Flamenco Resists: Embodied Disruptions of Authorised Heritage Discourse

Alessandra Pecci[1]

1. Introduction

In the thunderous echo of *zapateado* (rapid footwork) against the marble floors of banks and the mournful wail of *cante jondo* (deep song) in reclaimed public squares, flamenco exceeds aesthetic performance to become an embodied act of legal and political defiance.

Emerging from the margins of Spanish society in the late eighteenth century, flamenco has long functioned as a living archive of resistance and the contestation of authority. In 2010, flamenco's inscription on UNESCO's Representative List of the Intangible Cultural Heritage of Humanity ('Representative List') positioned it within a framework intended to safeguard living cultural practices. Yet this same inscription has subjected flamenco to an authorised heritage discourse (AHD; Smith 2006) that codifies it into static, institutionally legible forms, neutralising the artform's disruptive and subversive political capacities, and rendering it an object of preservation rather than a tool of protest.

Against this backdrop, grassroots collectives such as Flo6x8 reclaim flamenco's insurgent potential. By staging spontaneous flamenco performances inside banks and parliaments, spaces emblematic of neoliberal economic and legal power, Flo6x8 disrupts the aesthetics and performativity of legality and of bureaucratic normalcy. As both

a *jurisprudence of movement* and a form of *jurisgenesis*, flamenco – especially as reclaimed by Flo6x8 – is an embodied performance that can simultaneously disrupt the spatial choreography of institutional power and create new legal imaginaries rooted in community, affect, and resistance. Drawing on critical heritage studies, critical legal theory, and performance studies, and informed by empirical findings from a critical discourse analysis of flamenco's nomination for inscription on the Representative List (Pecci 2025), the article explores how Flo6x8 employs bodily movement as a mode of legal reasoning and cultural survival. Moreover, it examines how flamenco resists being fixed, categorised, or neutralised by heritage regimes and proposes its own vision of law that is grounded in relationality and affect. It does so by situating flamenco's contemporary political reanimations within the longer history of its institutional capture and mobilisation for the project of nation- and region-building. As explored below, the heritagisation[2] of flamenco reflects broader patterns of cultural appropriation and exclusion documented across critical heritage scholarship (see, for example, Smith 2006; Hafstein 2015; Bendix 2009; Kuutma 2018). Understanding this history is vital to grasping how movements like Flo6x8 reclaim flamenco's insurgent core not only against neoliberal economic systems but also against heritage regimes that seek to neutralise cultural practices into consumable, apolitical forms.

Ultimately, this article brings critical heritage studies, particularly critiques of the AHD (Smith 2006), into conversation with critical legal theory's concept of *jurisgenesis*. While legal scholars have examined the performative and embodied dimensions of law (Barr 2016; Finchett-Maddock 2016; Mulcahy 2021), little has been written about how cultural heritage regimes themselves can be sites of legal violence, and how dance might function as a form of counter-juridical expression within and against these regimes. Through the case study of Flo6x8, I explore how flamenco disrupts not only institutional law, but also the heritage mechanisms that claim to safeguard it. The analysis aims to illustrate how dance, as embodied protest, can produce normative meaning in defiance of both legal and cultural capture.

The article proceeds in five parts. It first situates flamenco's institutional capture within the framework of AHD. It then examines how Flo6x8's interventions disrupt juridico-financial space and reclaim flamenco's dissident function. Drawing on critical legal theory, the third section explores how performance becomes a form of alternative law-making through embodied resistance. This is followed by a theorisation of flamenco as a jurisprudence of movement, and, finally, an argument for flamenco as a commons of resistance with implications for heritage governance.

2. AHD and Flamenco's Institutional Capture

AHD, as theorised by Laurajane Smith (2006), naturalises assumptions about the nature of heritage, for example, that heritage is representative of national identity and is best safeguarded by experts.[3] In this sense, it is a discourse of heritage expert-led narratives that prioritise national identities and restrictive notions of historical and cultural continuity, failing to account for cultural change and contestation. Furthermore, AHD defines who the legitimate spokespersons for the past are (Smith 2006) while constraining and limiting the critique of non-experts and creating and recreating a sense of inclusion and exclusion (Smith and Akagawa 2009). As Smith (2015) notes, UNESCO, and international heritage practice, draw too much on established canons within AHD that heritage is 'naturally' reflective of national identity. Echoing this standpoint, Akagawa and Smith (2018: 2) revisit the ways in which AHD continues to assert intangible cultural heritage ('ICH') as representative of the nation, noting that AHD as a discourse 'has yet to be overturned or even seriously challenged', in that the 2003 Convention on the Safeguarding of the ICH's 'administrative reliance on nation states … has tended to see the development and reinforcement of the nationalising tendencies endemic within the AHD toward ICH'. When applied to ICH, AHD's underlying assumptions create tensions between the living, dynamic nature of cultural practices and the static representations demanded by heritage regimes. Indeed, the critical discourse analysis conducted on flamenco's UNESCO

Nomination File (UNESCO 2010; Pecci 2025) revealed a persistent framing of flamenco as an authentic, territorially fixed expression of regional Andalusian and broader Spanish national identity. Although rhetorical appeals to 'universality,' 'hybridity,' and 'intercultural dialogue' feature prominently in the Nomination File, they are undermined by a discursive structure that privileges expert authority over the definition, transmission, and safeguarding of flamenco.

