knowledge that is created, maintained, and developed by Indigenous or local communities and/or nation-states that is integral to such a community. TCEs encompass any form of artistic or literary, creative, or spiritual expression that is tangible or intangible.¹⁵ Both terms are frequently referred to together under “cultural expressions” as any form of artistic, literary, creative, and spiritual expressions that may be tangible or intangible folklore and knowledge and may be embodied, expressed, illustrated, orally transferred, or codified.¹⁶ Interestingly, the IGC’s statement of purpose, which noticeably abstains from using the term heritage, has woven together early twentieth-century universalist language, mid-twentieth-century patrimonial language, and late twentieth-century individualistic intellectual property language, highlighting an ambiguity around what folklore is and an inconsistency in whether individuals, local communities, institutions, or states are intended to be the beneficiaries of TK and TCEs.¹⁷ Furthermore, because the language of WIPO indexes certain fundamental qualities of UNESCO’s definition of heritage without explicit use of the term, it obscures the manner in which intellectual property law commodifies TK and TCEs as capital.

The role of folklore as both capital and commodity was highlighted in the 1989 Recommendation on the Safeguarding of Traditional Culture and Folklore by UNESCO. This declaration stated that, “[forming] part of the universal heritage of humanity...noting its social, economical, cultural and political importance... [and] recognizing the extreme fragility, [judge] that governments should play a decisive role in safeguarding folklore.”¹⁸ This paved the way for the inclusion of the term folklore as part of the definition of TK and TCEs in the WIPO drafts. It also gave the term cultural, political, economic, and social validation at non-profit arts education institutions such as the Ailey Extension during the late twentieth and early twenty-first centuries. At this time, the local communities that folklore is

¹²Martin 2002; Barry, Osborne, and Rose 1995.

¹³DeFrantz 2012

¹⁴WIPO 2016.

¹⁵Aragon 2012.

¹⁶WIPO 2014.

¹⁷See WIPO 2016, vol. 2.

¹⁸United Nations Educational, Scientific and Cultural Organization (UNESCO) 1989.

sourced from also became legally viable owners according to WIPO. However, dance scholar Theresa Buckland points out that folklore is a discursive category and process “loaded with nineteenth century misconceptions” concerning race, class, gender, and religion.¹⁹ She asserts that the term has historically been employed in both nationalist and economic agendas to manufacture provenance while periodizing certain groups of people as pre-modern and therefore in need of assimilation. Zoila Mendoza, who analyzes how the performances of folkloric dance define and redefine categories of social differentiation defines folklore as an “hypothetically authentic product” of “hypothetically common knowledge (lore),” which is assumed to be attributable not to any individual but, rather, to a “hypothetically unified community (folk).”²⁰ Mendoza’s definition emphasizes the decontextualized, distant, and communal origin whose author remains anonymous and whose product is temporally and spatially fluid. The sum of these definitions highlighted by UNESCO, WIPO, Buckland, and Mendoza makes folklore a rather megalithic category that, as a result, is often employed in a manner that conflates notions of universal heritage with particular community-based property.

Additionally, dance scholar Andriy Nahachewsky stresses that drawing upon the term folklore while failing to register folklore as a historicized and reflective creation muddies our understanding of how folkloric dance draws upon the embodied knowledge of both past and present-day individuals and communities, as both product and process. Nahachewsky asserts that for folkloric dance to serve as a popular or “lived” community dance tradition and a historical celebration of heritage hinges upon the degree of awareness that the performer and/or audience have concerning the historicization of the dance form and the purpose for the performer and/or audience engaging with a historicized dance form. Consequently, it is arguable that folklore serves multifarious functions. When we consider the conflation of notions of property, folklore’s extreme hypothetical nature, the historical foundations of the term, and the fluidity of folkloric knowledge and expressions, the application of the term becomes increasingly unstable. This instability creates gaps that enable WIPO to steer unfixed labor and commodities (including bodies) in the form of TK and TCEs into markets that flow around the globe, while causing folklore to be legible only in relation to its function at particular moments and in particular spaces. TK and TCEs function as commodities under the terms of WIPO, but they may also be interrogated as forms of capital.

I offer these associations between forms of capital and TK/TCEs precisely because WIPO’s agenda is to cause forms of capital and commodities, and the ideologies that have produced them, to flow between dissimilar fields. Furthermore, the hallmark of all capitalist frameworks is accumulation.²¹ However, I do not wish to reduce the essence of this matter, which crosses religious and cultural lines, simply

¹⁹Buckland 1983, 329.

²⁰Mendoza 1998, 170.

²¹Harvey 2007.

to economics and consumerism. As Robert Warner points out in his critique of Peter Berger's work, *The Sacred Canopy*, religions and their traditions in the United States cannot be reduced to marketing agencies and simple consumerism.²² This would imply the decline of religions and religiosity and a rise in secularization.²³ In fact, the conditions of religion in the United States are far more ambiguous and subject to different sociological factors beyond the Eurocentric grand narrative of traditional secularism.²⁴ Verily, the Lucumi religious community is not in decline in the United States if one considers the increasing numbers of initiates. However, with this spread have come contemporary issues of neoliberal appropriation. Hence, I insert these definitions of capital and their association with TK and TCEs to position Afro-Cuban dance, in its religious and folkloric forms, within a complex American modernity, which R. Stephen Warner points out is subject to an open-market, entrepreneurial, and democratized approach.²⁵ That this mirrors a globalizing, neoliberal market logic is no coincidence. In step with Pierre Bourdieu, I am interested in making plain how the subaltern tends to occupy similar positions across dissimilar fields and how the symbolic and embodied capital and traditions of a religious community are transubstantiated between fields, commodified in society, and made available for subsequent accumulation and dispossession.

