



Philosophische Fakultät

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LARS ECKSTEIN

1. WHAT IS POSTCOLONIAL PIRACY?

Media piracy is a contested term in the academic as much as the public debate. It is used by the corporate industries as a synonym for the theft of protected media content with disastrous economic consequences. It is celebrated by technophile elites as an expression of freedom that ensures creativity as much as free market competition. Marxist critics and activists promote piracy as a subversive practice that undermines the capitalist world system and its structural injustices. Artists and entrepreneurs across the globe curse it as a threat to their existence, while many use pirate infrastructures and networks fundamentally for the production and dissemination of their art. For large sections of the population across the global South, piracy is simply the only means of accessing the medial flows of a progressively globalising planet. Piracy is a loaded term indeed, and it ties in with a range of related concepts, always depending on who is asked. Some will associate it with criminal behaviour and plain stealing, others with notions of sharing and informal exchange; those with a background in theory will find in piracy resonances of de Certeau's poaching, of bricolage à la Levi-Strauss and Derrida, or of poststructuralist debates on simulacra and authorship after the various critical assassinations of the author; still others prefer to speak in more neutral terms about different "cultures of the copy" (Sundaram 2007) facilitated by the medial changes of the analogue and digital revolutions. Unsurprisingly, the academic productivity of the term has been intricately questioned given the "impossible heterogeneity" (Lobato 2014: 124) not only of the innumerable practices, but also of the many discourses piracy is supposed to encompass. Still, to date no alternative term has hit the scene which could replace it as a critical con-

cept. And while the term demands self-reflexive positioning, it has opened a vital field of postcolonial critique.

Let us begin by defining the larger cultural scenario in which postcolonial piracy is situated. The starting point for this discussion is the basic observation that, roughly over the past fifty years, converging media technologies have facilitated complex new forms of cultural production, distribution and reception which typically fail to access the global flows of technology, media, goods and ideas according to the dominant logic of property set as ‘modern’ standard. This standard, of course, is not in and of itself universal. It has a distinct local history that is grounded in British utilitarian legal models and German idealist notions of personal authorship. And it is a standard, too, which has itself evolved from a complex history of mass media piracy which in the Anglophone world reaches back at least as far as to the introduction of the printing press in England in the 1470s and which very gradually reformulated cultural scripts of authorship and cultural authority. As Adrian Johns (1998; 2010) showed, print piracy has been pervasive across Western modernity not only in the class-based, but especially also the geographical margins of markets; Scottish and Irish pirate publishers, for instance, thoroughly unsettled the authority of English printed matter in the seventeenth and eighteenth centuries, while throughout the nineteenth century, the newly founded United States systematically failed to recognize British copyright. Piracy thus “fuelled the development of a deliberative public sphere [...] and the transfer of knowledge between more and less privileged social groups and regions” (Balázs 2011: 399). But at the same time, it drove the global centres of governance and economic production to more firmly assert and justify copyright control, from the 1557 Royal Charter of Incorporation of the Stationers’ Company to the 1709 Statute of Anne, via the 1774 Copyright Case to the international forays of the 1886 Berne Convention. And most recently with the 1994 TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement – an agreement which sets minimal standards of copyright governance for all WTO member states – the property regime originally founded on the local histories of Western European print culture became enshrined as a powerful global doctrine.

As I will argue in the further course of this chapter, this doctrine invites careful assessment from a postcolonial perspective for its entanglement with various imperial imaginaries, not only in view of an underlying idea of what it actually means to hold property (intellectual or otherwise), but also of what it means to be a person within the capitalist world system. My reading of piracy in this sense builds on Ravi Sundaram’s important insight that postcolonial piracy “fundamentally disrupts the categories of debate of property, capitalism, personhood”

(Sundaram 2009: 111). My argument will be that a postcolonial perspective on piracy enables us to question the purportedly universal reach of post-Enlightenment definitions of the relationship between self and world in the widest sense, as it allows us to investigate, without denying the power and validity of such definitions, how their scope is complicated and exceeded by different subaltern epistemologies. I will accordingly propose that we may best understand postcolonial piracy as a range of practices mediated through older and new technologies which negotiate “provisional compromises” between global designs of property, capitalism, personhood, and diverse local “ways of being human” (Chakrabarty 2000: 44).

While this conception of piracy invites a perspective across the *longue durée* of modernity and globalisation as I will briefly discuss in the concluding section of this chapter, my main focus will be on cultures of the copy that have emerged in the postcolonial world over the past few decades. These are in many ways a function of the technological interventions of the analogue and digital revolutions which have also thoroughly transformed the global North. They have, however, brought nothing less than a sea change for the South by offering “people ordinarily left out of the imagination of modernity, technology and the global economy ways of inserting themselves into these networks” (Liang 2005: 12). These new avenues of access range from the spread of the four-track tape machine across Asia, Africa and the Americas in the 1970s to the introduction of video formats in the 80s and 90s; they encompass the global distribution of often recycled computer hardware all the way to the mass dissemination of the internet and mobile phones in the new millennium. What all these technologies have in common is that they have allowed users not only to consume, but crucially also to produce, share and reproduce media in an infrastructure that is more often than not informal and volatile, but which has facilitated a velocity of media content which increasingly renders difficult, if not obsolete, attempts to confine it and prevent it from travelling.

