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Depropriation

The Real Pirate's Dilemma

Marcus Boon

For many philosophers, appropriation is constitutive of human being. In order to survive, we eat, we build territories, we take and we give. In his early manuscripts, Marx spoke of man's entire relation to the world as one of sensory appropriation. More broadly, all political-economic systems that are based on exchange and equivalence may be said to involve appropriation. Capitalism and colonialism may therefore be thought of as particular regimes of appropriation, then, as are feudalism and 'primitive accumulation', while communism as presented in the *Communist Manifesto* involves a reappropriation of that which has been appropriated by the bourgeoisie. A final appropriation if you like. In the *Grundrisse*, Marx distinguished between property *per se* and private property, but he insisted on the necessity of the former: 'an appropriation which does not make something into property is a contradictio in subjecto' (Marx 1993: 87–8).

Globalization and digitization both amplify possibilities for appropriation to occur – an appropriation that is associated with 'piracy' on the one hand, as the illegitimate possession and exchange of privately owned things, and on the other as the legally sanctioned mechanisms by which things are taken from the global commons and made part of the market economy.

A question remains however about how fundamental appropriation is, and whether all entities may finally be defined as property, whether private or common. In this chapter, I will argue that there is another position with respect to being, and that one name for it is depropriation.

By depropriation I mean to suggest various practices that render things unownable, that refuse the logic of property and that make such things necessarily part of a public domain or commons. But I also mean depropriation as a fundamental condition of being free of ownership. I will explore a variety of examples of depropriation, including Occupy Wall Street, WikiLeaks and the recent musical compilation *Music from Saharan Cellphones*. I argue that it is hard to understand what is at stake in these events or phenomena without being clear about depropriation.

The argument is not a nostalgic one, nor exactly utopian. I recognize, following the work of anthropologist Marilyn Strathern, that there is no such thing as a free culture to be found beyond modern, colonial or capitalist society: that all human societies have hitherto been committed to varying degrees to different kinds of property regimes with different laws, rules, values (Strathern 2005). Having said that, the intensity of recent moves to mark everything in the world as a particular kind of property and/or private property forces us to look more carefully at what is meant by property – and to recognize the importance of certain limits to that concept.

I argue that many of the most interesting social and cultural movements today are developing a conscious practice by which things are rendered unownable and thus made part of a different kind of commons from that discussed by IP scholars like James Boyle (2008) and Lawrence Lessig (2004). The idea is a significant one because it suggests that the goal of progressive political and aesthetic movements should not be to make judgements or claims as to a final and authoritative state of belonging or property, however historically disenfranchised those in question are, but to create practices whereby humans and non-humans can live sustainably without needing to claim ownership. This immediately raises a problem, one pointed out by Marx, who claimed that it was impossible to imagine any basis for life on earth other than appropriation: we breathe in oxygen, eat plants and animals, learn languages from our parents and so on. The only way around this would seem to be a radical practice of asceticism, literally starving oneself. This is hardly the case though. As the Buddhist

teacher Lama Yeshe observes, the problem for the alcoholic is not the glass of wine itself but his craving for it, his desire to appropriate it (Yeshe 1982). One might even say that the problem is not whether to drink or not to drink, but the desire to appropriate, own the drinking of it – or the not drinking of it. The problem, an almost unimaginably vast one, is how to recognize this socially and politically on a global scale.

