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# Composition, Authorship, and Ownership in Flamenco, Past and Present

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Among the most fundamental musical developments accompanying the advent of modernity has been the emergence of new conceptions of authorship, ownership, and the roles of composition. A growing body of literature has emerged which addresses various aspects of these processes in relation to diverse music cultures (e.g., Talbot 2000, Vaidhyanathan 2001, Frith 1993). In the realm of Western art music, scholarly attention has focused in particular on the celebration, especially from the Romantic period on, of the composer as an individual genius, and on the special importance of “the work,” as an original, reproducible, structurally unified, aesthetically unique, and privately owned entity (Goehr 1992). Concepts of authorship can be particularly problematic in the case of oral traditions that evolve into or become absorbed into commercial popular musics, entailing new conceptions of and a new prominence of the “song” and its individual composers, and new notions of ownership as embodied in copyright. At the same time, however, instead of promoting pre-composed “songs” and “works,” modernity can also reinforce and rearticulate approaches which in fact de-emphasize composition, via, for example, the legitimization and elaboration of existing oral traditions, the elevation of individual, soloistic virtuoso expression and interpretation (as in jazz)—as opposed to composition *per se*—and encouraging trends toward the standardization and codification of an existing repertoire, which thenceforth becomes in its own way resistant to accretion and new composition.

In this article I explore how some of these processes have operated in the modernization of flamenco, in the various forms in which it has flourished over the last century. Paralleling developments in certain other genres, in commercial pop flamenco collective, oral-tradition recycling of stock musical materials can be seen to give way to mass mediated, pre-composed songs, as new dimensions of finance and copyright precipitate polemics and legal

actions. At the same time, however, the new importance of compositions and composing in the realm of this mass-mediated “*nuevo flamenco*” (new flamenco) has been counterbalanced in mainstream, neo-traditional flamenco by a certain codification of the existing repertoire, which has become less accommodating to new creations. The contradictions and complexities of these processes acquire various sorts of importance—as revealed by polemics and disputes—involving issues of aesthetics, ownership, and even ethnicity (as concerning Gypsies and non-Gypsies). Their complexity derives in part from the heterogeneity of forms of flamenco—from traditional to pop—and from the way that even traditional flamenco (in some respects like jazz) defies categorization as folk, classical, or pop.

### Traditional Flamenco: *Cantes* and *Estilos*

If flamenco is understood as comprising *cante* (singing), *toque* (guitar), and *baile* (dance), it is *cante* which is traditionally regarded as structurally and aesthetically the most important and representative aspect of the art, and which accordingly is the primary focus of this essay. Traditional flamenco is based on a body of basic song-types which are called *palos* or *cantes* (aside from the general meaning of *cante* as “singing”). The mainstream repertoire comprises around a dozen basic and familiar *cantes/palos*, and some two dozen subsidiary or less common variants of these. The *palos* are distinguished variously in terms of poetic form, characteristic vocal melodies, in some cases metrical scheme, called *compás* (with distinctive internal accents), and guitar tonalities and conventional accompaniment patterns.<sup>1</sup>

The basic *cantes/palos* themselves may be regarded as general categories, and as frames or molds which accommodate a variety of more specific stock tunes, which could be called “sub-*cantes*” but are traditionally referred to by some vocalists as *estilos*—literally, “styles.” Generally, an *estilo*—to those who use this term—comprises a distinctive melody, which accommodates a *copla*, which is a verse of from three to five lines. Thus, a typical rendition of a *soleá* (one of the *palos*) might consist of a string or “set” of four or five *coplas* or verses, which would probably be in different *estilos*, punctuated by guitar interludes (*falsetas*), all conforming to the characteristic twelve-beat *compás* and familiar chordal progressions of that *cante*. In practice, most *soleá* sub-*cantes* follow fairly similar melodic patterns.<sup>2</sup>

While a vocalist might sing a familiar *copla* in the *estilo* traditionally associated with it, the *estilos* function as stock tunes in the sense that a singer is free to set a new (or old) lyric to a suitable *estilo*. Writers on flamenco—notably Soler Guevara and Soler Díaz (1992) and Norman Kliman,<sup>3</sup> elaborating the work of Antonio Mairena (with Molina, 1979)—have identified almost one hundred distinct *estilos* of *soleares* and of *siguiriyas*, which are

1 associated variously with places or with the names of singers who created or  
 2 popularized them. While many singers might be unaware of such associations,  
 3 a knowledgeable vocalist might announce, “Now I’ll sing a soleá of Alcalá,”  
 4 which would imply any suitable copla or verse set to one of the loose stock  
 5 soleá melodies supposedly deriving from the Gypsy singers from Alcalá; or it  
 6 might be announced as “la soleá de cierre de El Mellizo,” meaning a standard  
 7 closing estilo attributed to Enrique Mellizo (1848–1906). Only literati familiar  
 8 with the erudite taxonomies of Kliman and the Solers would be able or  
 9 inclined to further identify the estilo as, for example, “La Andonda 2.” Estilos  
 10 in other palos could be similarly catalogued.

11 If the cantes constitute traditional song-types providing the basic mold  
 12 or structure, the estilos or sub-cantes, in combination with the words to  
 13 which they are set, are somewhat more “song-like” in their greater melodic  
 14 specificity. Some of the lighter, metered sub-cantes—especially *fandangos*  
 15 *de Huelva*, *tangos*, and familiar tunes like “Tanguillo Castillo de Arena”—are  
 16 fairly “hummmable” in the sense that their melodies are relatively fixed and  
 17 tuneful, and are largely syllabic rather than melismatic in style. Such items  
 18 can even be sung in unison by two or more singers, especially as lighter fare  
 19 accompanying a commercial dance show (a *tablaó*) at a club. However, estilos  
 20 in the more serious flamenco cantes like *soleares*, *siguiriyas*, and *tientos*  
 21 are better understood as flexible schematic outlines, which place greater  
 22 demands on the singer’s creativity of rendition. Accordingly, as *cante jondo*  
 23 (“deep song”), they are more highly regarded by connoisseurs, and could  
 24 never be sung in unison. Free-rhythmic fandango styles, including *malagueña*  
 25 and *granaína*, although not seen as *cante jondo* or *cante gitano*, can be also  
 26 quite melismatic, loose, demanding, and soloistic in their own way. Certain  
 27 singers, to be sure, developed fairly fixed ways of rendering even melismatic  
 28 estilos, such that they acquired some of the character of pre-composed enti-  
 29 ties, although they would be treated as stock tunes to be used strophically  
 30 with different verses.

31 Despite the known authorship of many estilos, a typical traditional fla-  
 32 menco item, whether in concert or on a commercial recording, has few of  
 33 the essential attributes of a “song” or composition, being instead a “set” of  
 34 three to five coplas, which each constitute thematically unrelated and wholly  
 35 independent and complete lyric statements. Insofar as the coplas are sung  
 36 in similar or identical estilos, the rendering is thus loosely strophic and addi-  
 37 tive rather than organically structured like, for example, a 32-bar AABA song.  
 38 Although in the case of cantes like *soleares*, there are certain conventions as  
 39 to sequence of estilos, there is no particular overall structure, symmetry, or  
 40 design, nor is there any particular form of closure, aside from the occasional  
 41 use of short cadential patterns (*remates*) in cantes like *bulerías*. The “title” of  
 42 a piece that appears on the label of commercial recording is typically the first  
 43

line of the first copla, or perhaps a distinctive line from another copla, rather than constituting a phrase relevant to the set as a whole. Further, in traditional singing, a vocalist need not make any particular attempt to reproduce any particular sequence of coplas and estilos that (s)he has sung previously, in concert or recordings (unless the artist is specifically attempting to promote a recent record). For its part, an individual estilo—whether of a “hummable” tango or a flexible soleá—differs from a “song” in being short and constituting a manner of singing a single strophe or verse, rather than a blueprint for an entire piece of four or five minutes.<sup>4</sup> The distinctions between a “song” and a rendering of a cante are reflected, albeit idiomatically and imperfectly, in flamenco terminology and discourse. Outsiders might be tempted, if only for sheer convenience, to refer to a four-minute rendering of, say, a soleá, as a “song,” especially when it appears on a CD with a “title.” As we have seen, though, the term “song” is misleading in suggesting a “work” that is original, reproducible, through-composed, and subject to proprietary concerns. Hence it might be more appropriate, in English, to refer to a typical flamenco rendering of a cante as a “set.” In Spanish discourse there is, unfortunately, no vernacular term for this, but the cognates for “song”—such as “*canción*”—are generally and deliberately avoided, as they specifically suggest pre-composed entities (which are hence generally lighter and less demanding). Thus, a singer, rather than announcing “Voy a cantar una canción en soles”—“I’ll sing a song in soles”—will say “Voy a cantar por bulerías,” which means, “I’ll sing in bulerías,” and implicitly means, “I’ll sing a few coplas, in a few different estilos, in bulerías.” By contrast, “To sing a song in bulerías”—(“cantar una canción en bulerías”)—would imply precisely that, i.e., to take an existing commercial popular song, like “María de la O,” and sing it in the compás of bulerías—a practice that was common in the mid-century decades but is foreign to flamenco per se. Similarly, instead of saying, “She sang two tangos” (“Ella cantó dos tangos”), one might more properly say, “Ella cantó por tangos dos veces”—“She sang twice in tangos.” (The use of the plural “tangos” is idiomatic in references to palos.)

