

Rethinking Commodification: How Folklore Rights Could Preempt Dynamic Meanings

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Commodification is a dirty word in the world of culture. Artists who “sell out” by pandering to commercial markets are seen as practicing the intangible equivalent of prostitution. In the context of traditional culture, commodification is deemed doubly pernicious because it not only affects practitioners but also harms the underlying source traditions and community from which they are drawn. The need to regulate such harmful effects, on its face, supplies a compelling justification for vesting traditional/indigenous communities with intangible property rights to control the use of their traditional cultural expression(TCE)/folklore.

Commodification does have its defenders. Commercialization of folklore can offer source communities a vital source of revenue to sustain their culture, enabling traditional artisans to perpetuate their craft. Such defenses of commodification are generally tempered by recognition of the Faustian bargain that commercialized culture extracts: Material success may come at the cost of cultural integrity. The compromises needed to meet consumer expectations distort traditional meanings, potentially tarnishing their value to the community. Sacrificing the essence (or “soul”) of the underlying traditions is said to jeopardize their long-term survival.

My paper challenges the belief that commodification necessarily poses lasting harm to traditional culture. Without denying the distortions of meaning that commercial markets impose, I argue we need to examine the long-term dynamics governing such distortions as well as the interaction between commercial and cultural meanings. Drawing on case studies from the Cuban and Hawaiian visitor industry, I argue that commodification can not only benefit the source community, but can sometimes follow a positive trajectory in which commodified forms converge with authentic meanings over time in a “leveling upward” rather than the predicted downward dynamic of contamination/tarnishment that existing commentary assumes.

Such a dynamic understanding of commodified meanings holds direct implications for current proposals to enact intangible property rights in TCE/folklore. It suggests that we should think twice about instantiating an overly robust/rigid protection regime that could disrupt this positive evolution of meaning-making. By preemptively censoring forms of commodification that appear objectionable or even harmful in the short-term, TCE/folklore rights could end up harming the very traditions that they aim to protect.