

“Dancing is for Everybody”: Street Dance and Cultural Rights in Montreal



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Abstract

This paper examines the relationship between culture, human rights, and artistic practice, through the history and experiences of the Montreal street dance community and a focus on cultural rights as an under-discussed field of human rights. The paper argues for an expanded definition of culture more appropriate for artistic practices which emphasises the lived experience of culture. Interviews with members of the Montreal street dance community serve to bring the voices of those in the culture into conversation with legal concepts and doctrine to demonstrate the ways in which participation in street dance culture can be itself an exercise of human rights. In particular, this paper links street dance and cultural rights through the broader functions of human dignity and cultural rights protection, and inquires into the relationship between human rights protection and the state.

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1. Introduction

This paper was borne of two main concerns. The first is the absence of work on the role of street dance in the development of human rights in different social groups within existing “dance and human rights” literature. The second is to challenge the existing definition of “culture” within discussions of cultural rights and thus to begin constructing an argument that supports a broader conception of “culture.” These ideas, and their implications, are examined within the street dance community in Montreal, Quebec, as an example of a community and a culture which creates their own spaces for rights to be expressed and affirmed. These spaces present alternatives to reliance on the state for recognition of human rights; at the same time, the state continues to be a source of support in the exercise and protection of cultural rights, and rights associated with artistic and cultural expression.

In this paper, I will present the narratives of six dancers active within the community whose personal experiences intersect with each other, and who provide glimpses into life as part of this community and within Montreal’s contemporary history over the past thirty years. Picking up on common themes throughout these interviews, I relate the community and culture of street dance to human rights on two levels. First, I will discuss how participation in this community can become an experience of dignity, which is a protected human right in Quebec and a foundation of human rights more generally. The recognition of this dignity within street dance leads to a discussion calling for a broadening of current understandings of culture within the realm of human rights, especially cultural rights and protection. Specifically, I argue that street dance should be recognised as a distinct culture deserving the protection and affirmation of cultural rights.

2. “Bigger Than You”: Defining “culture”

The interaction between culture and law is often fraught, as law tends to prefer static, defined categories while culture, especially as understood in contemporary scholarship, is dynamic and changing. Thus, my first task in this paper is to define how I will be using the term culture.

Although there are a few international and domestic laws ostensibly written to protect cultural rights, they do not provide indications regarding the content of “culture” as used in their provisions. At most, they provide reference points for categories of persons who may have culture needing or deserving protections, but indicating national, ethnic, religious, or linguistic minorities does little to identify what is meant by culture. This question has plagued cultural rights scholars for decades, evident in the discussions encapsulated in the

1968 *Cultural Rights as Human Rights* report from the United Nations Educational, Scientific and Cultural Organization (“UNESCO”). Perspectives on the definition of culture varied considerably amongst delegates. Some scholars viewed culture as synonymous with civilisation, or as having a relationship to class; others linked culture explicitly to creativity; still others suggested that culture was a way of life.¹ More recent anthropological definitions tend to favour these latter definitions in which the practice of culture is central; for example, Anne Griffiths suggests that culture is a process and can change over time and through the interaction between members of the culture and lived experiences.² Common to these definitions is the communal or group aspect of culture in that it belongs and is inherent to a given group. Identity markers such as ethnicity, language, nationality, or religion, are thus attempts to identify which groups may have their culture recognised.

Dance scholarship, particularly that examining dance through a cultural rights lens, encounters this same difficulty. Naomi Jackson, editor of two volumes on the interaction between dance and human rights, echoes these earlier debates. On one hand, she defines culture as “the sum total of the customs, values, and characteristics of everyday life that give a society a unique sense of identity,” echoing the lived experience approach to culture.³ On the other, Jackson identifies culture as in the sense of the “high arts” and the artists who work in that realm.⁴ In referencing “high arts,” Jackson invokes an imperialist sentiment regarding the artistic expressions which could be considered “cultured” as being equivalent to “civilised.” All of these definitions presuppose the notion of bounded collectivities inherent to cultural rights, in which there are “in-groups” and “out-groups” whose membership is limited based on determinable markers.

Street dance culture challenges these limitations. Although, as Section IV below will highlight, all street dances have origins in American Black and Latino communities, dancers come from a broad spectrum of society. Many dancers today do not come from these communities, but become part of it by choice. In this way, membership to street dance culture follows a similar pattern to religion and “conversion” into it. However, street dance culture is unique from these and other identity markers in that its basis is artistic practice. Thus, in the context of the ensuing discussion, this paper defines culture as encompassing both the artistic practices and lived, everyday experiences of a particularly community, in this case the street dance

¹ *Cultural rights as human rights*, Paris: UNESCO, 1970.

² Anne Griffiths, “Gendering Culture: Towards a Plural Perspective on Kwena Women’s Rights,” *Culture and Rights: Anthropological Perspectives*, Edited by: Jane K Cowan, Marie-Bénédicte Dembour and Richard A Wilson, (Cambridge: Cambridge University Press, 2001).

³ Naomi Jackson, “Introduction,” *Right to Dance: Dancing for Rights*, (Banff: Banff Centre Press, 2004) at 6 [Jackson, *Right to Dance*].

⁴ *Ibid.*

community. Understanding street dance culture in this way reflects Joseph Schloss' definition of hip-hop culture, who suggests that it encompasses a collection of related art forms practiced by Afro-Caribbean, African American, and Latino neighbourhoods in 1970s New York City, as well as the events at which these arts were practiced, the people who practiced and their shared "aesthetic sensibility," and current activities maintaining these traditions.⁵ A definition encompassing both artistic and lived practices recognises that it is not just the moves of a dance style, but the contexts in which they occur and the experiences of the dancers, that are integral to the culture of street dance.

3. "I Wanna Speak His Language": Methodology

This project has gone through an evolution in purpose and aims, from a historical focus on Montreal's street dance community to a focus on the relationship between street dance and human rights, delving deeper into what this culture and community meant to its members. Despite hip-hop culture and street dance culture's relationship with the Civil Rights Movement in the United States, and the development of these dance forms in oppressed communities, little research included these experiences alongside other forms of dance in discussing the dance-human rights relationship. This paper is an attempt to bring this relationship to the fore.

For this study, I interviewed six street dancers active within the Montreal scene either in person, or in one case over Skype. Since most of the history of street dance is held orally by practitioners and community members, I knew it was important to interview T-Lock, Break-D, and A-Groove, given their status within the community and the length and depth of their involvement. I also thought it was important to speak with members of a younger generation, as their experiences would likely be different. The interviews with B-Lock, V-Pop, and H-Pop bring these perspectives, with the added insight from their having danced on the same crews and in many of the same places for much of their dance life. As I do not attempt to present in this paper an objective or definitive history of the development of street dance in Montreal, I did not attempt to solicit a "representative" sample of the street dance population; the data obtained would be too voluminous to adequately treat within the confines of this paper. My focus here is on the personal, lived experiences of

⁵ Joseph G. Schloss. *Foundation: B-Boys, B-Girls, and Hip-Hop Culture in New York*. New York: Oxford University Press, 2009 at 4 [Schloss].

dancers in the community.⁶ For this reason, the dancers I interviewed were chosen for the diversity of experiences, as well as their insights into the experiences of the street dance community in Montreal.

