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Introduction

Towards a Postcolonial Critique of Modern Piracy

Lars Eckstein and Anja Schwarz

Campinas, Brazil, 2013: A 20-year-old funk carioca MC with millions of followers on YouTube, but no exposure in record stores, on the radio or on TV, is shot performing on stage in front of thousands of fans. Cochabamba, Bolivia, 2008: In a self-produced music video, an *originario* musician from the northern Potosi region styles himself as a local *tinku* warrior who takes ‘justice in his own hands’ by wrecking a shop selling pirated VCD material mass-manufactured in Peru. Bamako, Mali, 2006: An aspiring Malian dance band plays a series of free concerts secretly hoping to be spotted for an international booking on the world music circuit; MCs toast to the audience to buy their officially labelled cassettes while the band liberally borrows, embeds and layers the sounds of other artists. Cochin, India, 1995: An ultra-leftist playwright from Kerala is taken to court for ‘stealing literary property’ after writing a counter-play to a classic 1952 communist drama in which he examines the caste-based injustices of communist rule.

Across the global South, converging media technologies have facilitated complex forms of cultural production, distribution and reception in which globalized norms of creating, self and belonging interact with local histories and desires in intricate ways. This volume sets out to examine the innumerable ‘provisional compromises’ (Chakrabarty 2000: 70) resulting from this dynamic in a global age in which the vast majority of the world’s population fails to access the flows of technology, media, goods and ideas according to the dominant logic

of property set as 'modern' standard. This standard, as it were, has a distinct local history; it basically evolved from British utilitarian legal models and German idealist notions of personal authorship, but travelled quickly across the Atlantic and beyond. Entangled, since its inception, in the imaginaries of imperialism and an emerging capitalist world system, it was enshrined as a global doctrine with the 1994 TRIPS Agreement which set minimal standards of copyright governance for all WTO member states. As indicated by the above examples, however, the notions of property and self propagated by this regime have been thoroughly challenged over the past decades, not least by the technological interventions of the analogue and digital revolutions. While these transformed the global North, they brought a sea change, as Ravi Sundaram and Lawrence Liang among others have pointed out, for large sections of the population in the South by increasingly 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 various video formats in the 1980s and 1990s; 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, yet which has facilitated a velocity of media content which increasingly renders difficult if not obsolete any attempts to confine it and prevent it from travelling.

We have chosen to address a kaleidoscope of vastly different practices which have emerged in the strained spaces between global regimes of authority and property on the one hand, and local 'culture[s] of the copy' (Sundaram 2007) on the other as cultures of *piracy*, with due awareness of the ideological and conceptual complexities this entails. This first concerns the fact that the term *piracy* is habitually

tied to questions of the law, be it in the rampant rhetoric of anti-piracy campaigns by industry associations or in the discourses of anti-copyright lobbies. Yet legalistic definitions of piracy are notoriously vague and at the same time too limited in scope for the kind of engagement with the phenomenon that is envisaged here. As Joe Karaganis points out, piracy has not had a stable legal referent across history, nor is there any consistency today in intellectual property legislation, let alone practices of enforcement, across national and regional contexts, despite all efforts at international synchronization. Piracy, he argues on these grounds, 'is almost certainly better understood as a product of enforcement debates than as a description of specific behavior' (Karaganis 2011: 2). If we nevertheless stick with the term to address a highly heterogeneous set of *cultural practices*, this requires some qualification. We should make it quite clear that this volume does not seek to define what piracy *is*, legally or otherwise. Rather, our interest is to describe what piracy *does* across a range of different contexts in the global South. We find these descriptions emerging in the cultural work of locally specific modes of medial production, consumption and distribution which oscillate between the formal and informal, within highly heterogeneous frameworks of 'porous legalities' (Liang 2005); yet we refrain from 'bringing everything back to intellectual property' (Lobato, Chapter 5, this book). The thrust of this volume, then, is to work towards an understanding of the cultural performance of postcolonial piracy. Its aim is to assemble and reflexively assess critical interventions conceptualizing such performances, to relate them to specific case studies across Asia, Africa and the Americas, and to ultimately devise new languages for thinking and theorizing the work of piracy for a global age.