### **Composition, Ownership, and Individuality in Traditional Flamenco**

Although flamenco became a professional and commercially-performed art by the 1860s-70s, it continued to be an overwhelmingly oral tradition in character, whether performed on stage, for partying *señoritos* (playboys), or in private Gypsy fiestas. As in many other oral-tradition music genres (such as, for example, Indian classical music), singers of traditional flamenco have been valued primarily for their expressive delivery of existing repertoire—in this case, a body of core palos and estilos that was largely in place by the

1 mid-twentieth century. Compositional talent, and the originality and size of  
 2 a vocalist's repertoire (lyrics and melodies) constitute features that might be  
 3 appreciated in certain contexts, but are largely secondary to the flair with  
 4 which the vocalist renders a largely inherited body of song-types. A singer  
 5 lacking in such expressive delivery, however abundant in other talents, would  
 6 not achieve renown.

7 Nevertheless, notions of composition and ownership are complex and  
 8 have in some respects been contested, as reflected in attempts to compose  
 9 palos and estilos, or, to codify them as a fixed repertoire, or to claim owner-  
 10 ship of them, whether as a general ethnic patrimony or as legally protected  
 11 entities. The distinctions between cantes and estilos are analytically important  
 12 and merit further individual treatment.

### 13 *Cantes/Palos*

14  
 15 For the purposes of understanding the role of composition, it is notewor-  
 16 thy that most of the basic repertoire of cantes, including their conventional  
 17 guitar accompaniment patterns, was standardized by the early twentieth  
 18 century. The innovation that abounds today in neo-traditional flamenco—  
 19 even as played by innovative guitarists—consists primarily of various sorts of  
 20 elaboration and expansion within these inherited cantes rather than inven-  
 21 tion of new ones. Accordingly, creation of the basic palos is not attributed  
 22 to any individuals; rather, they are assumed to have evolved in a collective  
 23 and anonymous fashion (especially in the mid- and latter nineteenth cen-  
 24 tury). However, certain individuals are regarded as having played key roles  
 25 in developing, refining, codifying, and popularizing them (e.g., Juan Brea  
 26 with malagueñas and Antonio Chacón with *tarantas*). Meanwhile, scholars  
 27 like Lefranc (2000) have reconstructed plausible, if speculative, evolutions  
 28 of basic cantes like soleares and siguiriyas out of precedents like *romances*  
 29 and the Muslim call to prayer (*azan*), but it is not possible to attribute these  
 30 processes of creation to known individuals, except in the most speculative  
 31 fashion. Even the now-popular and basic bulerías, despite evolving in the  
 32 relative historical daylight of the early twentieth century, appears to have  
 33 developed in a collective manner, essentially as an accelerated, lively version  
 34 of soleares, rather than being the creation of any particular known artists.

35 The actual attempts of certain individuals to create cantes in the twentieth  
 36 century stand out as exceptions to the rule. Virtually the only cante to have  
 37 been successfully created and popularized by an individual after the begin-  
 38 ning of the century is *colombianas*, which was invented around 1930 by  
 39 *cante bonito* (“pretty flamenco”) singer Pepe Marchena. After fashioning the  
 40 colombianas as a light, Caribbean-flavored palo in 4/4, Marchena was able to  
 41 popularize it as a cante per se by performing and recording it repeatedly, with  
 42  
 43

different verses. Given his prodigious stardom, Marchena's imitators also began singing colombianas, and the idiom effectively entered the canonic repertoire of established cantes. However, like the rococo cante bonito in general, the colombianas fell out of vogue in the 1970s and is seldom heard nowadays.

Subsequent attempts to invent cantes enjoyed less success. In the 1970s, vocalist Camarón de la Isla and guitarist Paco de Lucía created and attempted to popularize a palo which they called "*canastera*" (literally, "basket carrier" or "basket weaver," connoting a nomadic Gypsy woman). Camarón and Paco recorded two *canasteras*, with different lyrics, which were labeled on LP liner notes as cantes per se (e.g., in parentheses after the track titles, like the other indications of palos).<sup>5</sup> The two songs—as we may retrospectively characterize them—attained some popular appeal, being used, for example, by various dance ensembles. But unlike the colombianas of an earlier generation, the *canastera* did not come to be used by other singers as a palo—that is, as a vehicle for new song texts and interpretive elaboration (Gamboa and Nuñez 2003:349). Conservative critics were also dismissive of it as a palo per se, characterizing it as a pastiche of elements of tango and fandango de Huelva, and opining, explicitly or implicitly, that the repertoire of palos and estilos was quite adequate and allowed ample scope for creativity and innovation, and as such had no need of being expanded. Such, indeed, seems to be the general verdict regarding mainstream flamenco, which, since the 1970s, has consisted overwhelmingly of elaboration of the existing palos—alongside performance of pop and "nuevo flamenco" newly-composed songs.

In 1976, a similar attempt by vocalist Juan el Lebrijano to create two new palos, which he called *galera* and *caravana*, met a similar fate.<sup>6</sup> Both creations could, in retrospect, be regarded essentially as original "songs" in not adhering to any known cantes. However, El Lebrijano specifically presented them, with some fanfare, as new palos per se, in the hopes that, like colombianas, they would become accepted in the canon. Like the *canastera*, their names appeared in the LP liner notes as palo indications, following the titles of the tracks. Also like the *canastera*, the *galera* and *caravana* were essentially failures in that while the specific songs enjoyed some ephemeral popularity, neither palo came to be performed as a palo per se—that is, a framework used by other singers for new estilos with new lyrics.

### ***Estilos and Mairénismo***

Creating and popularizing an estilo is in some respects a less formidable undertaking than adding a palo to the canon, although, as with cantes, the core repertoire of estilos in basic palos like soleares and siguiriyas was largely in place by the mid-twentieth century. Most of the estilos catalogued by Kliman and the Solers (1992) appear to have been standardized by the 1930s,

1 and many presumably or even demonstrably took shape well before then. It  
 2 is partly for this reason that early-twentieth-century flamenco recordings by  
 3 singers like Manuel Torre do not necessarily sound archaic to modern ears,  
 4 except in the poor recording fidelity; both in terms of style and repertoire,  
 5 they are essentially cognate with the mainstream flamenco of today.

6 Successful creation or “composition” of estilos continued until around  
 7 the 1950s. The standard flamenco repertoire contains many sub-cantes that  
 8 are attributed to singers who flourished in the 1930s-40s, such as El Niño de  
 9 Gloria and Pastora Pavón, along with Manolo Caracol’s 1950–60s versions  
 10 (which he called *caracoleras*) of palos like tientos, siguiriyas, and fandangos.  
 11 Lefranc insists that creation of estilos in cante jondo continued through the  
 12 ’60s and ’70s, but it is not at all clear whether many, if any, of these new estilos  
 13 have actually entered the repertoire as stock tunes used by others (especially  
 14 insofar as his informants were reluctant to disseminate their art). As such,  
 15 the basic flamenco repertoire of cante jondo sub-cantes, like that of cantes,  
 16 was largely fixed by the 1950s.

17 The codification of the flamenco repertoire in the mid-century was both  
 18 embodied in and promoted by the career of Gypsy vocalist and scholar Antonio  
 19 Mairena (1909–83). Mairena came of age in the most culturally stultifying period  
 20 of the Franco era, when cante jondo—while still cultivated in Gypsy circles  
 21 and señorito binge parties—was being largely neglected in favor of lighter  
 22 styles—especially fandangos, Latin American-inspired cantes like *guajiras*, and  
 23 quasi-pop *cuplé* (discussed below), which were quintessentially presented in  
 24 the context of theatrical variety shows called “*ópera flamenca*.” Mairena took  
 25 it as his mission to rescue cante jondo in a project which Lefranc (2000:197)  
 26 characterizes as the “Great Salvage.” Mairena energetically collected estilos from  
 27 all possible informants and singers, whether known or obscure, and endeavored  
 28 to popularize and codify them through his own performances and commercial  
 29 recordings, and through his written collaborations with flamenco scholars.  
 30 Subsequently, Luis Guevara and Ramón Soler Díaz classified, organized, and  
 31 related the supposed origins of Mairena’s entire recorded repertoire of soleares  
 32 and siguiriyas in their book, *Antonio Mairena en el mundo de la siguiriya*  
 33 *y la soleá* (1992).<sup>7</sup> Mairena also authored two books: *Mundo y formas del*  
 34 *cante flamenco* (with Ricardo Molina, 1963), a general and widely read study  
 35 of the history and current forms of flamenco; and *Las confesiones de Antonio*  
 36 *Mairena* (1976), an engaging musical autobiography.

37 Mairena has been criticized for allegedly exaggerating the role of Gypsies  
 38 in creating flamenco and, especially, cante jondo. Also controversial was his  
 39 attempt to establish the flamenco repertoire as a fixed body of forms which  
 40 was complete and should not be added to. One of Mairena’s goals, clearly, was  
 41 to salvage and revitalize cante jondo not only by performing and promoting  
 42 it per se, but, more importantly, by giving it a new legitimacy as a codified,  
 43



documented, standardized, and almost “classical” repertoire. In these endeavors he must be regarded as achieving prodigious success and having made a remarkable contribution to the art. At the same time, his purist insistence that the repertoire was thenceforth fixed and inviolate promoted a kind of ossification, which predominated in the 1960s and had its own sorts of affinities to the climate of the Franco era (Mitchell 1994:217). During that decade, both innovative young performers like Paco de Lucía and even some conservative “flamencologists” like Don Pohren (1962:57) were coming to regard *mairenismo* as a stultifying orthodoxy (in Pohren’s words, a “mummification”) that had to be overcome. An occasionally noted irony is that Mairena himself, in his neo-classicist zeal to present a complete and codified repertoire, appears to have effectively composed several estilos, which, however, he generally attributed to other obscure past singers. Thus, for example, he recorded and catalogued more than twice as many forms of *siguiriyas* as had previously been recorded. Similarly, he “improved” several other forms by rationalizing and standardizing their forms. For instance, flamenco authority Estela Zatanía notes, regarding the *tangos de Málaga* associated with the singer Piyayo,

The original Piyayo styles [estilos] were long rambling verses, almost *romances*, that Piyayo often made up on the spot recalling his adventures in Cuba. However Antonio Mairena felt the need to clean them up and put order, so he devised the neat and manageable four-line verse and melody most of us know today.<sup>8</sup>

Similarly, Lefranc (2000:197) cites the comments of renowned vocalist Pastora Pavón, interviewed by Georges Hilaire: “As for the resurrections of *estilos* by the likes of Mairena and Pepe Torres, she opined that they were ‘for intellectuals’ and wouldn’t fool any legitimate enthusiast.”<sup>9</sup>

The codification of repertoire prevails in much mainstream traditional flamenco singing today. New lyrics continue to be composed and performed, but the melodic repertoire of cantes and estilos largely remains that inherited from before 1950. In the somewhat lighter *palos* of tangos and *bulerías*, it is possible to discern several melodies that have arisen in recent decades and have acquired the status of estilos, although no flamenco scholar has undertaken an enumeration of these in the manner of Kliman’s study of *soleá* and *siguiriyas*. Nevertheless, in these latter core cantes, and even in others—whether *fandango* variants or the flexible tangos and *bulerías*—most of the singing one hears today comprises either, in mainstream flamenco, established estilos or else, in the realm of *nuevo flamenco*, new compositions which are not treated by others as estilos or stock tunes, as discussed below.