Three key findings emerged from the critical discourse analysis. Firstly, institutional over community agency is reinforced through a nomination process that foregrounds the role of cultural institutions, universities, and state actors as bearers of flamenco knowledge, while sidelining everyday practitioners and community groups as legitimate stewards of the tradition. The nomination privileges scholars, officials, and heritage professionals as flamenco's custodians, marginalising practitioners, particularly Roma[4] and diasporic communities, whose improvisational and context-specific performances fall outside institutional validation. Secondly, notions of territorial boundness and authenticity are reasserted through discursive framings that anchor flamenco within narrowly defined geographical and cultural boundaries, thereby diminishing its diasporic, migratory, and transcultural dimensions. Though flamenco's historical origins are transcultural, incorporating Roma, Moorish, Sephardic, and African influences, institutional discourse reframes this hybridity within a singular and exclusively Andalusian and broader national Spanish narrative, making invisible ongoing global and diasporic contributions to flamenco's evolution. This erasure of multiplicity reinforces state ownership over cultural meaning. Lastly, the depoliticisation of dissent occurs through the aestheticisation and depersonalisation of flamenco's expressive content, transforming it from a historically insurgent and affective mode of protest into a cultural spectacle stripped of its oppositional charge. Flamenco's history as a medium of protest, that is, its capacity to articulate dispossession, grief, and resistance, is notably absent. The nomination aestheticises flamenco, reducing it to a performative artefact and positioning it safely within a heritage economy geared towards cultural tourism and national branding. This

depoliticisation serves to neutralise flamenco's potential as a tool of contemporary dissent. Thus, while UNESCO's inscription ostensibly safeguards flamenco, it also constrains it within a static, sanitised representation and marginalises living, contestatory practices such as those performed by Flo6x8, whose insurgent interventions reclaim flamenco's radical potential.

The institutional capture of flamenco is not a phenomenon limited to UNESCO's framework. As detailed in critical scholarship (Giguère 2005, 2014; Cruces Roldán 2001, 2014; Machin-Autenrieth 2015, 2016; Steingress 2003), the progressive heritagisation of flamenco reflects a longer historical trajectory of cultural and political appropriation. From Francisco Franco's nationalist use of flamenco as a symbol of a unified Spanish identity, to Andalusia's post-Franco regionalisation of the artform under the 2007 Statute of Autonomy (Machin-Autenrieth 2016), flamenco has been repeatedly instrumentalised to serve the project of national and regional identity-building. These processes have consistently privileged elite, institutional actors over practicing communities, and have reinforced exclusionary narratives that often obscure flamenco's transcultural roots. As Steingress (2003) warns, the heritagisation of flamenco risks re-ethnicising the artform through essentialist discourses that align it with narrow constructions of regional authenticity, erasing its dynamic and intercultural histories. Furthermore, Giguère's (2014) analysis of the nomination process for UNESCO's Proclamation of the Masterpieces of the Oral and Intangible Heritage of Humanity 2001-2005 highlights how administrative discourses territorialise cultural practices, creating exclusions by linking traditions to 'ancestral territories' (Giguère 2014: 300). Similarly, Macías Sanchez (2019) critiques how UNESCO's nomination language standardises cultural expressions into homogenised and bureaucratic narratives that sideline marginalised communities, including Roma flamenco practitioners. The result is a vision of heritage that privileges institutional continuity and marketability over the living, contested realities of the artform. These critiques are crucial to understanding how movements like Flo6x8 resist not only neoliberal economic structures but also the heritage

regimes that attempt to domesticate flamenco's insurgent possibilities.

By positioning flamenco as a national treasure, UNESCO and the Spanish state enact a form of *heritage enclosure*, extracting cultural capital from grassroots performance. This mirrors broader neoliberal patterns, where commons are privatised and cultural expression is rebranded for consumption. Movements like Flamenco Es Un Derecho ('Flamenco Is a Right') challenged this enclosure by asserting flamenco as a communal practice that is rooted in public space and collective rights. Their performances, which were often staged in defiance of municipal bans, reclaimed streets and *plazas* as legitimate sites of expression. Their slogan encapsulated the demand for cultural self-determination: flamenco is not a commodity, but a right. This resistance resonates with Steingress' (2003) warnings about the re-ethnicisation and commodification of flamenco under nationalist discourses. The very institutional interventions that sought to 'preserve' flamenco, including its nomination for inscription on the Representative List, often did so by ossifying it within essentialist narratives, making invisible its transcultural origins and its dynamic nature. Movements like Flamenco Es Un Derecho actively resist this essentialism by insisting on flamenco's plural and evolving identity, and on the rights of practitioners to shape its future outside the confines of state-sanctioned heritage policies.