Bourdieu defines capital generally as the accumulated labor that has the potential to produce profit and reproduce itself in various forms²⁶ and can only be understood in relation to the particular moments and spaces (or fields) in which it is expected to perform.²⁷ Similar to the legibility concerns of folklore, anthropologist Michael Brown draws attention to the fact that cultural capital is subject to divergent understandings: as heritage, a universalist concept;²⁸ as tradition, a group-specific concept; and as culture, an ecologically specific concept.²⁹ TK, such as the embodied knowledge (as reflexive techniques or creative technologies) of folkloric dance sourced from Lucumi religious dances, is a form of embodied cultural capital that Bourdieu defines as the "long-lasting dispositions of the mind and body."³⁰ However, because folkloric dance does not exist except as a realization dependent entirely upon discursive theories between multiple modernities

²²Berger 1967; R. Warner 2010, 69.

²³Secularization theory has largely been debunked as data has shown that religion has not died out as Berger's original theory predicted. Peter Berger himself would later acknowledge that he was wrong in his predictions and join in the chorus of philosophers arguing for a review of the use-value of secularism. Berger 2014.

²⁴Berger 2014, 69.

²⁵S. Warner 1993.

²⁶Bourdieu 1986.

²⁷Bourdieu and Passeron 1977; Bourdieu 1986.

²⁸Brown 2005, 46.

²⁹Brown 2005, 46, 52.

³⁰Bourdieu and Passeron 1977, 94; Bourdieu 1986, 244. This builds off of Bourdieu's term "*bodily hexis*," a "mythology realized, *embodied*, turned into a permanent disposition, a durable way of standing, speaking, walking and thereby of feeling and thinking" (emphasis added).

(for example, Afro-Cuban, the “West,” Latin American, American, and so on), folkloric dance also functions as objectified capital in the form of TCEs. Bourdieu defines objectified capital as “goods ... which are the trace realization of theories.”³¹ Furthermore, when certain performed competencies are officially recognized by state-sanctioned institutions, TK (embodied capital) and TCEs (objectified capital) may accrue additional power in the form of institutionalized, symbolic capital.

Symbolic capital is the power to modify, specifically the representations and behaviors of those seeking it, by inculcating them with a particular matrix of perceptions.³² According to WIPO, these state-sanctioned institutions include the local communities and custodians who create and maintain the materials sourced for folk arts as well as arts education institutions certified by the state. (For example, under WIPO, local communities are given the rights of corporations. Additionally, it is theoretically possible for the state to require licensing for the production of folkloric materials, provided that the community the material is sourced from is legally recognized by the state.) This accrual of institutionalized, symbolic capital validates TK and TCEs as authentic commodities. The accrual of TK (as embodied and institutionalized capital) is also subject to social capital, defined as “the aggregate of ... potential resources which are linked to ... a durable network of more or less institutionalized relationships.”³³ It is in these institutional relationships that the cultural processes (known as context) that produce and give representative use to folklore exist. It is also through these institutional relationships that socio-cultural processes transform the exchanged products into signs of mutual recognition and value. This is known as the consecration of a symbolic good.³⁴ In a non-socio-religious field, consecration is more or less equivalent to commoditization.

However, arts education institutions and local communities do not represent fields of equal power. In the face of polygenesis and hybridity, determining traditional knowledge and traditional cultural expressions for the purposes of facilitating market flows and the accumulation of capital can create a “crisis of cultural ownership.”³⁵ Thus, it is reasonable to assert that Afro-Cuban dance has not simply appeared in educational settings such as the Ailey Extension or on stage because it had equal opportunity to appear there. Rather, as a consecrated symbolic good, it holds certain social, cultural, and religious value within a subaltern socio-religious community. Should dominant arts education institutions, subject to methods of the market, accumulate and circulate the symbolic good under different ideological processes, the symbolic good, which includes embodied knowledge as process and product, may be re-consecrated as a commodity and, therefore, carry altered contextual and representative uses. Furthermore, for folklore (as embodied and

³¹Bourdieu and Passeron 1977, 244.

³²Bourdieu 1986.

³³Bourdieu 1986, 249.

³⁴Bourdieu 1985.

³⁵Brown 2005, 51.

objectified capital) to benefit from the social capital endowed by these diverse institutional relationships, it is subject to the need for unceasing, yet regulated, circulation.

Thus, as a symbolic good consecrated by, and circulating between, multiple fields, folkloric dance as both capital and commodity exists in a tortured struggle for ownership whereby its Janus-faced reality is made clear, having socio-religious value and commercial value derived from a hypothetically authentic product.³⁶ Comparable to the instability of the term folklore and the non-specific language of WIPO, the commercial and socio-religious value of Afro-Cuban folkloric dance, though seemingly relatively independent, exist in relationship to each other as well as to the fluctuating ideological positions of universal heritage or community-based property depending on the codes of order of the discursive fields (whether economic or socio-religious). It is in these fluctuating gaps between these discursive fields where my analysis, specifically of Afro-Cuban folklore's function at the Ailey Extension, will occur.

THE INSTITUTION AND WIPO

The Ailey Extension, an offshoot the renowned Ailey School, was launched in 2005 when the Alvin Ailey American Dance Theater moved into a new, multi-million dollar, state-of-the-art training facility, the Joan Weill Center, on the west side of Manhattan. The marketed agenda of the Ailey Extension was to offer a "general fitness and dance program for the general public."³⁷ Since 2005, Afro-Cuban folkloric dance, framed as a *sui generis* and popular form of dance, has been taught at the Ailey Extension. Geared toward non-professional adults interested in the dances of the Orisha and other Cuban traditions,³⁸ the marketing material, which categorizes Afro-Cuban folkloric dance as a subcategory of Afro-Caribbean dance, promises to take adult learners on a "journey through African and Caribbean folkloric dance traditions, and expand ... understanding of their integral role in the development of American dance."³⁹

The majority of the Afro-Cuban folkloric dance material, including repertoire, technique, pedagogical and performance forms, and style, that is taught in classes at the Ailey Extension can be traced to the portion of the Afro-Cuban folkloric training syllabus of the Conjunto Folklórico Nacional de Cuba and Cotumba (a smaller, but respected, folkloric company based in the eastern part of Cuba), which are dedicated to Orisha dance. A more long-range view of history links the Afro-Cuban folkloric dance tradition, sourced mostly from Lucumi and Arara orisha

³⁶For more on the duality of value of symbolic goods, see Bourdieu 1985, 16.

