



PERFORMANCE
PHILOSOPHY

LOVE AND THEFT IN DANCE ECONOMIES

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Introduction: When Short-Form Dances Leave Their Creators

Loving to dance is a relationship founded on the theft of others' labor. This reality was highlighted by the controversy surrounding White dancer Charli D'Amelio's rise to fame through the viral fifteen-second TikTok dance, *Renegade*, in 2019. Having found notoriety, D'Amelio crossed the broadcasting divide between generations and appeared on the Jimmy Fallon late night show in March 2020.¹ A year later, D'Amelio and her family released the *D'Amelio Show*. While D'Amelio's dance moves brought her attention and over one hundred million followers on TikTok, it was revealed that she had not given credit to Jalaiah Harmon, a Black teenager from Fayetteville, Georgia, who had originally created the dance on the Funimate platform and then uploaded it to Instagram (Lorenz 2020). Harmon's version included two parts and was twenty-nine seconds long. After public outcry, D'Amelio eventually credited Harmon in person, but many pointed out that this was an empty gesture. Although Harmon received some financial compensation in the televised show *Ellen*—as I describe in detail below—the gesture exudes a feeling of condescension. The situation has prompted discussions about the lack of avenues for accountability and acknowledgement in the world of short-form dance videos, and the need for greater financial compensation for Black creators' dances.

Black choreographers are responding in novel ways to curb what Trevor Boffone (2022) calls "The D'Amelio Effect" and its accompanying abuses. They are protecting their contemporary dance creations through copyright registration and the advent of digital dance non-fungible tokens (NFTs). The symbolic credit given to Black choreographers on social media platforms is not enough.

By claiming ownership of their creations through copyright and dance NFTs, Black choreographers can assert their control and reap the financial rewards of their labor while simultaneously highlighting the cultural and political significance of their art. Unlike copyright registration, I contend that dance NFTs by Black choreographers are crypto-choreographies that reclaim one's property, authorship, and labor as unalienable from oneself regardless of a dance's length. I conceptualize crypto-choreographies as the digital organization and monitoring of Black movement against expropriation and dispossession across media. They avow the economic, cultural, and political effects of Black dance and authorship. Crypto-choreographies are a new way for Black choreographers to protect their creations, and they contribute to a complex racial and economic relationship of authorship and ownership in dance economies in the twenty-first century.

The exploitation carried out by White Eurodescended performers in popular entertainment are not new phenomena. US dance studies scholars (Desmond 1999; Banes and Szwed 2002; Manning 2004; D. Robinson 2015; and Boffone 2021/2022) have demonstrated how White dance communities benefit whether they cite or fail to engage in citational practices for dances created by non-White artists. Building on this work, I suggest a continuum emerges from the Jim Crow era minstrel shows to today's social media short-form dances and dance challenges. I maintain that while the former explicitly adopts blackface, the latter equally expresses the desire for and donning of 'Blackness' through short-form dance moves but has shed the burnt cork. The desire to access Black culture has driven these spectacles, but White performers and audiences do not or cannot establish a connection with Black life. This phenomenon is what US cultural historian Eric Lott (1992) describes as the love and theft of Black popular culture, which began with minstrelsy. White working-class audiences' desire for, but equal aversion to, Black life results in the expropriation of aesthetic forms and the theft of others' property for the benefit of self without acknowledging the Black people that make those aesthetic practices real. This racial unconscious subtends from a felt precariousness of their own Whiteness. It is beyond the reach of speech, but nonetheless embodied, structured, and expressed. Racialized anxiety and thievery, today running across class, is nowadays mediated by technologies like TikTok. They enable expedited exploitation of Black dancers' authorship, labor, and time. TikTok, according to Cienna Davis, is a "dark mine of commercial and social profit for white influencers" who sustain and exploit the fungibility of young Black women through digital blackface (2022, 29). TikTok sharpens symbolic, structural, and embodied violence by severing ties between the Black creator and her work. Authorial and financial exploitation and spoils manifest from racial unease.

Short-form dance videos like the *Renegade* inherit a supposed de-racialized value, unmoored from the Black author and owner who created the dance. Trevor Boffone is right to point out that non-Black choreographers on TikTok erase the authorship and ownership of Black dances as the app is primarily a White space that benefits from Black creators on Dubsmash (2021, 20). I propose that this thievery and erasure is mediated by a facile technological platform like TikTok that contributes to the deracialization of dances. Although not addressing TikTok directly, US sociologist and African American studies scholar Ruha Benjamin has defined technological processes in digital applications as the "New Jim Code." The New Jim Code is the "subtle but no less hostile form of

systemic bias” that unequally organizes society along racial lines by what is coded, consciously or unconsciously, into digital technologies (Benjamin 2019, n.p.). Similarly examining racialized economies in relationship to technology, Colleen Dunagan argues that “dance *fuels* advertising” [emphasis original] on television because it evokes liveness and intimacy, as well as serves as a “vehicle for the amplification of consumption-as-spectacle” (2018, 4–7). Dance in commercials, according to Dunagan, breaks down the divide between life and spectacle, as well as social relations and simulacra (2022, 8–10). Dance in advertisements equates cultural practices with consumer products. Extending Benjamin’s and Dunagan’s respective assessments of digital dance economies, I observe that TikTok’s algorithms and advertisement model are assumed to be neutral but are influenced by a neoliberal impetus and colonial enslavement logic reliant on Black movement as commercials. Dance on TikTok is intimately linked with advertisements. In the dance app, to use Sarah Wilbur’s words, “money motivates movement” (2021, 4). The platform’s Creator Fund and its users have adopted and promoted dance as a marketing vehicle for the influencers who are sanctioned to do cultural borrowing for offline benefits. While dancing in commercials on broadcast television networks allowed companies to advertise their products through dance, the White dancing body on TikTok is not a stand-in for a product; it is the racialized and gendered body up for sale. The platform erases the racialized labor behind the work and social origins, but not the racialized work produced through that labor and social sphere. This leads to a representational economy that allows for the unequal transfer of short-form dances and shapes racial transmission. This logic negatively impacts Black dance makers, and especially Black female choreographers.

I examine crypto-choreographies as an extension of Thomas F. DeFrantz’s concept of Black dance in digital spaces. DeFrantz (2019) asserts that Black dance encompasses various forms and practices. It is an embodied and oratorical orientation and transmission towards the reclamation of Black life that has been repeatedly disavowed in the wake of slavery and capitalism. Crypto-choreographies bridge the gap between Black creative labor, authorship, and ownership as they address the expropriation of Black cultural production. Claims of racial violations by White persons for using Black dances does not mean that only racially marked Black persons are entitled to do them. The violation is not about who is entitled to perform Black dances, but rather the disavowal of Black life, authorship, and ownership. Crypto-choreographies close the chasm between what was created and what circulates in the disavowal. A double movement characterizes crypto-choreographies: first in arranging steps in the dances and then organizing the circulation of those dances beyond the Black creator’s immediate control. This analytical frame allows us to attend to the simultaneous dispersal of representational and infrastructural love and theft practices in dance economies.

Black choreographers have been calling attention to the love and theft of Black aesthetic practices on social media platforms. Dancer Erick Louis initiated the #BlackTikTokStrike on TikTok in June 2021, calling for creators to avoid choreographing dances to Megan Thee Stallion’s *Thot Shit* after watching White creators gain millions of viewers without giving proper attribution. He said, “This app would be nothing without [Black] people” (Pruitt-Young 2021). His comment highlights the recurring systemic expropriation of Black dance, as seen in the quick rise of White female TikTok content despite Black choreographers having viral videos. Rather than only holding the White

dancers accountable, I argue for scrutinizing the embodied, discursive, and technological elements leading to the quick ascension of White choreographers on social media. This exposes the regularity with which White female TikTok content dominates and Black creators are left with a dearth of dollars. Black creators' dances are often short-lived, while White creators' dances and names circulate wider and last longer, and cross media platforms. Borrowing and advancing Dunagan's words on dance in commercials, I perceive TikTok as encouraging "the appropriateness of appropriation as a tactic for living in a neoliberal capitalist society" (2018, 120). TikTok aids and abets sanctioned love and theft.