So: what is depropriation? Obviously it is one of a number of contemporary words in which the prefix 'de' indicates a kind of unravelling of something: deconstruction; decolonization; Simone Weil's decreation (Weil 1977); Deleuze and Guattari's deterritorialization (Deleuze and Guattari 1987). The word has several lineages, no doubt interlinked. One passes through French feminist writers, notably Hélène Cixous, who uses the word to describe a state of open embodiment of which the mother's care for a child is exemplary (Cixous 1976). Another passes through Philippe Lacoue-Labarthe's work on mimesis, in which he proposes a mimetic force that undoes ideas of original and copy since it constitutes that plastic, mutable non-thing which makes both original and copy possible (Lacoue-Labarthe 1989). A further lineage passes through the work of Giorgio Agamben and his notion of a 'whatever being' that cannot be understood in terms of property (Agamben 1993), an idea then taken up by Roberto Esposito in *Communitas*, in which he argues that 'depropriazione', a fundamental lack of property (i.e. an impropriety) is the basis of the commonality of mankind, or even of all Being (Esposito 2010). In other words, what we share is a lack of property, an unfinishedness, an openness or vulnerability. Esposito rigorously demonstrates this as a formal and philosophical possibility, drawing on an analysis of the proper and improper in Heidegger, which are often (mis?)translated as authentic and inauthentic (Esposito 2010: 5–7). Yet, for me, I am continually drawn back to the striking example with which Agamben concludes *The Coming Community*: the crowd of demonstrators in Tiananmen Square who stand forth in a militarized public space, without demands, asserting their Being. Regardless of whether Agamben is completely correct in this analysis, the scenes have been repeated in recent years,

in the various locations and uprisings of the Arab Spring, and more recently in the Occupy Wall Street demonstrations, where, for example, one protestor carried a sign reading 'We're here; we're unclear; get used to it'.

There is a double structure to depropriation and perhaps to piracy in a general sense. In the examples I look at, depropriation functions at both ontological and legal levels: in other words, it is not just a matter of breaking the law of a particular property regime, but also of revealing or developing qualities of subject or object that trouble more fundamental definitions of what *is*. Consider my first example: drugs. Colonial empires were built on sugar, tea, coffee, opium, coca, and of course the postcolonial world today may also be described by the 'rogue' or 'pirate' production of psychoactive substances, whether cocaine production in Colombia, marijuana production in Mexico or heroin production in Afghanistan (Courtwright 2001). This drug trade is increasingly globalized, from Russian or Israeli distribution of ecstasy, to Southeast Asian amphetamines, to Mexican pharmacies selling prescription drugs with fake Rx's over the internet. At the micropolitical level, drugs are about depropriation because of the way in which they sometimes transform a normalized subjectivity; they are ecstatic because they can dissolve the 'proper self'.

One useful way of distinguishing the value of drugs may be to contrast those in which psychic depropriation is followed by a powerful reappropriation in the form of addiction, and those where that does not happen. I am indebted to Michael Taussig's work on ayahuasca shamanism in the Putumayo in Colombia, in which he tries to understand the phenomena of shamanism as a historically specific and diverse form of engagement within a particular colonial and postcolonial situation, so that the healing work of the shaman involves unravelling the terror of colonial appropriation and its various structures (Taussig 1986). In other words, it involves psychic depropriation through ingestion of the drug, through exposure to the sonic powers of the shaman, and to the collective turbulence of the healing session. Such depropriation itself may be reappropriated through postcolonial

ayahuasca tourism which packages a particular model of 'authentic' use of the drug. But even prior to that, Taussig notes that there are radical differences between particular shamans' approaches. Some shamans undergo a laborious process of apprenticeship to other shamans, in which the ability to heal is transferred as a kind of private property, reliant on a discourse of authenticity, while others (with whom he is more sympathetic) simply go into the forest and start using the drug, 'stealing' it, to use the language of those who consider knowledge of the drug proprietary. Taussig is fascinated by a kind of chaos that occurs in a yage session, a chaos that is chaos precisely because it is not clear what belongs to whom. People vomit. They shit. They imagine snakes shooting in and out of their mouths. They cry and laugh. Trauma, personal, social, historical and political, opens up, often violently, yet the opening up of trauma is not itself violent if it is assented to voluntarily. Healing proceeds from opening up trauma, from facing a historical or inexistent but present violence. It opens up through sonic counter-practices, through bodily microtransformation, through psychoactive substances.

This leads me to my second example: music. Obviously musical piracy is a big issue with a long history. Many of the myths of great performers or new styles involve Promethean acts of theft, by which the secret of a style is revealed and shared. A Sufi myth says that the human soul was called to earth and to embodiment because it required ears to hear music, and this was tempting enough for the soul to sign off on an otherwise questionable proposition (Khan 1988: 79). There is something about music that is always already profoundly depropriated. This perhaps accounts for the various ways in which musical forms have been kept secret, and for the capturing and commodification of sound using recording technologies, notation, etc. which seek to turn music into private property. And again, conversely, it is not surprising that the first file-sharing scandals were also associated with music. You might say that the musical pirate's dilemma is whether to try to own sound.