The process of codification and standardization clearly owes much to the exertions of Mairena, the general cultural stagnancy of the 1960s in Francoist Spain, and a sentiment—voiced by singers like Rafael Romero (in Sevilla

1 1995:60)—that the repertoire of cantes and estilos was forged by the great  
 2 past masters out of the depth of Gypsy suffering, and should not be supple-  
 3 mented with the inevitably lesser creations of the prosaic and petty-bourgeois  
 4 modern era. However, the codification must also be seen as relating to broader  
 5 trends, including a desire to legitimize flamenco performances by grounding  
 6 them in a past, inherited repertoire, the aesthetic emphasis on interpretation  
 7 rather than composition, and a shift of compositional creativity to the realm  
 8 of pre-composed songs rather than cantes or estilos.

### 10 **Songs and Flamenco**

11 As we have seen, neither palos nor estilos—the basic structural constitu-  
 12 ents of mainstream flamenco—share the key aspects of a “work,” or of what  
 13 has come to be a standard modern conception of a “song,” in the sense of  
 14 being an original, reproducible, structurally unified, or privately owned entity.  
 15 At the same time, ever since the latter nineteenth century when flamenco  
 16 was performed in public in the *cafés cantantes* (“singing cafés”), it has coex-  
 17 isted and to some extent overlapped with parallel traditions of commercial,  
 18 pre-composed forms of music which tend to fall unambiguously into the cat-  
 19 egory of “songs.” Many flamenco musicians have earned much of their living  
 20 performing or even composing such songs, which in some contexts—such as  
 21 the “ópera flamenca” shows—were performed alongside mainstream flamenco  
 22 (see Washabaugh 1996:43–45). In the first half of the twentieth century the  
 23 most important genre in this category was the *cuplé*, a term deriving from  
 24 French *couplet*, which in Spain denoted a variety of light, romantic, and often  
 25 “naughty” song, marketed in cabarets and on recordings (see Salaün 1995),  
 26 especially by songstresses like Conchita Piquer. The *cuplé* overlapped to some  
 27 extent with another genre called *copla*, here connoting not verse or couplet  
 28 but a variety of popular song—especially Andalusian—often aspiring to greater  
 29 expressive and lyric depth than the *cuplé*, and flourishing particularly in the  
 30 mid-century decades. The Andalusian *copla*, particularly as performed by sing-  
 31 ers like Lola Flores (1923–95), Juanito Valderrama (1916–2004), and Rocío  
 32 Jurado (1945–2006), was typically rendered in an “*aflamencado*” manner,  
 33 with flamenco-style melismas, chord progressions, and the like. Nevertheless,  
 34 both *copla* and *cuplé* differed structurally from flamenco in constituting pre-  
 35 composed songs with original chord progressions, whose verses are themati-  
 36 cally interrelated rather than being a random suite of independent, detachable  
 37 strophes sung in various estilos.

38 Starting around 1970, a virtual revolution occurred in the flamenco world,  
 39 with the advent of what has come to be called *nuevo flamenco*. Although  
 40 “new flamenco” is a heterogeneous phenomenon, its most prominent aspect  
 41 has been the vogue of original pre-composed songs (or passages thereof),  
 42  
 43

rendered by flamenco artists in more or less flamenco style, generally set to the compás of *tangos*, *rumba*, or *bulerías*. Collectively, in a genre where composition had been effectively marginalized, they represent an unprecedented explosion of compositional creativity.

Nuevo flamenco songs typically alternate verses with a catchy, singable refrain (sometimes sung in parallel thirds by two vocalists) and pre-arranged instrumental interludes. The latter generally foreground guitar, but the accompaniment as a whole often includes bass, percussion, and perhaps other instruments. In such songs—which might be called *canciones aflamencadas* (“flamenco-style songs”)—the verses are thematically interrelated and are not detachable entities which would be recycled independently in, for example, a live *bulerías* set. A tendency toward such compositions was evident in early 1970s recordings by Camarón and Paco de Lucía, such as “Son tus ojos dos estrellas” and “Al padre santo de Roma” (1971), in which the verses are more or less related (see Sevilla 1995:34). More quintessentially representative of the new flamenco are songs (and here the word “song” may be used unproblematically) like “Rosa María” (1976) and “Como el Agua” (1981), recorded by Camarón and de Lucía.<sup>10</sup>

Nuevo flamenco has a somewhat ambiguous and uneasy relationship with traditional flamenco. Much nuevo flamenco, both in its musical structure and the slick promotion of its performers, lies clearly in the realm of commercial popular music, and is disparaged accordingly by flamenco purists. Even composer and vocalist Pepe de Lucía, although clearly a gifted songwriter, has stated that he would prefer to make his living singing *cante* (in Calvo and Gamboa 1994:143). Many singers and audiences shun nuevo flamenco entirely, and it is largely kept out of several important performance contexts (such as flamenco *peñas* or clubs, and many festivals and concerts in Andalusia and elsewhere). However, most modern commercial recordings contain mixtures of both traditional and modern styles, and a performer like José Mercé, in a full-fledged concert, might perform the first half in traditional style, accompanied only by guitar, and devote the second half to his semi-pop hits (like “Aire”), accompanied by five or six instrumentalists and background singers.

Not surprisingly, endless polemics rage over the pros and cons of nuevo flamenco, which we need not dwell upon here, except to point out the importance of the role of compositions in this debate. For many of those who value traditional flamenco and especially *cante jondo* primarily for their interpretive spontaneity, the more pop-style nuevo flamenco “ditties,” with their jingle-like refrains and pre-arranged instrumental passages, are anathema. On the other hand, it might be pointed out that the nuevo flamenco vogue has unleashed a virtual explosion of dynamic compositional creativity in the

1 flamenco world, which had been effectively denied another outlet in main-  
 2 stream flamenco, with its codified, fixed repertoire of palos and estilos.

3 The vogue of compositional activity emerging in flamenco from the 1970s  
 4 did not occur in a vacuum, nor is it simply the result of a few creative individu-  
 5 als' efforts, but rather must be seen as part of a larger socio-musical context.  
 6 On the surface level, as suggested above, the trend can be viewed as a reaction  
 7 against the stultifying mairenista orthodoxy of the 1960s, which impeded any  
 8 composition of new palos or estilos. Paco de Lucía said of this period,

9 When I was growing up there was no freedom to compose. You had to repeat  
 10 the old. The *flamencólogos* ["flamencologists"] and flamenco people regarded  
 11 as sacrilegious any note outside of what was already established. Camarón and  
 12 I disrupted somewhat this purist sentiment, which I regard as false. This wasn't  
 13 purity, it was putting the music in a box and archiving it in a museum. I've always  
 14 believed that one should respect traditions but not obey them with a blind faith—  
 15 trying to express your epoch, to be in the moment in which you live, with all the  
 16 musics you hear, all the evolution, and always, always, without losing flamenco's  
 17 essence, force, and personality. (In Gamboa and Nuñez 2003:93)

18 The "epoch" that de Lucía refers to would have been quite distinct from  
 19 that of the previous generation. New musical styles—especially rock, with  
 20 its emphasis on instrumental "hooks" and tuneful refrains—were becoming  
 21 familiar in Spain. Although the xenophobic regime of Franco continued until  
 22 his death in 1975, the last decade had nevertheless been one of prodigious  
 23 and belated cultural opening in Spain, in which all manner of artistic cre-  
 24 ativity, from cinema and literature to flamenco, came to flourish anew. The  
 25 expansion of the record industry further conditioned the trajectory of nuevo  
 26 flamenco, as commercial flamenco passed from an early, almost pre-industrial  
 27 stage of cabarets to a modern capitalist mode more oriented toward mass-  
 28 mediated production. As Paco Sevilla (1995:42) wrote of the new era, "It is  
 29 an age of composers and songwriters. The recording industry ate up most of  
 30 the traditional material and the public demanded something new" (see also  
 31 Washabaugh 1993:42–43). In a broader sense, the nuevo flamenco era was  
 32 quintessentially modern in that it was characterized by the coexistence of a  
 33 neo-classical, relatively fixed traditional repertoire and a flourishing quasi-pop  
 34 genre based to a large extent on new, commercially-oriented compositions.  
 35 The advent of new norms of composition also introduced new conceptions  
 36 of ownership and new challenges for legal copyright.