³⁷Alvin Ailey American Dance Theater, "Explore Our History," <http://www.alvinailey.org/about/history?page=43> (accessed 10 November 2016).

³⁸Divinities within the Yoruba-descended religious traditions.

³⁹Ailey Extension, "The Ailey Extension: Dance & Fitness Classes," <http://www.theaileyextension.com/techniques> (accessed 10 November 2016).

dances, directly to the Lucumi religious community descended from Lucumi/Yoruba and Arara enslaved peoples. Whether or not dance students at the Ailey Extension identify this religious community as being unique to, and descended from, Cuba is unclear, partly because the majority of exposure that these students have within the studios comes from the general public outreach programs of non-profit arts education institutions instead of from the religious and cultural communities that underpin the dance practices contextually.

The classes offered by the Extension (as it is called for short) are marketed as opportunities for world dance experiences that will create “an accessible path to understanding dance through the quality of movement, and cultural context.”⁴⁰ (This sounds like a culturally nuanced variation of WIPO’s desire to develop an accessible and fair stream of creative technologies to further the development of various countries and people). Taught alongside other Afro-diasporic forms (including Afro-Brazilian, Haitian, and West African), combined with the provenance of the teachers and buttressed by the reputation of the Alvin Ailey American Dance Theatre, Afro-Cuban dance (as it is called for short) becomes subjected to a series of monolithic concepts such as “folklore,” “multiculturalism,” and “African dance.” These monolithic concepts result in a variety of subjectivities that simultaneously locate and displace Lucumi Orisha worship practices in relation to the development of Afro-Cuban folkloric dance in a variety of complex social settings as a folkloric tradition. These monoliths also mask issues of agency and mobility of artist practitioners who teach Afro-Cuban folkloric dance.

The convoluted un/seating of Afro-Cuban folkloric dance within Lucumi Orisha worship, the masking of issues of the agency and mobility of artist practitioners, and folkloric product fluidity is mirrored in WIPO’s paradoxical language. WIPO asserts that TCEs are subject to protection if they “are *directly linked with* the cultural and social identity of cultural heritage of indigenous and local communities and are transmitted from generation to generation ... and have been used for a term determined by each *State* [or] Contracting party ... not less than 50 years.”⁴¹ According to WIPO, the beneficiaries are intended to be the local communities and custodians who create and maintain the TCEs (although WIPO has no language to address these custodians as individual authors and transmitters), provided they “[meet] the criteria for eligibility” and that the TCE is not already considered part of the public domain.⁴² The public domain is vaguely described as “tangible and intangible materials that ... are not ... protected by established intellectual property rights ... in the country where the use of such material is carried out.”⁴³

⁴⁰Ailey Extension, “The Ailey Extension: Afro-Caribbean: Afro-Cuban Folkloric,” <http://www.aileyextension.com/classes/afro-cuban-folkloric> (accessed 10 November 2016).

⁴¹See WIPO 2014, 6, Art. 1D in the “Use of Terms” Annex (emphasis added).

⁴²WIPO 2014, 6.

⁴³WIPO 2014, 5.

Thus, there is conflict in WIPO's language, which claims to desire to protect the unique cultures of the world from exploitation while stating that legal recourse is not available should the product not be protected by established intellectual property rights in the country where it is used. According to Lorraine Aragon, WIPO's Articles of Protection of Traditional Knowledge set out to legally define "beneficiaries of protection" by hybridizing intellectual property laws, "which assume that individual authors are creative originators of works that are transformed into fixed mediums," and cultural property laws, which "embed the idea of group ownership" in culture.⁴⁴ She argues that this "takes intellectual property to the level of group ownership in the popular imagination, while leading postcolonial [peoples] toward conceptually fraught ... legal regimes."⁴⁵ This conflict creates gaps (particularly for diasporic communities) that allow non-profit arts education institutions, such as the Ailey Extension, to present Afro-Cuban dance as an object of aesthetic work rather than a community-situated process that surrounds the development of the art. Furthermore, these gaps invisibilize the capital involved in producing dance as a symbolic good in the Lucumi religious community and as a commodity at the Extension.

The Ailey Extension performs strongly in this gap as it invokes and layers the terms folklore, Cuban, African, and American in their marketing materials, class descriptions, and pedagogical structures. Afro-Cuban folkloric dance is situated as an interchangeable product, even as the "methods borrowed from economic order ... attempt to distinguish the artist [a collective diasporic community] ... from other commoners."⁴⁶ This is done in a manner similar to WIPO's IGC, which interweaves universalist, patrimonial, and individualistic language. Unfortunately, while the Lucumi community certainly meets the criteria of eligibility for protection of their TK and TCEs, only choreography is clearly protected by US intellectual property law, which specifically enables choreographers to benefit as possessive, rights-bearing individuals rather than as commodities of exchange.⁴⁷ This leaves TCEs and TK subject to use without any oversight of, or benefit to, the Lucumi community, which views Orisha dance not as a complete choreographic or folkloric product but, rather, as a lived tradition. Furthermore, beneficiary communities must be recognized by a state-appointed authority as a self-contained demographic capable of authoring culture.⁴⁸ If they do not possess the status of a special demographic, they are dispossessed of their right to seek benefits, assign custodians, and exercise control over folklore both within their own state of residency and in global markets.

The status of Afro-Cuban folkloric dance at the Extension is further complicated since the Extension does not necessarily present folkloric arts in the context of

⁴⁴Aragon 2012, 270. Articles of Protection of Traditional Knowledge <AQ: full title, date, citation?>.

⁴⁵Aragon 2012, 271.

⁴⁶Bourdieu 1985.

⁴⁷Kraut 2016.