Despite TikTok implementing the "Dance Credit" tag on its choreographed videos in 2020, Black artists are using copyright registration to curb the criminal practices rampant in the contemporary dance economy. Black choreographer JaQuel Knight, known for his choreography in Beyoncé's 2008 *Single Ladies (Put a Ring On It)*, became the first choreographer to copyright non-ballet and non-dramatic dances through the US Copyright Office in 2020.² Knight observed the devaluing of dance as property belonging to choreographers and sought to change this belief by copyrighting his dances, and using his foundation to protect Black content creators in particular (Fuhrer 2022). His efforts were further motivated by the Black TikTok strike (Chan 2021).

Additionally, Black choreographers are using dance NFTs to link the laborer back to the work, and these digital blockchain assets are distributed for purchase for in-game celebrations in video games, augmented reality, and the metaverse.³ Black choreographers' reclamations are not just monetary but also a reclamation of time, offering temporal benefits that copyright registration cannot provide. My argument is that Black dance makers are using crypto-choreographies to stake ownership and control over their work. They do this by connecting their labor to the work itself, regardless of its length. This is because copyright registration does not protect simple dance routines and gestures, which are still highly valuable. Crypto-choreographies are Black dances in the dark mine of digital blackface and the disavowal created by copyright.

This article is the first to explore the ethical implications of dance NFTs and their impact on racial economies. After describing the dispersed aspects of blockchain technologies and comparing its benefits for Black artists using copyright registration, I recount how Jalaiah Harmon worked with Jadu media company to create a hologram version of her viral dance *Renegade* and converted it to an NFT. Considering the growing interest in copyright registration, a focus on dance NFTs created by Black choreographers alters our understanding of the appreciation and appropriation of dance. My concerns are an "affair of dollars and desire, theft and love" (Lott 1992, 27). I offer the concept of crypto-choreographies as a framework to examine the unequal circulation of movement.

Blockchain Aesthetic Practices: Art Non-Fungible Tokens (NFTs)

Blockchain, known for its use in cryptocurrencies like bitcoin and Ethereum, is also changing the art world with non-fungible tokens (NFTs). NFTs are digital assets built on blockchain technology that verify the uniqueness and ownership of an object. They can be used for any digital asset and are available for purchase with cryptocurrencies on platforms like OpenSea (Clark 2022). The

openness of this digital technology is changing election security, health care, music, and art (Lee 2021). This new technology is transforming the art world by making the ownership and circulation of digital art more secure and transparent. NFTs exploded in the art world in 2021, with digital artist Beeple's NFT compilation *Everydays—First 5,000 Days* selling for over \$69 million at Christie's. After the sale, Beeple said, "I do view this as the next chapter of art history" (Kastrenakes 2021, n.p.). While this sale received significant media attention, other NFT artists are also part of the multimillion-dollar NFT art market. The website Cryptoart.io tracks the top-selling artists and galleries promoting their work, with pak at the top with over \$330 million in total art sales as of 15 March, 2024.⁴

NFTs are changing the art market and the cultural landscape. The Museum of Crypto Art (MOCA), founded by Pablo Rodriguez-Fraile, is a space for those who value decentralized cultural institutions.⁵ A statement on the landing page declares that it is a space for those who "prioritized sovereignty, market access, and freedom of expression in the arts" (Museum of Crypto Art, n.d.). MOCA stages permanent and temporary exhibits featuring NFTs, and it represents a new way of production and distribution in the arts. These developments suggest that NFTs have altered art's circulation, valuation, and transactions, making them a part of established institutions.⁶

NFTs are slowly entering the dance world, with dancers and choreographers adopting them and auction houses selling them. Ballerina Natalia Osipova sold a dance NFT triptych for £59,424 (Noel-Smith 2021). *Dance Magazine's* Sydney Skybetter outlines the creative and transactional promises and concerns of dance NFTs for choreographers, noting that while they offer some compensatory possibility for artists, monetization may only happen for renowned choreographers like Osipova (2022). While these NFTs offer some compensation for artists, there is little discussion of how they respond to issues of race and cultural production.

In 2022, the 'crypto crash' had a disproportionately negative impact on Black Americans, who were more likely to have invested in cryptocurrencies at one of its highest points (Cardoza 2022). Black Americans' quick, and possibly late, investments could have been motivated by a desire to move away from centralized, discriminatory financial institutions (Lowrey 2022).⁷ Despite concerns about the negative impacts on communities of color and the environment, I find it important to consider the possibilities blockchain technologies offer for Black artists who have been excluded from the means of production and distribution in the arts industry.⁸ My focus is on the creation of digital assets by Black artists, rather than the purchase of digital currencies by Black investors. Although they may be linked within the same ecosystem, these are distinct processes.

Black dancers' NFTs do not seek to simply control production and distribution. The practice of cryptography in the form of NFTs involves hashing information and using an identifiable and incorruptible tracking key to replace the original content when ownership is transferred from the seller to the buyer. Legal scholar Stacey M. Lantagne (2022) argues that NFTs depart from copyright in two important ways when valuing creativity. First, NFTs value the object and the subject of the object. Second, they encourage viral behavior to increase the underlying value (Lantagne 2022, 265). This viewpoint is different from the scarcity mindset promoted by copyright law that limits

the spread of ideas under protection. These changes also apply to short-form dances. When buyers and sellers engage in the exchange of screen dances, they are exchanging labor for a unique instantiation of that dance. However, complete ownership of the dancer's movement is not transferred. Instead, the dance NFT buyer acquires a unique version of the work created by the dancer while acknowledging the creative labor that was deployed to choreograph the dance, both socially and financially. The object created is not a separate outcome of the work in the form of a reproducible product. However, it is also not wholly linked to the work. This binding perpetually links the dance with the creator, even if it is downloaded by users on other mobile applications or projected in homes.⁹

Crypto-choreographies—Black dance NFTs—are limited, but they challenge what I perceive to be a hegemonic perspective that dance is ephemeral and that its practices are deracialized upon transfer from one body to another. These perspectives are not adequate for current discussions of the circulation and protection of contemporary dance in digital representational economies. Contemporary dance is a postcolonial visibility—to borrow Rey Chow's words in complicating the Foucauldian idea of capture (2012, 151-168). Being seen, rather than evading capture, is the modus operandi of expressive practices for non-White persons. Chow is discussing video art, but her perspective has relevance for short-form dance practices and popular culture. JaQuel Knight maintains that audiences no longer only ask each other if they have heard a song (Fuhrer 2022). They inquire if they have seen the song. Seeing the execution of dances in songs is a prized experience in popular culture regardless of the dances' length. The desire to be visually captured goes hand in hand with a desire to control the dances after they have been generated. Create, capture, and control is the axiom of contemporary dance.

In contrast to the process of copyrighting a dance, crypto-choreographies possess a unique discursive, structural, and embodied potential to trace the circulation of dances and compensate Black artists directly on public ledgers, even after the dance has left its creator. Crypto-choreographies eliminate the need for traditional intermediary banking systems to track transactions or—as I will mention below—for show hosts to validate creators. Understanding how dance meets NFTs is critical for considering the consequences of racialized cultural production and its circulation as short-form dances—which White dancers assume to be deracialized when they leave the creator's racialized Black body. But before discussing crypto-choreographies' impact on contemporary practices, situating them alongside copyright aims by Black artists becomes key to exposing the possibilities they offer.