The interviews took place in a variety of settings, including community centres, cafes, participants' homes, and even over Skype. I view it as particularly important to speak to community members because most of the history of street dance is held orally by practitioners and community members. I do not attempt to present in this paper an objective or definitive history of the development of street dance in Montreal; as stated above, my focus is on subjective experiences. My interview design was therefore flexible to accommodate conversational fluidity and the different ways each person chose to tell their story.

As a street dancer within the community, I used this membership to open access to conversations. At the same time, I must acknowledge from the start that I am a white woman writing about experiences that include systemic and societal racism, as well as memories and influences that arise out of particular backgrounds which I do not share with my interlocutors. Although a member of the street dance, and particularly locking, community in Montreal, I do not have the experience of growing up in this city, and I am of a younger generation of dancers. I do not claim to speak for these dancers, nor do I evaluate their claims in this regard. I present these stories as they were told to me and I support their experiences as valid, to be believed, and real. The value in these stories is to present empirical data to complement, support and demonstrate the lived experiences of street dance in relation to the legal arguments presented in this paper.

The participants' given and dance names have been changed to protect their identities, as have the names of events, crews, and other dancers mentioned. The original names of Montreal neighbourhoods and the names of well-recognised international dancers, events, and crews, have been kept.

4. "In Those Days": A Brief History of Street Dances

Before delving into the histories of different street dances, an important distinction should be made in the terminology, and an explanation of the choice to use "street dance" instead of "hip-hop" to describe these dances. Hip-hop has many meanings, which Joseph Schloss distills into three main ones: hip-hop as culture, as product, and as demographic.⁷ Hip-hop as culture refers to the lived experiences of participants

⁶ For further inquiries into research methodology, please see Joseph A Maxwell, "Designing a Qualitative Study," *The SAGE Handbook of Applied Social Research Methods* (2nd Edition), Eds Leonard Bickman and Debra J. Rog (Thousand Oaks: SAGE Publications, 2009) 214.

⁷ Schloss, *supra* note 5 at 4-6.

in certain practices in art and media originally arising in Afro-Caribbean, African-American, and Latino neighbourhoods in New York City in the 1970s.⁸ As normally understood, the culture is expressed in four elements: emceeing (rapping), DJ-ing, writing (graffiti), and b-boying (b-girling or breaking).⁹ Of course, hip-hop culture cannot be reduced to four arts; as Joseph Schloss notes, hip-hop has a distinct viewpoint on the world and its own intellectual system.¹⁰ Since the focus in this paper is on dance communities specifically, I am using the term “street dances.” At once narrower and broader, street dance refers to the art forms considered dances which developed around the same time and to similar styles of music.

The following section will present a brief explanation of the histories of those street dances practiced by my interlocutors. A few important commonalities arise out of their histories, most notably their roots largely in particular social settings starting in the wake of the Civil Rights Movements in the 1960s and 1970s, and the influence of mass media to spread culture from Black communities.

Locking started in the 1960s in Watts, Los Angeles. While originally a local dance, it gained a wider audience through the *Wattstax* documentary and the participation of a group of dancers known as The Lockers, on the *Soul Train* television program. *Wattstax* chronicles the 1972 concert held by Stax Records¹¹ in Watts, seven years after the Watts Riots ravaged the neighbourhood.¹² *Soul Train* was a variety-show television program aimed primarily at Black audiences that ran from 1970 to 2006, mostly featuring a variety of musical acts with the in-studio audience dancing to the performances. Similarly, popping originates from a local dance in Oakland, California, known as the boogaloo that eventually gained a wider audience.¹³ Part of its spread is undoubtedly due to the exposure of the dance group the Electric Boogaloo on *Soul Train*, whose claim to being the originators of the dance has caused tension within the popping community over discerning the proper history.

⁸ *Ibid* at 4.

⁹ *The Freshest Kids*. 2002. Directed by Israel. Producers: Quincy Jones III, Eric Brenner. Image Entertainment Studios.

¹⁰ Schloss, *supra* note 5 at 3-4.

¹¹ Considered one of the most important soul music labels in American music history, at the time it housed a large selection of funk artists, including Isaac Hayes, Rufus Thomas, The Bar-Kays, and Booker T & the MGs. “About,” *Stax Records*, online: <<http://www.staxrecords.com/about/>>.

¹² The 1965 Watts riots are considered the costliest urban revolution in the Civil Rights Movement. More than thirty people died and forty million dollars of property damage was wrought over six days, following a drunk driving arrest of a Black man by white police officers. The language used by police department officials likened the situation to the Vietnam War and specifically referred to the rioters as “monkeys in a zoo.” Jeff Chang. *Can’t Stop Won’t Stop: A History of the Hip-Hop Generation*. New York: Picador, 2005 at 309-310.

¹³ Funkd Uptv, “Oakland Boogaloo History by Jerry ‘The Worm’” (March 2, 2011), online, YouTube: <<https://www.youtube.com/watch?v=LnEYBmdn8IM>>.

Hip-hop dance and dancehall both originate in different places, but are at their roots social dances. Hip-hop originates in party dance steps seen on Soul Train and in clubs across the country, although normally referenced to New York City. Dancehall was a style of dance that developed alongside the music style of the same name in Jamaica, eventually spreading to the United States and Canada.¹⁴

On the East Coast, breaking (b-girling, b-boying) was developing around the same time, starting in Bronx, New York. Although performed on similar music, at least at its inception, breaking's form varies greatly from the West Coast "funk styles" described above, and as it developed largely in the context of dancers competing against each other to determine the better dancer of the two (a battle), is often perceived as a more aggressive style of dance than other styles.

Step, also known as stomp, is one of the longest African-American dance traditions, with its roots traceable to the early 1900s fraternities and sororities in American colleges.¹⁵ It has its roots in dances developed in South African slave mining communities, as a response to the traditional practice of drumming being banned.¹⁶

Finally, krump, although the newest of the street dances mentioned here, has gained rapidly in global popularity since its inception in the 1990s and early 2000s.¹⁷ Like locking, it comes from Watts, which continued to experience serious political and social strife. Despite the frequently aggressive appearance of the dance, its main focus is on contributing and sharing energy in the dance space and between dancers as a positive way of elevating one's dancing.

5. "Right People, Right Place, Right Time": The Dancers

T-Lock grew up in Montreal North, and comes from a mixed family; her father was Haitian, her mother was white.¹⁸ She has been a dancer for all of her life, as dance was an integral part of family celebrations. Her formal dance training began as a child, by taking jazz classes. She began practicing street dances in the early

¹⁴ Canace Morgan, "Early Globalization and the Roots of Dancehall," *Dance Globalization* (blog), (19 April 2012), online: <<http://sophia.smith.edu/blog/danceglobalization/2012/04/19/early-globalization-and-the-roots-of-dancehall-dance/>>.

¹⁵ "What is Stepping?" *Step Afrika!* (2015), online: <<http://www.stepafrika.org/company/what-is-stepping/>>.