### 37 **Authorship and Copyright**

38 As we have seen, neither palos, estilos, nor a typical rendering of them  
 39 as a "set" exhibit the sort of originality, reproducibility, uniqueness, and inte-  
 40 grated structure that constitute the key features of a "work" or composition  
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in the modern sense. At the same time, notions of authorship and ownership are not entirely absent or irrelevant to them. One “song”-like feature of the estilos is that, as mentioned, many of them—unlike cantes—are attributed to specific singers, who either transmitted, popularized, or “composed” them in the sense of elaborating, altering, or refining existing melodies. While such attributions were and to some extent remain transmitted primarily through oral tradition, they have also been catalogued—albeit in a manner heavily deriving from oral tradition—by various writers, especially Antonio Mairena. Mairena, like others, explicitly acknowledges the difficulty and even arbitrariness of distinguishing between actual “creators” of estilos and those who merely alter existing ones (Mairena and Molina 1979: 179–84).<sup>11</sup>

Accordingly, the extent to which such attributions of estilo authorship are known or accepted in the flamenco world varies considerably. As mentioned, aside from intellectuals who have perused the studies of Kliman or the Solers, no one, whether a singer or enthusiast, would refer to a given estilo as “Frijones 3” or “Juaniquí 4.” Further, there might be several who would share the opinion of renowned singer Pastora Pavón that the attribution of estilos to individuals is a misleading enterprise. In a 1955 conversation on the subject,

She said that for her part she refused to go along with the publishing houses in referring to “tangos of la Grabiela” [*sic*] or “soleá of la Sarneta” etc; that neither la Sarneta, nor her own brothers Tomás and Arturo [Pavón], nor “El Nitri,” nor Agustino [*sic*] Talega ever sang the same thing; . . . [she insisted that] every respectable singer improvises within the given formulas, making his or her own creation, and that is how it has always been. (Georges Hilaire, quoted in Lefranc 2000: 197)

Pavón is clearly correct to stress the importance of personal interpretation and the danger of regarding the estilos as fixed tunes which the interpreter merely mechanically reproduces. At the same time, many in the flamenco milieu might agree that with all due respect to the great singer, the lady doth protest too much. Although writers on flamenco acknowledge, for example, that Manuel Torre (d. 1933) probably only transmitted rather than created the siguiriya which bears his name, it remains quite standard, and probably accurate, in flamenco discourse to identify other estilos with specific singers, as, for example, with the “fandango of El Gloria,” the “soleá of La Sarneta,” or the “malagueña of Enrique Mellizo.” Further, more extensive and detailed attributions are common in such contexts as liner notes, concert reviews, and flamencological books like those of Gamboa and Nuñez (2003). Moreover, many performers—including people such as Camarón who are not known as bookish “intellectuals”—have taken great interest in acquiring (primarily via oral tradition) a wide repertoire of estilos (whether or not they use that term) and learning the supposed pedigrees of these melodies.

On the whole, by mid-century most cantes and sub-cantes have come to

1 be seen—both in vernacular and legal senses—as being in the public domain.  
 2 Thus, if a modern vocalist announces that he is going to sing a “malagueña of  
 3 Enrique Mellizo,” his intent is to render homage to the venerable creator, and  
 4 to invoke and perpetuate a sense of tradition and historicity (especially of  
 5 Gypsy creators). As suggested by such an announcement, the vocalist would  
 6 then sing, in an interpretive, flexible manner, a malagueña using a new text  
 7 set to one of the melodies created by Mellizo.

### 9 **Gypsies and Non-Gypsies**

10 Despite the sense of impersonality of cante jondo singing, the authorship  
 11 of estilos has acquired some importance not only in the sense of invoking  
 12 legendary stalwarts of the past, but also in ongoing polemics about the role  
 13 of Gypsies, as opposed to non-Gypsies, as creators and composers. This con-  
 14 troversy constitutes a vast and sensitive topic, which need only be outlined  
 15 here insofar as it relates to more general questions of authorship and owner-  
 16 ship. At stake here is the role of Gypsies in the creation—whether collective  
 17 or individual—of cantes and estilos. It has often been asserted—whether in  
 18 reference to the Balkans or Spain—that however skilled Gypsies have been  
 19 as interpreters and performers, they have never been significant as actual  
 20 creators of repertoire. In reference to flamenco, this point of view has been  
 21 argued by such flamencologists as Blas Infante (1980) and Manuel Barrios  
 22 (1989), and recurs in various other contexts.<sup>12</sup> Similarly, historian Timothy  
 23 Mitchell, in his engaging and polemical book *Flamenco Deep Song* (1994),  
 24 argues at length that the flamenco repertoire must be seen as a product of  
 25 Andalusian music culture rather than Gypsy subculture—which itself, as he  
 26 points out, developed as a mixture of not only ethnic *gitanos* but also Jews,  
 27 Moors, and other assorted lumpen bohemians. As Mitchell and others have  
 28 noted, all the fandango forms derive ultimately from Andalusian rather than  
 29 Gypsy music, and even the supposedly Gypsy cantes of soleá and siguiriyas  
 30 can be seen to derive ultimately from hoary Spanish traditions of *romance*  
 31 and *seguidilla*, respectively, and took their modern form in the professional  
 32 contexts of public café cantante stages and the fiestas of rich señoritos.

33 Attempts to highlight Gypsy compositional creativity commenced in the  
 34 late 1950s, prominently, for example, when vocalist Manolo Caracol included  
 35 printed attributions of items in the liner notes to a double-LP of his (see  
 36 Lefranc 2000:35). Shortly thereafter Mairena commenced his “Great Salvage.”  
 37 Mairena, while acknowledging the non-Gypsy origins of light genres like the  
 38 fandango, insisted on the exclusively Gypsy origin of all significant estilos of  
 39 cante jondo, especially soleá and siguiriyas. Mairena’s discussion of the origins  
 40 of these estilos (with Molina 1979:179–98) was thus intended not only to  
 41 codify them and establish a sense of historical legitimacy to them, but also to  
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foreground the role of Gypsies in creating them. Lefranc (2000) corroborates this approach, at once attempting the trace the roots of these cantes to (non-Gypsy) sources like the *romance*, but also stressing how the transformation to soleá and siguiriyas, and the composition of standard estilos, was undertaken overwhelmingly by Gypsies, especially in private festivities.

### Traditional Proprietary Concerns

Aside from such features as originality, reproducibility, uniqueness, and integrated structure, one of the key features of a “work” or composition in the modern sense is its status as property. Traditional attitudes towards and treatment of the flamenco repertoire are contradictory and irregular—as are other aspects of how that repertoire relates to the notion of a composition. On the one hand, palos and estilos have never enjoyed formal senses of protection and exclusivity. Flamenco cantes or estilos have never been extensively marketed as sheet music, nor has there been a particularly common or significant practice of singing “cover versions” of recorded items—i.e., reiterating identical series of verses and estilos in the manner of a pre-composed “song.”

On the other hand, flamenco has certainly involved commercial practices, to some extent, for well over a century, as it was performed in public from the latter 1800s café cantante period on, and from around 1900 it came to be marketed on commercial recordings. For flamenco professional singers, as with singers in other orally-transmitted traditional music genres, public dissemination—via live performance or recordings—constituted at once a necessary means of livelihood and a potentially damaging avenue for the spread of otherwise exclusively retained repertoire. Commercial recordings were particularly double-edged, in that they provided prestige and publicity but made it easy for rivals to copy repertoire. A complicating factor was the sense, among Gypsy artists, that flamenco was their distinctive and unique creation, and that discretion had to be exercised in sharing it with the non-Gypsy public, not to mention rival non-Gypsy musicians.

Accordingly, many Gypsy performers did have a strong sense of ownership of their repertoire and would impart it only under certain conditions. Lefranc, writing of his informants in the late 1950s to the '70s, notes:

In the relation of the Gypsies of lower Andalusia to the cante, we noted a ferocious sense of propriety—it is “what’s ours (*lo nuestro*), we don’t have anything else”—and in effect, they have little sense of collective memory, nor knowledge of the past, even the recent past. This sense of ownership is so strong that, in the early '60s, the initiative of [Antonio] Mairena, who went in search of old cantes, was regarded critically in the villages; they called him a *robacantes* [cante-thief]. The basis of this reticent sense of ownership is the fear of being dispossessed—which to a large extent is what has happened. In effect, the phonograph record

1 has not only rendered the inheritance accessible to everyone but has also disas-  
 2 sociated it from the livelihood that had been its basis. (2000:28)

3 The reluctance of some Gypsy musicians to disseminate their repertoire in  
 4 the *café cantantes* was particularly strong. Lefranc continues:

5 We can surmise the existence in Triana, in the last third of the nineteenth century,  
 6 of a veritable taboo against selling such cantes: according to a formula attrib-  
 7 uted to Juan el Pelao, a blacksmith Gypsy of Triana, to sell cante is like selling  
 8 a woman, that is to say, it is prostitution. In a general sense this taboo persists:  
 9 if at times it seems to be bypassed, it is with ingenuity. The real cante is *given*,  
 10 behind closed doors. That which is sold, in most cases, is a bit less real, and its  
 11 quality will depend on the level of competence of the listener and his manner  
 12 of hearing: "one sings according to the face"—of the listener . . . In a public per-  
 13 formance, Gypsies, probably since centuries ago, perform what they are asked  
 14 to, but typically limit themselves to offering anodyne; later, they get together  
 15 amongst themselves and delight in singing the real thing; I've seen this many  
 16 times. (2000:34; emphasis in the original)

17 Thus, he notes, the commercial recording of bits of traditional cante by  
 18 early-twentieth-century Gypsy singers like Manuel Torre would constitute  
 19 only an occasional and somewhat exceptional occurrence in relation to the  
 20 ongoing, more mainstream transmission in private Gypsy fiestas and song  
 21 sessions. A few singers refused to record, or, like Pepe el de la Matrona, did so  
 22 only late in their lives, and famed vocalist Tomás El Nitri reportedly refused  
 23 to perform in front of Silverio Franconetti (1831–89), who popularized, stan-  
 24 dardized, and professionalized much flamenco via his famed *café cantante*.  
 25 Franconetti's presentation of private Gypsy repertoire to the general paying  
 26 public is variously lauded as the effective creation of an art form,<sup>13</sup> or, as  
 27 Lefranc suggests, it could be regarded as a "*Gran Indiscreción*" (2000:29).  
 28 Similarly, while one of Mairena's motives in publicizing and recording cante  
 29 jondo repertoire was to illustrate the breadth of Gypsy contribution to the  
 30 flamenco repertoire, in doing so he undermined in some respects the privi-  
 31 leged status of Gypsy performers by making that repertoire available to any  
 32 interested singer, Gypsy or *payo* (non-Gypsy). Hence the harshness of Le-  
 33 franc's critique of the *mairenistas*: "In the mid-1950s . . . certain ill-tempered  
 34 Gypsies became angered to the point that they conceived the demented idea  
 35 of making available to everyone the authentic repertoire of Gypsy origin,  
 36 with the aim of putting an end to adulterations and to the myth that Gypsies  
 37 hadn't contributed to the cante" (Lefranc 2000:191).