Ravi Sundaram defines postcolonial piracy on these grounds as a “post-liberal (if not post-Marxist) cultural effect” which “destabilizes contemporary media property, both enabling and disabling creativity, and evading issues of the classic commons, while simultaneously radicalizing media access for subaltern groups” (2009: 111-112). Let us begin by exploring some of the conceptual complexities behind this working definition and taking a look at the major discourses on piracy in the South as they are articulated mainly from the global North.

2. EUROCENTRIC CRITIQUES OF POSTCOLONIAL PIRACY

The following account of the most vocal discourses about postcolonial piracy in Western debates draws heavily on a previous systematization by Ramon Lobato, of whose “Six Faces of Piracy” (2008) I will foreground three, with due awareness that this taxonomic reduction rather crudely simplifies a contingent field that is full of nuances and ambivalences. Rather than an encompassing review, what I offer is a flagging of the most prominent cornerstones, which I will again read selectively for their entanglement in specific Eurocentric imaginaries. The undoubtedly most prominent and common interpretation of piracy in this vein is, of course, its conceptualization as *theft*, following the dominant logic of copyright within the capitalist world system, according to which piracy is essentially imagined as a “parasitic act of social and economic deviance” (Lobato 2008: 20). This view is supported by mainstream legal and political discourses across the Western world (cf. Choate 2005 and Paradise 1999), and continues to be lobbied vocally by a whole range of industry associations and alliances which have, to this date, also funded most of the research into pirate practices. The viability of such research has been critiqued in an encompassing and nuanced way by Joe Karaganis in the timely collaborative and policy-oriented publication *Media Piracy in Emerging Economies* (2011). Karaganis outlines how industry research has, without making their methodology transparent, typically foregrounded dramatic financial losses incurred by media piracy, driven enforcement campaigns across the globe, and advocated pedagogical measures in the interest of copyright.

Without wishing to deny the validity of this perspective in its entirety, postcolonial interventions into Western anti-piracy campaigns have revealed a starkly orientalisising imaginary, and especially so in view of the portrayal of ‘Asian’ markets. Kavita Philip (2005) traced a clearly discernible shift in Western media coverage in the early 2000s, observing how a premillennial, largely patronizing perspective on Southern piracy “as annoying and inconvenient for western [sic] business, but one that will inevitably be cleaned up with the coming of full-fledged modernity to backward nations” (201) has given way to a much more fundamental anxiety that global piracy – like global terror – endangers nothing less than the Western way of life. Among others, Nitin Govil (2004) acutely analysed how after the events of September 11, the ‘war’ on global piracy became thoroughly enmeshed with the ‘war on terror’ in media coverage, fuelled, partly, by reports on the funding practices of Al Qaeda. But much more foundational to this anxiety is the increasing realisation that nations like India or China have achieved resilient economic success despite the fact that they have deliberately

side-tracked the generously paved-out Western road to modernity, not least by negotiating their way around strong copyright enforcement. More recent representations in the mainstream media have thus ever increasingly invoked post-colonial piracy as a haunting orientalist spectre, in a rhetoric of crisis lamenting that “[t]he very technologies that appear to embody post-Enlightenment modernity and progress seem to facilitate the destruction of western civilization by those who ‘hate our values and freedoms’” (Philip 2005: 201).

The second major discourse on piracy I wish to flag is one interpreting piracy within the framework of *free speech*. The defence of free speech has gained particular momentum and a new geopolitical twist more recently with the upheavals caused by, among other events, the WikiLeaks affair and Edward Snowden’s revelations about digital surveillance practices across the Western world. Yet it also underpins a range of liberal critiques of strong copyright enforcement which reach back as far as to the inception of copyright itself (as in the 1774 Copyright Case), and which similarly gained a new quality and urgency with the digital revolution. The prevalent libertarian argument here is that copyright restriction imposed by states and monopolists blocks the free flow of ideas and the creative powers of late modern network societies (cf. McLeod 2007, Strangelove 2005 and Vaidhyanathan 2003). The proponents of this discourse argue that by criminalizing vital techniques of the digital age such as cut-and-paste, remixing, ripping or sampling, an older generation of policy-makers is stifling the creative potential of the coming generation. Accordingly, they variously advocate an extension of fair-use regimes, thin protection, or alternative copyright systems such as the Creative Commons.