¹⁶ *Ibid.*

¹⁷ "Krumping," LA Street Dance (blog) <<http://blogs.uoregon.edu/jerkrumpop/krump/>>.

¹⁸ Interview of T-Lock (12 November 2015) with author ("T-Lock").

1980s alongside other youth in her neighbourhood, having been influenced by films like *Breakin'*, *Beat Street*, and *Wild Style*. She now works in the United States as a professional choreographer and dancer for a major performing company.

Break-D started breaking as a teenager living in the Cartierville-Saint-Laurent area in the 1980s, although he notes that at the time that that entailed a mix of breaking, locking, and popping.¹⁹ He had family in New York and Miami, and began learning how to dance. After a period during which he had mostly stopped breaking, he returned to the dance in the 1990s, even joining a crew with Lock-T and other b-boys in the scene called Ground Groove. He currently teaches dance, works full time at a Youth Centre, and is active in the street dance community in Montreal, especially in breaking and popping.

A-Groove was born in Haiti but grew up in various neighbourhoods in Montreal.²⁰ She has been dancing for the majority of her life, especially in step or stomp, and hip-hop. She is a teacher, an event organiser, a dancer, and a choreographer. For the past several years she has been exploring various ways of bringing street dances to the stage while remaining true to the form. She is also the organiser of one of the large dance battles in Canada, Get Movin.

B-lock grew up and still lives in St-Michel, and is from a younger generation of dancers.²¹ He is from a Cambodian family. He started breaking in the late 1990s during the dance's resurgence in Montreal, but transitioned into popping and locking. He is currently crewmembers with H-Pop and V-Pop, and considered one of the leaders of Montreal's locking community.

H-Pop moved around a lot while he was growing up, with much of his childhood, adolescence, and early adulthood having been in Rosemont and St-Michel.²² His mother was a Haitian folkloric dancer, but it was watching his older brother and his crew breaking that drew H-Pop to dance. He was especially drawn to the "boogie boy" movements, eventually becoming one of Canada's best-known poppers. He dances and teaches professionally, and earlier this year presented his first full-length choreographic work.

V-Pop grew up first in St-Michel, then in Fabreville in Laval.²³ Coming from a Haitian family, dance was in his life from a young age, including konpa, zouk, and dancehall. Around 2005, he began learning popping and krump. He now dances and teaches professionally, focusing on popping. He also travels internationally

¹⁹ Interview of Break-D (12 November 2015) with author ("Break-D").

²⁰ Interview of A-Groove (22 November 2015) with author ("A-Groove").

²¹ Interview of B-Lock (14 November 2015) with author ("B-Lock").

²² Interview of H-Pop (26 November 2015) with author ("H-Pop").

²³ Interview of V-Pop (17 November 2015) with author ("V-Pop").

with his dance, performing in Haiti and battling in France at *Juste Debout*, one of the most well-known international street dance battles.

6. “We All Have Something to Say”: Human Rights and Street Dance

Presenting human rights as inalienable by reason of a person’s humanity is a relatively modern invention.²⁴ The implied assumption of this notion is that humans live, or should live, in an egalitarian society rid of the rigid hierarchies of history.²⁵ In fact, sociological perspectives on human rights conceptualise them as societal and historical achievements.²⁶ Put otherwise, human rights are constructed.²⁷ Jim Ife suggests that human rights should be understood through lived experiences, and that their interpretation and assertion can vary by context.²⁸ In so doing, the social milieu in which human rights are relevant, and the rights being asserted, must be open to a greater diversity of interpretations. The following sections will attempt to draw this link in two elements of human rights discourse and the stories of the participants. First, the core purpose of human rights, human dignity, will be connected to the reasons and ways in which the practice of and participation in street dance culture can provide ways to achieve that purpose. Second, themes of social, economic, and cultural rights will be explored in connection with the protection of street dance, history, and culture. While the presence of the state is not irrelevant to this discussion, the notion that human rights must flow from the state will be challenged. In particular, this paper contends that human rights can be asserted in spaces created by cultural communities in absence of the state’s participation in asserting those rights.

6.1 “*You Exist Greatly and Solidly*”: Dance and Dignity

The beginnings of V-Pop’s involvement in street dance came at a time of familial unrest and his brief involvement in local street gangs.²⁹ When asked why he stayed with dance, V-Pop said, “La danse, elle a sauvé ma vie, straight up. Dance saved my life...If I didn’t meet the dance, the culture, those people, I would

²⁴ Mikael Rask Madsen and Gert Verschraegen, “Making Human Rights Intelligible: An Introduction to a Sociology of Human Rights,” *Making Human Rights Intelligible: Towards a Sociology of Human Rights*, ed by Mikael Rask Madsen and Gert Verschraegen, (Portland, OR: Hart Publishing, 2013) at 6.

²⁵ *Ibid* at 6.

²⁶ *Ibid* at 7.

²⁷ Jim Ife, *Human Rights From Below: Achieving Rights Through Community Development*, (Cambridge: Cambridge University Press, 2009) at 76 [Ife].

²⁸ *Ibid* at 76-77.

²⁹ V-Pop, *supra* note 23.

be with the other guys in jail right now.”³⁰ This sentiment still pushes him in his dancing and in his involvement in teaching especially. As he states it, his goal is to teach his students to “do something with what you have. Show me your magic...I want to help you show me your magic.”³¹

“We all have something to say,” the work is getting out of the boxes we are put in or put ourselves in, and in exploring “further than we think we can go,” stated A-Groove.³² At the same time, to break out, a person needs to understand their own lived situation and why they are able to connect, in her example, to hip-hop. Understanding this connection is how a person can stay genuine and authentic, and when multiple people can connect to it, that is how a community can be formed.³³ According to A-Groove, “I’ve seen street dance save lives.”³⁴

H-Pop suggests that participation in art “fills the lack, it gives the strong identity.”³⁵ Participating in dance should cause a person to engage in self-introspection, and the process teaches one how to be better in their regular life, too.³⁶ Especially for people who are less fortunate, street dance is also less costly: there are no specific uniforms to purchase, and much learning and teaching of the dance styles occurs in practice sessions rather than formal classes. Moreover, he states, the person is able to express and “have a voice in a place where normally you maybe wouldn’t have a voice, and it makes you feel like ‘I am somebody, no matter where I’m from.’”³⁷

Core to my discussions with all of the dancers was their reasons for dancing; what was it about street dance that was so important to them? Why did they dance? Was there something they got from dance or participation in the culture that maybe they did not find in other parts of their life or of society? While each dancer responded differently as the above quotes demonstrate, many of the dancers pointed to something beyond themselves as being what drew them in and kept them dancing. There are parallels between this type of discourse and some of the justifications for human rights in public discourse: that they go to our essence as human beings.

³⁰ “Dance, it saved my life, straight up.” *Ibid.*

³¹ *Ibid.*

³² A-Groove, *supra* note 20.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ H-Pop, *supra* note 22.