⁴⁸WIPO 2014, 2016.

customary belief and ritual but, rather, leaves this to the determination of individual teachers. As Congdon argues, folk art needs to be studied in the context of customary beliefs and rituals for it to retain any representative use.⁴⁹ Nahachewsky adds that a full explication of the relationship to the contemporary community from which it is sourced would do much to enfranchise both communities and individual artists.⁵⁰ Instead, the Extension frames the classes within a sort of universal humanism, which appeals to an anonymous public oriented toward the autonomous self. This pushes Afro-Cuban dance further into the realm of the public domain—the space defined by the circulation of tangible and intangible materials that are not subject to intellectual property law because they are indistinctive, lacking novelty, not protected by a state’s established intellectual property law, and/or already widely available to the public.⁵¹ The WIPO explicitly expresses the goal of enriching the public domain and creating public databases of TK and TCE, which answers an expansionist imperative that intellectual property law cannot sufficiently fulfill.⁵² The inherent pluralism of the public domain results in expanded and accelerated production of cultural expressions that can later be copyrighted and placed out of distance from legal recourse by unofficial Indigenous, diasporic, or local communities. This inscribing what is presumed to be un-inscribed via the public domain disassociates culture from community, dance from dancer, and movement techniques from embodied knowledge.⁵³

Thus, while WIPO intends to promote creative intellectual activity and facilitate the transfer of knowledge to developing countries in order to accelerate various forms of development,⁵⁴ what we witness at the institutional level of the Ailey Extension, regardless of whether or not the Extension has this intention, is a reversal of the intended flow, as creative technologies/embodied capital (in the form of TK) and aesthetic objects/objectified capital (in the form of TCEs) stream into pre-existing first world economies as “an effective currency of exchange” but without consistent “inference to [the] social circumstances [or] ... people who produce the dances.”⁵⁵

STRUCTURES THAT STRUCTURE

The studios at the Joan Weill Center are of a grand scale. Boasting 14 different studio spaces, the Ailey Extension utilizes the six largest studios, with widths and

⁴⁹Congdon 1984.

⁵⁰Nahachewsky 2001.

⁵¹Martin 2002; Brown 2005; Harvey 2007; Nielsen et al 2012; WIPO 2014, 5, “Use of Terms” Annex.

⁵²Brown 2005, 49, 51–52; Aragon 2012. In his discussion of how materials enter the public domain, Brown references Rosemary Coombe and Graham Dutfield who also interrogate intellectual property and the public domain. See also Articles of Protection of Traditional Knowledge, Preamble v, Arts. 3BIS, a–g, which expressly state the goal of enriching the public domain and creating public databases of traditional knowledge.

⁵³Savigliano 2009.

⁵⁴WIPO Agreement.

⁵⁵DeFrantz 2012, 128.

lengths ranging from 32 feet to 42 feet.⁵⁶ The floor-to-ceiling windows fade into lofty, white-painted, 20-foot ceilings and are reflected in the 14-foot tall mirrors that extend the full length of the studios.⁵⁷ The mirrors and the windows testify to the goal of exposing the public to dance and exposing the dancing to the public. This exposure is amplified by studios that are brightly lit, causing the light grey marley floor to appear washed out as it vanishes into the towering white walls. When empty, the space conjures a certain duality, appearing not only as a dance studio but also as an artist's enormous blank canvas, ready and willing to receive any creative mark. The gallery-like quality intimates that everything that takes place within these four walls is in some way already classified as art. In total, the structural design of the Joan Weill Center contributes to the visual consumption of all the dances that might take place in these studios.

However, not every form of dance was created in or for a studio or gallery environment and the high-exposure, highly reflective, high-art setting belies many of the traditional locations where the dances for the Orisha might take place. A gritty Bronx basement with only a few small windows, a beach, someone's backyard, or the outdoor patio/living room of a Cuban home lack the artificially staged quality of these studios, and none except the beach provide such generous personal space for dancing. And while most religious drummings are open to the public (provided community protocols are respected), they are rarely held in spaces staged for, dominated by, or scrutinized under the "public eye"—the unrestricted, civil, or social spaces where access is granted to subjects and where conditions allow for opinions to form and circulate widely.

The public eye articulates closely with the public domain of intellectual property law. By existing in the public eye, Afro-Cuban dance becomes suspended in a liminal zone where the public domain also operates. The studio structures actively play a role in repeating the conflation of universal heritage with community-based property, an issue also embedded in folkloric projects and unresolved by WIPO's language. This conflation places the "*corporeal orature* (expressive body talking)" of Afro-Cuban folkloric dance in a vulnerable position where "global markets allow these ... dances to be appropriated and repurposed as intellectual property to generate profit."⁵⁸ Furthermore, while the modern, gallery-like design of the Joan Weill Center legitimizes dance in the high-art agenda of elitists, the socio-religious and economically marginalized spaces where Orisha dance is performed as a lived tradition are ignored, as is their influence on the development of Afro-Cuban dance as a folkloric form. Thus, the studio structure contributes to

⁵⁶Letter from Christine Berthet and Jean-Daniel Noland, Hell's Kitchen Land Use Committee, Community Board Four, 20 May 2015, <http://www.nyc.gov/html/mancb4/downloads/pdf/2015%20PDFs/May%202015/05%20CHKLU%20letter%20to%20BSA%20re%20405%20West%2055%20Street%20-%20Alvin%20Ailey%20School%20Expansion.pdf> (accessed 1 November 2016).

⁵⁷Letter from Christine Berthet and Jean-Daniel Noland.

⁵⁸DeFrantz 2012, 128.

the stratification of social differentiation, high-art standards of legitimization, and assimilation of Afro-Cuban dance into modernist concert dance spaces where they can circulate neatly and untethered from their religious and social functions. The impact of the studio as a “structuring-structure”⁵⁹ that cannot be controlled by WIPO, combined with the previously stated fact that movement, in and of itself, is not protected by intellectual property rights in the United States, makes evident that WIPO’s ability to protect folkloric dance as TK and a TCE is nebulous and thus fragile, even as it encourages the flow of TK and TCE’s globally.

The structure of the studios also impacts the spatial implementation of learning Afro-Cuban dance. During an Afro-Cuban class in a studio at the Ailey Extension, the dancers, often dressed in large white folkloric skirts, seem to be traveling across a cloud as they move down the brightly lit room in orderly columns and neat rows of four. Crowds gather outside the windows of the first floor studios to watch these “non-professional” dance classes just as one might stand behind a velvet rope to view a painting, sculpture, or delicate manuscript. Row by row, the dancers travel down the room toward the drummers who face them directly. Once reaching the drummers, the dancers loop around the edges of the room returning to their starting positions as if they were on a conveyor belt, rotating through again and again to the enjoyment of passers-by. Occasionally, there is an almost confrontational sense when a dancer disrupts the orderly flow of those in her wake by lingering near the drums in order to have one more go at a difficult sequence. Little do many passers-by know that those dancers leading each clearly marked row are often professional or highly trained folkloric dancers, who are involved at various levels within the Lucumi religion.