JaQuel Knight Makes History

Choreographer JaQuel Knight registered the popular dance *Single Ladies (Put a Ring on It)* for copyright protection in 2020. In an interview, Knight says it was important for him to register the dance because "it validates our positioning and ownership. What copyright does is allow you to still have your hands on it, even after the work is done [...] you still have ownership and you should still collect some sort of residual payment for such usage" (Shapiro 2020, n.p.). Knight emphasized the importance of copyright protection for validating ownership and collecting residual payments for

usage. Knight has registered ten dances through the US Copyright Office. Knight's aims foreground his desire, and that of other Black choreographers, to be compensated for their art. Yet compensation is only the start. Dancers do not get ongoing royalties afforded to actors, directors, composers, and producers. "Choreographers," Knight maintains, "are really the bastard kids of industry" (quoted after Fuhrer 2022, n.p.). Residual compensation and licensing models are absent within the logics of dance making. Property ownership and residual royalties are the cornerstone of Knight's copyright registration goals. Knight started his public mission in 2020 to register Black vernacular dances despite copyright laws offering dance makers protections for their work since 1978 (Nierman 2015).

Knight's endeavor for copyright registration is notable and, as I stated in the introduction of this article, understandable given the centuries-long history of structural barriers against Black persons in the United States. Knight choreographed *Single Ladies (Put a Ring on It)* for Beyoncé at age eighteen but noticed that producers and musical artists received royalties and multi-million-dollar deals after the projects were done (Milzoff 2020). The public and producers failed to recognize him despite his dances having helped music videos become popular. Claiming legal ownership of a dance via copyright registration became a process for him to use existing institutional structures to protect intellectual property and keep ownership of it after it left his body. As he says, copyright is a way "to still have your hands on it" (Shapiro 2020, n.p.).

Knight's copyright registration involved a 40-page-long process of transforming the dance into Labanotation with the help of the Dance Notation Bureau. Knight's comment about the page length appears in several of his interviews and is not simply an anecdote (Milzoff 2020). Choreographic works undergo a process of translation into other expressive media for them to be recognized as protectable expressive practices. Copyright law states that single movement or individual dance and acrobatic acts cannot be considered registrable because they are not "organized into a coherent whole."¹⁰ An artist makes a coherent whole evident and tangible through a medium of expression other than dance that reveals "movements in sufficient details to permit the work to be performed in a consistent and uniform manner."¹¹ Dancers seeking registration can use Labanotation or Benesh Dance Notation, video recordings of a performance, and textual descriptions, photographs, or drawings as evidence of the wholeness of the work.

The documentation of a dance must be sufficiently detailed for copyright registration because infringement claims must be distinguished from homage, simulacra, or inspiration. The 2011 public case of global icon Beyoncé versus choreographer Anne Teresa De Keersmaecker competing over who infringed upon the other's intellectual property has received notable popular and academic attention. White Belgian contemporary choreographer De Keersmaecker alleged that Black popular artist Beyoncé stole dances from the recorded performances *Rosas danst Rosas* (1997) and *Achterland* (1994) and created the music video *Countdown*. De Keersmaecker was unsuccessful in her legal pursuit. The case sparked a global dispute—mediated through dance and YouTube videos that ended with De Keersmaecker releasing her dance through instructional videos after she invited others to copy it. She created *Re:Rosas! The fABULEUS Rosas Remix Project*.

The Beyoncé-De Keersmaeker debate blurs the lines of property and fixation because *Countdown* draws on different videos and dance excerpts, creating a non-infringing homage. Beyoncé's choreography is a tribute to the different dance forms without violating copyright law despite the exact resemblance of certain short dance moves and sequences. In discussing the legal scenario between Beyoncé and De Keersmaeker, Alexander H. Schwan contends that even though the case concerned which of the artists possessed the original dances, the second copy of any dance lacks originality, exactitude, and authenticity. Dance undergoes the process of privation: "the second copy loses an exactitude the first copy might have had" (2017, 159–160). Schwan rightly points out that "any movement will always be at least partially a copy of other movements because the human possibility to move is limited and the sheer anatomy does not allow for radically innovative movement that have never been made before" (2017, 175). Limited actions afforded by the human body's anatomy will provide a limited range of expressive movement. One cannot speak of an original or a copy; choreography is always both already.

Choreography may not be original or a copy, or both at the same time in its enactment, but the process of assembling steps and the racialized identity politics in which the dance creator is entangled impacts Black choreographers' experience of privation differently. The US Copyright Office guards dancers from privation in the intertextual sea of movement, yet privation and protection perpetuates unequal hierarchies of power. Brenda Dixon Gottschild argues that there is no idea of original movement when she refers to the intertextuality that connects different dance forms—stating that this process of weaving new movement is unconscious and automatic (1996, 3). Gottschild, however, cannot help but identify the central role of African descendants in shaping American culture production despite the denial and invisibilization of Africanist and Black aesthetics. There is some danger in misunderstanding the pos-structuralist notion that all texts are intertexts because it perniciously obscures and perpetuates a silent form of structural and symbolic racism. It actively erases how Africanist movement and bodily ways of being have shaped entire industries—a "pervasive presence that touches almost every aspect of American life" (Gotschild 1996, 3). The US Copyright Office does not protect this history. It protects individual creations dependent on cultural constructions deemed consistent and uniform. Black dancers use legal avenues to compete over violations claims, relying on documentation to verify the source of a dance and enforce claims against unrightful use. They use copyright registration against loss of exactitude in its embodied execution and dispossession.

The Law's Limits

When I first heard about De Keersmaeker's legal claim against Beyoncé in 2012, I sided with the global pop icon, seeing it as a form of reparations. I now realize this debate oversimplifies the devaluation of Black dance creation and its labor, and how copyright registration contributes to this ideology. US copyright law only protects complete and documentable whole expressions of repeated steps and movements, not individual concepts, short sequences, or social dances. To fully grasp this issue and its stakes, we must consider how artists use extra-legal strategies to bypass

copyright law limitations and what this means for the protection and circulation of dances that do not qualify for the US Copyright Office's idea of a coherent whole.

Copyright law allows dances to be registrable if they are fixed into dance notation, video, or photographs and if their coherent whole is identifiable in that documentation. A dance work qualifies for copyright registration through the process of fixation. For example, Knight secured legal protection of his dance by translating *Single Ladies* to Labanotation. In repeated news coverage of his success, Knight and other Black dance makers he helped through his foundation are shown with large posters of their dances in Labanotation. The will to document is key to Black choreographers' contemporary aims. That Knight successfully copyrighted ten dances demonstrates the efforts that Black artists are adopting to fix and visually document their dances and use the extent of the law to protect against any illegal and improper use of their works.

These efforts follow traditionally White dancers' aims to secure credit and protect against infringement. Historicizing struggles by dancers to copyright claims and intellectual property, dance studies scholar Anthea Kraut maintains that artists use patent registration as an endeavor towards fixity and singular authorship to protect their work (2011). A choreographer's efforts regarding the "artist" label, intellectual property, and ownership through legal avenues requires differentiating oneself from other racialized and sexualized dancing bodies. Furthermore, Caroline Picart argues, dancers' claims rely on "implicitly racialized formulations that correlat[e] whiteness with intellectual property" (2013, 686). While copyright protection goals tend to benefit White men more than White women choreographers, they both benefit from the privilege of Whiteness. Successfully copyrighting dance is historically a White choreographer's endeavor where Whiteness is property.

Outside of copyright law's idea of fixity, however, dance performance possesses a standardization and lasting materiality through the social sphere. As I maintain elsewhere, in my writing about choreography's relationship to democracy and state repression in Mexico, dance is transmittable across time and space because it has a level of verifiability that endures as a form of truth-telling practice.¹² Similarly, Kraut identifies extra-legal strategies among African American vernacular dancers from the 1930s and 1940s in the United States (2015). She highlights gift economies, shaming, rumors, and anti-singular authorship practices in response to the law's limits. Both assessments value dance and embodied movement as fixed and documentable evidence beyond photographic, written, and audio-visual tools.