Recently, I have been listening a great deal to *Music from Saharan Cellphones*, a series of compilations, made by Oregon-based musician

Christopher Kirkley, of contemporary Saharan pop music styles which people who live in various parts of the Saharan diaspora listen to on their cellphones, using Bluetooth to exchange files with each other. Kirkley acquired the recordings from people's cellphones while travelling by trading selections from his own musical collection. He initially put them out on a cassette. The cassette was uploaded as MP3 files onto the net. Now, due to interest, he is putting out a vinyl version of the cassette, and trying to track down some of the artists on the Bluetooth files. Meanwhile a group of remixers and musicians around the world have already contributed a series of remixes and cover versions of the 'originals' to another compilation, *Music For Saharan Cellphones*, which, among other formats, is being issued in 'a limited release [of] 30 limited hand numbered microSD memory cards, to be mailed back to Kidal, Mali with the intention of getting the music back on cellphones' ('Memory Cards'). This last gesture reminds me of a Sun City Girls release from the mid-1990s, *Libyan Dream*, which was 'originally released as 50 cassette copies dropped in cassette vendors [*sic*] racks in various cities throughout SE Asia in 1993' ('Official Sun City Girls'). Instead of Gayatri Spivak's affirmation of the value of the subaltern's 'insertion into the hegemonic', here we might speak of a counter-practice of 'insertion in the diasporic'.

To what degree can my comments on Taussig's model of depropriation as part of a subaltern postcolonial healing practice be thought through in the case of *Music from Saharan Cellphones*? It is well known that traditional North African rhythmic musics often have a specific healing function: Moroccan Gnawa music, for example. To what degree do such models survive the secularization of music, as, for example, with the emergence of Touareg 'desert blues' in the Libyan settlement camps in the 1990s? For that matter, to what degree are recording, electrification and the use of digital instruments such as drum machines still compatible with an idea of music as a healing practice? One reason for not rejecting such an idea out of hand would be Afrodiasporic traditions, including roots reggae and African American gospel, where cutting-edge sonic technologies are

compatible with an explicitly religious and salvatory practice (Brown 2010). But in thinking through the music on *Music from Saharan Cellphones* as a piratical endeavour involved in a practice of depropriation, I want to find a way of thinking about 'piracy', even in an MP3 market, as a potentially ecstatic practice. I remain convinced that there is a missing aspect to contemporary theorizations of musical subcultures. You can see it in Steve Goodman's recent book *Sonic Warfare*, which is great on the appropriation of military technologies and counter-ecologies of fear within Afrofuturist subcultures, but which is almost silent on the ontology of collective joy that for me is the reason why subcultures gather together anyway (Goodman 2010). Perhaps this joy is always already post-secular in that it is concerned with an opening that is healing, in which, as Hakim Bey suggests in his book *Immediatism*, it is chaos, exposure to chaos, that heals (Bey 1994). One of the challenges here is to understand the aspect of vibrational ontology, which Goodman calls 'audio virology', as ecstatic. And more than that, that the acts of exchange that happen using Bluetooth, cassettes, MP3 file-sharing, etc. are also concerned with ecstatic contagion, as much as the sounds themselves, with their incredible abilities to pass back and forth across the globe.

This brings me to my next example of depropriation: WikiLeaks, the website and group which has made available a number of national and corporate archives for download by anyone on the internet – including vast caches of US embassy documents and military records. The conventional interpretation of what WikiLeaks would be is that it is concerned with appropriation. In a recent issue of *Radical Philosophy*, Finn Brunton points out that, in his writings, Assange emphasizes that the goal with WikiLeaks is not to break into archives but to make it easier for someone in a closed community that keeps secrets (he calls this a conspiracy) to leak something (Brunton 2011). The goal, then, is to undermine the stability of the group that keeps secrets, and in a formal, almost mathematical way to shift the balance from groups that keep secrets to a public or commons where there are no secrets. And to shift from injustice to justice based on the notion that the secrets of

unjust groups are more likely to be revealed than those that are based on a just and public practice of engagement.