Moreover, as Giguère (2014), Macías Sanchez (2019), and Pecci (2025) show, the processes of heritage-making inevitably involve acts of exclusion, territorialisation, and mythologisation. The Andalusian government's framing of flamenco as an exclusively regional asset, while strategically effective for the purposes of UNESCO recognition, marginalised other regional and diasporic contributions, narrowing the field of legitimate flamenco practice. In response, grassroots movements reclaim flamenco as a shared and globally interconnected artform, rejecting the territorial logics of institutional heritage discourse. Such contestations highlight the broader critique advanced by critical heritage scholars like Harrison (2013) and Smith (2006), who warn that heritage listings, while appearing inclusive, often reinforce

exclusionary logics that privilege dominant narratives and marginalise subaltern voices. Flamenco Es Un Derecho thus operates not only as a movement for cultural rights but also as a counter-discourse, exposing the representational shortcomings inherent in institutional heritage regimes and asserting the legitimacy of alternative, community-driven visions of cultural vitality and ownership.

AHD raises a fundamental question: can legal protection ever do justice to living, insurgent cultural practices such as flamenco? The performances of Flo6x8 suggest that any attempt to fix culture through institutional recognition, whether juridical or heritage-based, risks erasing the very dynamics that make it vital. Yet they also show that legal meaning is not the exclusive domain of the state or the heritage institution. Instead, legality can emerge from below, in forms that are affective, relational, and provisional. Whether legal protection is doomed to fail, or might be reimagined through more radically participatory models, remains an open question – but what is clear is that Flo6x8's work of creative dissent disrupts the legal order, and is in and of itself a form of counter-lawmaking.

3. Flo6x8: Performing Protest, Disrupting the Legal Order

Flo6x8, a collective of flamenco artists and activists formed during the fallout of Spain's 2008 financial crisis, exemplifies flamenco's enduring power as a medium of political critique and resistance. Their performances are dramaturgical and tactical acts of civil disobedience that are geared towards reappropriating spaces associated with economic exploitation, such as bank branches, corporate headquarters, and government institutions, as stages for dissent. A typical Flo6x8 intervention features flash-mob dancers performing within the sterile confines of a bank, accompanied by singers whose *letras* (short verses in flamenco song) rework traditional flamenco lyrics to critique economic injustice, austerity, and political corruption. Through dance and song, they expose how flamenco can operate as a praxis of legal and cultural resistance. Their performances unfold at the intersection of juridical and heritage regimes, confronting both the economic logics that

underpin neoliberal governance and the institutional forces that seek to fix cultural meaning through AHD.

The sections that follow develop two interrelated strands of analysis. First, the article examines how Flo6x8's performances disrupt juridico-financial spaces by transforming sites of economic power into arenas of embodied protest and legal re-signification. Second, the article examines how these same interventions contest flamenco's institutional capture by reclaiming heritage as a living and insurgent practice. Taken together, these analyses reveal Flo6x8's work as not only oppositional but jurisgenerative – producing new forms of legal and cultural meaning from below.

4. Disrupting Juridico-Financial Space

One of Flo6x8's most emblematic performances[5] took place inside a Santander bank in November 2014 (Flo6x8 2014b), where dancers, dressed in flamenco attire, pounded out rhythms of protest on marble floors while singers lamented the cruelty of evictions and financial ruin. Cameras captured the confusion of customers and security guards, highlighting the rupture between the expectations of corporate space and the insurgent intrusion of embodied protest. This performance challenged not only the legitimacy of neoliberal institutions but also the legal architectures that underpin them. Banks are sites of juridico-financial power sustaining regimes of legal authority, such as mortgage enforcement and debt discipline. They are also spaces in which legality is performed through architectural formality, surveillance, and economic transaction. These spaces both reflect and enact law. By staging flamenco performances within banks, Flo6x8 subverts their authority and renders visible the normally invisible violence of foreclosure, of eviction, and of debt, exposing the complicity between law, finance, and systemic injustice. Flo6x8's interventions reconfigure these sites by fusing embodied protest with aural and physical denunciation. The body's insurgent presence disrupts the tangible and intangible features of financial power, while the *letras* express grievance as a kind of legal utterance, rendering audible the lament of the dispossessed.

In flamenco, the *letra* is inseparable from the dancer's rhythm and expression, and it orients the performance's emotional and normative force. The collective's choice of lyrics plays a crucial role in this process: they articulate specific grievances related to economic injustice and social marginalisation. For instance, in one of their performances at another financial institution, Bankia, a singer proclaims:

> *Tu me has bajaito el sueldo, Me lo subisteis toito. Para poder defenderme, Hasta el loro he empeñadito, Hasta mi casa yo he vendido. Bankia, Bankia, Bankia, pa ti seis pulmones, pa mi unas branquias. No te voy a querer, aunque me quitaras el interés.*
>
> [You reduced my wages, then raised everything else. Just so I could defend myself, I've even pawned the parrot, I've sold my house. Bankia, Bankia, Bankia, six lungs for you, gills for me. I won't be able to love you, even if you dropped the interest rate.] (Flo6x8 2012).