Extra-legal strategies of verifiability and individualized style re-animate the debate about dance performance being an ephemeral practice and propose challenging readings about what it means to "fix" a dance. Kraut argues, "In the unprotected sphere of vernacular dance, outside the law's rigid distinctions between idea and expression, between performance style and 'the work,' artists were free to declare discrete steps, arrangements of steps, and ways of moving as their own" (2011, 152). This extra-legal practice in African American social spheres, what Kraut calls *corporeal autography*, is adopted by dancers to assert embodied intellectual property. Repetition of a movement leads to a dancer becoming identified with a gesture or way of moving. Kraut

insightfully observes that repetition plays a critical role in the grammars of dance. Repetition generates momentum while connecting a dancer to the dance they created. The repetition of the move or gesture is re-enacted to “achieve the effect of inscription of identity” (Kraut 2011, 154). A Black dancer doing a dance repeatedly links the gestures to the person doing it regardless of the length of the dance. However, Black artists’ corporeal autographies terminate at shorter durations when confronting copyright law.

Short, recognizable dance moves like “The Carlton” and “Nae Nae” reference Black popular culture and characters and are inscriptions of identity in contemporary dance practices. “The Carlton” and “Nae Nae” are two corporeal autographies unconnected to larger choreographic works but are still part of popular culture through the circulation and repetition of simple dance routines. Alfonso Ribeiro’s famous “Carlton” dance became popular in the 1990s with the success of the show *The Fresh Prince of Bel-Air*. The dance is named after his character, and it was done any time Carlton celebrated and expressed (in secret) extreme happiness. Similarly, “Nae Nae” is a dance associated with the character Sheneneh Jenkins from the 1990s show *Martin*. In both cases, the dances are short (seconds-long), discrete steps referencing Black popular culture and characters. In Ribeiro’s case, the distinct dance is so recognizable that it was included for purchase in multiple video games as a celebratory dance. Ribeiro was not consulted, nor did he receive royalties for the inclusion of the dance. He filed lawsuits but dismissed them in 2019. The US Copyright Office stated that “The Carlton” is a simple dance routine and not a work of choreography, which was significant in Ribeiro’s failed lawsuits against other video game companies.¹³

Ribeiro’s double bind is that discrete steps are not recognized as choreography but dances—and especially Black vernacular dances regardless of length—are extremely valuable and profitable in gaming, entertainment, and social media. Dances bring in dollars. Ribeiro’s dance was featured for purchase in *Fortnite*—a game that is free to play. *Fortnite* makes its money from in-game purchases, with one of the most profitable being dance emotes. Gamers purchase celebratory dance emotes to deploy after completing sections of the game. Dance emotes cost between five and ten dollars each (Statt 2018). Ribeiro may have created and become popularly linked to the famous Carlton dance, but he cannot own the gestures to file an infringement claim. The pernicious aspect of this situation extends from an unconscious belief that Black choreographers produce and deploy singular moves and discrete steps for the benefit of all. Black choreographers in contemporary dance practices are exploited, with their creative work often seen as a contribution to the larger cultural landscape rather than being recognized as the property and ownership of the Black choreographers themselves. This is an extension of how Black enslaved persons were exploited and how their repetitive and short embodied acts in picking tobacco, cotton, and sugar cane were perceived by their White owners as contributing to the masters’ house rather than the ownership and property of the enslaved individuals themselves. Black short-form dances are the new cash crop.

Expecting Black artists to generate popular short-form dances that circulate in open expressive economies without financial compensation is composed racial capitalism. Composition is meant in two ways. On the one hand, composition is understood as the unequal arrangement and

structuring of social and labor hierarchies through race. On the other hand, composition refers to the arrangements and structuring of dances through the filter of race. The overlapping sense of these compositions is a dance focused understanding of Cedric J. Robinson's deft contribution to our understanding of the extractive practices in colonization and capitalism when accounting for race (2020). Composed racial capitalism is the unsettling bias within dance communities where Black embodied works (the outcome and extraction of labor) are valued and expected but the laborers are not. Composed racial capitalism is reinforced through social media apps and the popularity of short-form dances that circulate on them. Social media applications depend on user-created content to generate revenue through data mining and advertisements. This is a swifter form of dance as advertisement. However, in this case, the users themselves become the marketing teams who promote and sell the dance moves for merchandising and sponsorship contracts. Josh Richards, a top White TikTok performer and content creator, makes the objective clear, "Influencers need to learn how to properly monetize" (Brown 2020). This trenchant system unduly impacts Black choreographers' access to wealth. Black users may receive compensation, but platforms and White artists receive greater profits and circulation.

Contemporary dance on digital platforms presents a contradictory sense of Blackness as both hyper-visible and invisible. Kraut observes that White female artists who make copyright claims to negotiate their subjectivity often do it at the expense of other minoritarian subjects—i.e., *De Keersmaecker v. Beyoncé*—without acknowledging the impact of those minoritarian subjects' aesthetic and dance practices on the dancers and their work (2015, 263–280). Kraut's argument does not go far enough to highlight the systemic implication of her observation given what Ribeiro's case, as well as the prevalent use of TikTok for the dissemination of short-form dances, reveals. The ubiquity of what Thomas F. DeFrantz and Anita Gonzalez (2014) call a Black sensibility makes calling out appropriation difficult. Black or not, dancers swim in the collective cultural production shaped by Black aesthetics. This is akin to what Brenda Dixon Gottschild called "Africanist" aesthetics (2001). This aesthetics is so "native [to American concert dance] that we take it for granted" (ibid, 340). Dances, and bodies that deploy them, are both Black and not. A Black sensibility and the prevalence of Africanist aesthetics are so part and parcel to American dance culture that discussing the love and theft of short-form dance in terms of appropriation/appreciation appears redundant. To call a dance "appropriated" (usually by White American dancers) belies the very fact that to dance in the United States is to already deploy an Africanist movement ethos regardless of the dancer's White skin.

Consuming and participating in dance in the United States without attending to its Africanist genealogies and Black sensibilities makes it impossible to know how it is appropriated and sold as a racialized experience for financial gain. Instead, it is more fitting to discuss the circulation of short-form dance in terms of racial precarity, anxiety, and fantasy. As I mentioned above, Eric Lott (1992) helps us assess how White Americans live out their racial anxieties and fantasies through blackface performances. Relatedly, what we see in the circulation of short-form dances and their theft is a staging, playing out, and profiting of racial fantasies by White dancers. TikTok dances and dance challenges make playing Black possible and repeatable in seconds. TikTok, Jason Parham (2020) elucidates, is the evolution of blackface. The pain of these fantasies is that their exploration

is readily accepted and profitable, and that Black aesthetic practices are perpetuated as surplus for the enticing of the fantasies while the material, economic, and embodied (unequal) realities of Black lives are disregarded. White dancers enter the circulating economies of racial difference, anxiety, and fantasy through short movements and gestures. These fantasies rely on privation, without legal protection, as a cornerstone of their execution. Deploying *The Carlton* is not simply about trying on a short dance; it is to flirt with the Black vectors that gave rise to that dance and lead away from Blackness to Whiteness—even if the racial referents are constructed to begin with. In this way, composed racial capitalism linked to TikTok dance communities stages White supremacy. When dancers use TikTok, they deploy the White master's gaze. White dancers exploit and profit from Blackness while bringing in dances into the master's new house. Copyright laws sanction this exploitation by dismissing short dances and denying social dances as protectable works.