The architectural design of the studios in the Joan Weill Center, combined with the pedagogical structure in the studio, facilitate the Ailey Extension’s goal of making these “world” dance forms more accessible to the non-professional public.⁶⁰ However, dance scholar Ananya Chatterjea advises that we be wary of “access,” asserting that it is a rhetorical concept that can mask deep hierarchical structures of colonialism and neocolonialism by exploiting “associations and symbolic legacies that have accrued to bodies marked as different.”⁶¹ She reminds us of two key issues. First, that bodies “come with histories and visual contracts” and that there is “hardly any way to be free and just dance.”⁶² Second, that the curatorial choices concerning which techniques circulate are often political choices and economic choices. She states that “the reality of what materializes ... seems to suggest that there are some unspoken conditions for participation on the global stage that ensure some kinds of conformity” to particular formations of power.⁶³

⁵⁹Bourdieu and Passeron 1977.

⁶⁰See Savigliano 2009 for a theoretical analysis of the category of world dance.

⁶¹Chatterjea 2013, 7–8.

⁶²Chatterjea 2013, 12.

⁶³Chatterjea 2013, 12.

Taking cue from other codified concert dance forms taught in these studios, Afro-Cuban folkloric dance classes are spatially constructed in a highly regimental form, allowing for as many students as possible to have equal space for learning. These neatly configured Afro-Cuban dance classes lend themselves to mass education pedagogy, but they disguise the process of creation that keeps Orisha dance alive in socio-religious terms. One learns habits that become reflexes by dancing in cramped spaces with no mirrors and often dim lighting, where the oldest dancers, rather than the technically superior, dance at the front in a semi-circle around the drummers: “Body movements, gestures, placement of objects in space and demarcation of boundaries concretely convey ideas and conventions” about this field.⁶⁴ These elements form a map on which the reflexes, or embodied cultural responses, can be traced.⁶⁵ In these spaces, the individual voice exists in a communal choral. Orisha dancing is constructed with each other, as opposed to next to each other. The movement is invocative instead of evocative. The body itself becomes the process of codification and the site where knowledge is gained, created, and stored. And since it is trained in association with other codified bodies, the dancing bodies acquire a certain poetics, which is directly linked to a particular diasporic spiritual devotional order. The knowledge contained in the movement is not intended for the scrutiny of technical evaluation but, rather, affective ability. Gathered together, these reflexes (among others) serve as a bodily process of creation and recreation that is a negotiation of individual and community authorship.

Since the process by which TK is gained and TCEs are created is not included under WIPO’s definition of TK and TCEs, the actual process embedded in these bodily reflexes that create and maintain Orisha dance forms in the socio-religious setting has a varying impact on the development of Afro-Cuban folkloric pedagogy, even though the Lucumi are considered the established source of these traditions. Though many of the professional dancers will return to the religious community to share their skills, much of the cyclical investment in the social capital of the Lucumi community is made undetectable. Instead, what is often carried back to the community of source are aesthetic and contextual disjunctures caused by the secularization that occurs in the process of turning Orisha dance into folkloric dance. It is an oft-heard comment made by religious practitioners that American-born *aleyos* (those who are uninitiated within Lucumi) who enter the religious practice via exposure to Afro-Cuban folkloric dance need re-education as their movement initially does not reflect the shift in context. Frequently, it is said that non-initiates or young initiates want to show off their folkloric knowledge as if they were in a

⁶⁴Brandon 2009, 450.

⁶⁵For more information on the concept of “reflex,” see George Edward Brandon’s exploration of Pierre Verger’s use of the term. For Verger, reflex is a “trained and embodied cultural response ... interacting with all the social, historical, and cultural forces that surround and constitute them ... a pathway from the corporeal to the conceptual ... from reflex to rhythmic repetition.” Brandon 2009, 450.

recital, failing to understand that the crowded basement is a ceremonial space and that moving together as a social practice is part of the development of spirituality within Lucumi. As one elder priest put forward,

[e]ven *santeros* who can't keep rhythm sweat together and sing together to bring orisha down. How many who know how to dance the steps *don't* know to dance at the back [of the room] behind elders, or to contain their dancing when ... an orisha begins to mount [possess] someone older [in religious years]? You can learn a lot by watching a *santero* who "can't dance" get mounted. When they first come into the basement, they don't understand that that's something you can't learn in a classroom.⁶⁶

One feasible strategy to address these disjunctures is to maintain a contextual relationship with Lucumi by pushing for priestly initiates trained in both the folkloric and religious setting to teach more of these classes as artist practitioners. However, the cycle of dislocated (and secularized) production of folkloric dance is difficult to fully interrupt and the provenance (or cultural and social capital) of these teachers is often cast for the purposes of maintaining a cycle that invisibilizes communal socio-religious labor. As a result, the priest-teacher/artist-practitioner is commodified.