The singer's lament, combining humour, irony, and economic despair, speaks to the everyday violence of austerity measures undertaken by the government, translating it into poetic and embodied protest. Yet it does more than critique; it constitutes a kind of juridical speech act. The naming of the bank (Bankia), the redistribution of life-sustaining organs ('six lungs for you, gills for me'), and the sarcastic renunciation of debt relations ('even if you dropped the interest rate') assert a counter-narrative of responsibility and harm. The *letra* thus performs what institutional law refuses: it testifies, apportions blame, and demands redress.

In the context of Flo6x8's spatial interventions, the integration of such lyrics within the choreography of *zapateado*, collective rhythm, and visual spectacle becomes a kind of multimodal legal intervention. Law here is not only heard but felt, not only spoken but danced. Through this fusion of voice and movement, Flo6x8 literalise what jurisprudence might look like when generated by the bodies and grievances of the marginalised. Their performances therefore stage resistance, and reconfigure the legal order, or better, make law where affect and embodiment supplant hierarchy, institutionalised power, and AHD.

Another striking instance comes from Flo6x8's protest outside the headquarters of BBVA (Flo6x8 2014a), one of Spain's most powerful mortgage banks, where the singer defiantly proclaims: '*Que yo no pago la deuda, que la paguen los bancos que la crearon*' (I won't pay the debt, let the banks who created it be the ones to pay). This *letra* simultaneously expresses dissent and enacts a juridical repositioning, in that the singer rejects imposed responsibility and reassigns legal and moral accountability to financial institutions. These are declarative lyrics operating as normative speech acts. They pronounce an alternative legal order grounded in lived injustice, rather than codified obligation. When paired with the embodied disruption of space – voices rising in a corporate *plaza*, *zapateado* echoing off the marble – these utterances gain juridical density. They transform the public performance into a ritual of accusation and refusal, dissolving the divide between aesthetic expression and legal contestation. The syncopation between voice, movement, and space thus generates a *jurisgenesis* that is neither wholly verbal nor bodily but performed in their convergence. Herein is born a praxis of law-making through which performances channel grief, rage, and irony into an oppositional jurisprudence that reclaims legality from below. The *letras* they sing are not just complaints but claims, as they mark out harm, name perpetrators, and imagine alternative realities. In doing so, flamenco asserts its own form of lawful authority: one that is affective, embodied, and accountable to the communities that carry its memory and meaning.

5. Reclaiming Cultural Authority Through Performance

Flo6x8's interventions, moreover, contest the transformation of flamenco into a heritage commodity by the very act of making banks, and not just tourist venues, their stages – a blatant rejection of the sanitised version of flamenco endorsed by official heritage narratives, and an attempt at restoring flamenco's historical function as a form of embodied resistance, reclaiming its capacity to articulate both indignation and hope. In doing so, Flo6x8 not only critiques economic injustice but also subverts the juridical order itself. Indeed, their

performances unsettle assumptions about legality, order, and authority, demonstrating how performance art can generate counter-hegemonic spaces where new forms of justice and solidarity emerge.

In reclaiming flamenco's insurgent voice, Flo6x8 aligns themselves with earlier activist formations such as Flamenco es un Derecho which arose in response to the perceived failures of the Andalusian Government to fulfil promises made in the wake of UNESCO inscription (Machin-Autenrieth 2016; Brown 2014). Their performative dissent signals a repudiation of the heritage law regime codified under UNESCO's 2003 Convention on the Safeguarding of the ICH and implemented by the Spanish and Andalusian governments. As documented by Machin-Autenrieth (2016), Brown (2014), and Segado (2015), disillusionment among *peñas* (community-run flamenco associations) and local artists grew sharply after inscription, when funding cuts and regulatory constraints disproportionately impacted grassroots spaces while benefitting elite performers. Flamenco's inscription as ICH facilitated its commodification and administrative capture, leading to the erosion of grassroots authority and the political co-option of flamenco as a branding tool for regional identity. Linera (2006), for example, highlights how heritage regimes, as in the case of flamenco, are often managed through a market logic that privileges profitability over cultural integrity. Indeed, the loss of community spaces for performance and transmission further fuelled protest movements reclaiming flamenco as a right rather than a spectacle. In this context, Flo6x8's reoccupation of urban financial spaces becomes a reclamation of heritage itself, asserting that flamenco must live in bodies, in public spaces, and in acts of defiance. Flo6x8's interventions, in this light, perform a dual legal critique: of the economic laws that enable material dispossession, and of the heritage legal-administrative frameworks that institutionalise cultural expressions into commodified, depoliticised artefacts.

6. Embodied Resistance: Law, the Body, and Performance

Law is often read as a disembodied abstraction – textual, objective, and

institutional – but this disembodiment is not an absence of the body, but rather the privileging of certain bodies, or forms of embodiment, over others: those it deems orderly, legible, and conforming to its spatial and procedural norms. The problem, then, is not that law lacks embodiment, but that its embodiment is narrowly prescribed. Flo6x8's performances do not introduce embodiment into a body-less legal form; rather, they disrupt legal embodiment as it is currently configured.