In Assange's formulation, the question of community comes down to making 'robust routing decisions'. Like everyone else, I was astounded at the emergence of WikiLeaks and the possibility of a radically new form of public knowledge it implies. However, I find myself unimpressed with the specifics of most of the revelations generated by WikiLeaks thus far. The endless exposure of the Big Other does not in itself constitute the basis of a just society and it is hard to see how the calls for total transparency are not themselves a strange distributed version of a panopticon – the echo of corporate and national cyber-wars and data theft, with their emphasis on covert appropriation or scrambling of data, along with strategic public exposure of data in order to damage enemies. I argue that despite the clear practice of depropriation that WikiLeaks involves, transmitting private or state-owned archives into a public space that is not owned by anyone, there are significant gaps in Assange's reasoning concerning what will happen to the documents when they are released, and these gaps concern community.

According to Assange's theories, the published documents on the WikiLeaks website will generate an ecosystem of readers and interpreters who will collectively assess and expand on the truth contained in the documents. Yet this has not happened in any significant way. In a recent interview, Assange blamed this on people's conformity as writers to a group mentality (Obrist 2011: 16). But there is something instrumental to his view of freedom, as though it would be the necessary or logical outcome of being fed certain pieces of information. Yet, the genesis of recent protest movements actually appears not to be related to some particular nugget of information, but to a particular gesture or act, as in Tunisia, or even with Wall Street. Assange believes in a reversal of the logic of appropriation and property that governs the nation-state today, but that reversal is not in itself able to produce a truly open commons or community.

I will pass quickly to my final example: that of the Occupy movements which have sprung up in North America and elsewhere in recent

months. One striking analogy between the politics of file-sharing and that of the Occupy movements is that the legal prohibitions on direct sharing of copies have resulted in a fragmentation of the object into the distributed forms available on peer-to-peer networks, including WikiLeaks documents.

With the predictable evacuation of the Zuccotti Park occupation in New York in November 2011, the search for the way in which a deappropriated community can manifest itself in the public space of the highly capitalized twenty-first-century metropolis will begin anew, but Occupy Wall Street's strength is already that it is a distributed network of many micro-protests. The cities today are zones of visibility, spectacles, in the sense that Guy Debord defines them, and public assembly of anything other than consumers or dutiful workers will apparently not be tolerated. No doubt new ways to contest that structure will have to be devised, and they will all involve a logic of postcolonial piracy since they will in advance be judged illegal, as, for example, the various laws regarding public assembly in the UK of recent decades would suggest. One of the current dilemmas facing the Occupy movements is whether to insist on the tent model of occupation of public space as a permanent form of protest, or to think of it as what Hakim Bey called a temporary autonomous zone (Bey 1991). There is a danger in insisting too much on a permanent appropriation of physical space. In Egypt, the occupying of Tahrir square led to change, in Tiananmen it did not. On the other hand, the mobilization of large groups of people at specific demonstrations or moments in time is more a form of deappropriation. The problem with this form, familiar to us today in the form of flash mobs, is that it basically leaves existing structures intact outside of the moment of the appearance of the public.

But Occupy Wall Street represents a significant development in terms of the politics of deappropriation. To occupy means precisely to inhabit without owning, and the refusal of the movement's participants to package themselves in terms of a particular set of demands points to occupation as the manifestation of a deappropriated community in much the sense that Esposito talks about it: heterogeneous, with 'nothing in

common, yet claiming commonality precisely in that (Esposito 2010). The problem, as I see it, is that we do not yet have a practice, or, to use a phrase of Badiou's, a 'popular discipline', that is capable of sustaining such a community (Badiou 2008).