THE TEACHER, THE STUDENT, AND THE TECHNIQUE

The guest teacher, a priest within the Lucumi religion and former professional folkloric dancer from Cuba, tells the students to soften their knees and lean forward slightly. Most students, who have studied under a previous Afro-Cuban choreographer at the Ailey Extension, bend their knees deeply and lean forward drastically. The teacher's arms hang loosely at his side as he demonstrates a subtle spinal undulation that travels upwards from the pelvis and finishes with a soft nodding of his head. The teacher has chosen to start the new class with the basics. Almost all of the students exaggerate the undulation, particularly with the pelvis. However, the teacher physically indicates on a certain student that if the head moves in correspondence with the size of the undulation (as it should), the head will snap backwards, and over time this will cause pain. He then adds a triplet step to the undulation. Two spinal undulations for every three steps. The steps are done with a soft bounce that ripples upward to his shoulders causing his loose arms to gently flap at his sides. He then adds a churning-like motion of the arms. It is the snake-like undulation and the bounce of the legs that dictates the accent of the limbs. His body looks relaxed and heavy as he moves. Each step lands perfectly with the drum's rhythm, and the effect is as if waves of energy were flowing between the ground and even the most indistinct parts of the body. Ideally in Afro-Cuban dance, every body part is moving in artful correspondence with each other. Surprisingly, the volume of his footwork is quite soft. However, as students are cued to join in, the noise

⁶⁶Personal interview (anonymous), 4 December 2016 (emphasis added).

level explodes under stomping feet and the teacher stops to explain that certain sequences are intended to be subtle and certain sequences are intended to be large and loud. In a matter of weeks, the class-size dwindles to just the professional and highly trained dancers and those who are in some way involved in the religion. Other individual, non-professional students complain that they just want to have fun. This occurs over several classes, and as time goes by the teacher seems to pick and choose who he will address regarding the over-scaling of movements too early in the class's daily repertoire. The class size then begins to recuperate.

It is always the first sound of the feet followed by the perpetually oversized movements that betray the disjunction between Afro-Cuban dance learned at the Ailey Extension and Orisha dancing done in socio-religious settings. The aforementioned Afro-Cuban choreographer who taught the class in previous years was also a priestess within the religion and former professional dancer with Cotumba and used the well-attended class at the Extension as a training ground for her award-winning and socially conscious New York-based concert folkloric company. The variation in technical styles of each teacher represents not only regional differences in Cuba but also a distinction between uses—performing on a concert stage versus celebratory dancing in a socio-religious setting. If we examine jointly the techniques of Afro-Cuban dance in socio-religious settings (which serves the purposes of invocation accomplished through reflexes of embodied knowledge) and a technical style created for the stage, one could argue that the Extension is engaging in a form of interethnic popular pedagogy intended to empower Afro-descended students as both techniques employ “the values and experiences of subaltern groups” for the purpose of education.⁶⁷ Interethnic pedagogy is seen as an alternative to mainstream education models that reinforce symbolic violence as well as a method to develop a generation of students capable of practicing a sort of critical resistance against the reproduction of dominant structures.⁶⁸ This would be an excellent example of how WIPO's regulations could successfully partner with arts education institutions to benefit marginalized communities.

At this moment, it is important to recall Chatterjea's warning about conformity as a prerequisite for participation on the global stage and what impact this might have on representations of marginalized communities. The concert Afro-Cuban folklore technique is organized around representations of a fabricated pantheon, whose structure contains a limited number of archetypal departments in life recognizable by the general public,⁶⁹ but which may not consistently or accurately

⁶⁷King-Calnek 2006, 145.

⁶⁸Symbolic violence is defined by Bourdieu as “power that manages to impose meanings and to impose them as legitimate by concealing the power relations which are the basis of force.” Bourdieu and Passeron 1977, 4. For Bourdieu, symbolic violence is violent precisely because the positions of the dominant and dominated are disguised as natural. Thus, interethnic pedagogy is intended to expose the highly constructed nature of these structural relationships in order to help marginalized groups resist conditions of subordination.

⁶⁹For more on archetype as a mislabel, see Murphy 2008, 477.

represent the particular structures and practices of the Lucumi religious community. This makes for easy circulation of cookie-cutter type movement and easy reproduction of dance classes marketed for popular consumption. We have already established the conflation inherent in folklore between universal heritage and community-based property and its relationship to the public domain and popular consumption. When this conflation is combined with Afro-Cuban dance's ease of circulation and reproduction, the aggregate gives the illusion that every individual in an Afro-Cuban dance class is, or has the potential to become, a multicultural being composed of the subaltern's values and experiences that produce TK and TCEs. This does not take into account social, cultural, and political power struggles, issues of privilege, or society's weighty persuasion over the performance of individual identity. In fact, as Thomas DeFrantz points out regarding the spreadability of black dance practices, Afro-Cuban folklore in arts education institutions often engages with a population that may have had little to "no sustained contact with the corporeal fact of black people in the world," much less the Lucumi as a minority community.⁷⁰

Religious studies scholar Veronique Altglas, drawing on Bourdieu, argues that our failure to attend to these issues of power and capital is symptomatic of the tendency for current social theories to "inflate the significance of agency and subjectivity."⁷¹ Rather, Altglas asserts that many people interested in accessing "exotic" religious and cultural sources in modern capitalist societies often participate in a "class and gender-based practice, structured by the personal responsibility for realizing one's self in the context of neoliberal politics."⁷² Just wanting to "have fun" in an Afro-Cuban folkloric class is, for Altglas, a "desperate attempt to defy the gravity of the social field" by acquiring diverse social and cultural capital,⁷³ with appropriation reframed as a seemingly innocuous relativist "discourse [that expresses] a general desire for social emancipation" and self-improvement.⁷⁴ In other words, the circulation and consumption of Afro-Cuban folkloric dance becomes a matter of adopting "techniques for the enhancement of the self" and of "social distinction and social positioning" that is a product of "[neoliberal] social structures."⁷⁵ Unfortunately, these social structures mask concern that the free market and the politically free, while arguably contiguous, are not interchangeable metaphors. Thus, the Ailey Extension falls short of the goals of interethnic pedagogy for two reasons. First, having been developed by scholars strongly influenced by Marxism, its core interethnic pedagogy is opposed to neoliberal values of circulation and consumption. Second, "encouraged by late twentieth-century calls toward freedom to

⁷⁰DeFrantz 2012, 130.

⁷¹Altglas 2014, 11.

⁷²Altglas 2014, 23.

⁷³Altglas 2014, 320.

⁷⁴Altglas 2014, 320.