38 Such protective attitudes toward traditional family repertoire have been  
 39 common in other professional oral music traditions, as in North Indian clas-  
 40 sical music culture, where some early twentieth-century singers refused to  
 41 record and some still refrain from performing certain family-jewel songs in  
 42 public.<sup>14</sup> In the long run, of course, such singers, with their secret repertoire,  
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can end up being largely forgotten, except as vaguely revered names. Moreover, in flamenco and in India, the hoarding of repertoire has largely come to be seen as an archaic practice, especially as so much repertoire becomes available via commercial recordings. Certainly since the mid-twentieth century, most flamenco singers would welcome the prestige that a commercial recording offers, and the knowledgeable listening public would not throb to hear a vocalist who was known to present only “anodyne” on stage.

### Copyright in Mainstream Flamenco

Some of the ambiguities, contradictions, and tensions involved in traditional proprietary conceptions of ownership in flamenco have carried over into the realm of copyright, which also introduced its own norms and, in some cases, abuses. In many respects, the challenges flamenco has posed to copyright law and practice have been typical of other oral-tradition musics that enter the world of commercial marketing, especially when such traditional genres evolve into commercial popular idioms. At the same time, the conceptions of authorship and ownership in flamenco, as we have seen, are in some respects unique, and have posed their own idiosyncratic difficulties to copyright observance.

In theory, and to a considerable extent in practice, modern copyright law and its representative institutions have been able to handle much flamenco, whether traditional or modern, without difficulty or conflict. Artists’ incomes from recordings could come from a combination of three sources (all of which might be referred to as *derechos de autor*, a term which could variously translate as “copyright,” “royalties,” or other phrases, depending on context). First, performers are paid by the recording company, at a rate and in a form that is subject to negotiation; thus, a singer might accept a flat fee, or negotiate a royalty rate linked to record sales, or some combination of those two formats. Second, performers are also paid royalties by AIE (La Sociedad de Artistas Intérpretes o Ejecutantes de España), which collects appropriate percentages from record companies to be distributed to its members. Third, composers, lyricists, and/or arrangers (if any) are paid royalties by SGAE (Sociedad General de Autores y Editores), which in this context functions like the American institutions ASCAP and BMI, collecting appropriate payments from record companies.<sup>15</sup> If the music and/or lyrics are assumed to be “popular” (i.e., in the public domain), then SGAE retains the amounts that would otherwise be distributed to authors.

As can be imagined, different sorts of flamenco records would involve distinct sorts of payments. At one end of the spectrum would be newly-composed nuevo flamenco songs, which could be treated like any commercial popular songs, with their clearly delineated and properly recompensed composers,

1 interpreters, producers, session accompanists, and the like. At the other end  
 2 of the gamut are renditions of traditional flamenco, which can also be accom-  
 3 modated into copyright norms. Thus, for example, if a songstress records a  
 4 traditional *siguiriya*, using an *estilo* of Manuel Torre (d. 1933), with traditional  
 5 lyrics, such as “De Santiago a Santa Ana,” no royalties need be paid to the estate  
 6 of Torre for the melody, nor to anyone for the lyrics, as they are both in the  
 7 public domain. There would be no composer’s or publisher’s rights involved  
 8 in the recording. The singer would thus be paid an artist’s fee by the AIE and,  
 9 as negotiated, by the record company. If she tried to falsely register a lyric as  
 10 her own (in order to receive royalties from SGAE as a lyricist), she might be  
 11 able to do so, unless the lyric title appeared in SGAE’s database as “*popular*,”  
 12 in which case SGAE would refuse payment to her, on the basis that it could  
 13 not verify the lyrics as being her original creation.<sup>16</sup>

14 In the first half of the twentieth century, it is safe to say that relatively  
 15 little attention was paid to copyright in the realm of traditional flamenco.  
 16 Most material was regarded as coming from oral tradition. Most singers who  
 17 recorded did so primarily for the publicity, and were generally happy to ac-  
 18 cept a flat fee rather than royalties, which might never materialize. Further,  
 19 sales of most flamenco records were small. Moreover, although mechanical  
 20 rights might conceivably be involved if, for example, the particular recording  
 21 were relicensed or reused, composition or publisher’s rights appear to have  
 22 been effectively non-existent. Such compositional copyright would not have  
 23 been remunerative or operative in any case, since there is little tradition of  
 24 singing “cover versions” of recorded items—i.e., reiterating identical series  
 25 of verses and *estilos* in the manner of a pre-composed song. Oddly enough,  
 26 some of the most profitable recordings were those made at the very dawn of  
 27 the industry, especially in the case of vocalist Antonio Chacón, who earned  
 28 considerable sums (as flat fees) from his recording contracts, including those  
 29 for eleven thousand phonograph cylinders produced in 1899.<sup>17</sup>

30 As in other world musics during this early period of the recording in-  
 31 dustry, some abuses certainly occurred. Even in the supposedly more regu-  
 32 lated realm of the commercial *cuplé*, as Salaün relates (1995:91), “One has  
 33 to remember that the idea of copyright was not yet firmly established and  
 34 singers poached material from each other freely.” Further, given flamenco’s  
 35 frequent mixture of traditional material and other material—whether music  
 36 or lyrics—of known and recent authorship, some irregularities were bound  
 37 to occur. A recording of *soleares*, for example, might well include one verse  
 38 handed down from oral tradition, one written by the singer’s uncle and al-  
 39 legedly provided by verbal agreement, and another written by a professional  
 40 poet and taken from another commercial recording. The vocalist might go  
 41 to great lengths to ensure scrupulously proper compensation of all parties  
 42 involved; alternately, he might claim the lyrics as his own, or, more likely, he  
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might simply register the lyrics as “*popular*,” i.e., understood to be in the public domain. The main factor limiting the scope for disputes would be the likelihood that the recording would not in any case generate much income for anyone. In flamenco discourse one hears occasional reports of singers listing protected lyrics as “*popular*” in order to avoid paying royalties, but these sorts of indiscretions are common to many genres and, further, would generally not involve large sums of money.

Complications began to emerge when, especially from the 1970s, it became more common for authorship, whether of music or lyrics, to be registered by persons other than the singer, whose status would thus be explicitly relegated to that of an interpreter of material legally owned by someone else. Such complications are not necessarily injustices, but often embody the distinctive, and in some cases competing, kinds of authorship involved. A significant grey area has involved whether or the extent to which anyone could legitimately claim compositional authorship—and subsequent royalties—from SGAE. Such a claimant might be the guitarist, whose guitar introduction and interludes (*falsetas*) might be to some extent original creations of his. Alternately, the guitarist, the singer, or perhaps even a “producer” might claim credit for “arranging” the music. Disagreements over such claims are not unheard of.<sup>18</sup>

While I discuss the case of Camarón de la Isla in greater detail below, here we may look at a few typical recordings by that vocalist, in collaboration with guitarist Paco de Lucía as well as Paco’s father, Antonio Sánchez, and brother, Pepe de Lucía (b. 1945), both of whom were active as composers and lyricists. A typical breakdown for such a recording might be as follows: from the ten dollars, for example, collected from the sale of a cassette (after the vendor’s profit is accounted for), seven might go to the record company, two (via the record company and AIE) to the artists as interpreters (primarily, Camarón and Paco de Lucía), and one (via SGAE) to the composer(s) and lyricist(s).

We may take as a typical track the fandango “Donde una ermita poner,” on a 1970 album.<sup>19</sup> The liner notes on the cassette version of this attribute the authorship (in an unspecified capacity) to “Francisco Sánchez” (the birth name of Paco de Lucía). By contrast, Gamboa and Nuñez—presumably citing the original LP release—indicate that while the music is credited to Francisco Sánchez, the lyrics are credited to Antonio Sánchez, his father, who wrote many of the lyrics for Camarón’s recordings. As is often the case, attributions on liner notes are imprecise, if not simply false, and they do not constitute legal documents of ownership in any case. Accordingly, they are in this case at variance with the current SGAE database, which attributes fifty percent of the authorship to Antonio Sánchez and twenty-five percent to Pepe de Lucía. In fact, while Paco de Lucía’s guitar interludes are to some extent

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1 original, the vocal estilo of this fandango is “traditional,” being that fashioned  
 2 by Rafael el Tuerto and popularized by Antonio el Rubio (see Gamboa and  
 3 Nuñez 2003:330–31). Similarly, for example, Camarón’s “No naqueres más  
 4 de mí”<sup>20</sup> is registered to Antonio, although in musical form, as listed on the  
 5 liner notes, it is a “Tangos del Titi,” that is, a tango estilo attributed to vocal-  
 6 ist El Titi. The same album also contains a fandango “Ni que me manden a  
 7 mí,” whose melody was composed by Enrique Morente but first recorded  
 8 by Camarón (Gamboa and Nuñez 2003:129, 396) with Morente’s amicable  
 9 permission; the SGAE database attributes the authorship (of the lyrics?) to  
 10 Antonio Sánchez, such that Morente’s estilo has effectively become public  
 11 domain, in legal terms. Neither he nor Camarón nor Paco de Lucía receive  
 12 any credit as composers.