There is much to be said for this critique – and not least also in relation to media cultures such as the one in which this very text is circulated; a text, after all, whose (intellectual) production is basically disentangled from its (probably very meagre) revenues in the marketplace, but ultimately funded by tax payers who afford tenured academics to produce knowledge for a public good. It is with a sense of ambiguity, therefore, that I exemplarily single out Lawrence Lessig, the man behind Creative Commons and doyen of the free culture movement, for a postcolonial critique of the libertarian anti-copyright movement. Yet Lessig’s model of free culture as underscored in his influential eponymous 2004 publication is indeed troubling for its underpinning Eurocentric imaginary, developed in response to initial criticism, both indignant and enthusiastic, which interpreted free culture as basically unsettling the law and the market. As Kavita Philip (2005) and Lawrence Liang (2011) outline, Lessig’s work after his interventions in *The Future of Ideas* (2001) is marked by a strategic distinction between piracy that is desirable, and piracy that “is rampant and just plain wrong” (Lessig 2004:

66). ‘Good’ piracy is strictly defined by the “transformative uses of creative work” (ibid.: 156), whereas ‘bad’ piracy does “nothing but take other people’s copyrighted content, copy it, and sell it” (ibid.: 63). And strikingly, Lessig’s rhetoric and examples overwhelmingly locate ‘bad’ piracy outside of the West, and particularly in Asia: Asian piracy tacitly figures, again, like in the discourses advocating global copyright enforcement, as an orientalised Other which potentially jeopardizes the libertarian pillars of free culture – the bourgeois subject, its right to property, and the free market; or as Philip concludes: “Asian pirates serve as his [Lessig’s] limit case: the limit point of difference from bourgeois law [...] – abandon those lifelines and we fall into the pit of Asian sameness. We lose the difference [...] that makes us creative, successful, and technologically productive.” (Philip 2005: 212)

This should bring us closer to understanding what Ravi Sundaram refers to when he defines postcolonial piracy as a “post-liberal (if not post-Marxist) cultural effect” which “disrupts the categories of debate of property, capitalism, personhood” (2009: 111-12) – except for the caveat about Marxist critique. Let me therefore, as a third and final signpost in a much more complex and heterogeneous field, briefly attend to (neo-)Marxist readings of piracy. By framing piracy as *resistance*, the interventions from this corner “insist on the importance of *class*” within a globalised media system marked by “control and exploitation that operates in the service of capitalism” (Lobato 2008: 28). Vital examples of this approach are, for instance, Ronald Bettig’s authoritative *Copyrighting Culture* (1996), or the *Global Hollywood* volumes by Toby Miller et al. (2002; 2008). Bettig undertakes a compelling history of the political economy of intellectual property which analyses in depth how especially the US government, in conjunction with various industry associations, has aggressively enforced a global copyright regime in its own economic interests. The authors of *Global Hollywood*, in turn, offer a profound materialist critique of the exploitative transnational labour and hegemonic distribution regimes of major film studios. Both approaches tend to value piracy as a viable mode of subversion and resistance within and against a hegemonic neoliberal and neocolonial world system.

These critiques are revealing and powerful. Yet building on such analyses a larger Marxist critique of piracy as *resistance*, again, creates a range of problems. More generally, such a reading runs the risk of conflating in a “totalizing rhetoric” (Lobato 2008: 29) a myriad of highly heterogeneous cultural practices, contexts and, not least, agencies and motivations. Piracy may vary from distinctly local ventures to complex transnational circuits of production and distribution with very different cultural and economic imaginaries. Moreover, pirate networks of any size are hardly detached from the formal circuits of capital, but

“there is a great deal of traffic between the formal and the informal over time and space [...]. Formal economies can become informal and vice versa.” (Lobato 2012: 41) The many realities of postcolonial piracy, in other words, do not quite add up with the classical historical narrative of Marxism.

How, then, may we nevertheless conceive of a materially grounded critique of piracy that accounts for historical and regional difference, a critique which productively exceeds the Eurocentric imaginaries of theft, freedom, and resistance? One way of getting there is to follow Dipesh Chakrabarty in his own dissident critique of Marx in *Provincializing Europe*. Chakrabarty particularly grapples, here, with the “stagism” of Marxism’s world historical model which has dramatic consequences for “formations of self and belonging” outside of Europe. Classical Marxist models, Chakrabarty worries, conflate a plurality of subaltern epistemologies into an indistinct prehistory, “posited by capital itself as its precondition”; or in other words, they sweepingly consign Europe’s Others to the “waiting room” of modernity (Chakrabarty 2000: 63). Against this strand of critique, Chakrabarty foregrounds how Marx himself undercuts the singularity of his historical model by positing that there are elements of cultural production which may exist alongside and within the dominant narrative of a capitalist world system (which Chakrabarty refers to as “History 1”), yet still “do not lend themselves to the reproduction of the logic of capital” (ibid.: 64). With and against Marx, who does not develop this further, Chakrabarty advocates that we attend to precisely such pasts and narratives (Chakrabarty calls these “History 2”) which productively interrupt the “totalizing thrusts” of the “universal themes of the European Enlightenment” (ibid.: 66); themes among which ‘property’ and ‘personhood’ feature prominently. Such readings, he argues, allow us “to make room, in Marx’s own analysis of capital, for the politics of human belonging and diversity” and “giv[e] us a ground on which to situate our thoughts about multiple ways of being human” (ibid.: 67).