The second challenge that inevitably comes with the term *piracy* is its semantic entanglement with maritime piracy, from seventeenth-century Caribbean buccaneering all the way to the twenty-first-century raids by Somali fishermen in the Straits of Aden. Maritime piracy invariably functions as the vehicle of the metaphor of media piracy, whether employed by those who lobby against it as a threat to states

and capital, or those who celebrate it in the spirit of libertarianism or anti-capitalism. Each party, of course, draws on a different cultural imaginary, either highlighting connotations of violence and illegality, or capitalizing on a long and popular cultural history of casting pirates as figures of resistance, from Defoe's *A General History of the Pyrates* (1724) to the notorious fictionalizations of Hollywood. In any case, the metaphor imports an affective and ideological dimension that must be reckoned with, and demands self-reflexive positioning against (or within) the dominant *récits* of heroic resistance or petty villainy. More generally, the trope needs to be handled with care because, while it is productive in underscoring the continuities of power's dealing with its others in a capitalist world system, it also understates the difference between maritime piracy that is framed around tangible goods and labour, and of cultures of the copy that invest in the infinite reproducibility of increasingly intangible content (cf. Lessig 2004: 64). Again, such differences may be bridged by focusing less on what piracy is, and more on what it does as a 'boundary object' which throws into relief its framing discourses. As Kavita Philip seminally puts it: 'Seeing pirates as boundary objects helps bring into focus the fields stabilizing on either side of the pirate, and thus to see as co-emergent the pirate figure along with the fields with which it is always imbricated' (Philip, Chapter 7, this book; see also Strathern (1999) for a larger anthropological grounding). The great advantage of sticking to piracy and the figure of the pirate in this sense is that it facilitates a larger historical perspective across the *longue durée* of globalization, and allows us to tie discussions of piracy to questions of modernity at large which also crucially inform our reading of the 'postcolonial'.

We have adopted our main title, *Postcolonial Piracy*, from Ravi Sundaram's seminal work on *Pirate Modernity* where it crops up in a single paragraph only, yet powerfully sets some of the core parameters of our project. Sundaram defines postcolonial piracy 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' (Sundaram 2009: 111–12). For his specific interest in urban media practices in Delhi, he tends to set off 'postcolonial' modes from other modes of piracy by locating them in 'local networks of bazaar exchange and face-to-face contact, rather than individual online downloads' (112). Such a distinction, however, becomes increasingly difficult to maintain in view of more recent medial developments across the South (cf. Sundaram 2012). In its most basic sense, therefore, we take postcolonial piracy to encompass any culture of the copy in print, analogue or digital mediascapes across the global South, loosely associating our reading of the postcolonial with a tricontinental focus as propagated, for instance, by Robert Young (2003). At the same time, we draw on the postcolonial as a crucial mode of critique that challenges Eurocentric narratives of global modernity.

For the remainder of this introduction, we will expand on the nexus between piracy and the modern drawn up by Sundaram, and attempt to outline some of its wider historical and geopolitical resonances. A postcolonial critique of the current debate, we wish to propose, needs to engage with and intervene in the Eurocentric imaginary of modernity which underscores the very notions of 'property, capitalism, personhood' (Sundaram 2009: 111) that inform the discourse on piracy. Let us in the following, then, briefly attempt to 'rethink modernity' (Bhabra 2007) through the lens of global piracy.

Piracy and modernity

Debates about the disruptive force of media piracy and concomitant crises of cultural authority are hardly new, but reach back at least as far as the fifteenth century. Piracy was a formative 'boundary object', for instance, across early modern discourses in England from the introduction of the printing press in the 1470s, and shaped controversies which testify to not only a slow revolution of artistic production but