³⁶ *Ibid.*

³⁷ *Ibid.*

In human rights language, the concept of “dignity” is frequently raised as a foundational principle of human rights.³⁸ Christopher McCrudden suggests the amorphous and changing meaning of dignity in the context of rights has allowed it to become a tool for litigators and judges in defining human rights.³⁹ One such meaning, reaching back to Roman law, has been the notion that human dignity attaches to human beings because they are human beings.⁴⁰ Similar notions of dignity have been used in other writings, such as those of Mary Wollstonecraft, in attempting to articulate broader positions on human relations in society.⁴¹ Indeed, a frequent refrain in human rights discourse, and a justification for the modern articulations and codifications for human rights, has been the protection of human dignity.⁴² In international law, dignity of the person has been given in the Preamble to the *Universal Declaration of Human Rights* as an ultimate goal of human rights. In Quebec, the preamble to the *Quebec Charter of Human Rights and Freedoms* justifies human rights protections as a protection of personal dignity, and the right to dignity is safeguarded at article 4, which protects, “dignity, honour and reputation.”⁴³

Thus, dignity is at once conceptualised as a right on its own, and a foundation for human rights themselves. It has both a practical and theoretical meaning. Although the dancers were not asked and did not use the word dignity themselves, many of their comments on the meaning that dance held for them, and why they continued to pursue it, touch on similar themes. Dignity as both an end and a means parallels the dancers’ relationship to dance.

T-Lock spoke of the need to “get out” of Montreal North, and bases her ability to do so on her talent.⁴⁴ T-Lock had been dancing since she was young and had started taking jazz classes when she was eight years old.⁴⁵ When she was nineteen, there was an opening at the Westmount YMCA for a jazz teacher, and she was hired.⁴⁶ She would teach a funkier version of jazz, almost a “street jazz” style. She also encountered, in real life, an alternative reality; she remembers thinking, “there’s Black people that’s not part of gangs?”⁴⁷

³⁸ Gan Shaoping and Zhang Lin, “Human Dignity as a Right,” (2009) 4:3 *Frontiers of Philosophy in China*, 370; Peter Schaber, “Human Rights and Human Dignity: A Reply to Doris Schroeder,” (2014) 17 *Ethic Theory Moral Prac* 155.

³⁹ Christopher McCrudden, “Human Dignity and Judicial Interpretation of Human Rights,” (2008) 19:4 *European Journal of International Law* 655.

⁴⁰ *Ibid* at 657.

⁴¹ Mary Wollstonecraft. *Vindication on the rights of woman: with strictures on political and moral subjects* (1792), published in New York: Pearson Longman, 2007.

⁴² Oscar Schacter, “Human Dignity as a Normative Concept,” (1983) 77:4 *American Society of International Law* 848.

⁴³ *Charter of human rights and freedoms*, C QLR c C-12, s 4 [*Quebec Charter*].

⁴⁴ T-Lock, *supra* note 18.

⁴⁵ *Ibid*.

⁴⁶ *Ibid*.

⁴⁷ *Ibid*.

There was an environment where she was not threatened, where there was no violence, and where Black people were wealthy.⁴⁸ She also had to learn to speak English fluently, a testament to the continued language politics in Quebec and in particular, the association between the English language and affluence.⁴⁹

What was particularly important to T-Lock in her telling of this part of her story was that she was able to teach because her talent was being recognised. She was given more classes and became more involved in the YMCA community, teaching at the summer camps and working at the daycare as well.⁵⁰ Although she spent some time in college, she left to go on tour with a Montreal hip-hop act.⁵¹ This experience was important professionally and personally, forming great friendships and making connections. About Montreal North, T-Lock says that, “only when you’re out and you look back” can a person truly understand the extent of the poverty, racism, and criminality of the neighbourhood, and how important the imperative to get out of the neighbourhood was in improving the life of that person.⁵²

Gaining access to an alternative, usually better, future – “getting out” – is a frequent refrain voiced in some way by almost all of the dancers. Participation in dance opened that avenue. In T-Lock’s case, it was relatively straightforward, in that she knew she wanted to be a dancer from a young age and focused her energy towards that goal quite early on, and with family support. A similar theme is present in the stories of Break-D and V-Pop.

Break-D remembers his high school being a tough experience, as a young Black man in the early 1980s and experiencing open racism and violence.⁵³ When hip-hop culture came along, it brought something new for him and the other young Black kids at the time. At the time, he was involved in what he termed “gangs and stupidity,” mostly low-level activity like shoplifting.⁵⁴ With hip-hop culture came b-boying, which changed the situation for Break-D and others. Instead of “bumming around,” he began learning b-boying, around 1981 or 1982.⁵⁵ Shortly thereafter, he formed the crew Fresh Dynamics, which lasted until 1985.⁵⁶ As Break-

⁴⁸ *Ibid.*

⁴⁹ Another interesting moment in our conversation occurred when T-Lock described being a child during the 1980 Quebec referendum. At the time, Montreal North was predominantly white and French-Canadian; with the increasingly charged political atmosphere came increased prejudice. While most of her neighbourhood was separatist-leaning, T-Lock’s family was firmly not. Thus, in T-Lock’s neighbourhood, the referendum had as one of its effects exacerbating racial tensions in the province (*Ibid.*).

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ Break-D, *supra* note 19.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

D put it, as a teenager, between dance, school, homework, sports, and listening to your parents, there was no time to get in trouble.⁵⁷ Considering that some of his friends with whom he was involved during the stupidity ended up in jail, he credits dance with having saved his life.⁵⁸ Even though he fell out of b-boying for a few years, he returned to it in the early 1990s and has been involved in the community since. He has also been teaching breaking since the late 1990s.⁵⁹ Because of his status within the community, he is familiar with being called an “OG” (Original Gangster), to which Break-D says, “A lot of people use the word like ‘gangster’ or OG. G means gangster, and gangster, to be a gangster you gotta be a bad person. So don’t put that on me. Don’t think it’s cool, cause it’s not cool. That’s what I tell my kids.”⁶⁰

At 15 years old, as a result of a family tragedy, V-Pop was sent to live with a foster family; during this time, he became involved with low-level street gang activity.⁶¹ He credits meeting PJ, his popping mentor, as a re-instigating his love of dance around eighteen or nineteen years old.⁶² As he began dancing more, he hung out less and less frequently with “les gars.”⁶³ However, on his twenty-first birthday, he agreed to help them to commit a criminal act, but before this could even be done, they were arrested.⁶⁴ After a week in jail, he had his date in court. “Là, je passe en cour. Là, tsé comme, mes amis de danse, [PJ], [H-Pop], tsé ils sont venus genre avec ma mère genre me supporter, là c’était hype. Pis là j’ai fait ‘woooowwww.’ For real? For real? After that, I was like, it’s done.”⁶⁵

That moment was a turning point for V-Pop. He and H-Pop were supposed to go that weekend to a major dance battle in the United States, but because of this incident, they were unable to do so, missing not only an opportunity to dance, but to meet some of the pioneers of popping.⁶⁶ He also realised that “les gars” were not going to be people who supported him or back him up at serious moments. From that moment forward, he decided to make dance the centre of his life and committed himself completely to teaching, battling, travelling, and becoming a real popper and artist.⁶⁷

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ V-Pop, *supra* note 23.

⁶² *Ibid.*

⁶³ The term V-Pop used to reference the members of the gang of which he was formerly a part.