Critical legal scholars show that law is also performed, affective, and spatial. Lucy Finchett-Maddock's (2016, 2023) *art/law*, Olivia Barr's (2016) *jurisprudence of movement,* and Sean Mulcahy's (2021) *dancing law*, offer valuable frameworks for reinterpreting law as something performatively enacted and expressed. Finchett-Maddock contends that artistic practices can unsettle the temporal and spatial assumptions of law, operating as 'law undone'. Through performance, art intervenes in legal regimes, reconfiguring property, as well as reclaiming the commons. Barr (2016) and Mulcahy (2021) similarly argue that legal processes are performative, relying on choreography, gesture, and space. The courtroom, like a theatre, brings disciplinary form to bodies, regulates movement, and constructs authority.

Flo6x8's performances invert this choreography. Their interventions can be seen as acts of *jurisgenesis*, or moments where alternative legal norms and meanings are created through embodied practice. Flamenco's insurgent jurisprudence does not insert embodiment where it was absent but rather reconfigures which bodies count and how legality is felt, expressed, and shared. The *zapateado* of dancers becomes a percussion of protest, and their *cante* a repository of social grievance. Legal norms that delineate who may speak, who may move, and where protest is permitted, are transgressed by bodies that refuse docility and spatial conformity. Flamenco's emotional intensity renders legal violence visible not through text but through embodied pain and improvisational defiance. Flo6x8's interventions thus reveal the body as a site of counter-legality. The very act of occupying, disrupting, and re-signifying spaces of institutional power enacts a jurisprudence that challenges both specific injustices as well as the very assumptions about

where and how law operates. Flo6x8's performances thus constitute a radical reimagining of legal space – from courts and legislatures to bank lobbies and *plazas* – and of legal actors – from judges and legislators to dancers and singers. Their performances call to mind Hafstein's (2015) insight that the institutionalisation of heritage often recentres authority away from dispersed social actors onto formal institutions, excluding everyday agents of cultural transmission. Flo6x8's insurgent choreographies invert this process, displacing institutional control and reasserting heritage as a living, relational, and embodied practice. Through their embodied interventions, Flo6x8 resist not only the financial and juridical orders but also the administrative apparatuses that attempt to fix and neutralise cultural life. Moreover, drawing from Bendix (2009) and Smith (2006), we see how Flo6x8's insurgencies disrupt AHD by reasserting community agency and emotional intensity against the dispassionate 'expert' stewardship of heritage. Their performances subvert the very modalities through which heritage and law operate: authority, fixity and institutional control. Instead, flamenco under Flo6x8's stewardship insists on movement, on disruption, and on reimagination.

7. Flamenco as a Jurisprudence of Movement

Flo6x8 thus constitutes a jurisprudence of movement: a living, embodied form of legal critique and norm creation that unsettles static and textual forms of law. Traditional legal systems privilege text, codification, and territorial sovereignty. Law is presumed to reside in written statutes, judgments, and treaties, all of which are documents fixed in time and space. However, as performance theorists and critical legal scholars have argued, law is also performed, embodied, and contested through everyday practices, including through dance and song. Flo6x8's performances embody this alternative legality. Their reworking of traditional flamenco *palos* (flamenco rhythmic structures) and *letras* to address contemporary issues such as eviction, unemployment, and political corruption, reanimates flamenco's historical role as a medium of social critique and communal memory.

Their interventions create temporary counter-publics where alternative legal imaginaries, grounded in resistance and collective dignity, emerge and are momentarily enacted.

In this sense, Flox6x8's flamenco operates as a jurisprudence of movement: a form of law that is dynamic, affective, and relational rather than static, textual, and hierarchical. This jurisprudence rejects the state's monopoly over the production of legal meaning and challenges the notion that legality resides only in institutional forums. It asserts instead that law can emerge from the streets, from the bodies of the marginalised, and from the rhythms of dissent. Moreover, flamenco's performative nature, which relies on improvisation and relationality, mirrors a vision of law grounded in human experience rather than abstract principle.

To fully grasp flamenco's jurisgenerative capacity, we must ask not only what it resists, but what lawful norms it enacts. The law of flamenco, particularly as performed by collectives like Flo6x8, is not codified in legislation or precedent, but brought into being through gesture, rhythm, shared embodiment, and affective exchange. In these performances, law emerges from the ground up as a set of relational norms rooted in communal grief and shared vulnerability. It is law-making through alternative grammars of legitimacy in which the right to occupy public space, to mourn and rage collectively, and to disrupt the aesthetic and sonic order of institutional life becomes a valid legal claim. Flo6x8's bodies, thus, enact a lawful world in which dispossessed communities assert their presence, dignity, and historical voice. This *emergent* legality is encoded in flamenco's very aesthetics. The artform's structures – its improvisational form, call-and-response dynamics, and rhythmic codes (*compás*) – model a normative order built on attentiveness, relationality, and co-created meaning. The *juerga*, or informal flamenco gathering, is perhaps the clearest analogue of this participatory legality: a space where community members alternate in singing, dancing, or accompanying (through *toque*, guitar, or *palmas*, hand clapping), while the rest actively witness and support, through *jaleos* (timed vocal encouragements given by audience members or fellow

performers). This legal structure is dialogical rather than hierarchical, and responsive rather than static, functioning as an open normative system governed by codes of emotional truth and spontaneity.