In this spirit we may arrive at a critically materialist, yet, in Walter Dignolo’s terms, inherently “pluritopic” (2000: 11) critique of piracy, a critique which acknowledges the ways in which its heterogeneous practices are necessarily tied to the logic of global capitalism, yet which insists that such practices are always refracted by local histories and epistemologies in “provisional compromise” (Chakrabarty 2000: 70). In order to make better sense of this, however, let us step back from theoretical abstractions for a minute and consider two classical examples of postcolonial piracy.

3. CASSETTE CULTURES: INDIA AND NIGERIA

My first example focusses predominantly on audio cultures in India in the 1980s and is seminally informed by the research of Peter Manuel into Indian *Cassette Culture* (1993) and its reading by Lawrence Liang (2005). My interest, here, is predominantly in the social, political, and, partly, ethical resonances of piracy in the postcolony. My second example will then change scenes to Northern Nigeria and look at video cultures in the 1990s that are crucially informed by a pirate infrastructure. This section draws mainly on research by Brian Larkin (2008), and will allow me to expand perspectives also to the epistemological and aesthetic. In the age of the mobile phone and peer-to-peer file sharing, both examples have an increasingly historical value, but they still allow concrete insights into the workings of piracy in specific postcolonial contexts.

Peter Manuel's story about the cassette revolution in India goes roughly as follows: back in the colonial days, the British-owned Gramophone Company of India (GCI) set up a factory in Calcutta in 1908 to dominate the Indian circuit for recorded music for a very long time to come. It negotiated exclusive distribution deals and strove to create a singular, nation-wide music market by way of establishing an all-Indian aesthetic. It did so by promoting almost exclusively Hindi film music, at the expense of other regional languages and musical genres. The dominant cultural impact of the GCI and HMV, GC's retail business, remained largely unbroken in this fashion far beyond the time of Indian independence, and was only challenged by converging technological and economic developments from the late 1970s onwards. In this period, India shifted from Nehruvian state-centred and protectionist development policies toward a liberalisation of its markets; and crucially, this change coincided with the arrival of Japanese two-in-one tape players, which were initially brought back from the Gulf countries by migrant workers. Such machines were a desired status symbol of the affluent, yet they soon became increasingly affordable to the middle classes, partly through the lowering of import taxes under the new economic regime, but mainly through the establishing of informal markets for both hardware components and, especially, pirate cassettes of film music.

By the mid-80s, the GCI went into rapid decline, just as the LP was almost completely replaced by the cassette as the dominant medium. This decline went hand in hand with a thorough transformation of the production and distribution schemes for recorded music in India. Tape coating became a viable new industry, and by the end of the decade, India ranked as the second-largest manufacturer of cassettes in the world. A few major and hundreds of small music companies set up business, and crucially, they distributed their music no longer through of-

ficial retailers, but overwhelmingly through local corner shops, bazaars and street vendors. The result was a radical pluralisation and diversification not only of the market for recorded music, but concomitantly also of the distributed content. The pirate networks of localised production and distribution facilitated the establishment of entirely new musical scenes and a proliferation of new genres and styles from devotional to secular, catering to very different regional and linguistic groups.

What all this attests to is that piracy is indeed more than just the consequence of a “global pricing problem” in a world of “[h]igh prices for media goods, low incomes, and cheap digital technologies” (Karaganis 2011: i). Piracy, as the case of Indian cassette culture shows, has been an indispensable way for populations in the South to negotiate local ways of being modern through new technologies; a way to insert themselves into the dominant narratives of globalisation, albeit by refracting them through “diverse ways of being human” (Chakrabarty 2000: 44) outside of, or only partly within, the global designs of “property, capitalism, personhood” (Sundaram 2009: 11) – ways expressed, for example, through the preference of familiar corner shop and bazaar exchanges, and the pleasures of accessing communal and ritual as much as transregional and global flows of music.

Surely, a reading of postcolonial piracy along such lines must beware of romanticising piracy or enlisting it for an easy narrative of postcolonial emancipation. The pirate domain is complicated by a myriad of practices ranging from the almost ethical to the clearly illegal, as Lawrence Liang demonstrates in an exemplary reading of the enterprises of the brothers Gulshan and Gopal Aurora, who quit work in their father’s fruit and juice shop in Delhi to found a company called T-Series. T-Series started out in the late 1970s as a small factory for magnetic tape which offered copying services, emerged as market leader for cassettes by the late 80s, and turned into a multi-media conglomerate in the 90s. Its success was built on various more or less shady practices from semi-legal version recording of GCI film songs all the way to inserting inferior tape into established cassette brands to discredit them. What is more, T-Series struck clandestine distribution deals with HMV, and unsurprisingly, they turned into the most aggressive enforcer of the copyright of their own products as soon as they had fully conquered the formal market (cf. Liang 2005: 10-11 and Manuel 1993: 67-69).