⁶⁴ *Ibid.*

⁶⁵ “So, I go to court. And, my dance friends, [PJ], [H-Pop], they came with my mom to support me. And I was like, ‘woooowwww.’ For real? For real? After that, I was like, it’s done” (*Ibid.*).

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

Despite belonging to different generations, parallels exist between Break-D and V-Pop's stories. As young Black men, both Break-D and V-Pop found something similar in dance which gave them a clear alternative to the path they were on, that also made them feel better about themselves and about their life. A-Groove suggests that street dance has this power because it opens up opportunities – not just immediate and direct dance opportunities as T-Lock discovered, but opportunities as part of the broader rewards of self-discipline.⁶⁸ Discipline may also be carried out within a group, such as the references B-Lock and T-Lock both make to Drill Sergeant Amy, one of the founders of Lockharmony, indicate.⁶⁹ In practicing dance, a person needs passion along with the ability to discipline and to work towards self-actualisation; these qualities not only help with dancing, but in a person's everyday life as well.⁷⁰ In other words, participation in dance seems to give practitioners a sense of selfhood and worth, both engaging in the art forms and with the broader community. The sense of “getting out” is thus accessible on two levels: getting out of one's present physical circumstances, and getting out of a place where one lacks a sense of self. This sense of self, of existing with value as a person, goes to the essence of human dignity, matching the goals of human rights.

Notably, these values do not only rely on individual practice, but are expressed and developed through participation in the culture. B-Lock spoke frequently about dance as an expressive medium through which different people can enter into conversation through their body movement.⁷¹ Viewed from this angle, dance engages freedom of expression and freedom of assembly. This may be tied in part to the improvisational nature of the dance, commonly termed “freestyle.” Danielle Goldman, focusing on improvised dance in studio-based dances, explains improvised, spontaneously-created, dance thusly: “improvised dance involves literally giving shape to oneself by deciding how to move in relation to an unsteady landscape. To engage oneself in this manner, with a sense of confidence and possibility, is a powerful way to inhabit one's body and to interact with the world.”⁷² Dancing provides an avenue for connection to the world, whether it is the dancer's immediate world or in society writ large. This participation in the culture to achieve expression elevates two central human rights: freedom of expression and freedom of assembly. In the narratives presented by each of the interlocutors, these rights are exercised through the street dance cultural milieu, in the achievement of human dignity.

⁶⁸ A-Groove, *supra* note 20.

⁶⁹ T-Lock, *supra* note 18; B-Lock, *supra* note 21.

⁷⁰ A-Groove, *supra* note 20.

⁷¹ B-Lock, *supra* note 21.

⁷² Danielle Goldman, *I want to be ready: Improvised Dance as a Practice of Freedom*, (Ann Arbor: University of Michigan Press, 2010) at 5.

H-Pop also discussed the role that participating and practicing an art could bring a sense of validation to the person, an especially important sense for people who have a “lack.”⁷³ As A-Groove suggests, dance communities create spaces where people can feel accepted, who can express who they are and what they feel, without judgment.⁷⁴ This organisation to create community is done internally to the culture, usually without involvement from outsiders. It becomes the community whose acceptance matters; it is the internal validation through participation that the person gains.

Street dance’s ability to provide this personal validation and dignity, both in individual practice and as a culture, might be part of what has driven its global spread. B-Lock suggests that kids who are going through a struggle tend to be attracted to arts, and especially something like street dance, because it costs so little but gives so much back.⁷⁵ H-Pop, in citing conversations he has had with other dancers, suggests this spread could be possibly beneficial for the culture as different places can add a new concept into the culture, even if it is a North American-originating culture.⁷⁶ A-Groove also agrees that the spread of street dance culture brings positivity to a people around the world because it provides a space where there is “the freedom of coming and just being a dancer”; the dance does not see colour, or gender, or beliefs.⁷⁷ The challenge comes when you start defining yourself in relation to the dances, and A-Groove notes that not all communities are equally accepting in this regard.⁷⁸ More broadly, both A-Groove and T-Lock noted the challenges that come with preserving the culture when it does spread globally and reaches beyond its place of origin, geographically and culturally. For T-Lock, she suggests that “things are getting lost in translation” that are central elements of the culture.⁷⁹ A-Groove, similarly, asks whether newer practitioners are fully paying attention to the many meanings of both movement and music, suggesting that some members of the culture have had to do more homework because they weren’t born into it.⁸⁰ This concern over cultural protection leads to the discussions regarding cultural protection and cultural rights in the following section.

⁷³ H-Pop, *supra* note 22.

⁷⁴ A-Groove, *supra* note 20.

⁷⁵ B-Lock, *supra* note 21.

⁷⁶ H-Pop, *supra* note 22.

⁷⁷ A-Groove, *supra* note 20.

⁷⁸ *Ibid.*

⁷⁹ T-Lock, *supra* note 18.

⁸⁰ A-Groove, *supra* note 20.

7. “But Do You Understand it”: Affirming and Protecting Cultural Rights in Dance

7.1 *What are cultural rights?*

Cultural rights are a lesser-developed area of human rights, especially compared to their civil-political and socio-economic counterparts. Even the *International Covenant on Economic, Social and Cultural Rights* provides limited elaboration on the contents of “cultural rights”: article 15 protects the right of everyone to partake in cultural rights and that “necessary steps” are to be taken by state parties to protect and encourage cultural life and creative development, but this provides little understanding of the concept of culture or the rights derived from it.⁸¹ Overall, the protection provided by international instruments is geared towards minority rights protection, specifically national, ethnic, religious, and linguistic minorities. These trends are evident in Canadian protections of such rights in constitutional or quasi-constitutional documents include religious freedom, equality rights and protection from discrimination, and language rights for official languages. Some provisions in the *Canadian Charter of Rights and Freedoms* guide interpretation so as to not conflict with the rights of aboriginal peoples, and to interpret in keeping with “the multicultural heritage of Canadians.”⁸² However, the only protection for “cultural interests” in Canada is found in Quebec’s *Charter of Human Rights and Freedoms* at section 43: “Persons belonging to ethnic minorities have a right to maintain and develop their own cultural interests with other members of that group.”⁸³ These definitions reflect the limited views that Canadian governments have taken of the interests and the peoples who could have stood to gain from explicit cultural protections. In particular, reliance on the notion of a “multicultural heritage” obscures Canada’s colonial history of racial oppression by commuting the socially constructed category of race to the background in legal and political discussions of difference and oppression.⁸⁴

Complications arise when attempting to determine which groups’ cultures are deserving of recognition and protection in law. The pitfalls of defining culture have already been outlined above, as has the definition of culture used by this paper. To reiterate: culture as defined in this paper is the artistic and lived practices,

⁸¹ *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 UNTS 3 at art 15 (entered into force 3 January 1976).

⁸² *Canadian Charter of Rights and Freedoms*, s 27, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act* 1982 (UK), 1982, c 11.

⁸³ *Quebec Charter*, *supra* note 43 at s 43.