Temporally, this law of flamenco diverges from the linear, finalising temporality of institutional law. Following Finchett-Maddock (2016) and Mulcahy (2021), we might understand flamenco as enacting a juridical temporality of recurrence and recursion, wherein collective grievances are rehearsed, revoiced, and renegotiated across time. Each performance draws from past injustices but does not fix meaning; rather, each performance is a new legal utterance, or a *re-voicing* of the claim. Crucially, flamenco's *cante jondo,* beyond expressive lament, becomes a kind of juridical testimony, articulating affective truths that elude technocratic legal procedure. Its raw sonic intensity, typified by cracked voices, wails, and silences, asserts the legitimacy of pain as legal evidence, thus expanding the definition of legal speech to include suffering without remedy or indignation without procedural resolution.

Flamenco, particularly as reclaimed by Flo6x8, constitutes a *jurisprudence enacted in and through the body*, an ephemeral, mobile, and collective legal form that insists on being felt. Flo6x8's performances invite spectators to feel injustice, not merely to understand it. Crucially, this performative reimagining of law echoes the broader critique found in critical heritage scholarship: that living traditions resist fixity, that memory and meaning are negotiated dynamically, and that cultural expressions thrive through adaptation, not preservation (Kirshenblatt-Gimblett 2004; Alivizatou 2012). Just as flamenco's evolution cannot be captured by heritage regimes without loss of vitality, so too law cannot be fully contained by textual codes without losing its relational and affective dimensions.

Finally, in contesting both AHD and formal juridical order, Flo6x8 foregrounds a model of legality attuned to what Kirshenblatt-Gimblett (2004: 59) calls 'the inherently processual nature of culture'. Their jurisprudence of movement insists that law, like heritage, must be approached not as a monument to be preserved but as a dynamic field of struggle and rearticulation. Crucially, this performative jurisprudence

does not seek institutional validation. Instead, it offers a vision of justice grounded in solidarity and emotional resonance. Where the law writes in codes and protocols, flamenco inscribes in breath, sweat, and cry. It reclaims the body as a legal site and protest as a legal act.

8. Flamenco as Art/Law: A Commons of Resistance

This section brings together two threads of the article's argument: that both heritage and law, as institutional regimes, can be reimagined not as top-down structures of preservation or control, but as commons – spaces of relational negotiation and collective meaning-making. While critical heritage studies have long critiqued the enclosure of cultural practices within expert-driven regimes, and critical legal scholars have explored the spatial and affective dimensions of law, it is my intent here to examine how protest movements like Flo6x8 simultaneously reclaim both legal and cultural authority through performative intervention. By theorising flamenco as *both* art/law and commons, this section proposes an interdisciplinary model of resistance grounded in participation, plurality, and embodied knowledge.

Combining Finchett-Maddock, Barr, and Mulcahy's insights, flamenco emerges as both a legal and aesthetic commons, and a site where law and culture are co-produced through collective and affective action. Protest movements like Flo6x8 reveal how cultural heritage can act as a legal force, not through litigation or codification, but through performative reclamation and disruption. This understanding resonates with Hafstein's (2015) description of the institutionalisation of heritage as a process that reconfigures social relations, concentrating decision-making power in new bureaucratic formations. Flo6x8's insurgent performances challenge these formations, creating ephemeral but potent commons where the authority over cultural meaning and memory, as well as legality, are reclaimed by communities themselves.

Similarly, drawing from Brown (2014) and Machin-Autenrieth (2015), we see how institutionalisation has often prioritised commodification and tourism over genuine safeguarding of flamenco's grassroots vitality. The artform's inscription as ICH has been exploited

for economic gain, yet with little redistribution of resources or recognition to the practicing communities most deeply affected. In reclaiming flamenco as a commons, movements like Flo6x8 insist that cultural expression must remain rooted in community agency and creative autonomy, not merely in economic value or institutional prestige.

In conceptualising flamenco as a commons of resistance, it is also crucial to note the tensions highlighted by Alivizatou (2012) regarding the dangers of fossilising dynamic practices through classical heritage conservationist approaches. Flo6x8's practice counters this tendency: their flamenco is not staged for preservation but for transformation, and it thrives precisely because it is contingent and insurgent. Each intervention, each *zapateado* on the marble floors of a bank, is a refusal to allow flamenco to become an artefact. It is instead kept alive through acts of communal reclamation and political imagination. This repositioning has implications for heritage governance. Safeguarding measures must move beyond static preservation towards a politics of care, one that honours the practice's dynamism, plurality, and grassroots authority. Flamenco's resistance to categorisation is not a failure of heritage policy, but a challenge to reimagine what safeguarding truly means. Indeed, following Kirshenblatt-Gimblett's (2004) insight that heritage does not precede but is created by acts of valorisation and codification, safeguarding must be understood as a dialogical process that embraces, rather than fears change. Movements like Flo6x8 and Flamenco Es Un Derecho speak to alternative models of safeguarding: models based on relational ethics and ongoing negotiation between past, present, and future – expert-driven management models are here refuted. Thus, flamenco's reclamation as a commons of resistance reveals that an effective and consequential safeguarding of cultural heritage lies in nurturing the conditions that allow living cultures to thrive, dissent, and reimagine themselves anew.