As the example of T-Series shows, the borderlines between the formal and informal are highly ‘porous’ within the pirate domain in the fields of both production and consumption, and the cassette cultures of India elude any clear cut analysis within the Western frameworks of theft, freedom or resistance as outlined above. The ensuing ambiguity persistently speaks through Peter Manuel’s

own discomfort with the ‘illegality’ of Indian cultures of the copy. Lawrence Liang responds to this discomfort by insisting that such ambiguity needs to be read in the larger context of what he refers to as the “porous legalities” (2005) of postcolonial states such as India. What is at stake, here, are fundamental questions about the relationship between the state, the law, and different ways of being human in a context in which large sections of the population fail to reach, in Partha Chatterjee’s words, “the ethical significance of citizenship” (2011: 14). For Liang, the challenge to thinking piracy in a postcolonial framework accordingly ties in with the more fundamental question of “how one begins to understand what happens to the people who fall off official maps, official plans and official histories” (Liang 2005: 14) in the postcolonial world. This particularly pertains to the rapidly expanding urban and semi-urban settings in the South where public and private planning account for only a relatively small percentage, not only of media use, but much more fundamentally, of the access to housing, electricity, water and infrastructure in general. Any viable study of postcolonial piracy therefore needs to interrogate intimately the volatile local frameworks of being in all its aspects from the social and political to the epistemic and aesthetic which refract the global imaginaries of “property, capitalism, personhood” in what Ravi Sundaram calls “pirate modernity” (2009).

Let me briefly expand on this idea by shifting scenes from India to Nigeria, and from audio to video cultures. The larger story of the Nigerian video circuit is not dissimilar from the Indian case, yet in and of itself specific. After independence from the British in 1960, Nigeria also attempted to secure control over the new nation’s infrastructure by widely centralising economic and cultural production, in a project that also led to the nationalisation of cinemas in the early 1970s to promote the indigenous arts. Simultaneously, the oil boom during the 1970s boosted consumption and the relatively wide dissemination of analogue cassette-based technologies. When the oil boom came to an abrupt end in 1979, these reproductive media technologies paved the ground for Nigeria to develop what is probably the largest and most diverse pirate media infrastructure on the African continent (cf. Haynes 2000). There are various reasons for this development: in 1981, the Motion Picture Association of America (MPAA) stopped the distribution of Hollywood productions in Nigeria in response to Nigeria’s seizure of MPAA assets as part of their nationalisation campaign. Economic collapse and the neoliberal privatisation of almost all areas of life starting in 1986 with the International Monetary Fund-driven structural adjustment programmes led to a crippling of public cultural scenes, and not least to the displacement of classical Nigerian cinema culture. Due to the relatively wide distribution of cassette technologies, informal production and distribution circuits for pirated media products

were quickly ready to replace the formal market for films. And finally, as in the case of the northern Nigerian capital of Kano, which is at the centre of Larkin's research, the new networks for pirated media could draw on centuries-old trading networks within the traditional Hausa regions and beyond: to the Christian coast and the Atlantic circuit but especially towards the Islamic East across sub-Saharan Africa all the way to the Gulf countries, Pakistan and India (cf. Larkin 2008: 222).

Apart from the distribution of Islamic religious material and, importantly, genuinely local Hausa television drama, the emerging video cultures of the Kano circuit mainly centred on the pirate dissemination of Indian cinema and Hollywood productions. In his research, Larkin documents how in the 1990s the access to both film cultures in Kano was channelled through the Persian Gulf; and intriguingly, the routes of the pirated media products left visible traces on the material itself. Indian video cassettes commonly featured advertisement scrolling across the bottom of the screen referring to shops in the Gulf countries; Hollywood films were typically illegally copied in the US and then shipped to the hubs of Beirut or Dubai before they reached Nigeria, sometimes taking additional detours. Larkin recalls watching films in Nigeria in which US anti-piracy messages scrolling on the bottom were obliterated by Arabic subtitles, while in other cases Chinese subtitles were superimposed over Arabic ones (*ibid.*: 224).

The importance of Larkin's contribution to piracy studies in this context is his insistence that postcolonial piracy is more than merely a legal, political, or economic issue, but that it is also generative of a materially grounded, provisional aesthetics. This aesthetics is not only inherent in the pirated media object itself, as a result of the multiple traces of its copying routes which in the age of analogue reproduction characteristically also eroded the quality of sound and images; it is also manifestly informed by the particular local frameworks of medial performance. Such frameworks are more often than not marked by "the ubiquity of technological breakdown and repair" in postcolonial contexts of frequent power cuts and volatile recycled hardware set up in often provisional public as much as private scenarios of consumption. The rhythms of breakdown and repair additionally qualify "a particular sensorial experience" that is enhanced by "poor transmission, interference, and noise" (Larkin 2008: 218-219, 233).