⁸⁴ See, for example, J.S. Simpson, C.E. James, & J. Mack, “Multiculturalism, Colonialism, and Racialization: Conceptual Starting Points,” (2011) 33:4 *Review of Education, Pedagogy, and Cultural Studies* 285 at 287-288.

common aesthetic sensibilities and the activities which uphold and further these practices. The wording of domestic and international legislation limits the legal understanding of culture to something occurring solely within an ethnic group (or other group), while also assuming that only members of ethnic minorities have a culture worth preserving and that members of ethnic minorities only have an interest in protections of culture attributed to their ethnicity. In so doing, the law essentialises culture, however defined, as being something inherently rooted in ethnicity; at the same time, it assumes that common ethnicity necessarily results in common culture. This narrow view excludes cultures that do not have attachments to ethnicities as either or existing, or if existing, as unworthy of legal protections. Moreover, this conflation erases the role of race and ethnicity within systems of oppression which give rise to the need for human rights protection in the first place.⁸⁵ The law does not provide an explanation for this delineation, although given the relationship between “culture” and “civilisation” in an imperialist-historical context in which notions of culture were provided as explanation for discriminatory treatment against indigenous populations, it is unsurprising that it continues to be associated with such inimitable qualities in the present.⁸⁶ Flowing from the importance of legal recognition of culture is the power of the state to enact protection of such cultural rights as may be asserted and applied, thus implicating the state’s responsibility vis-à-vis this culture.

Although I have argued that street dance culture presents a unique challenge to the definition of culture because it is not inherently linked to an identity marker like race, ethnicity, or language, such questions do linger. This paper understands street dance culture as comprising the lived and artistic practices and experiences of the community, including artistic expression and “aesthetic sensibility,” dance styles, events as spaces in which these arts are practiced, but it must nonetheless be remembered that its roots are in racialized communities and it continues to be practiced predominantly by people of colour. The culture-race nexus was raised by several of the dancers, and dancers from the earlier generation spoke in greater depth about the relationship to them as young Black people, of representations and participation in art forms whose history and popular representation were dominated by Black figures.

Although T-Lock did not want to relate her statement to being Black, she noted that the culture she grew up in was based around soul, dance, and celebration, in which family celebrations frequently involved dance.⁸⁷ She and the other kids in her community grew up dancing, so when street dance began gaining ground, it

⁸⁵ Ibid.

⁸⁶ For similar discussions in the realm of language policies in Canada, see Eve Haque and Donna Patrick, “Indigenous languages and the racial hierarchisation of language policy in Canada,” (2015) 36:1 *Journal of Multilingual and Multicultural Development* 27 [Haque and Patrick].

⁸⁷ T-Lock, *supra* note 18.

was less a conscious decision to learn street dances, but more a desire to learn the moves they were seeing.⁸⁸ In her view, there was no line between what they were already doing and street dance. T-Lock states that in her time, she and others were taught that “we’re Black.”⁸⁹ But, in her view, “we’re all human” and in the street dance world, a different racial dynamic is sometimes perceived or experienced by white dancers because they were white – they were “good for a white boy” or “good for a white girl.”⁹⁰ It is worth noting that her first crew was formed with two other Black boys and a white boy at her high school, becoming one of the first crews to practice locking and possibly the first exclusively locking crew in Montreal.⁹¹

Now, especially on the topic of soul and street dance culture, T-Lock is concerned about elements “getting lost in translation,” emphasising that being able to perform a step does not mean a dancer has soul.⁹² A cultural aspect informed the dances, in food, dress, and even family.⁹³ Because the newer generations of dancers do not have the same experiences and rituals, these traditions are at risk of being lost. It is possible to learn, but doing so takes a long time.

Break-D states his opinion thusly: “Dancing is for everybody.”⁹⁴ When he was younger, he saw breaking primarily as a dance for Black and Latino people, and thought white people could not dance – until he saw a really good white b-boy.⁹⁵ Now, Break-D sees the culture, and the element of soul, as about what a person has inside of them, and their love for the dance.⁹⁶ Even if someone’s background includes a stronger influence from certain types of music, culture, or dance, that is not determinative. In Break-D’s view, anyone can learn, it simply depends on a person’s desire to work on their art, even if for some people the element of soul is more natural than for others.⁹⁷ “You have your own soul, and your own soul is gonna come out one day.”⁹⁸ His attitude towards race is, “At the end of the day, we all bleed, we all cry...it’s just the colour that changed.”⁹⁹

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ The Shaka Brothers existed as early as 1976, but they frequently performed other styles as well.

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ Break-D, *supra* note 19.

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

Break-D also emphasised the importance in distinguishing hip-hop from street dance. “To me, hip-hop is four or five elements. Some people say four, but I say five because of the beatbox,” adding this to the aforementioned MCing, DJing, writing, and b-boying.¹⁰⁰ For him, the first dance in the hip-hop movement is breaking, although other dances may be considered street dance.¹⁰¹

A-Groove notes that while hip-hop (dance) “doesn’t see colour”, there is still an element of culture in the dance that has connections to African-American history.¹⁰² Some people grew up in the culture and have a natural attraction to it, but if you grew up outside these communities and situations, “tu as le devoir de faire tes recherches.”¹⁰³ Even for those who grew up within the culture, still need to stay current with developments, dancers still need to study their craft. The imperative to “do one’s homework” becomes especially strong at the professional level.¹⁰⁴ An important part of this homework is learning the history of the dances, the culture, and by extension, African-American and Latino history.

At the same time, she does not limit the ability for this development to occur. It is possible to do new things under a label but the person doing so must understand its meaning.¹⁰⁵ People worked hard to create the label, and this should be respected. The history of the dance and the culture cannot be taken for granted, according to A-Groove.¹⁰⁶ Members of the culture need to recognise that the culture is bigger than its practitioners, and these practitioners are taking a responsibility for this culture in within the wider society.¹⁰⁷ A-Groove drew a comparison between codes which direct professional associations, and the codes within the street dance community, which are true for the community but often need to convince others outside it of this truth.¹⁰⁸

The race-culture tension is near the forefront of the conversations regarding culture. Without overstating or oversimplifying their experiences, these dancers were growing up and learning these dances at a time when artists like Michael Jackson and films such as *Beat Street*, *Breakin’*, and *Style Wars* gained massive international popularity. In Break-D’s case, he also had family in New York so he acted as a conduit of knowledge to his

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

¹⁰² A-Groove, *supra* note 20.

¹⁰³ “You have the responsibility to do your research.” *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

family and friends in Montreal.¹⁰⁹ For the first time, as T-Lock notes, it became “cool” to be Black.¹¹⁰ All of the major street dances arose in social and public spaces dominated by people of colour, especially of Afro-Caribbean heritage. Thus, even though the culture is open to everyone, there has also been importance attached to the link between race and the culture’s development. At the same time, they do not close off the culture as “Black only.” Not only do they recognise that other people have contributed to the foundation and development of the culture, they support the spread of the culture globally. Their concern in recognising the roots of the culture appears more to relate to preserving the history and the knowledge of the dances, ensuring that it retains the complexities and meaning as it evolves.

The younger generation, having entered street dance at a time when the global spread of at least some of the dances, presents a slightly different perspective on the dance and culture. At the same time, some themes continue for some members of the community.