13 The practice of claiming compositional rights to essentially traditional  
 14 music appears to have begun around 1970; Paco de Lucía stated that he  
 15 was one of the first to do so (in Grimaldos 1993:83). For a figure like de  
 16 Lucía, it could be argued that not only were his guitar interludes (falsetas)  
 17 original, but that he was the effective arranger of the music. Potentially  
 18 problematic and misleading is the occasional practice of registering au-  
 19 thorship of traditional lyrics, whether deriving from oral tradition or from  
 20 anthologies like that of Antonio Machado in 1881. In a typical flamenco  
 21 record, such attributions might garner some negligible royalties for a sup-  
 22 posed author. They also might occur if, for example, someone registered  
 23 as his own the lyrics to a song consisting of an original verse of his along  
 24 with some traditional ones (just as liner notes might say “Tangos of Pastora,”  
 25 when in fact only the first verse is of Pastora). Although a few sources have  
 26 cited the practice of claiming authorship to traditional public-domain lyr-  
 27 ics (see, e.g., Calvo and Gamboa 1994:208), it is not clear how widespread  
 28 this practice is. In any case, such an attribution would not be illegal if the  
 29 documented original source—such as Machado’s book—were more than  
 30 sixty years old and the material had entered the public domain (see, e.g.,  
 31 Peregil 1993:192); nor would any such pseudo-author be likely to attempt  
 32 to collect royalties on someone else’s use of those lyrics if they could be  
 33 easily found in such a source. Nor would such a claim, involving lyricist’s  
 34 royalties paid by SGAE, decrease the money earned by the performers (as  
 35 paid by the record company and AIE). A converse practice is that of sing-  
 36 ers registering lyrics by known authors as “popular,” i.e., public domain, in  
 37 order to avoid paying royalties to the real author. Both practices—claiming  
 38 ownership of public-domain material, and registering as “popular” material  
 39 in fact owned by someone else—are not unique to the flamenco world but  
 40 occur in various genres worldwide. While in flamenco they may occasionally  
 41 generate expressions of alarm or indignation, there is no evidence that they  
 42 have constituted serious and widespread problems. On the whole, individual  
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authorship and ownership of compositions are not important concerns in mainstream (traditional) flamenco, even as it flourishes today.

### A Polemic Erupts: Camarón and Paco de Lucía

As we have seen, the sorts of irregularities and ambiguities pertaining to authorship and ownership of flamenco generally mattered little as long as the profits involved were inconsiderable. It was not really until the early 1990s that sales of flamenco recordings began to reach levels that could generate genuine concern over compositional rights. It was at that point that an ugly controversy erupted that rocked the flamenco world as a whole and raised, for the first time, serious questions about the nature of ownership, authorship, and copyright in flamenco.

The central figure in this in this controversy was José Monje, or Camarón de la Isla (1950–92), who is generally regarded as the most brilliant flamenco vocalist of the latter twentieth century. Camarón’s career took off when he started performing and recording with Paco de Lucía (b. 1947), who was in the process of revolutionizing flamenco guitar. Starting in 1969, Camarón and de Lucía produced a series of outstanding LPs, in which de Lucía’s father (Antonio Sánchez) and brothers (Pepe de Lucía and, to a lesser extent, Ramón de Algeciras) were also involved. Antonio Sánchez, a professional guitarist (and with Camarón, a lyricist) had successfully trained his sons as a putative dynasty; Ramón (b. 1938) was a fine guitarist, who frequently accompanied Camarón and others; Pepe, although trained in guitar and, of Antonio Sanchez’s sons, the most devoted to singing, has made his living primarily through composing modern flamenco songs and lyrics. Paco turned out to be the family genius, achieving an international renown (and income) unprecedented in flamenco, via his various performances and recordings, whether done solo, with his sextet, with Camarón, with other flamenco singers, or with artists like John McLaughlin and Al DiMeola.

Camarón’s recorded repertoire with Paco and family ranged from cantes rendered in more or less traditional style to innovative, catchy, pre-composed songs like “Como el Agua.” Camarón became like an additional member of the family, whom they professionally groomed and personally loved, despite the mistrust that sometimes exists between Gypsies, like Camarón, and non-Gypsies, such as the Sánchez family. In the 1980s the links between the two parties became strained, as Camarón forsook the Lucías to work with other producers, and Paco devoted more time to touring internationally on his own. Camarón’s own career became increasingly limited by his lack of enthusiasm for touring (especially abroad) and by his heroin addiction, which started around 1980. Nevertheless, in 1991 the bonds between Paco and Camarón—who was by then dying of lung cancer—were re-established when they re-joined for a final LP (*Potro de rabia y miel*).

1 While some Gypsies in Spain have a reputation for being crafty, street-wise  
 2 hustlers, Camarón conformed to a different stereotype, that of the impulsive  
 3 artist who paid little attention to financial matters. In his early years of collabora-  
 4 tion with the Lucía/Sánchez family, Camarón entrusted his finances largely  
 5 to Antonio Sánchez. With the Lucías and, later, on his own, he earned well,  
 6 mostly through performing concerts, as records were not very remunerative  
 7 for any flamenco performers. He bought a few properties for his family, and  
 8 refrained from squandering his earnings on luxuries, with the exception of his  
 9 heroin habit. In other respects he was alternately heedless and grabby, lavishly  
 10 tipping waiters at a party one day, and trying to sell de Lucía some overpriced  
 11 socks the next (earning only raucous laughter [Peregil 1993:165–66]). In the  
 12 final months of his life, with his health and perhaps mental stability fraying,  
 13 he became especially concerned about the future welfare of his wife and  
 14 children, and about his prior inattention to his finances and past reliance on  
 15 the Lucías. In particular, his ears appear to have been poisoned against his  
 16 collaborators—especially the Lucías—by his personal “handler” and advisor,  
 17 one José Candado.

18 His confused head filled with unrealistic figures, recriminatory bad advice,  
 19 and belated mistrust of the people whom he had allowed to handle or mis-  
 20 handle his past finances, Camarón gave a television interview a month before  
 21 he died (on July 2, 1992) in which he said of his recordings, “I’ve discovered,  
 22 after the great shock that it’s given my family, that the work isn’t mine . . .  
 23 So if it’s true that I’ve contributed something to flamenco, then I’d like for  
 24 some of it—at least half—to remain for my family.” Camarón was referring  
 25 specifically to the compositional rights to his recorded oeuvre, of whose 164  
 26 songs he was a registered author of only six songs, and shared credits for a  
 27 few others, the remainder of the recorded repertoire being either assumed  
 28 to be “traditional,” i.e., in the public domain, or else signed by various lyricists  
 29 and composers, such as Ricardo Pachón, Antonio Humanes, Paco de Lucía,  
 30 Antonio Sánchez, and especially Pepe de Lucía. Candado and Camarón’s wife  
 31 (later widow) Chispa subsequently made various inconsistent statements,  
 32 some of which specifically exonerated the Lucías from any accusations, but  
 33 others of which clearly implied that they and the other payo (non-Gypsy)  
 34 collaborators and producers had cheated Camarón by not registering him  
 35 as co-author of his recorded songs.<sup>21</sup>

36 Many in the Gypsy community, who had idolized Camarón, were inflamed  
 37 by the notion that their guileless hero had been exploited by the wily Lucía  
 38 clan. At Camarón’s funeral, some of them shouted “Thief!” at Paco de Lucía,  
 39 who also received telephonic death threats, uttered in strong Gypsy accents.  
 40 Camarón’s family, with Candado’s evident guidance, hired a team of five law-  
 41 yers to pursue the issue. The lawyers’ report insisted that the authorship of  
 42 Camarón’s recorded work was “collective,” such that he merited composer’s  
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royalties. While they did not pursue litigation, they called upon his various collaborators, who held the authorial rights, to cede parts of those rights to Camarón's heirs in a spirit of good faith.<sup>22</sup> Chispa also made specific requests via intermediaries to those registered authors.

Paco de Lucía was traumatized by the affair, succumbing to a prolonged depression and hardly touching his guitar for the next year. He had had great affection for Camarón, had helped him financially on several occasions, and, with his family, had always had close and amicable relations with other Gypsies. From all published accounts, Paco behaved in this affair, as in all other aspects of his life, as a perfect gentleman. Whether judiciously or not, he refrained from speaking in public about the matter until a year later, when he gave an interview with a magazine (Grimaldos 1993). On that occasion he related that, among other things, he had requested from SGAE a precise accounting of all the sales of his records with Camarón and the composer's royalties Paco had received from them. These data were supplemented by other journalistic investigations (especially Saenz 1992), which collectively revealed much about the nature of flamenco commercial recordings.

SGAE's statistics revealed how surprisingly, even pathetically, low the sales of the records were. Camarón's nineteen records, as of the time of his death, had only sold a total of 361,172 copies (aside from pirate sales). Thus, for example, although the 1981 album *Como el Agua*, with its catchy title tune, was a classic in the flamenco world, it had sold only a piddling 7,541 copies. Only in Camarón's final years did sales pick up, with *Potro de rabia y miel* going gold after selling fifty thousand and later surpassing seventy thousand. Paco de Lucía, in his capacity as a registered author or co-author of several songs on the first three albums, had received well under \$8000 in royalties.<sup>23</sup> Although Camarón's records were expected to enjoy ongoing steady sales, the revenues generated by their sales to date were only around a tenth of the giddy sum publicized by Candado.