It Is Not Choreography

US copyright law contributes to composed racial capitalism by not recognizing simple dance routines as works of art and choreography. Alfonso Ribeiro sued Epic Games for selling his dance and his likeness as an emote and argued that the entertainment company capitalized on the popularity of the dance and mislead audiences by mislabeling the dance in the game.¹⁴ Ribeiro dismissed the complaint against Epic games after being unsuccessful in acquiring copyright protection from the US Copyright Office. In response to Ribeiro's petition, Saskia Florence, Supervisor Registration Specialist of the Performing Arts Division, defines "choreography" as understood by the office and maintains that choreography is a subset of dance; they are not synonymous. She also describes the dance submitted by Ribeiro. *The Carlton* is summarized in one sentence, "The dancer sways their hips as they step from side to side, while swinging their arms in an exaggerated manner." Her description supports the refusal, and she concludes, "The combination of three dance steps is a simple routine that is not registrable as a choreographic work."¹⁵ The Copyright Office's description of *The Carlton* makes apparent the colorblindness that supposedly enters adjudicating processes.

The Carlton is more intricate than described in the refusal letter.¹⁶ The dance involves a complex and jerky movement of the neck. The arms' "exaggerated manner" is physically demanding because it requires significant torso control. Beyond physical difficulty, what is a tremendous feat is the way the dance captures the coherent expression of joy. In its repeated performance across different stages, the dance summons gaiety. But it is not just any gaiety, it is choreographed Black gaiety. Inspired by Black comedian Eddie Murphy's "The White Man Dance" and White actress Courtney Cox's dance in a Bruce Springsteen video, Ribeiro created the dance to mimic White people dancing. He says of the dance's origin, "That is the corniest dance on the planet that I know of, so why don't I do that" (Holmes 2015). The dance began as an impromptu decision when filming the show, but it became a Black corporeal inscription for audiences and the series. *The Carlton* appears in the series finale with Ribeiro and co-star Will Smith dancing with abundant joy. The

characters celebrate their strong ties and—like the Black cakewalk performers from the mid-nineteenth century before them—mock White dancers.

The US Copyright office rejected Ribeiro's copyright application for the Carlton dance, emphasizing the dance's association with simple routines and social dances rather than complex choreography, even though it was performed and filmed on a stage before an audience. Florence makes clear, "the Office defines choreography as the composition and arrangement of a related series of dance movements and patterns organized into an integrated, coherent, and expressive whole." Social dance and simple routines do not possess patterns leading to a recognizable work. Even if simple routines, social dances, or derivative movements of social dances "contain a substantial amount of original, creative expression," the dances lack what Hip Hop scholar Naomi Bragin best describes as *choreocentricity*—that is, organized and authorized movements, patterns, and thinking that require legibility along European concert aesthetics (2014, 102). Dancer and Doctor of Law candidate Olivia Roche (2023) says dancers need a compulsory licensing scheme instituted by the government for profit distribution and to break up the monopolies on TikTok. This would ideally be accompanied by a nonprofit, third-party entity adjudicating and registering the dances and appropriately distributing royalties. A compulsory licensing scheme could curb underenforcement and undercompensating. This persuasive argument does not address how copyright registration favors dancemaking that is compulsory, anti-social and antagonistic to non-European descended modes of creation. By stripping movement creation and composition away from the social sphere and towards *choreocentricity*, dancers who use copyright processes, or are excluded from using it, are unmoored from the racial conditions that give rise to dances. This approach upholds White and Euro descended creative processes and centralizes the means of legal protection of those works.

Dance for Sale

Short-form dances are a syncopated racialized phenomenon that constructs and deconstructs material outcomes based on a dancer's epidermal and gendered identities. The idea that dance is ephemeral or traceless, Alexander H. Schwan (2017) reminds us, lacks sufficient complexity. Predominant cultural attitudes that position dance as an ephemeral practice indirectly justify its expropriation and theft. They leave out the financial benefits, material industries, and upward social mobility (Malnig 1997) that arise from dance practices—often benefitting White dancers who knowingly or unknowingly steal dances created by Black choreographers and aim for literal replication without questioning the dance's origin. Interestingly, Marcia Siegel was partially right when she argued "[dance] is an event that disappears in the very act of materializing" (1968, 1). However, this disappearance impacts all dancers unequally.

In short-form dance economies—where the theft of Black aesthetic practices structure entire aesthetic industries—the ontology of performance is not its disappearance and present-ness that evades capitalism's grip and disciplining—what Peggy Phelan (1993, 146-166) sees as performance's greatest strength. Rebecca Schneider's sustained reappraisal of Phelan's orientation towards ephemerality elucidates a productive tension between disappearance and

reenactment—where what came before (the past) and is made explicit in (live) performance functions as bodily transmission and results in the creation of echoes (2011, 105). Extending Schneider's proposal based on what short-form dances reveal, the ontology of performance is the circulation of its echoes across medial boundaries and when racialized movements take center stage between representations and reenactments linked to the remains of a performance.

Contemporary dance is not only about the interpreted and vanishing moves that people watch and choreograph on stages and mobile screens in the present moment. Dances appear, rather than vanish, on second bodies. Dances are created to compel live reenactment and accelerate material circulations with divergent paths depending on a dancer's intersections of race, gender, and sexuality. For White dancers, expropriated dances are done to keep the movement echoes and disappear the Black creators and not to preserve the latter. Dancers create, assemble, and steal movements and gestures in the choreographies themselves and deploy echoes of those compositions to assemble currents of likes, retweets, copycats, and monetization prospects. Dancing is a double effort of creating and controlling—of keeping your hand on the thing. This twofold movement had historically been principally afforded to White choreographers.

If dance accelerates the lives of White dancers in the process of reenactment, then it slows down and reduces the lives of Black artists in the wake of its deployment. At issue with Jalaiah Harmon's *Renegade* dance is the compensation and ownership and its material consequences for the dancers and choreographers involved after the short-form dance was created. Harmon originally choreographed the dance on the platform Funimate in September 2019 as a dance challenge with friend Kaliyah Davis. When Harmon saw her dances on TikTok and Instagram without credit given to her, she commented that she was the original choreographer. The dance echo was accelerating beyond her ability to link it back to her. People did not believe her. She did not receive full and public credit until Taylor Lorenz' feature article was published in *The New York Times* on 13 February, 2020. By that time, many popular artists and even former First Lady Michelle Obama had danced the *Renegade*. Following the *Times*'s article, Harmon performed the dance on *Ellen* in February, where White host Ellen DeGeneres gifted her a green jacket with "The Original Renegade Dancer" on the back and gave her money. DeGeneres said that there were small items in the pockets. The host took out a stack of cash totaling \$1,000, then another, and then another—until she gave Harmon \$5,000. Later, Harmon was invited to the National Basketball Association's All Star half-time show in March of that same year—where she performed the dance in the center of the court by herself.

Harmon's appearance on *Ellen* was supposed to symbolize repayment and visibility for Harmon's association with the dance—linking the owner back with what was owned. More importantly, the visit on the show was meant to put a stop to the circulating echo that appeared to have the wrong author. DeGeneres authenticated the reunion and vouched for Harmon's control. Although it is uncertain how much money Harmon and D'Amelio made directly from the *Renegade* dance during the fall of 2019 and 2020, it is evident that the \$5,000 paid to Harmon by the *Ellen* show was a meager amount compared to the massive profits made by entertainment and advertisement agencies through the widespread circulation of the dance. Further highlighting the disparities,

D'Amelio made approximately five million dollars by monetizing her content the same year when she began using TikTok and became synonymous with the *Renegade*.

The dispossession and reauthentication of the *Renegade* exposes that the concept of "original" is contradictory in the D'Amelio-Harmon case. While there is a shared understanding of the unique moment when Harmon created the *Renegade* by arranging movements in a novel way, the dance is both an original and a copy simultaneously. Harmon was transparent that the dance was built on pre-existing moves like *The Whoa*, *The Wave*, and *The Dab*. Using the term 'original' overlooks the fact that these moves came before the *Renegade*. This raises the question of why Harmon needed to be the original choreographer. Asserting the 'original' title is crucial for staking a claim to the dance's embodied uniqueness and for discursively recognizing the creative value of the Black dancer. Much of the dance expressed a whole new arrangement. This was different from D'Amelio who only modified small portions of it. Beyond the embodied modifications, a significant social alteration occurred. Harmon created the dance as a challenge with her friend Kaliyah Davis. Meanwhile, D'Amelio usurped an existing arrangement and monopolized it for individual gain. Harmon had to challenge the 'whiteness-as-trustworthiness' equation that accompanied D'Amelio's version. The title 'original' prompted doubt to the assumed Whiteness of the *Renegade*'s creation process. Even as the short-form dance changes and builds on previous ones, the discourse of valuing Black dancers and sociality merits repetition.