9. Conclusion

Flamenco's inscription on the Representative List as ICH was

intended as an act of cultural recognition. Yet, as this article has shown, institutional recognition often imposes limitations: freezing, territorialising, and depoliticising cultural expressions that thrive on movement, improvisation, and, as in the case of Flo6x8, dissent. AHD, as reproduced by UNESCO and the Spanish state, reframes flamenco as a static, commodifiable artefact and has tended towards making invisible its roots in marginality, in resistance, and in transgression. As critical heritage scholars such as Smith (2006), Bendix (2009), and Hafstein (2015) have shown, the very apparatus designed to valorise cultural practices often enacts new exclusions, consolidates bureaucratic control, and perpetuates the privileging of dominant expert narratives. Flamenco's institutionalisation has mirrored this pattern, transforming a dynamic, transcultural artform into a bounded symbol of regional identity and tourist consumption. As Brown (2014) documents, local artists and *peñas* have been sidelined, struggling for survival in the very moment of supposed international recognition. Heritage, in this sense, has been less a mechanism of safeguarding and more a technology of enclosure and commodification.

Movements like Flo6x8 resist this capture. Through embodied interventions in spaces of economic and political power, they reclaim flamenco's insurgent spirit and reassert its function as a medium of legal and political critique. Furthermore, their *zapateado* on marble floors, their plaintive *cante* in halls of power, and their appropriation of institutional spaces for dissent constitute acts of law-making that refuse textual authority and embrace relational, embodied forms of justice. Flo6x8 reclaims flamenco as a commons of resistance: a living, breathing testament to both indignation and hope. Their interventions remind us, as Kirshenblatt-Gimblett (2004) insists, that heritage is not a pre-existing essence waiting to be preserved but a political and cultural act of negotiation. Flo6x8's interventions serve to reactivate flamenco's dissenting traditions and demonstrate how living cultures safeguard themselves through critical practice, through community resilience, and through ongoing acts of reimagination and renewal. This analysis ultimately suggests that law is not solely the province of courts, legislatures, or written codes. It is also made, and unmade, in

movement, in protest, in dance, and in song. Flamenco, in the hands of protest movements such as Flo6x8, testifies to the living jurisprudence of resistance through its dance and song. In refusing to be categorised, codified, or contained, flamenco reasserts itself as a practice of dissent; a moving, breathing testament to the possibility of justice beyond the authorised scripts of law and heritage. Looking ahead, the case of Flo6x8 invites further exploration into how ICH safeguarding frameworks might better accommodate insurgent, diasporic, and performative cultural practices that exceed institutional scripts.

Endnotes

1 Dr Alessandra Pecci is a Teaching Fellow in International Relations, Communications, and Australian Studies, in the Faculty of Society and Design at Bond University (Gold Coast, Australia). Her contribution to this special issue on *Dance/Law*, 'Flamenco Resists: Embodied Disruptions of Authorised Heritage Discourse', draws inspiration from her doctoral thesis titled *Flamenco Deterritorialised: Encountering Intangible Cultural Heritage in the Liminal Space* (2025), and from the short film she produced, 'Flamenco Deterritorialised' (2022), during fieldwork research for her PhD, featuring four Australia-based flamenco artists.

2 In critical heritage studies, *heritagisation* refers, broadly, to the process by which certain objects, sites, or practices (as in the case of ICH) are designated as heritage and imbued with cultural, historical, or social significance – this process necessarily involves the construction and negotiation of meanings and values associated with the selected heritage, often within the context of power dynamics and competing interests (see for example, Smith 2006; Harrison 2013; Bendix et al. 2012; Harvey 2001). For Smith (2006) the concept of *heritagisation* highlights the role of experts and authorities in determining the status and value of heritage, which can lead to certain narratives, identities, and perspectives being privileged over others. According to Harrison (2013), *heritagisation* can be a contested process, involving struggles over meaning, ownership, and representation.

3 That is, actors, including institutions, that 'define what heritage is, how and why it is significant, and how it should be managed and used' (Smith 2006: 87).

4 The Roma are an ethnic group with transnational roots across Europe, historically marginalised and often referred to pejoratively as 'gypsies'. In Spain, they are referred to as *gitanos*.

5 These performances are documented on their official website (https://flo6x8.com/acciones/), offering a rich archive of protest art that highlights the diversity of their performative interventions.