In most cases, as mentioned, flamenco recordings have not been significantly remunerative for performers. Artists made recordings primarily for publicity, as documents for posterity, and as creative endeavors in themselves, rather than for expected royalties. Paco de Lucía related that every record made with Camarón involved spending three or four months in the studio and forfeiting three or four hundred thousand dollars of profits that his group could have earned touring; in his later years Camarón himself could earn as much as \$30,000 for a single concert (though he turned down most requests). On the other hand, someone like Pepe de Lucía, whose performing career has been only moderately successful, might well depend for his livelihood on author's royalties from the many songs he had composed for other singers.

Most relevant for the purposes of this article are the general issues that

1 the polemic raised about ownership of flamenco repertoire. Camarón's re-  
 2 corded oeuvre could be grouped into a few different categories. One of these  
 3 would comprise renditions of traditional cante in which neither lyrics nor  
 4 music were claimed by anyone; neither Camarón nor anyone would properly  
 5 have any legitimate claim to authorship of such items, which abounded in  
 6 the early recordings.<sup>24</sup> At the other end of the gamut would lie recordings  
 7 of catchy songs like "Como el agua," whose lyrics and melodies were com-  
 8 posed by individuals like Pepe and taught to Camarón. In between would  
 9 lie the many songs which mixed old and new elements, or contained strik-  
 10 ingly innovative and original renditions of familiar cantes. Camarón was al-  
 11 legedly especially upset when he discovered that he had no royalties from  
 12 the composition of the cante "Canastera" (Fernández Zaurin and Candado  
 13 2002:62–63). For all these recordings Camarón would have received some  
 14 royalties as a performer—especially after the renegotiation of his contract  
 15 with Polygram in the 1980s, when he was granted the relatively high inter-  
 16 preter fee of twelve percent (see Peregil 1993:193). At issue, however, were  
 17 the potentially larger royalties that could conceivably in the future accrue  
 18 from compositional rights.

19 One question is whether Camarón, or anyone, would have a right to  
 20 claim compositional rights to renditions of traditional cante. As we have seen,  
 21 Paco de Lucía, Pepe, and their father appear to have claimed authorial rights  
 22 on several such items. Aside from the fact that royalties earned from these  
 23 claims were inconsiderable, Paco could legitimately claim some credit for  
 24 the originality of his guitar interludes (falsetas), and as he asserted, "They've  
 25 accused me of claiming as mine things that weren't mine, but the truth is  
 26 the opposite. In Camarón's discography there is much material I composed  
 27 but didn't register as mine" (in Grimaldos 1993:83). The issue arises as to  
 28 whether Camarón should have claimed partial compositional rights for his  
 29 innovative renderings. Singing a flamenco cante is not like singing a pop song;  
 30 as we have seen, the palos and estilos are less fixed melodies than skeletal,  
 31 flexible frameworks, whose successful rendering depends on the singer's  
 32 interpretive nuances and flourishes—precisely the elements that distinguish  
 33 an ordinary singer from a brilliant one like Camarón. Was he merely an inter-  
 34 preter of material that was either traditional or composed by others, or were  
 35 his renderings of that material so structurally distinctive and original as to  
 36 render him an effectual "co-composer"? Indeed, given the flexibility inherent  
 37 in almost any rendition of cante, should flamenco singers as a whole not be  
 38 justified in claiming partial authorial rights? The report prepared by Antonio  
 39 Agesta, who headed the team of lawyers contracted by Camarón's family,  
 40 claimed that the authorship of his work was at least "collective," arguing,  
 41 "At least he should be seen as a co-author in all [the songs not registered to  
 42 him] . . . based on our study of the musical structure of the themes" (in Soto  
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Viñolo 1992). However, it is hard to imagine what sort of study of the music could reveal such an assessment; rather, in order to judge Camarón's role as composer one would need to know something about the actual processes of composition and recording.

To some extent, these processes have been described by Camarón's collaborators, especially Paco de Lucía and family, although ambiguities clearly remain.<sup>25</sup> It is clear that except in a very few cases, Camarón would arrive at a recording session without any particular material except his considerable knowledge of traditional cante. In recording, he would to a large extent rely on his collaborators for original repertoire, including many details of rendition. In a typical session, Pepe de Lucía would bring a demo tape in which he sang the items (with lyrics written by himself, his father, or family friend and vocalist Fosforito), which Camarón would copy. Often, as they related, Pepe would have to repeat a phrase twenty times, while Camarón struggled to get the hang of it; then, just as the de Lucías were ready to give up from exasperation, Camarón would finally get it, rendering it with an original flourish that astounded and delighted everyone (see, e.g., Gamboa and Nuñez 2003:247). Paco Sevilla sums up the argument as follows:

Camarón had no right to [composer's] compensation for songs he didn't compose. But in his case there was a catch. Camarón de la Isla sang no song as it was written. His genius lay in his ability to totally recreate a song, to convert a trite ditty into a work of art, to create from a simple song that might pass unnoticed if sung by another, a flamenco experience guaranteed to survive in flamenco history and become a part of tradition. (Sevilla 1995:172-75)

Such considerations have led some to fault Spanish copyright law for not granting greater rights to flamenco interpreters (see, e.g., Telléz 2003:194). As it is, however, both the law and extant published opinions tend to favor the legitimacy of the distinction between composer and interpreter, both in the abstract and in reference to the specific case of Camarón. Camarón's brilliance as an interpreter gained him his high concert fees and his artist fees as a performer on recordings, but not retrospective rights as a composer (except, of course, in so far as he had negotiated such rights in his original recording contracts).

Given these considerations, despite the personal sympathy felt for Camarón and his bereaved family, both Camarón's collaborators as well as journalists and flamencologists writing on the subject were largely unimpressed by the claims that he merited half the compositional rights to his recordings. Accordingly, most authors of songs recorded by Camarón rejected Chispa's petitions to cede composition royalties, especially since such an action would suggest prior wrongdoing on their part (see Peregil 1993:193).<sup>26</sup> Pepe de Lucía, while saying he would sing innumerable benefit concerts for Camarón's family, told Camarón before his death that he wouldn't give up a penny of what

1 was rightfully his; “Camarón got the rights that he earned, via the AIE . . . but  
 2 not the rights to my songs, because if I gave him those then I would have  
 3 four hundred Gypsies demanding the same” (in Peregil 1993:190). Similarly,  
 4 Ricardo Pachón, who composed songs like “La leyenda del tiempo,” spoke of  
 5 the hard work he put into such compositions, and asserted, “There is nothing  
 6 to discuss regarding those rights. [Camarón] never demanded any percent of  
 7 those royalties and was not an interpreter who changed the songs . . . The au-  
 8 thor must be respected” (in Telléz 2003:198, Peregil 1993:189, Saenz 1992).

9 One subtext in the controversy was the old argument about whether  
 10 Gypsies—like Camarón—should be recognized as composers, or were merely  
 11 gifted and flamboyant interpreters of music composed by non-Gypsies, such  
 12 as the Lucía family, Ricardo Pachón, and Antonio Humanes. Another underly-  
 13 ing theme was the way the conflict embodied the tensions inherent in the  
 14 collision of an oral tradition with modern notions and practices of composi-  
 15 tion and copyright.

## 17 **Conclusions**

18  
 19 In the introduction to this essay I suggested that the changing conceptions  
 20 of composition and ownership in flamenco are related to broader processes of  
 21 modernity. Apprehending flamenco in relation to these themes can highlight  
 22 both parallels with other genres of world music, and also distinctive features  
 23 of flamenco culture—all of which, however, can be seen as representing en-  
 24 counters with modernity in some fashion.

25 In a general sense, the processes outlined in this paper represent the  
 26 encounter of, on the one hand, an oral tradition, and its attendant “folk” or  
 27 “urban folk” modes of composition, with, on the other hand, modern com-  
 28 positional norms as conditioned by copyright, a music industry, and other  
 29 phenomena. What is particularly characteristic about flamenco is the transfor-  
 30 mation of a traditional form of composition into a modern one, and the way  
 31 that the products of each now coexist side-by-side. Until sometime before the  
 32 mid-twentieth century, traditional-style composition of estilos was to some  
 33 extent common and successful, in the sense that a sub-cante developed by  
 34 an artist—no doubt by altering an existing one—would come to be used  
 35 by other singers as a stock melody, perhaps bearing the name of its creator.  
 36 By the 1950s, this sort of successful composition declined dramatically, in  
 37 that a canonic repertoire of estilos (not to mention palos) in the core cantes  
 38 became codified, and newly created melodies were unlikely to be used as  
 39 stock tunes by other singers. Singers copy Camarón’s *style*, but not necessar-  
 40 ily his estilos. Despite, or perhaps even partly because of such ossification,  
 41 the period since 1970 has seen an explosion of compositional activity, in  
 42 the form of “canciones aflamencadas” which may be more or less “pop” in  
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orientation, and which are not used—and are not designed to be used—as estilos or stock melodies for the settings of new lyrics.