This competition over the 'original' title presents a challenge to the lasting effects of post-structuralist ideas (such as those put forth by Barthes 1977, Berger 1972, and Lyotard 1984) on the perception of dance as an art form. These ideas assert that art objects do not possess discrete or ultimate meanings and that grand narratives do not exist. Although post-structuralist values have had a significant impact on dance, with a focus on minor subjects and co-creation of dances, it is important to note that these ideals did not anticipate dances as advertisements on digital media. There remains a prevailing assumption among White dance practitioners that dance is a universal art form that people can enjoy as they please and access swiftly with social media applications. Trevor Boffone maintains that most White TikTok users resent being called appropriators.¹⁷ They are just having fun because dance is a shared experience meant for all. These comments reveal the way in which post-structuralist ideas of ownership, or lack thereof, are twisted along racial lines and justified through universal claims to dance's public availability as fun and shareable—without consequences regarding its use and concerns about dispossession.

DeGeneres transferring the *Renegade* back to Harmon exposes the double impact of White dancers under-citing Black gestures and the difficulty of proper attribution to the genealogy of a dance and its maker. Racialized dance echoes impact how short-form dances accrue their power: through instantiation or accumulation. When race and gender are accounted for in these processes it appears as though the copy executed by the White female dancer Charli D'Amelio in the TikTok seconds-long video acquires value in its instantiation because other dancers assume it to be authentic, fun, private, and possess originality. This is unlike the Black female dancer Jalaiah Harmon who acquires authorship and ownership through the dance's accretion because it is assumed to be a common good without an owner. Harmon had to convince audiences and

required substantive support from *The New York Times* and other media outlets to link the echo with the creator.

D'Amelio dispossessing Harmon of her dance without attribution is a prime example of political geographer David Harvey's idea of dispossession by capital accumulation (2004). Harvey's analysis is useful as it helps us assess the flagrant occurrence of commodity theft. D'Amelio privatized Harmon's dance and employed it in service of concentrating her wealth. Yet Harvey's entire framework does not apply as easily to the theft of Black short-form dances. Dispossession occurred because Black vernacular dances are assumed to be public goods rather than commodities managed and protected by a nation-state interested in keeping them away from private hands. Black dances exist in the public sphere and are assumed to be readily available for private interests, advertisements, and monetization.

White dispossession of Black short-form dances benefits from social media applications' exploitation of time. That White dancers strip Black choreographers of ownership with ease is evidence of unethical practices and renders the racial and gender markers of an ordinary White temporality. White dancers stealing dances are not only pilfering authorship and claiming ownership, but they are also pocketing time from the Black creators. After a dispossession happens, Black creators must produce time to convince the public of their work. By contrast, White female dancers on TikTok gain immediate recognition by majority White audiences and are invited to late night shows like Fallon's without questioning the history of their work. They benefit from a White temporality and its ability to serve as an expressway for quicker popular recognition and authorial titles, as well as the financial benefits accompanying that ascension through the love and theft of Black expressive practices. Dispossessioning a Black dancer is a thieving of the good (the dance) and of time while adding more labor to reclaim what was stolen.

Adopting, reenacting, and modifying short dance movement sequences and gestures is a lucrative business. In the first year of using TikTok and being the highest earning creators, White teenagers Addison Rae and Charli D'Amelio earned nine million dollars combined (Brown 2020). They monetized short dances through paid programming, content sales, and branded merchandise. TikTok's commercials in late 2021 highlight its appeal to users who enjoy watching short, embodied gestures. The ads feature people discussing Khame Lamé's signature gesture, which he uses to comment on complicated solution videos. Lamé is an Italy-based Black Senegalese entertainer.¹⁸ His videos end with a simple gesture of opening his palms as if to show that the solution is not difficult. The commercial ends with the tag line "you have to see it."

Although Lamé performs no other complicated movements such as those executed by Harmon in her dance video, his gestures and Harmon's dances unite through an equal emphasis on gesturality and short sequences. If gesturality, as Juana María Rodríguez (2014, 99-138) makes clear, animates entire racialized, sexualized, and gendered worlds that are up for re-inscription in the moment of their enactment, then, in their performance, the accretive value of that simple movement renders it available for circulation. When a dancer deploys a single move or a sequence of gestures, as simple as Lamé's or Harmon's fifteen-second *Renegade*, that value is up for absorption and

reinscription in the circulating intertextual web of embodied expressive practices. D'Amelio saw the *Renegade* once it had been brought over to TikTok in a simplified format by Black dancer @global.jones in October 2019, and she further modified it slightly. Where Harmon accentuates complex sharp hand movements and the bobbing of her head, D'Amelio adds more emphasis on undulating her hips and upper torso, concluding her fifteen second rendition by hiking her hips five times and performing "duck face"—her lips pressed together and pouted. These short-form dance videos are not simply memes or viral content to watch as they vanish. The phrase "you have to see it" is coded with the clause "and you must try it." Reenactment results in privation. Privation gives way to re-inscription. Re-inscription results in expropriation. The gestures circulating and being reenacted through meme culture are racialized and used for fantasy play, corporeal re-inscription, and profit.

Reclaiming a Dance

Crypto-choreographies, dance NFTs created by Black artists, serve as digital and social authentication for Black artists who aim to curb the disappearance of Black life and the dispossession of a dance (as commodified good), labor, and time. Jadu app creators and Black choreographers Harmon, Cookie Kawaii, and Blanco Brown released three holographic dances on OpenSea for Juneteenth 2021. The Jadu Genesis collection includes *Renegade* by Harmon, *Throw it Back* by Kawaii, and *The Git Up* by Brown, all under nineteen seconds long. These three dances received over 10 billion views on TikTok, Funimate, and YouTube, and countless copies were made without proper credit or compensation for the Black creators. The dance NFTs were recorded at Microsoft Mixed Reality Studio with 106 cameras, capturing the dancers in 360 degrees without any cutting and splicing. The cameras capture more than the usual upper body that is framed on TikTok and Instagram. The dancers are performing solo in front of a black backdrop while glowing particles that resemble flying embers float around them. The files were sold on OpenSea. Users can select any one of these dances and see the last purchase price for each of the assets. Harmon's *Renegade* was purchased by user AMJ1111 on 19 June, 2021, for four and half ETH (then valued at over thirteen thousand US dollars). The purchase amounts go to the choreographers. Users can select specific purchase events and see full transaction details on a public ledger hosted on etherscan.io.¹⁹ Users of OpenSea can also make an offer on the digital asset. *Renegade* NFT can be bought on OpenSea or accessed through the Jadu app. In the app, users can download the dances and project them into living rooms to perform with Harmon in augmented reality.

What distinguishes Jadu from other dance NFT collections and assets on OpenSea is its emphasis on altering the contemporary dance economy with a clear stance against dispossession by accumulation and composed racial capitalism. The collection's landing page says, "Much of internet culture, specifically viral dances, originate from black creators who often don't see monetary gain/credit. This collection is a way to use NFTs to reclaim these trends for the original creators while immortalizing their performances as holograms."²⁰ Jadu collaborated with Harmon, Kawaii, and Brown to create holographic performances purchasable as NFTs to guarantee that the dancers receive compensation and are linked with the dance in perpetuity. Jadu's descriptions of each

dance provide historical context and capture the dancers' feelings about their dances' impact on social media, including their frustration at not receiving credit. For example, Cookie Kawaii notes that despite creating music since 2011, she had to comment on social media that she created the viral dance to her own song *Vibe* in 2020. These crypto-choreographies work against dispossession and erasure.