⁷⁵Altglas 2014, 320, 332.

move as one wants,” Afro-Cuban folklore, “is engaged by a global public with little understanding of its aesthetic histories or ... [the] social context” and conditions of marginalized people.⁷⁶

In effect, the Ailey Extension is ensnared in marketing a mix of conventional modernist, American social values and neoliberal economics. I argue this because “the characteristics and skill that give [the teacher and many of the students] status” in the classroom “are the same [characteristics and skills] that undermine his/her upward mobility or even acceptance” in American society.⁷⁷ This is an issue that WIPO fails to address in its language as well, never reconciling that in developed countries marginalized or subaltern groups, particularly those considered diasporas, are rarely given unique legal status as Indigenous or separate religious and ethnic diasporas within a national identity. Instead, in the United States, these groups are absorbed into the glorified, modernist rhetoric of the cultural melting pot. This rhetoric is adopted by the Ailey Extension, which grafts together the terms folklore, multiculturalism, and African dance in its marketing materials. Afro-Cuban folkloric classes are depicted as environments that cater to diversity, while celebrating blackness. Certainly, it should be acknowledged that the Extension’s positive framing of Afro-Cuban folkloric dance and its celebration of the capacity of blackness to resist erasure is empowering for members of the African diaspora. However, this is only a partial narrative of the term folklore, and it ignores the equivocal nature of Afro-Cuban folkloric dance that more closely resembles society. As Theresa Buckland and anthropologist Kristina Wirtz point out, Afro-Cuban folkloric dance can perform specific functions and result in specific products that may or may not exist harmoniously, but all of which are related to modernist, hegemonic conditions.⁷⁸ Some of these additional functions that have already been addressed include nostalgia for the colonial era as a period replete with “tradition”⁷⁹ and the racialization of religion.⁸⁰ This is reflected in the fact that when teachers and students leave the Joan Weill Center, they re-enter a world of precarity where their skin color, racialized bodily practices, language, religious practice, and ethnicity continue to function as barriers to mobility. And while their socio-religious dance experience enriches their performance of the technique, many often feel compelled to hide their practice outside of the studio because of fear of discrimination. A technique that is polished in Afro-centric religious settings, which celebrates the freeing of body parts often deemed overly sexual in Euro-American society and is based on a philosophy of bodily and communal interrelation, will not easily find acceptance in highly individuated, white, Christian mainstream American culture without undergoing some sort of aesthetic alteration.

⁷⁶DeFrantz 2012, 130.

⁷⁷King-Calnek 2006, 146.

⁷⁸Buckland 1983; Wirtz 2014.

⁷⁹Wirtz 2014, 181.

⁸⁰Wirtz 2014, 49.

What underpins these potential alterations is a larger contradiction inherent within intellectual property concerning TK, TCEs, and authorship—that the social dance forms of subaltern and disenfranchised people need to come “under the temporary legislation of a loose coalition of [‘legitimated’] ... experts who provide official versions of dances that originally have no individual author” in order to address the fact that “governance by majority rule is seen as a potential threat to individual rights ... and liberties” within neoliberal frameworks.⁸¹ However, without state-sanctioned public declarations and displays of ownership, these artist practitioners and the Lucumi community from which Afro-Cuban folkloric dance draws its provenance can retain little control over aesthetic and contextual alterations and can receive little benefit from WIPO’s policies. This is a near perfect example of how forms of capital and commodities do not function equally across fields. Again, the Ailey Extension functions in these gaps, while it dissociates from this duality by pricing single classes at near \$20, offering no job security to teaching artists, and no opportunities for these highly trained artist practitioners to choreograph on the Ailey companies. This further entrenches notions that Afro-Cuban folkloric dance is of a lower status, quality, and artistic rigor than that of concert forms, even as the Extension sells what amounts to a concert form of Afro-Cuban dance.

CONCLUSION

In summary, I would like to first reflect ontologically on the term folklore because it weaves through each section of analysis. While the term does not begin with the formation of WIPO, its inclusion in the organization’s drafts for intellectual property rights moves artistic cultural practices (TK) and products (TCEs) that have historically been labeled folklore by anthropologists toward a process of commodification and commoditization. As commodities, cultural producers (including the artist practitioners), TK, and TCEs are extracted from the customary contexts in which they retain representative use and circulate in the public domain. While in the public domain, TK and TCEs function as capital, transforming Orisha dances into the multifarious folkloric dance. While folkloric studies maintains that this extraction and untethered circulation is unacceptable, the notability gained by the objects (artists, practices, and products) of analysis in this field is easily exploited in the gaps created between differences in how the term folklore functions in relation to anthropology versus intellectual property. The Ailey Extension’s use of the term and their inclusion of Afro-Cuban folkloric dance in the curriculum is an example of what is performed in these gaps. The Extension, based on its marketing model, is unable to escape participating in the symbolic violence enacted by dominant cultures upon marginalized and subaltern cultures once these dance forms are subsumed by the term folklore.

⁸¹DeFrantz 2012, 136.

While WIPO's legal regulations are intended to encourage a flow of creativity and knowledge (as capital) into developing countries while protecting marginalized and subaltern groups from inequitable trade conditions, the fact that the United States does not recognize most dance techniques as intellectual property nullifies any benefits for Afro-Cuban dance artist practitioners or the Lucumi religious community. And where WIPO's goals might be able to find partnership in alternative pedagogy models because the United States does not locate diasporas parallel to Indigenous peoples, WIPO's regulations would remain relatively ineffective for the protection of Afro-Cuban TK and TCEs. It is not coincidence or lack of foresight that makes WIPO protection fragile but, rather, its intrinsic qualities. As an organization constructed by players from multiple fields of large-scale markets, including intellectual property, international trade, and the arts, WIPO cannot protect the autonomy of the Lucumi religious community (a separate, ideologically dissimilar, local field) precisely because WIPO's goal is to cause circulation of capital forms between multiple fields. Instead, the flow induced by WIPO into developed countries has resulted in the reproduction of folkloric dance class models built for mass consumption. This has been accompanied by a one-way movement of various forms capital and autonomous definitions of folkloric dance away from the Lucumi religious community, such that the religious community must interact more frequently with the validating forces of the dominant culture, which by nature circles the wagons around legitimated "frameworks for discussion [and practice]."⁸² In conclusion, the push for folkloric practices such as Afro-Cuban dance to be recognized as intellectual property, while well intentioned, has contributed to the economic, social, and cultural mainstreaming of the Lucumi religious community and the artistic practices and products that are derived from it.