Larkin's reflections on the generative aesthetics of the postcolonial pirate domain productively trouble Lessig's neat distinction between (Western) "transformative" copying that is good and (Oriental) "plain" copying that is bad. They encourage us to disentangle fundamentally the category of the 'transformative' from its seemingly natural association with the bourgeois subject as the only legitimate creative agent in the global marketplace. Postcolonial piracy encourages

us, again, to think beyond the regimes of “property, capitalism, personhood”, and to acknowledge “multiple ways of being human” and their intricate technologically mediated productivity. It invites us to explore, in the words of Sarah Nuttall and Achille Mbembe, how urban life in the South is just as much “a place of manifold rhythms, a world of sounds, private freedom, pleasures and sensations” as it is a “theatre for capitalist accumulation and exploitation” (2004: 360, 356). Postcolonial piracy calls for a pluralising reading which “provincializes Europe” (Chakrabarty 2000) by developing what Walter Mignolo has called a “pluritopic hermeneutics” within the larger world system of “modernity/coloniality” (Mignolo 2011: 11), a system where “coloniality” (Quijano 2000) is always already tied to modernity as its darker side. Let me by way of conclusion draw out some of the larger trajectories of this idea.

4. TOWARD A POSTCOLONIAL CRITIQUE OF MODERN PIRACY

Some of the wider critical horizons behind the study of postcolonial piracy open up when we use piracy not only as a critical tool to interrogate concrete practices of the past few decades, but also if we expand on it as a conceptual tool for a more encompassing critique of modernity in the Western philosophical and sociological imagination. The critical thrust of such a project is to challenge a widely shared consensus that identifies Europe, and Europe alone, as the origin and the emphatically endogenous laboratory of the modern (cf. Bhabra 2007). Against this consensus, postcolonial critique has insistently claimed that Europe did not establish its self-ascribed relation to modernity *before*, but precisely *through* imperialism and colonization. Modernity, to echo Paul Gilroy (1993), is hardly ‘rooted’ in the imperial centres; rather it is the product of innumerable ‘routes’ across a progressively colonized planet, and most adequately symbolized by the innumerable ships which not only transported tangible goods and humans in various degrees of bondage, but also complex cosmogonies, ideologies and ideas.

But if we allow ourselves to think of the imperial slave ship as the site where the battle for modernity has been fought out, as profoundly argued, for instance, by Ian Baucom in *Specters of the Atlantic* (2005), need we not also locate the pirate vessel at the heart of modernity/coloniality, as a foundational if ambivalent trope which both shaped and refracted global negotiations of the modern? After all, the Atlantic debates about (maritime) piracy historically functioned to stabilize the identitarian discourses of Western modernity, as outlined by Nicole Waller who explores how the “captivity crises” induced by privateering off the North

African coast crucially triggered “cultural scripts that move beyond the scope of local histories to establish a mapping of the world into economic, religious, and racial spheres” (Waller 2011: 2). Conversely, Peter Linebaugh and Marcus Rediker (2000) foreground how the codes of early Atlantic buccaneering institutionalized some of the first distinctive counter-cultures of modernity, counter-cultures which destabilised the modern identity politics of nation, class, capital, religion or race by creating limited social spaces which, if only temporarily, “established an alternative ethic and an alternate mode of being” (Liang 2011: 371).

A view from the colonality of power along such lines allows us to frame piracy as a constitutive “boundary object” (Philip 2014) of the global age, as a core trope which precisely occupies the ambiguous position of the slash between “modernity/coloniality”. My suggestion, following the work of Kavita Philip, is that such a reading of piracy facilitates a genealogical perspective on piracy across medial differences, a perspective which ultimately allows us productively to bridge the distinct but related frames of speaking about maritime and media piracy. It encourages us, for instance, to foreground the imperial imaginary of John Locke’s *Second Treatise of Government* (1689) which formed the philosophical template for the inception of copyright legislation by the 1709 Statute of Anne (cf. Davies 2002). A contrapuntal, in Edward Said’s terms, reading of Locke forbids us to isolate the rise of copyright, which logically tied the ‘work’ of art to the personhood of clearly demarcated civil subjects by right of their invested labour, from related logics at work in the violent dispossessions of settler colonialism in the Americas, Southern Africa or Australia and New Zealand. It allows us to interrogate how the foundational writ of *habeas corpus* underscored notions of intellectual as much as of human property in the discourses legitimizing (and striving to abolish) chattel slavery. It asks us critically to interrogate the cosmopolitan debates of the Enlightenment over the global circulation of both human and property rights for their underpinning ideologies and typologies of gender, class and, particularly, race. And finally, a contrapuntal reading from the perspective of coloniality asks us to acknowledge, without denying the local validity and productivity of copyright, alternative local histories and epistemologies which frame notions of the self and its relation to the world.