A year after appearing on *Ellen*, Harmon, with Jadu media's help, sold the *Renegade* for almost three times the \$5,000 dollars pulled out of Harmon's pockets. The *Renegade* NFT's increased value is not substantial compared to five million dollars, but it represents the value of the dance itself and the cultural significance of racial and gender differences expressed through it. Buying the NFT is not exploiting these differences, but rather a way to appreciate and celebrate them, as well as honor Harmon's control of her dance. Buyers are not purchasing a colorblind dance. They are purchasing the racial experience linked to Black dance. Racialized gestures are crucial in giving animated movement its meaning and value. This makes it clear that no dance is truly original without acknowledging the racial conditions—however constructed—in which it originated. Crypto-choreographies foreground the racial value that gives Black dances their meaning, authorship, and ownership. The Jadu Genesis Collection has resulted in the creation of crypto-choreographies, which offer a new way of circulating, valuing, and compensating Black choreographers in the wake of rampant dispossession and dance as advertisement.

Immortalizing the Simple Dance Routine

Crypto-choreographies are a process of immortalization. Capturing or "fixing" a dance via video regardless of its length is no longer enough. Dances must be, as Jadu creators say, immortalized. Harmon's *Renegade* NFT features the dancer repeating the complex arm and feet movements with ease. Wearing black sweats and a white T-shirt, she wraps her hand around her head and then extends her arms out to accent the heavy bass beats from K Camp's song *Lottery* that accompany her. Her feet barely move from underneath her. A colorful magenta light casts a glow on Harmon's shoulders. The camera revolves around the dancer and a three-hundred-and-sixty-degree view showcases the Black dancer's full body. The *Renegade's* location is unclear. Similar to galaxies glacially hovering in an expansive universe, white particles float around Harmon as she dances in an infinite black space.

The holographic NFT rendition of *Renegade* is different from the two other popular forms of exhibiting the dance. A version of it was available for sale as an emote on Fortnite in July 2020. In this version promoted by parent company Epic Games, Harmon's face and body is distorted into a game figure avatar. She wears orange suspenders, a white top, green hair, and tall boots. But once the emote is purchased, the avatar can be any skin the gamer chooses. In the 2020 TikTok version of the *Renegade*, the teenager is in a room resembling a bedroom with a light fixture on top and a black shelf on the viewer's right-hand side. Harmon presents her backstage life and just so happens to capture herself dancing—exposing what Erika Pearson, building on Erving Goffman, called the backstage/front-stage straddle common to social media to play identity (2009). On the *Ellen* show, Harmon said she was on her way to a dance class when she decided to create the *Renegade*. She

conceived the dance in five to ten minutes. The Jadu holographic version de-contextualizes the dance from the original impromptu domestic scene. The everyday-ness captured in the TikTok video, however staged, is removed in favor of an expansive black backdrop. The totality of her Black body is front and center.

The futurity ascribed to Harmon's dance moves is not relegated to an affective sphere of the virtual that cannot be accessed—existing beyond the corporeal conditions of this world. Harmon's crypto-choreography makes evident that Black female sensation is necessarily accessible and worth protecting in perpetuity. Crypto-choreographies are the virtual manifestation of Black flesh, sensation, and bone bundled together through public ledgers of a digital exchange market fully graspable. The flesh captured in crypto-choreographies is akin to the *flesh dance* that Jasmine Johnson describes in her study on Black women dancing—where policing and pleasure concur (2020, 165). Making a connection with Johnson's work, however, does not mean Harmon is being adultified. She is a teenager. Her age and the dance's length are critical. Seconds-long dances created by Black youth can be monetized and valued, allowing for the possibility of ongoing compensation for the dancers. Because crypto-choreographies are stored on a blockchain, they provide a form of documentation and immutability that can protect the dance from erasure, regardless of the creator's age.

Immortalizing the *Renegade* suggests making apparent Harmon's ongoing claim to her ownership and racialized experience in the wake of dispossession. Crypto-choreographies are evidence of the bond that privation and re-inscription erase. They provide a perpetual link between racialized flesh and the dance, which serves to authenticate the dance and its instantiation. This creates a definitive claim, with substantive public support, that the dance is indeed connected to the Black dancer. By coupling the dance with the creator, this eliminates the gap that exists between the transfer of the dance over time and the person who originally created it. The bond is materialized, the labor honored, and the content reauthorized back to the Black artist. Evidence in this sense is unlike the evidence copyright law aims to serve given the limited duration of copyright protection—lasting generally the life of the author plus seventy years (U.S. Copyright Office, n.d.). Crypto-choreographies can still circulate and be copied and danced and recorded on social media by others, even as they are now attached to their originators. Immortalizing the dance means that the dances are linked with the Black dancer—inseparable from that person's body in perpetuity.

To immortalize a Black dance does not necessarily mean to accept it without alteration. Harmon modified the version of the *Renegade* from its original TikTok posting before she recorded it for the holographic NFT. In the NFT version, the dance takes a 'get down' aesthetic. She bends her knees and hips repeatedly, as well as adds wider leg stances. Harmon's weight is on the balls of her feet rather than on her heels. There is more of a spring and bounce to her body. The purchase of the NFT is not the *Renegade* on TikTok. These changes suggest that Black artists immortalizing a dance are not about stopping its modification completely. Instead, they are closing the racial chasms that form in the creation of a dance and the circulation of its echo in reenactments. Crypto-choreographies provide proof, without a doubt, of the immortal Black hand on the roving thing.

Crypto-choreographies are Black choreographic objects thwarting institutionalized surveillance and disciplining, even as they become dancer tools for monitoring theft. Crypto-choreographies are not simply dance NFTs said another way. Instead, they emerge and circulate through the transference of Black dance moves from creator to one short-form video to another. To bridge the gap between the original form of a dance and what is being circulated, Black dance makers must detach the dance from its choreography, but not in the way that the Copyright Office suggests, as seen in its refusal to register short-form dances like Ribeiro's application. Choreographer William Forsythe's commitment to unlinking dance and choreography is useful, although he is silent on choreography's connection to structural and symbolic inequalities and race and racial economies (Forsythe, n.d.). For Forsythe, choreographic objects are those things that organize human movement in conscious and unconscious ways. Black dance NFTs are choreographic objects deployed by Black artists to claim individual authorial stances and, more importantly, become entities that discipline and repattern relationships with and through dance. This observation nuances André Lepecki's (2013) precise contribution on surveillance and conformity through *choreopolicing*. Unlike the *choreopolitical*—opposite of *choreopolicing*—crypto-choreographies are dedicated to the re-organization and monitoring of Black movement, repatterning racially aware accountability and supervising practices to avoid theft by White dancers. The #BlackTikTokStrike demonstrates Black dancers' willingness to participate in financial economies and how they repattern behaviors of Black dispossession and expropriation. By converting Black embodied practices into digital forms across multiple media, Black dancers utilize them as choreographic objects, while still maintaining their connection to the Black dancer who created them.

Crypto-choreographies move in two ways simultaneously. They assemble and deploy as their own objects while maintaining a connection between the Black creator and what is created. This double maneuvering is central to crypto movements. They work *otherwise* against normative and monopolizing modes of embodied practices, as described by Victoria Fortuna (2018). Crypto-choreographies assemble movement in such a way that they close the gap between the instantiation of Black gestures and the person who created it, even after the movement has left the mover. In essence, crypto-choreographies bridge the divide between the original form of Black movement and what is being circulated but without aiming to monopolize and fix a dance.