BIBLIOGRAPHY

Altglas, Veronique. 2014. *From Yoga to Kabbalah: Religious Exoticism and the Logics of Bricolage*. New York: Oxford University Press.

Aragon, Lorraine. 2012. "Copyrighting Culture for the Nation: Intangible Property Nationalism and the Regional Arts of Indonesia." *International Journal of Cultural Property* 19: 269–312.

Barry, Andrew, Thomas Osborne, and Nikolas Rose, eds. 1995. *Foucault and Political Reason*. London: UCL Press.

Berger, Peter. 1967. *The Sacred Canopy*. New York: Anchor Books.

Berger, Peter. 2014. *The Many Altars of Modernity: Toward a Paradigm of Religion in a Pluralist Age*. Berlin: De Gruyter Mouton.

⁸²Bilgrami 2014, 90.

Bilgrami, Akeel. 2014. *Convergences: Inventories of the Past: Secularism, Identity and Enchantment*. Cambridge, MA: Harvard University Press.

Bourdieu, Pierre. 1985. "Market of Symbolic Goods." *Poetics* 14: 13–44.

Bourdieu, Pierre. 1986. "The Forms of Capital." In *Handbook of Theory and Research for the Sociology of Education*, edited by J. Richardson, translated by Richard Nice, 241–58. New York: Greenwood Press.

Bourdieu, Pierre, and Jean Claude Passeron. 1977. *Reproduction in Education, Society and Culture*, translated by Richard Nice. London: Sage Publications.

Brandon, George Edward. 2009. "From Oral to Digital: Rethinking the Transmission of Tradition in Yoruba Religion." In *Orisa Devotion as World Religion: The Globalization of World Religious Culture*, edited by Jacob Olupona and Terry Rey, 448–69. Madison: University of Wisconsin Press.

Brown, Michael F. 2005. "Heritage Trouble: Recent Work on the Protection of Intangible Cultural Property." *International Journal of Cultural Property* 12: 40–61.

Buckland, Theresa. 1983. "Definitions of Folk Dance: Some Explorations." *Folk Music Journal* 4, no. 4: 315–32.

Chatterjea, Ananya. 2013. "On the Value of Mistranslations and Combinations: The Category of 'Contemporary Choreography' in Asian Dance." *Dance Research Journal* 45, no. 1: 4–21.

Coombe, Rosemary. 1998. *The Cultural Life of Intellectual Properties: Authorship, Appropriation and the Law*. Durham: Duke University Press.

Congdon, Kristin G. 1984. "A Folkloric Approach to Studying Folk Art: Benefits of Cultural Awareness." *Journal of Multi-Cultural and Cross-Cultural Research in Art Education* 2, no. 1: 5–13.

Daniel, Yvonne. 2005. *Dancing Wisdom: Embodied Knowledge in Haitian Vodou, Cuban Yoruba, and Bahian Candomblé*. Chicago: University of Illinois Press.

DeFrantz, Thomas. 2012. "Unchecked Popularity: Neoliberal Circulations of Black Social Dance." In *Neoliberalism and Global Theaters: Performance Permutations*, edited by Lara Nielsen and Patricia Ybarra, 128–40. New York: Palgrave Macmillan.

Dutfield, Graham. 2002. "The Public and Private Domains: Intellectual Property Rights in Traditional Knowledge." *Science Communication* 26(2): 286–307.

Glancy, Jennifer. 2011. *Corporal Knowledge: Early Christian Bodies*. New York: Oxford University Press.

Harvey, David. 2007. *A Brief History of Neoliberalism*. New York: Oxford University Press.

King-Calnek, Judith. 2006. "Education for Citizenship: Interethnic Pedagogy and Formal Education as Escola Criativa Olodum." *Urban Review* 38, no. 2: 145–64.

Kraut, Anthea. 2016. *Choreographing Copyright*. New York: Oxford University Press.

Martin, Randy. 2002. *The Financialization of Everyday Life*. Philadelphia: Temple University Press.

Mendoza, Zoila. 1998. "Defining Folklore: Mestizo and Indigenous Identities on the Move." *Bulletin of Latin American Research* 17, no. 2: 165–83.

- Murphy, Joseph M. 2008. "Orisha Traditions and the Internet Diaspora." In *Orisa Devotion as World Religion: The Globalization of World Religious Culture*, edited by Jacob Olupona and Terry Rey, 470–84. Madison: University of Wisconsin Press.
- Nahachewsky, Andriy. 2001. "Once Again: On the Concept of Second Existence Folk Dance." *Yearbook for Traditional Music* 33: 17–28.
- Nielsen, Lara D., and Patricia Ybarra (eds). 2012. *Neoliberalism and Global Theaters: Performance Permutations*. New York: Palgrave Macmillan.
- Savigliano, Marta. 2009. "Worlding Dance and Dancing Out There in the World." In *Worlding Dance*, edited by Susan Foster, 163–90. New York: Palgrave Macmillan.
- Scott, James C. 1990. *Domination and the Arts of Resistance*. New Haven, CT: Yale University Press.
- UNESCO. 1989. Recommendation on the Safeguarding of Traditional Culture and Folklore, http://portal.unesco.org/en/ev.php-URL_ID=13141&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed 1 November 2017).
- Warner, Robert. 2010. *Secularization and Its Discontents*. New York: Continuum Publishing.
- Warner, R. Stephen. 1993. "Work in Progress toward a New Paradigm for the Sociological Study of Religion in the United States." *American Journal of Sociology* 98: 1044–93.
- WIPO. 2014. "The Protection of Traditional Cultural Expressions: Draft Articles." Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. 28th Session. http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_28/wipo_grtkf_ic_28_6.pdf (accessed 1 November 2016).
- WIPO. 2016. "The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources: Traditional Knowledge and Folklore." Background Brief, vol. 2. http://www.wipo.int/edocs/pubdocs/en/wipo_pub_tk_2.pdf (accessed 1 November 2016).
- Wirtz, Kristina. 2014. *Performing Afro-Cuba: Image, Voice and Spectacle in the Making of Race and History*. Chicago: University of Chicago Press.