H-Pop notes that he has a “pre-dancing history” to his dance history: his mother had been a professional Haitian folkloric dancer.¹¹¹ Although she had ceased to dance professionally, she was still involved in the community, and H-Pop would go to rehearsals with her.¹¹² While he tried it out himself, as a shy child, the dancing never took. It was seeing his older brother’s b-boying crew and his brother’s role as the “boogie boy,” that inspired H-Pop’s involvement in the dancing.¹¹³

Speaking about street dance’s global spread, he sees the migration of the traditions as a beautiful thing, because the culture shifts into the vision of the new place’s background, history, and ethics.¹¹⁴ Although some places may only grasp the surface of the tradition, and the full depth of the culture is in North America, H-Pop likens the culture’s movement to a wheel: something is created, then let go; it is modified, added to, or shaped, and then returns to the United States.¹¹⁵

As a “Québécois d’origine Haitien,” V-Pop grew up dancing at family celebrations, of which there were many.¹¹⁶ In his teens, he would see dancehall at house parties and learned that dance.¹¹⁷ At eighteen, in 2005,

¹⁰⁹ Break-D, *supra* note 19.

¹¹⁰ T-Lock, *supra* note 18.

¹¹¹ H-Pop, *supra* note 22.

¹¹² *Ibid.*

¹¹³ *Ibid.*

¹¹⁴ *Ibid.* H-Pop credits a local Montreal b-boy, Z, and G, a Washington dancer, with raising this perspective.

¹¹⁵ *Ibid.*

¹¹⁶ V-Pop, *supra* note 23.

¹¹⁷ *Ibid.*

he met PJ, who sparked V-Pop's interest in popping with a video of Mr. Wiggles.¹¹⁸ The two began exchanging knowledge, V-Pop of dancehall and PJ of popping, learning dance together.¹¹⁹

"I don't understand why you don't dance so Asian."

"What? What does that even mean?"¹²⁰

For B-Lock, the notion that dance style is inherently connected to race is an inaccurate link to make.¹²¹ Rather, the environment in which a person grows up will affect the styles of dance a person would be involved in and how they danced.¹²² The social aspect of dancing is crucial for him. Street dances developed in and through social interactions, and these interactions help dancers understand people, which will help in turn in understanding the dance. Although many people tend to put these to the side, B-Lock suggests that life and social interactions will help a dancer build character, similar to is how a person builds character.¹²³ Dance is more than just a technique, it is social; if the dance is not social than for him, it is no longer street dance.¹²⁴

Similar to the earlier generation, a family tradition of dance was influential for both H-Pop and V-Pop in being exposed to dance at a young age. At the same time, the dancers from the younger generation also highlight thematic elements of street dance culture that apply for many dance styles, such as the socialising aspect of the culture, and the universal appeal of understanding struggle. B-Lock's mention of the expectation on him to dance "Asian" reflects another aspect of the race-culture spread: the perception that people from different racial or ethnic background would necessarily dance in a way particular to that background. In pointing to how a person's environment affects how they dance and the styles they practice, B-Lock also argues against the necessity of a race-culture connection. Lived experiences are a more informative source of culture and its practice.

B-Lock's assertion closely reflects the description of hip-hop culture by Schloss. In describing hip-hop culture, Schloss suggests it refers to a collection of related art forms practiced by Afro-Caribbean, African American, and Latino neighbourhoods in 1970s New York City, as well as the events at which these arts were practiced, the people who practiced and their shared "aesthetic sensibility," as well as current activities

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ B-Lock, *supra* note 21.

¹²¹ *Ibid.*

¹²² *Ibid.*

¹²³ *Ibid.*

¹²⁴ *Ibid.*

maintaining these traditions.¹²⁵ While not all street dances may be encompassed within hip-hop culture, certainly many of the same tenets apply, include the centrality of art forms, their practitioners, their sensibilities, and their events. Simply put, at the centre of street dance culture, as the practitioners assert, is dance, and in terms of its interactions with the law, street dance challenges the law's understanding of culture and the ways in which the state can be held responsible for the culture's place in law.

7.2 *Cultural Practice and Interactions with the Law*

Part of my conversations with the dancers revolved around the spaces in which they practiced their art; in these discussions, interactions with the law, and notions of public space, occasionally surfaced. Predictably, a variety of places were suggested in which dance was practiced: parks, in school cafeterias, on stage, in the basement, at home, at studios, and at community or youth centres were the most commonly referenced places. These different locations all permit the expression and practice of street dances in different ways. Break-D and T-Lock recall how in the early days, before the formalising of street dance teaching, dancers would congregate in parks or at school to work on their art. Even amongst younger dancers, V-Pop states that his favourite physical space to dance in is outside, because he is surrounded by action and material, compared to being inside.

Break-D recalls that in the early years, this outside dancing practice could also result in confrontations with police. He remembers an incident in 1984, when he and his crew were dancing outside and drew a crowd so large the police broke it up.¹²⁶ Frustrated, a few crew members “got into it” with the officers, who beat them.¹²⁷ Younger dancers, especially those who really started in the late 1990s and onwards, were more likely to learn in places like studios or community centres as these spaces grew in numbers, opened up to the street dance world.

However, the dancers interviewed also note that it was not simply the physical space, but the spaces created by the people with whom someone danced, that made a space somewhere to dance. As B-Lock states, “there’s no right place or wrong place to dance. It’s just a matter of finding the right people,” a sentiment echoed by A-Groove.¹²⁸ People make the space a dancing space. Recognition of the role of participants in a

¹²⁵ Schloss, *supra* note 5 at 4.

¹²⁶ Break-D, *supra* note 19.

¹²⁷ *Ibid.*

¹²⁸ B-Lock, *supra* note 21; A-Groove, *supra* note 20.

culture supports the including artistic practices within the ambit of “culture” in human rights, particularly the culture to be protected by cultural rights.

The importance of personal involvement in the practice of the culture supports a community development approach to human rights, as espoused by Jim Ife. This approach suggests that “human rights are constantly being negotiated, defined and redefined” in society, in contrast to static formulations as found in law. Human rights are contextual, arising from the lived experiences of humans, especially humans living in a particular society. Understanding of human rights within a community development model necessitates the existence of a community, thus locating human rights within a culture. Ife suggests that in this approach to human rights, cultural development and expression, including the arts, must take a central role in developing human rights practice, because these rights are understood as situated in culture. In the particular context of cultural rights, asserting cultural practices are an important human rights practice on their own, especially when faced with a dominant culture.

The importance of community, and participation in it was stressed by all of the dancers with whom I spoke, and was routinely perceived as core to cultural practice. At its most basic level, A-Groove notes these communities encourage, celebrate, and bring people together to celebrate these different dance styles regardless of race, gender, ethnicity, or beliefs.¹²⁹ She suggests that in these spaces it is okay to “come through” with dance, with whatever baggage a person brings, and it is okay to express yourself, as that is what everyone in the space is there to do¹³⁰. At the same time, sometimes rejection happens instead of acceptance because ego has a place too.¹³¹ “We all have something to say,” and dance communities provide the place to say it, as long as the person is willing to work and to put themselves out there.¹³²

H-Pop also sees dance communities as positive spaces for people. “We all get into dancing for the simple fact that, or into arts point blank, often artists are people who have some kind of lack.”¹³³ The purpose of a dance community, as utopic as it may sound, is to uplift and in doing so make space for people to express themselves and be the best that they can be.¹³⁴ He notes that this opens the community for different types of people, including dancers, supporters of the dance, and anthropologists.¹³⁵ These spaces also give power

¹²⁹ A-Groove, *supra* note 20.