What results in the case of the crypto-choreographies is a concern with the critical phenomenology of racialized movements and their link to justice concerns in contemporary dance practices. Crypto-choreographies are an apparition of the flesh, blood, authorship, and sweat of Black labor and intellect when those virtual embodiments are instantiated, even while the dance may not be the same. Crypto-choreographies seize the abundant corporeal and material aspects of movement that verify its racialized nature without denying its originality and alteration. This is unlike traditional copyright registration processes that fix a dance in a static way, demand uniformity, promote scarcity, and require arbitration by federal institutions. Crypto-choreographies allow for the recapture of dispossession and expropriation while recognizing the complexity and nuance of dance as both an individual and cultural phenomenon.

Conclusion

Jalaiah Harmon and Charli D'Amelio are two dance makers navigating short-form dance economies and their racialized conditions. Despite not being initially credited with making the *Renegade*, Harmon expressed no ill feelings towards D'Amelio and even hoped they could collaborate one day. Ultimately, she is a teenager who loves to dance. She likes that "We make up a dance and it grows" (Lorenz 2020). The debate surrounding the 'original' creator highlights not only the issue of determining authorship of a particular dance but also concerns about who is deemed deserving of creating, managing, and benefiting from an original dance as it gains popularity, grows, and is reenacted across medial boundaries.

In this article, I discussed how copyright registration and crypto-choreographies are affecting our understanding of representational and racialized economies, and the implications of these developments in the love and theft of dance. Popular gestures within short-form dances are enabled by remix culture and a TikTok application that encourages repeated borrowing with the goal of monetizing dance. I remarked about Knight's copyright aims and Harmon's appearance on the *Ellen* show to highlight the stakes of this conversation. Between short gesture movements such as *The Carlton*, Harmon's *Renegade*, and the longer choreography in JaQuel Knight's music videos, artists exist in a murky choreographic space where inscription of identity is tantamount.

The copyrighting and crypto-choreographies analyzed herein illustrate the growing legal and digital attention given to closing gaps between what was with what circulates in dance economies from streets to music videos to short-form digital reels. Closing endeavors such as these reveal dance practices that require proximity not only through aesthetic means but also with the lives of those persons who give rise to aesthetic forms. Where White dancers on TikTok exercise proximity by dispossession, crypto-choreographies are about nearness by reclamation. Black artists' close relationship with their creative work emphasizes the importance of love as a founding justice principle, rather than a means of expropriation. It calls for a love of dance as an ethical commitment to reducing disavowal. Instead of fetishization and proximity-for-theft, dancers adopting justice centered repetition of movement prioritize undoing the mechanisms that perpetuate inequality. Dance can either serve as a vehicle for social mobility and fame through short-form dances or, with an ethical calculus, it can serve to remember the past and acknowledge the Black lives and bodies that gave rise to the forms. This past is not static, but rather a space and time that embodies the history of Black dances and compensates Black dancers even as their movement changes in style and length.

Artists must not choose between copyrighting and crypto-choreographies. Instead, I am highlighting the different approaches undertaken by Black artists to transform and reshape the production and distribution of their work, and to exercise greater control over the processes of creation and expropriation. These joint strategies demonstrate how contemporary dance is a material practice and thus challenges the longstanding perception of dance's ephemerality. Artists have multiple options available to them and are using these strategies in combination or separately to create and control their work now and in the future as it grows. Harmon's crypto-choreography

reveals the lasting impact of the artist's moves, how they circulate, and even posit their existence of a metaverse yet to arrive.

What remains unclear still is identifying if all Black movement needs to be captured and up for sale to undo the love and theft affair rampant in dance practices. Choreography Online is the first web platform for selling and buying limited-use choreography licenses. Based in Canada but available worldwide, and launched in 2019, the company serves as an intermediary for choreographic transactions and proposes to be a facilitator of exchange of payments between sellers and buyers of choreography. There is no initial fee for artists to post and sell performance rights, but the intermediary takes a ten-percent commission after the sale. Should choreographers shrug a digital clearinghouse and opt to volumetrically capture their dances as NFTs, the cost is cost prohibitive. Perhaps an augmented reality metaverse awaits where dancers, and their movements, may be free from the chains of financial logic and held instantly socially accountable beyond half time show reprimands and empty choreographer credits. Until that time comes, choreography is unequally up for sale and the primary means of deliberation should be more talking and less dancing.

Notes

¹ A year after D'Amelio's appearance on Fallon's show, Addison Rae Easterling appeared under the same conditions. She performed dances she did not create, as Fallon scrolled through white posterboard cards.

² In 1952, Hanya Holm was the first artist to register a choreographic work, but not as choreography. It was categorized as a drama. Before Holm, Loie Fuller (1862–1928) filed to register her *Serpentine Dance* with the U.S. Copyright Office, but she was unsuccessful. Choreography outside a dramatic-lyrical designation was not a legally recognized category under copyright law until after January 1, 1978. For more, see Kraut 2011.

³ Currently, there is no singular metaverse. There are different platforms competing to become the central digital space for virtual reality.

⁴ It is unknown whether pak is one person or a collective of people.

⁵ Rodriguez-Fraile first bought *Everydays* for under seventy-thousand dollars and then sold it at the Christie's auction.

⁶ In 2021, the cryptocurrency market exhibited a decline in value that started to resemble securities in the stock market with rises in interest rates, leading some financial experts to conclude that cryptocurrencies function more like traditional securities rather than an alternative financial model. While the value of cryptocurrencies in dollars was reduced significantly, the implementation and use of the technology continues to spread. In 2024, valuations rebounded and reached new records.

⁷ There are ongoing lawsuits against professional sports athletes who endorsed now shuttered crypto exchange market FTX.

⁸ Refer to Calma (2021) for an overview of the environmental implications of crypto-art and the shift from proof-of-stake to proof-of-purchase in major cryptocurrencies.

⁹ To test this out, I downloaded the *Jadu* app and augmented my living room with Harmon's *Renegade*. I danced alongside Harmon.

¹⁰ See Circular 52, Copyright Registration of Choreography and Pantomime on copyright.gov. Accessed 1 Nov 2021.

¹¹ Ibid.

¹² See Aldape Muñoz 2022.

¹³ See coverage of the case here: <https://www.usatoday.com/story/life/people/2019/02/15/fresh-prince-star-alfonso-ribeiro-cant-copyright-dance-feds/2879417002/>. Accessed February 1, 2022.

¹⁴ A copy of the complaint receipt can be found here: <https://www.courtlistener.com/docket/8423008/1/alfonso-ribeiro-v-epic-games-inc/>

¹⁵ The email correspondence from the Copyright Office was made public and is available here: <https://s3.documentcloud.org/documents/5737799/Ribeiro-copyright2.pdf>

¹⁶ I grew up watching *The Fresh Prince of Bel-Air* and have done the dance on many occasions, but I viewed a version of the dance on YouTube as an aide in this analysis. Ribeiro performed the dance when he participated in Season 19 of *Dancing with the Stars*. The video can be found here:

https://www.youtube.com/watch?v=pbSCWgZQf_g&ab_channel=HopMedia

¹⁷ Boffone made these comments during the roundtable discussion *TikTok and Short-Form Screendance Before and After Covid* hosted online (<https://screendancejournal.org/article/view/8348>) but a longer exploration of these remarks can be found in Boffone 2021,

¹⁸ My comment on Lame's gesture has far less to do with equating the experiences and audience reception of a Senegalese Black artist with the Black artists in the United States than with the gestural concerns at the center of the discussion.

¹⁹ The full transaction history is a series of hashed numbers referencing the unique identifying transaction. The *Renegade's* purchase can be found here:

<https://etherscan.io/tx/0xe183ec02ecb577846739357a851cc26486fe1df8dfec9e1acce30383a5712ec0>.

Accessed January 20, 2022.

²⁰ See <https://opensea.io/collection/jadu-holograms>. Accessed January 31, 2022.

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Biography

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