also a thorough reformulation of authorship. Up until about 1600, artistic authority for the literary and musical elite largely remained a function of social position defined by adequate employment, entailing that the core medium of choice for the English courtly ‘musicus’ and ‘maker’ was the handwritten manuscript, a medium which ensured limited circulation and the social control of textual production. Modern questions of authorship, originality and ownership did not really matter in this late medieval model, at least not beyond the pragmatics of the (ephemeral) performance of manuscripts in institutional relations. Print culture and the capitalist market, then, were initially a highly ambivalent alternative for those who lacked or lost access to patronage or related ways of social authorization (cf. Gillespie 2006). In fact, the derogatory term ‘compositor’ or ‘composer’ was specifically devised by the late medieval elite as a means to discredit the modern competition from the presumably uneducated scribes, hacks and pirates of an age of print ‘prostituted’ by commerce (Rupp 2005: ch. 4). The troubled rise of the early modern composer and author, as a function of the increasing precariousness of aristocratic and clerical employment options and the rising opportunities of the bourgeois market, throws into ironic relief later discourses desiring to disentangle their legitimacy from their pirate others.

The composers and authors of the Gutenberg age of course devised, and were subject to, new modes of social control, partly in the interests of state censorship, but especially in view of the sudden mass reproducibility of printed material. Within the world of print, notions such as the originality of the ‘work’ or art, and of emphatic authorship tied to the person of the artist as sovereign property, were only gradually established and affirmed – in Foucault’s (1977) famous reading, they were not fully conceptually and institutionally established in Europe until around 1800. And they were the result of multiple crises of authority which were thoroughly transnational in scope. As Adrian Johns’s magisterial research into *The Nature of the Book* (1998) and *Piracy: The Intellectual Property Wars from Gutenberg to Gates* (2010) demonstrates, print piracy, while endemic across the history of Western

modernity, was particularly effective not only in the social, but also in the geographical margins of markets. Thus, in the Anglophone world, particularly Scottish and Irish pirate publishers unsettled the authority of English printed matter in the seventeenth and eighteenth centuries, while, as Volker Grassmuck's contribution to this volume reiterates, the post-independence United States book market systematically failed to recognize British copyright throughout the nineteenth century. Piracy thus 'fueled the development of a deliberative public sphere ... and the transfer of knowledge between more and less privileged social groups and regions' (Balázs 2011: 399), while at the same time driving the economic (and imperial) centres 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 (in which the British House of Lords sided with Scottish renegade printer Alexander Donaldson's liberalist defence against the proposition of perpetual copyright) all the way to the international forays of the 1886 Berne Convention and the global regimes of TRIPS.

While there is little disagreement about the fact that, on the basis of such evidence, Western modernity and cultures of piracy are inextricably entwined, and that the global design of a copyright regime based on specific notions of 'property, capitalism, personhood' has emerged from the local histories of such entanglements, there is still more than one way of framing and telling this story. In the further course of our introduction, we wish to complicate predominantly Eurocentric stories of the legacies of piracy and modernity, including a relatively widely shared narrative (partly rehearsed, also, in contributions to this volume) which reads piracy as an essentially 'transitional' phenomenon, as a crucial phase in the establishment of peripheral markets which will, if not criminalized and more fully 'developed', naturally grow into the modern domain of copyright. We tend to be suspicious of such narratives precisely because of the underlying imaginary of the modern which underscores their *telos*.

Our critique of the piracy/modernity-nexus in this sense builds on a larger critique of the scope and place of modernity in the Western

philosophical and sociological imagination. Without being able to go into detail about the long legacy of Western conceptions of the modern from enlightenment discourses to the classical sociology of Durkheim, Marx and Weber, from Giddens or Luhmann all the way to, for instance, Eisenstadt's influential 'multiple modernities', we wish to follow Gurminder Bhambra (2007; cf. also Boatca et al. 2010) in fundamentally critiquing a tacitly shared proposition across the field that imagines Europe as the unique origin, and as the emphatically endogenous laboratory of the modern. Modernity, in other words, is typically attributed to a momentous transformation *within* European societies following the conceit of 'rupture and difference' (Bhambra 2007: 1), a conceit that not only silences historical and transcultural entanglements, but also underscores a teleology of modernization according to a diffusionist logic which sets Europe at the global centre from where modernity then gradually spreads out across the remainder of the planet via the joint trajectories of colonization, mission and trade.