¹³⁰ *Ibid.*

¹³¹ *Ibid.*

¹³² *Ibid.*

¹³³ H-Pop, *supra* note 22.

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*

to people who did not think they had that much power. But once they are in that position, it is the responsibility of those people to restrain themselves, and remember that the primary focus should be on the community and the culture and not about themselves.¹³⁶

B-Lock highlights that an element of choice on the individual's part to become involved in the community, that to a certain extent street dance communities can be self-selecting.¹³⁷ For him, these communities are also spaces of communication between dancers, both as dancers and as people.¹³⁸ In the context of Lockharmony, the community has embraced its friendliness and openness to new dancers.¹³⁹ There is a "family vibe" to Lockharmony, but also subtly competitive, which is what drives the dancers to improve.¹⁴⁰ B-Lock perceives Lockharmony's uniqueness as a community *within* the Montreal street dance community in creating this type of space, which he sees as both a function of the relatively small size of the city's locking community as well as having leaders in the community who have been able to shape the community's development.¹⁴¹

The dancers I spoke with recognised the particular function of dance communities in providing spaces for people to protect, develop, and practice the culture. In particular, the role of people in forming these communities, speaks to the "lived experience" component of the culture, and of street dance culture in particular. It is the active practice that protects the culture, conducted in spaces where dancers can have the required communication and community support.

By extension, dance, and the participation in street dance culture, becomes human rights work. Within dance spaces, the members use dance to assemble and express themselves, asserting their dignity as humans and members of society. Within street dance culture, these rights are fundamental. Thus, the street dance-human rights connection is twofold: both a right to dance, and the extension of the practice of other human rights through dance. The protection of street dance under cultural rights not only protects the culture; it enables the practice of other human rights for populations and in contexts in which these rights are less accessible.

7.3 Cultural Rights Protection and Grants

At the same time, some elements of practice require more obvious state support, particularly in the form of grants. Questions and concerns over funding are ubiquitous to professional artistic practices, and

¹³⁶ *Ibid.*

¹³⁷ B-Lock, *supra* note 21.

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*

certainly no less so in dance communities. When asked about their experiences in terms of getting grants to complete professional work, many street dancers discussed struggles they had personally faced or that they knew other dancers had faced in gaining recognition as artists. From their experiences, A-Groove and Break-D contend that many grantors do not view street dance as real dance, a view that Break-D notes is frequently echoed in society at large.¹⁴² Although the dancers themselves did not provide reasons why this may be the case, as Haque and Patrick have noted, the Canadian state has historically excluded from recognition and protection, cultural practices outside of that which originated in English and French colonial settings; in some cases, extending protection beyond these groups has occurred, but usually for market-related concerns (i.e. language training for employment).¹⁴³ Several of the dancers note that street dancers often do not have the requisite experiences and knowledge for completing successful grant applications. A-Groove, who has had many experiences in writing these applications, says that many of the people on the juries do not realise the deep cultural connection that street dancers have in their art, that the works themselves have a deep cultural rooting and that participants have to have deeper understandings of their dancing to be able to present it, for example, in a choreographed work.¹⁴⁴

Some jurors have also historically viewed street dance as not a “real” dance; these prejudices have also created barriers to accessing funding. Both Break-D and A-Groove have noted that the grant application process has begun to change, in part by finding allies in the juries and with street dancers becoming part of the juries themselves.¹⁴⁵ H-Pop also suggested that, for grants to put together choreographed works (research and creation grants), the popularity of street dance shows has been an asset to these applicants in more recent years, and has also granted these applicants legitimacy.¹⁴⁶

A-Groove has also noted that in street dance, the line between professional and amateur dancer is less clear than it is in other styles, such as contemporary or ballet where dancers can study their art at a college or university.¹⁴⁷ This type of pedagogy seems to be more acceptable to jurors responsible for handing out grants, possibly because the jurors believe in confers legitimacy on the applicant’s art, but also because studying dance at such a high academic level suggests that the artist is a professional or seeking to become a professional.¹⁴⁸ Street dances do not have this same formal pedagogy and as a result may be viewed less

¹⁴² Break-D, *supra* note 19; A-Groove, *supra* note 20.

¹⁴³ Haque and Patrick, *supra* note 86 at 30, 35, 36-38.

¹⁴⁴ A-Groove, *supra* note 20.

¹⁴⁵ *Ibid*; Break-D, *supra* note 19.

¹⁴⁶ H-Pop, *supra* note 22.

¹⁴⁷ A-Groove, *supra* note 20.

¹⁴⁸ *Ibid*.

seriously or less deserving of grants.¹⁴⁹ The assumption that only one type of education or professional path exists for dance can serve an additional barrier for dance styles not conforming to this assumption. At the same time, grants can be a crucial method to gaining support to continue a dancer's education, especially in the form of training grants. H-Pop's experience has been particularly informative on the importance of these grants.¹⁵⁰

A second component to this discussion which should not be overlooked is the considerations of dancers themselves. A-Groove notes that grants are a "strange land" for street dancers, as they tend to have less familiarity with the process and maybe do not realise how challenging the process can be and how different it is from most of what street dancers do to practice their art.¹⁵¹ In effect, dancers need to learn a new language to communicate and to engage with this aspect of the state most relevant to their cultural protection. For H-Pop, he has put a considerable effort, and practical experience, into his grant applications, so that when it comes down to decision-making, whether or not he receives the grant will not depend on the completeness or thoroughness of the application, but on the openness of the jury to his project and to street dance in general.¹⁵²

8. Conclusion

This paper is prospective, and should only be considered the beginning of a broader discussion on the different meanings that culture should take in the context of cultural rights, and recognition that human rights work can occur in a variety of settings, including within artistic and cultural communities. The absence of street dance culture in existing dance and cultural rights literature is particularly disturbing given the history of activism within street dance and hip-hop communities. The choice to rely on the lived experiences of dancers in the community was thus both a necessity and deliberate, in an attempt to bring these voices into these discussions.

Cultural rights protection tends to be an under-discussed component of human rights protection. When it is, the current definition of "culture" in human rights law limits the conversation to practices tied to religion, language, ethnicity, or nationality. Through this paper, I contend that the legal understanding of culture ought

¹⁴⁹ *Ibid.*

¹⁵⁰ H-Pop, *supra* note 22.

¹⁵¹ A-Groove, *supra* note 20.

¹⁵² H-Pop, *supra* note 22.

to be broadened and deepened to encompass practices and experiences originating from identities other than those mentioned above, focusing particularly on the culture of street dance. In doing so, I hope to engage in the myriad ways in which culture and law interact, while shedding light on the value of further including street dance in academic conversation.

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