What does it mean to deappropriate in a postcolonial situation? Surely not just to make oneself into a globally disseminated image, or, following Peter Hallward's critique of postcolonial literature, to become an absolute, dissociated singularity, devoid of connection (Hallward 2001). This of course is one of the great fears regarding deappropriation: that to let go of a claim of belonging is to lose everything, made all the more traumatic since this would repeat the violent appropriation of colonization. Deappropriation does not mean 'to become nothing' because being, in fact, is not coextensive with belonging or the ownership of a territory, nor does it mean a lack of manifestation or presence. Deappropriation means to allow a movement to happen, to allow a different relation between beings to open up, because that is how the world is changed, i.e. through transformative mimesis.

Finally, what is striking about *Music from and for Saharan Cellphones* is the intense desire to participate in the piracy it reveals. The collection exists because Kirkley participated in exchange in Mali and other places, and because there was a network of nodes in North America such as Mississippi Records that also found it interesting to do so. The music on the cellphones is also there because musicians in the Saharan diaspora wanted to participate in particular sonic forms that are not traditional but, precisely, deappropriated: reggae, psych rock, hiphop, etc.

With WikiLeaks, what is powerful about the practice is the invitation to those who participate in rituals of privacy or secrecy to contribute to an ambiguously defined public. The weakness of WikiLeaks consists in the assumption that participation by a community of readers of leaks is automatic and appropriate. WikiLeaks is in fact much more top-down and instrumental than it would appear, and its failures relate to a misunderstanding of appropriation and deappropriation in which these things are still basically practised on others.

Occupy Wall Street, despite the appropriative rhetoric of occupying the structures owned by the 1 per cent on behalf of the 99 per cent, is more clearly involved in a practice of depropriation. It is participatory. Occupation happens only because of those individuals who decide to occupy. For the most part, the demands are non-specific, because the goal, whether articulated in this way or not, is to deappropriate structure and open up a space of freedom. That space is to resonate with other similarly deappropriated spaces. Not just the other Occupy nodes, but other global movements such as the Arab Spring groups. The situations are different, but the stance in relation to those situations is the same.

The issue of stance brings up the problem of practice; in other words, what does a deappropriated community do? I argue that all of the situations I have described in this chapter, in both their legal and their ontological interest, are manifestations of a broad crisis in our relation to practice. Piracy, finally, is a matter of practice, but what kind of practice is it? Piracy blurs the lines between work and play, ownership and the commons. Anarchist historians such as Hakim Bey have made the argument that piracy evolved under colonial regimes precisely as an escape from colonial indentured labour. It would not be hard to show that a lot of contemporary phenomena labelled *piracy* involve the avoidance of work. Others are reliant on the same sweatshop labour that drives much of the official economy. My hypothesis: practice gravitates toward those places or occasions where it lives in accordance with the deepest truth which is the truth of depropriation – even when it lacks the words, legal and political structures to sustain itself.

Thus, for example, downloading cultures, or, more broadly subcultures which exchange things like music that are matters of passion, are driven towards something like BitTorrent or peer-to-peer networks not just as a way of evading the strictures of a legal system, but because they have available to them resources in the creation of objects that are real precisely because they ignore prevailing definitions of what an object (or a subject) is in favour of something more profound and more pragmatic. Thus, it turns out that it is not at all necessary for a copy to consist of a laboriously produced one-to-one replica of an

entity: thousands of copies of that entity may be montaged together mathematically to assemble a particular object. In fact, that is what all copying, digital or not, is anyway, and we ourselves are largely copies in this sense.

Bricolage is indeed, as Levi-Strauss said, the science of the concrete. Yet the question of what comes to hand for the bricoleur can take radical form. It could take the form of a musical style that belongs everywhere and nowhere, as with *Music from Saharan Cellphones*, or a state or corporate archive, as with WikiLeaks, or the space of the political itself, whether physical, as in Zuccotti Park, or the dataspace in which global finance moves, as with the Occupy movements. The pirate's dilemma then, to repeat, is how to resist appropriating all of this in the name of some property form or other, and instead how to unravel that logic of property and the forms it takes today in order to affirm a shared space. That shared space is in fact the space that we already inhabit, but the question remains: How do we collectively learn to recognize it?

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