These two modes of composition can be seen in some respects as pre-modern and modern, respectively, although the process of codification of the traditional repertoire is in its own way a modern phenomenon. The neo-classicist standardization of repertoire promoted by Mairena and his collaborators invites obvious comparison with similar projects in other music cultures. One thinks in particular of the early-twentieth-century efforts of musicologist V.N. Bhatkhande to codify the repertoire of North Indian *râgas*, and the similar endeavors of Mirza Abdollah and later Nur Ali Boroumand to compile and document the *radif* (traditional repertoire) of Persian classical music (see, e.g., Nettle 1992:4, Bakhle 2005). All these projects can be seen as essentially modernist attempts to strengthen and rescue for posterity a threatened and otherwise disorganized traditional repertoire by documenting and classifying it via learned publications and, in Mairena's case, commercial recordings. A more general sort of analogy could even be made to the trajectory of composition in Western music culture, whose concert repertoire now consists overwhelmingly of an inherited body of music from the eighteenth and nineteenth centuries, with more modern compositions either managing only marginally to penetrate the concert halls, or else being oriented toward commercial popular music. Western art music culture can be said to resemble traditional flamenco in that its locus of creativity and aesthetic interest has shifted from composition to interpretation of a fixed body of material.

With the advent of modernity, however, come new dimensions of financial considerations, as embodied in contracts, royalties, and formal ownership of repertoire.<sup>27</sup> Flamenco, as we have seen, poses special challenges to copyright, especially insofar as neither cantes, estilos, nor their renderings cohere with established conceptions of "works." Ambiguities are inherent to the genre. At what point, or to what extent, can a guitar falseta adapted from earlier prototypes be considered an original "composition," meriting author's royalties from SGAE? To what extent, if any, should a flamenco singer, whose interpretive nuances are the very essence of the art form, be credited as a co-composer, as opposed to a mere interpreter of traditional or pre-composed repertoire?

As long as the sums of money, and especially those accruing from authors' royalties, are inconsiderable, then such legal grey areas may not be of great concern to the parties involved. However, the case of Camarón de la Isla illustrates that in flamenco, as in other genres, there operates a certain basic rule of copyright: ambiguity plus money equals litigation—that is, where there is ambiguity of ownership, and where real money is involved, legal action will follow. Such conflicts may continue to erupt in flamenco, whose international record sales now generate something like thirty-five million

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dollars annually.<sup>28</sup> Nor are these issues confined to music: in 2001 flamenco choreographer Javier Latorre issued a manifesto in which he bitterly denounced the plagiarism of choreographies in the professional flamenco dance world—activities that involve formidable sums of money.<sup>29</sup> While such conflicts may generate much bitterness, they also oblige the parties involved to confront and articulate issues of authorship, composition, and ownership.

It has often been noted that new genres like hip-hop, Jamaican dancehall, and remixes present new challenges to copyright and to the notion of a “work.”<sup>30</sup> Flamenco, unlike these genres, involves no use of new technologies, but in its own way it poses similar challenges, in ways which are at once distinctive, and distinctively modern.

### Acknowledgments

While taking full responsibility for the contents of this article, I wish to acknowledge the particular insights I have gained from Norman Kliman, Estela Zatania, and especially Brook Zern, who provided detailed comments on an earlier version of this article.

### Notes

1. See, e.g., Skierra 1990.

2. The features of and distinctions between cante and estilo are further elucidated in Manuel 2006, which notates and analyzes a representative recording of soleares.

3. Kliman’s website is <http://www.ctv.es/USERS/norman/>.

4. Malagueña might constitute one sort of exception, in that “a malagueña” typically implies the singing of a single copla (rather than a series of three or four), whose elaborate, melismatic, drawn-out rendering might easily last two or three minutes.

5. The canasteras appear on the albums *Canastera* (1972) and *Rosa María* (1976). Paco also recorded an instrumental version of canastera on *El duende flamenco de Paco de Lucía* (1972: Philips 824417-2), reissued on *Entre dos aguas* (1976: Smash 7166071).

6. Both can be heard on El Lebrijano’s LP *Persecución* (Philips 7166037).

7. Norman Kliman’s erudite website (see footnote 1), while lacking staff notation, extends the catalogue of the Solers, and provides short MP3 excerpts of all known estilos in soleares and siguiriyas. Pierre Lefranc’s impressive book *El cante jondo* (2000) constitutes a parallel and largely corroborating documentation (again, however, without staff notation) of the soleá and siguiriyas repertoire.

8. Zatania, in a post in 2004 on the flamencodisc/yahooogroups email list.

9. Lefranc specifies some of these “resurrections” (2000:198).

10. Most of the leading composers of such songs have been flamenco guitarists, including Paco Cepero, Diego Carrasco, Manzanita, Vicente Amigo, Paco de Lucía, his father Antonio Sánchez, and his brother, Pepe de Lucía. Some have made quite good money composing and producing, as has Cepero with singers El Turronero, La Marelu, Juanito Villar, and Chiquitete (whom he groomed as pop stars), and Pepe de Lucía with Remedios Amaya, La Susi, and La Venta (Sevilla 1995:107–08). A few singers, such as l’Torta, José de la Tomasa, and El Capullo, have enjoyed success at writing their own material. Space does not permit discussion of authorship and compositional practices in flamenco guitar music.

11. See Gamboa (2005 142–43) for further discussion of the mairienista attributions of estilos.

12. For example, the liner notes to the influential and ground-breaking 1954 *Anthologie du Cante Flamenco* (Ducretet-Thomson, reissued on Hispavox) assert that Gypsies have not made any significant contribution to the flamenco repertoire aside from their talent at expression. See also Lefranc 2000:35. Note that I use the term “Gypsies” (rather than Roma or Romani) in accordance with standard English-language writing on flamenco.

13. For example, In 1881 Antonio Machado y Alvarez wrote: “The Gypsy genre, in leaving the tavern for the café, became ‘Andalusianized’ and was converted into what everyone calls flamenco. Silverio created the genre of flamenco, a mixture of Gypsy and Andalusian elements” (1975 [1881]:180–81).

14. For example, at a recording session of vocalist Girja Devi I once suggested to her that she sing the rare rãg Gandhãri-Bahãr, which I had heard her sing many years before; she smiled and replied that it was a special treasure of her *gbarãna* (family tradition) that was not to be recorded.

15. SGAE, although technically a private institution, operates in many respects like a state monopoly and extends its activities to such realms as mechanical rights, broadcast mechanical rights, grand rights, film, theater, choreography, and mimes. As with ASCAP and BMI, those parties from whom SGAE collects fees—whether a restaurant playing recorded music, or an individual hiring a band for a party—may regard SGAE as onerous, while on the other hand, artists represented by SGAE may appreciate its efforts in collecting dues on their behalf.

16. Thus, for example, in a meeting with New York SGAE employee Alex Garcia, I verified that the familiar guajiras lyric “Contigo me caso indiana,” which has been recorded several times, is correctly listed as “popular” and thus could not be claimed by any party.

17. See his 1922 interview, reproduced in <http://www.flamenco-world.com/artists/chacon/entrevista.htm>.

18. For example, such disagreements emerged over the compositional rights involved in the album *La leyenda del tiempo* of Camarón, in which were also involved producer Ricardo Pachón and innovative singer-composer Kiko Veneno. See, for example, the discussion in “20 years later: Twenty takes on ‘La leyenda del tiempo,’” by Luis Clemente, in <http://www.flamenco-world.com/magazine/about/leyenda/leyenda.htm>.

19. On *Mi cante: El Camarón de la Isla con la colaboración especial de Paco de Lucía*.

20. On *Arte y Majestad*: Philips 848527–2.

21. For more expansive discussion of the entire affair, see also Gamboa and Nuñez 2003; Peregil 1993; Sevilla 1995; and Téllez 2003. Candado also co-authored a book (Fernández Zaurín and Candado 2002) which addressed the subject. Although the book’s tenor is moderate rather than polemical, it insists that Camarón was denied his share, and reiterates the wildly inflated figure of six million dollars of royalties allegedly generated by Camarón’s record sales (2002:133–35).

22. Lawyer Antonio Agesta wrote: “Camarón didn’t sing anything the same way twice, and I repeat that his work is of collective creation, and his heirs should receive royalties accordingly . . . I think that what would be humane and just would be for those people who have made so much money with him, reach an agreement. But it should be done willingly, not through lawsuits” (in Saenz 1992).

23. Peregil gives a figure of \$7000 (1993:190); de Lucía himself stated he only earned half that much (in Grimaldos 1993).

24. However, as mentioned above, some critics, such as Antonio Humanes, have asserted that several of the lyrics claimed by Antonio Sánchez were in fact derived from public domain sources like Machado’s 1881 anthology (in Telléz 2003:198). No examples of such false claims are given (also alleged by Candado), except for some public domain lyrics that are in fact acknowledged on liner notes as “traditional” (Peregil 1993:191).

25. Some of these ambiguities may derive from Paco de Lucía’s generosity in granting compositional royalties to others—especially Pepe and Antonio, who depended on them for their livelihood. Thus, while Pepe is registered as the author of songs like “Como el agua,” Ramón de

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1 Algeciras claims that Paco was the composer, and Pepe merely the lyricist (in Peregil 163, 191).  
 2 There is no doubt, however, that Pepe composed successful songs for many artists.

3 26. Paco de Lucía originally indicated that he intended to turn over all his royalties to Camarón's heirs, but subsequently decided not to do so (see Telléz 201). Antonio Humanes, who  
 4 had much of the credits for the album *Te lo dice Camarón*, gave most of his shares to Camarón's  
 5 family (Telléz 1997:66).

6 27. Here as in other respects, parallels can be found in other traditional music cultures,  
 7 such as that of North India (see, e.g., Manuel 1993:132).

8 28. See "The flamenco industry, under scrutiny," in <http://www.flamenco-world.com/noticias/negocios26032004.htm> (accessed 12/2005).

9 29. "Latorre denounces the present state of flamenco dance," in <http://www.flamenco-world.com/artists/latorre/latorre.htm> (accessed 10/2005).

10 30. Regarding dancehall, see Manuel and Marshall (2006).

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