Such reflections recall Michael Taussig’s Benjaminian meditations on different “cultures of the copy” in *Mimesis and Alterity* (1993), which propose that Western capitalism facilitated a culture of “disenchantment” that is “home to a self-enclosed and somewhat paranoid, possessive, individualized sense of self [...] within a system wherein that self ideally incorporates into itself wealth, property, citizenship” (97). Taussig ventures to juxtapose this disenchantment with the “sympathetic magic” of cultures he conceives of as essentially “mimet-

ic”, informed by the notion of a “protean self with multiple images (read ‘souls’) of itself set in a natural environment whose animals, plants, and elements are spiritualized to the point that nature ‘speaks back’ to humans” (ibid.: 97). He advocates exploring precisely such alternative cultures of the copy and their potential for “post-capitalist utopias organized around the playful exchange of difference, weak chiefs, sharing, and what we may dare designate as a ‘human,’ and perhaps ‘yielding’ relation to nature” (ibid.: 98). In Marcus Boon’s terms, such a reading challenges us to rethink piracy beyond the dominant postcolonial rhetoric of subaltern “appropriation” and perhaps to reframe the force of piracy as one of “depropriation” (2010: 236), as an ethical force that productively transcends the boundaries of property and self.

Yet we may also linger with the category of ‘citizenship’, which Taussig posits as a crucial component of Western being next to ‘wealth’ and ‘property’ (as quoted above), and interrogate its heuristic validity in postcolonial contexts. This takes us back to Partha Chatterjee whom I briefly referred to in the context of Indian cassette culture: Chatterjee maintains that in most postcolonial nation states, the field of politics became “effectively split” between what he refers to as “civil society”, a more often than not very narrow domain “where citizens relat[e] to the state through the mutual recognition of legally enforceable rights”, and a much wider domain of “political society”. In political society, he insists, “governmental agencies dea[l] not with citizens but with populations” (Chatterjee 2011: 13-14). The multiple informal exchanges and volatile infrastructures of such populations tend to be tolerated if they are in the interest of the postcolonial state. The pervasive ‘illegality’ of cultural practices is then typically explained as an *exception* to the order of ‘property and the rights of proper citizens’ in order not to unsettle the rule of law fundamentally. Conversely the populations of political society respond to this logic not by appealing to the law either, but by striving to form “moral communities” which pressure governments to tolerate popular exceptions (ibid.; cf. Liang 2011).

A critique of how postcolonial piracy “fundamentally disrupts the categories of debate of property, capitalism, personhood” (Sundaram 2009: 111) needs to engage fundamentally with what it actually means to be a person, a citizen, a pirate, in specific contexts. What is needed, then, for an encompassing perspective on postcolonial piracy is a kaleidoscope of both locally and historically grounded perspectives from across the planet, a kaleidoscope of perspectives which acknowledge the validity and force of the familiar Eurocentric critiques of piracy, yet which equally acknowledge how their universalising narratives are refracted and exceeded in provisional compromise by multiple ways of being human. Developing such a planetary perspective on the multiple pasts and presents

of media cultures and their relation to various regimes of property and being is essential in order to get a solid idea of where the futures of media culture might take us. In a global age where the viral technologies of the digital media increasingly converge with or displace older technologies, piracy and its many cultures of the copy ever more urgently destabilise and reformulate conceptions of originality and authenticity, of creative collectives and individuals, of authorship and ownership, of the global and the local. Some of the planet's medial futures surely continue to be negotiated and mediated in Berlin or Los Angeles. But equally surely it is no longer here that we can intimate a rough sense of direction. The future is happening in Kinshasa, Sao Paulo and Palau, Cochabamba and Cochin, Detroit and Delhi, Cairo and Kano.

REFERENCES

- Balázs, Bodó (2011): "Coda: A Short History of Book Piracy", in: Joe Karaganis (ed.), *Media Piracy in Emerging Economies*, New York: Social Science Research Council, 399-413.
- Baucom, Ian (2005): *Specters of the Atlantic: Finance Capital, Slavery and the Philosophy of History*, Durham: Duke University Press.
- Bettig, Ronald V. (1996): *Copyrighting Culture: The Political Economy of Intellectual Property*, Boulder: Westview Press.
- Bhambra, Gurinder K. (2007): *Rethinking Modernity: Postcolonialism and the Sociological Imagination*, Basingstoke: Palgrave Macmillan.
- Boon, Marcus (2010): *In Praise of Copying*, Cambridge, MA: Harvard University Press.
- Chakrabarty, Dipesh (2000): *Provincializing Europe: Postcolonial Thought and Historical Difference*, New Delhi: Oxford University Press.
- Chatterjee, Partha (2011): *Lineages of Political Society: Studies in Postcolonial Democracy*, New York: Columbia University Press.
- Choate, Pat (2005): *Hot Property: The Stealing of Ideas in an Age of Globalization*, New York: Knopf.
- Davies, Gillian (2002): *Copyright and the Public Interest*, London: Sweet and Maxwell.
- Gilroy, Paul (1993): *The Black Atlantic: Modernity and Double Consciousness*, London: Verso.
- Govil, Nitin (2004): "War in the Age of Pirate Reproduction", in: Monica Narula/Shuddhabrata Sengupta/Ravi Sundaram/Ravi S. Vasudevan/Awadha-nedra Sharan/Jeebesh Bagchi (Sarai)/Geert Lovink (eds), *Crisis/Media*, vol.