Opposed to this reading, postcolonial critique has insistently foregrounded the fact that Europe did not establish its self-ascribed relation to modernity *before*, but crucially *through* imperialism and colonization. As Bhambra holds, 'colonization was not simply an outcome of modernity, or shaped by modernity, but rather, modernity itself developed out of colonial encounters, encounters which are hardly captured by the idea of "diffusion"' and continue to shape our world to this day (Bhambra 2007: 77). Walter Mignolo, drawing on Anibal Quijano's notion of the 'coloniality of power' (Quijano 2000), seminally expresses this in the twin concept of 'modernity/coloniality'. Coloniality, here, references the silenced 'darker side' (Mignolo 2011) or 'hidden logic of modernity, the logic that justifies its place as guiding light and point of arrival, on the one hand, and of disavowal and dependency on the other' for subaltern cultures and knowledges (Mignolo 2003: 441–2). Taking seriously this critique of modernity – a critique voiced not only in relation to Latin America but also from across the postcolonial planet (cf. e.g. Turnbull 2000; Chakrabarty

2000; Mbembe 2000) – entails piracy having to be conceived as inextricably tied not only to modernity, but also, on its darker side, to coloniality.

Piracy and coloniality

Let us briefly linger with the early modern Americas to illustrate the basic viability of thinking piracy through the entwined avenues of modernity/coloniality and follow Barbadian historian Hilary Beckles (1997), who declares the Caribbean contact zones of the sixteenth and seventeenth centuries as foundational sites of the modern. After all, the Caribbean imperial economy was since its inception built on a complex network of brokers, insurers and financiers, vast schemes of trans-continental labour recruitment, and operated the largest industrial complexes of the day, the sugar mills, which in many ways anticipated industrial mass production in Europe (cf. Williams 1994). And following C. L. R. James's seminal history of the Haitian Revolution, *The Black Jacobins* (1989), Beckles encourages us to read the Caribbean labour regime as promoting a radical 'proletarianisation' of the enslaved worker which, more than a century before the Russian Revolution, gave rise to the first manifestation of a thorough philosophical as much as institutional renegotiation of modernity's regimes of 'property, capitalism, personhood'. A view from the Caribbean along such lines effectively questions modernity as the product of an endogenous process *within* Europe, later *exported* to presumably 'premodern' societies across the globe. Instead, it fundamentally encourages us to think of the conditions of modernity as negotiated within the violent laboratories across the colonial contact zones, from where they were (re)imported to the European metropolises only to be strategically purged of their 'other' local histories.

Modernity, to echo Paul Gilroy (1993), is hardly 'rooted' in the imperial centres, then, but is rather the product of innumerable 'routes' across a progressively colonized planet, and most adequately symbolized

by the innumerable ships which transported not only tangible goods and humans in various degrees of bondage, but also complex cosmogonies, ideologies and ideas. This conceptual move has intriguing resonances for our project, because 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's *Specters of the Atlantic* (2005), need we not also locate the pirate vessel at the heart of modernity, as a foundational if ambivalent trope which both shapes and refracts negotiations of the modern? After all, the 'boundary object' of piracy, on the one hand, crucially functioned to stabilize the identitarian discourses of Western modernity, as outlined, for instance, by Nicole Waller in her encompassing study *American Encounters with Islam in the Atlantic World*, exploring how the 'captivity crises' induced by privateering off the North African coast in particular 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). On the other hand, as Lawrence Liang traces in this volume following Linebaugh and Rediker, the codes of early Atlantic buccaneering also institutionalized some of the first distinctive counter-cultures of modernity, crucially destabilizing the modern identitarian 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, Chapter 2, this book).

A view from the colonality of power in this vein does not stop at maritime piracy, of course, but encourages us to rethink the trajectories of modernity's conception of 'property, capitalism, personhood' further. It allows us, for instance, to foreground the imperial imaginary underpinning John Locke's *Second Treatise of Government* (1689) which, as Adam Haupt points out in this volume, in many ways formed the philosophical template for the inception of copyright legislation by the 1709 Statute of Anne. A contrapuntal reading, to use Edward Said's phrase, of the rise of copyright which ties the 'work' of art to the personhood of clearly demarcated civil subjects by right of their invested labour, forbids us to isolate this logic from related logics at work in the violent

