



HUMANITIES PASSAGE I

Choreographers, like all artists, are entrusted with the responsibility of stewarding their God-given talents and creations, and they have the right to protect their work from being unlawfully reproduced. The act of creating intellectual property is an expression of the creativity and innovation that God has placed within each individual. This creation provides artists or inventors with the opportunity to seek financial remuneration when their work is used by others. In the United States, where individuality and the freedom to create are highly valued, intellectual property law has become a cornerstone of protecting these works. Copyright law, enshrined in the U.S. Constitution, reflects this value. Copyright protection asserts that the artist or inventor owns the work they have created, and others cannot use or reproduce it without permission.

From a Christian perspective, we recognize that the ability to create is a gift from God, and the protection of these creations allows individuals to reflect His glory through their art. Without the right to control the distribution of their work, it would be difficult for creators to receive the rewards of their labor, which could potentially deter future creative efforts. However, despite the value placed on protecting creative work, dance has often been overlooked in the realm of intellectual property.

The problem with copyrighting choreography is that a dance performance is ephemeral. The passing of the 1976 Copyright Act marked a significant moment for choreographers, as it was the first time that choreographic works were included within the protection of copyright law. Before this, influential figures in dance, such as Gene Kelly, Martha Graham, and Madonna, had no legal recourse to protect their choreographies from being stolen or exploited without compensation. Even though the law now provides some measure of protection, modern media have made copyright infringement more prevalent. For example, a quick search on YouTube shows thousands of videos of people performing the choreography from Beyoncé's "Single Ladies" music video, yet few, if any, credit her choreographers, Frank Gatson and JaQuel Knight, or the original 1969 routine created by Bob Fosse upon which it was based.

The difficulty in protecting choreography lies in the nature of dance itself—it is a fleeting art form. The 1976 Copyright Act requires a work to be “fixed in any tangible medium” in order to be protected, meaning that live performances cannot be copyrighted, but the underlying choreography can be. For instance, a play’s script is protected by copyright even though its production may vary with different sets, costumes, and direction. Similarly, a choreographer's work is comparable to a playwright’s, but while a script can be physically documented, a dance routine cannot be so easily recorded in a tangible form. Video has revolutionized dance by allowing it to be captured for the first time, but much of dance is still passed down through oral tradition, with one generation teaching the next



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Efforts to document dance in writing have largely failed, though some notation systems, like Labanotation, have been developed. Unfortunately, these methods are often too complicated for general use. A choreographer's instructions extend beyond the mere motion of the body—they also include the quality and intent of the movement, similar to how a composer conveys the emotional nuance of a musical passage. A notation system for dance would need to capture this, but the qualitative directions in dance are far more complex than those of music. Consider how different it is to move one's arm when petting a cat compared to throwing a baseball. Now, imagine trying to capture the detailed movements of a choreographed routine that combines fast footwork with slow, graceful arm movements. Even if such a notation could be created, how many people would be able to read it and reproduce the dance without the choreographer's presence or guidance?

For these reasons, dance notation systems like Labanotation remain largely confined to academic circles, serving more as a status symbol than a practical tool for preserving choreography. Nevertheless, innovations in other fields may provide new opportunities for better documenting dance. Technologies like 3-D video could revolutionize the way dance is recorded and preserved. Filmmaker Wim Wenders used this technology to capture the work of German choreographer Pina Bausch. The dancers of the dance company MOMIX have worked with scientists to track their movements electronically, creating digital dance scores. These advancements will certainly improve choreographers' ability to preserve their work and raise awareness about the importance of its preservation.

While the intricacies of choreography may never be fully transmittable without the personal touch of the choreographer, it remains vital for us to continue striving to document and protect dance. Such efforts not only honor the work of the artist but also foster the growth and development of the art form within our culture, enabling future generations to experience and appreciate the beauty of dance as a reflection of God's creativity.