- 4, Delhi: Sarai, 379-383, <sarai.net/category/publications/sarai-reader/>, accessed on 21 September 2015.
- Haynes, Jonathan (ed.) (2000): *Nigerian Video Films*, Athens, OH: Ohio University Press.
- Johns, Adrian (1998): *The Nature of the Book: Print and Knowledge in the Making*, Chicago: University of Chicago Press.
- (2010): *Piracy: The Intellectual Property Wars from Gutenberg to Gates*, Chicago: University of Chicago Press.
- Karaganis, Joe (ed.) (2011): *Media Piracy in Emerging Economies*, New York: Social Science Research Council.
- Larkin, Brian (2008): *Signal and Noise: Media, Infrastructure, and Urban Culture in Nigeria*: Durham: Duke University Press.
- Lessig, Lawrence (2001): *The Future of Ideas: The Fate of the Commons in a Connected World*, New York: Random House.
- (2004): *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*, New York: Penguin Press.
- Liang, Lawrence (2005): “Porous Legalities and Avenues of Participation”, in: Monica Narula/Shuddhabrata Sengupta/Jeebesh Bagchi (Sarai)/Geert Lovink (Waag)/Lawrence Liang (eds), *Bare Acts*, vol. 5, Delhi: Sarai, 6-17, <sarai.net/category/publications/sarai-reader/>, accessed on 21 September 2015.
- (2011), “Beyond Representation: The Figure of the Pirate”, in: Mario Biagioli/Peter Jaszi/Martha Woodmansee (eds), *Making and Unmaking Intellectual Property: Creative Production in Legal and Cultural Perspective*, Chicago: University of Chicago Press, 167-180.
- Linebaugh, Peter/Rediker, Marcus (2000): *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic*, Boston: Beacon Press.
- Lobato, Ramon (2012): *Shadow Economies of Cinema: Mapping Informal Film Distribution*, Basingstoke: Palgrave Macmillan.
- (2008): “The Six Faces of Piracy: Global Media Distribution from Below”, in: Robert C. Sickels (ed.), *The Business of Entertainment: Movies*, Westport: Praeger Publishers, 15-36.
- (2014): “The Paradoxes of Piracy”, in: Lars Eckstein/Anja Schwarz (eds), *Postcolonial Piracy: Media Distribution and Cultural Production in the Global South*, London: Bloomsbury, 121-134.
- Manuel, Peter (1993): *Cassette Culture: Popular Music and Technology in North India*, Chicago: University of Chicago Press.

- McLeod, Kembrew (2007): *Freedom of Expression®: Resistance and Repression in the Age of Intellectual Property*, Minneapolis: University of Minnesota Press.
- Mignolo, Walter D. (2000): *Local Histories/Global Designs: Coloniality, Subaltern Knowledges, and Border Thinking*, Princeton: Princeton University Press.
- (2011): *The Darker Side of Western Modernity: Global Futures, Decolonial Options*, Durham: Duke University Press.
- Miller, Toby/Govil, Nitin/McMurria, Richard/Maxwell, Richard (2002): *Global Hollywood*, London: The British Film Institute.
- /Wang, Ting (2008): *Global Hollywood: No. 2*, London: The British Film Institute.
- Nuttall, Sarah/Mbembe, Achille (2004): “Writing the World from an African Metropolis”, in: *Public Culture*, 16.3, 347-372, <publicculture.org>, accessed on 21 September 2015.
- Paradise, Paul R. (1999): *Trademark Counterfeiting, Product Piracy, and the Billion Dollar Threat to the US Economy*, Westport: Quorum.
- Philip, Kavita (2005): “What Is a Technological Author? The Pirate Function and Intellectual Property”, in: *Postcolonial Studies*, 8.2, 199-218.
- (2014): “Keep On Copyin’ In the Free World? Genealogies of the Postcolonial Pirate Figure”, in: Lars Eckstein/Anja Schwarz (eds), *Postcolonial Piracy: Media Distribution and Cultural Production in the Global South*, London: Bloomsbury, 149-178.
- Quijano, Anibal (2000): “Coloniality of Power, Eurocentrism, and Latin America”, *Nepantla: Views From the South*, 1.3, 533-80.
- Strangelove, Michael (2005): *The Empire of Mind: Digital Piracy and the Anti-Capitalist Movement*, Toronto: University of Toronto Press.
- Sundaram, Ravi (2009): *Pirate Modernity: Delhi’s Media Urbanism*, London: Routledge.
- (2007): “Other Networks: Media Urbanism and the Culture of the Copy in South Asia”, in: Joe Karaganis (ed.), *Structures of Participation in Digital Culture*, New York: Social Science Research Council, 48-73.
- Taussig, Michael T. (1993): *Mimesis and Alterity: A Particular History of the Senses*, New York: Routledge.
- Vaidhyanathan, Siva (2003): *Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity*, New York: New York University Press.
- Waller, Nicole (2011): *American Encounters with Islam in the Atlantic World*, Heidelberg: Winter.