References

Akagawa N and Smith L eds 2018 *Safeguarding Intangible Heritage: Practices and Politics* Routledge London

Alivizatou M 2012 *Intangible Heritage and the Museum: New Perspectives on Cultural Preservation* Routledge London

Barr O 2016 *A Jurisprudence of Movement: Common Law, Walking, Unsettling Place* Routledge Abingdon

Bendix R 2009 'Heritage Between Economy and Politics: An Assessment from the Perspective of Cultural Anthropology' in Smith and Akagawa 2009: 253–269

Bendix R, Eggert A, and Peselmann A eds 2012 *Heritage Regimes and the State* Göttingen University Press Göttingen

Brown J 2014 *Flamenco Capital: Tradition, Revolution and Renewal in Seville, Spain* PhD Thesis University of California Riverside

Cruces Roldán C 2001 *El Flamenco como Patrimonio. Anotaciones a la Declaración de la Voz de la Niña de los Peines como Bien de Interés Cultural* Flamenco Art Biennale Sevilla

Cruces Roldán C 2014 'El Flamenco como Constructo Patrimonial. Representaciones Sociales y Aproximaciones Metodológicas' *PASOS: Revista de Turismo y Patrimonio Cultural* 12/4: 819–835

Finchett-Maddock L 2016 *Protest, Property and the Commons: Performances of Law and Resistance* Routledge London

Finchett-Maddock L 2023 'Forming the Legal Avant-Garde: A Theory of Art/Law' *Law, Culture and the Humanities* 19/2: 320-351

Flo6x8 2012 'Bankia, pulmones y branquias (bulerías)' *YouTube* 25 May. Available at <https://www.youtube.com/watch?v=iop2b3oq1O0&t=29s>

Flo6x8 2014a 'Banco Chungo, por flo6x8 & Atracoro a las Tres' *YouTube* 25 June. Available at <https://www.youtube.com/watch?v=6tO4NFcD684>

Flo6x8 2014b 'Futuro versus Usura – Univ Pablo Olavide' *YouTube* 2 December. Available at <https://www.youtube.com/watch?v=a6KCuzHto_s>

Giguère J 2005 'El Flamenco como Patrimonio Inmaterial de la Humanidad, un Estudio del Fenómeno en Jerez de la Frontera' *Música Oral del Sur: Revista Internacional 6:* 311-319.

Giguère J 2014 'Cultural rights and "Masterpieces" of Local and Translocal Actors: A Study of Italian and Spanish Cases' *Ethnologies* 36/1: 297-324

Hafstein 2015 'Intangible Heritage as Diagnosis, Safeguarding as Treatment' *Journal of Folklore Research* 52/2: 281-298

Harrison R 2013 *Heritage: Critical Approaches* Routledge London

Harvey DC 2001 'Heritage Pasts and Heritage Presents: Temporality, Meaning, and the Scope of Heritage Studies' *International Journal of Heritage Studies* 7/4: 319-338

Kirshenblatt-Gimblett B 2004 'Intangible Heritage as Metacultural Production' *Museum International* 56/1–2: 52–65

Kuutma K 2018 'Afterword: The Politics of Scale for Intangible Cultural Heritage – Identification, Ownership and Representation' in Lähdesmäki et al 2018: 156-170

Lähdesmäki T, Thomas S, and Zhu Y eds 2018 *The Politics of Scale: New Directions in Critical Heritage Studies* Berghahn Books New York

Linera E 2006 'El Flamenco: Un Patrimonio Patrimonializado' *Periférica Internacional. Revista para el Análisis de la Cultura y el Territorio* 7: 15-18

Machin-Autenrieth M 2016 *Flamenco, Regionalism and Musical Heritage in Southern Spain* Routledge London

Machin-Autenrieth M 2015 'Flamenco¿ Algo Nuestro? (Something of Ours?): Music, Regionalism and Political Geography in Andalusia, Spain' *Ethnomusicology Forum* 24/1: 4-27

Macías Sanchez A 2019 'Flamenco at UNESCO. Nomination File for Inscription on the Representative List of the Intangible Cultural Heritage of Humanity' *Ciencias Sociales Y Humanidades* 6/1: 9–25.

Mulcahy S 2021 'Dances with Laws: From Metaphor to Methodology' *Law and Critique* 15/1: 106-133

Pecci A 2022 'Flamenco Deterritorialised' *Vimeo*. Available at <https://vimeo.com/1092011756>.

Pecci A 2025 *Flamenco Deterritorialised: Encountering Intangible Cultural Heritage in the Liminal Space* PhD Thesis Bond University

Segado A 2015 *La Comunicación Institucional en la Junta de Andalucía. Campaña para la Candidatura del Flamenco como Patrimonio Cultural Inmaterial de la Humanidad. Estudio de Caso* PhD Thesis Universidad de Malaga

Smith L 2006 *Uses of Heritage* Routledge London

Smith L 2015 'Intangible Heritage: A Challenge to the Authorised Heritage Discourse?' *Revista d'Etnologia de Catalunya* 40: 133-142.

Smith L and Akagawa N eds 2009 *Intangible Heritage* Routledge New York

Steingress G 2003 'El Flamenco como Patrimonio Cultural o Una Construcción Artificial más de la Identidad Andaluza' *ANDULI, Revista Andaluza de Ciencias Sociales* 1: 43-63.

UNESCO 2010 *Nomination File No 00363: Flamenco* (Spain)