dispossessions of settler colonialism in the Americas, Southern Africa or Australia and New Zealand. It encourages 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 to critically 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, in particular, race. And finally, a contrapuntal reading from the perspective of coloniality also 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 call up 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 severed from and dominated over a dead and nonspiritualized nature ... within a system wherein that self ideally incorporates into itself wealth, property, citizenship'. Taussig ventures to juxtapose this disenchantment with the 'sympathetic magic' of cultures he conceives of as essentially 'mimetic', 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' (Taussig 1993: 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) which may allow us to reframe the problem of piracy, as Marcus Boon proposes in his contribution to this volume, as relating less to questions of subaltern 'appropriation' than to questions of 'deappropriation'.

Yet we may also bring the debates on piracy and modernity/coloniality back to the postcolonial present and interrogate, with Partha

Chatterjee, the larger viability of the presumably universal category of 'citizenship' across the global South. As Chatterjee famously maintains, 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, Chatterjee insists, 'governmental agencies deal not with citizens but with populations' which critically fail to carry 'the ethical significance of citizenship' (Chatterjee 2011: 13–14). The multiple informal exchanges of such 'populations' across the South – for instance, of the urban poor whose access to housing, water, electricity or (unspectacularly in this context) media are more often than not 'illegal' according to the codes of law – may well be tolerated if in the interest of the state. Typically, their 'illegality' is explained as an *exception* to the order of 'property and the rights of proper citizens' in order not to fundamentally unsettle the rule of law. Conversely, Chatterjee argues, 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, again, popular exceptions (ibid.; cf. also Simone 2006 or Liang, Chapter 2, this book).

A critique of how postcolonial piracy, in Sundaram's terms, 'fundamentally disrupts the categories of debate of property, capitalism, personhood' (Sundaram 2009: 111), this is to argue, needs to engage with what it actually means to be a person, a citizen, a pirate, in the postcolony. What is called for, therefore, is a composite picture of locally grounded critiques which attend to distinct local histories and epistemologies as much as to the global designs of 'property, wealth, citizenship' which inform the capitalist world system. Or, put differently, a postcolonial critique of piracy needs to combine what Kavita Philip promotes as the genealogical analysis of piracy as a 'boundary object', with what Mignolo, following Gloria Anzaldúa, refers to as 'border thinking'. Border thinking invariably demands, for Mignolo, a 'pluritopic hermeneutics', a way of reading which

entails 'a critical reflection on knowledge production from both the interior borders of the modern/colonial world system ... and its exterior borders' (Mignolo 2000: 11). The most vocal critiques of Southern piracy that dominate both the Western media and academic debates, we wish to argue, hardly adhere to such a programme. Instead, they tend to read and understand piracy within and against the monotopic narratives of modernity which we have tried to unsettle here. Let us now rehearse some of the major arguments.

Monotopic critiques of piracy

Our review of some of the major discourses about Southern piracy draws heavily on Ramon Lobato's attempt at a systematization of the field, three of whose 'Six Faces of Piracy' (Lobato 2008) we wish to briefly foreground. We are fully aware that this taxonomic reduction rather crudely simplifies a contingent field of debate full of nuances and ambivalences, yet we nevertheless believe that it is helpful to flag some of its most prominent cornerstones, not least in view of their susceptibility to postcolonial critique. The most common interpretation of piracy in this context is of course the conceptualization of piracy 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. e.g. Choate 2005; Paradise 1999), and continues to be vocally lobbied by a whole range of industry associations and alliances which have, to 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 his opening chapter to the timely collaborative, and very much policy-oriented, publication *Media Piracy in Emerging Economies* (2011). Karaganis outlines how industry research has typically foregrounded, without

making their methodology transparent, dramatic financial losses incurred by media piracy, driven enforcement campaigns across the globe, and advocated pedagogical measures in the interest of copyright.

What is interesting from a postcolonial angle is a gradual shift in the rhetoric of such anti-piracy campaigning especially in view of 'developing' markets in Asia and beyond. While media piracy has always been associated with criminal behaviour, Nitin Govil (2004) has seminally observed that following the events of 9/11, the rhetoric of the 'war' on global piracy became thoroughly entangled with the rhetoric of the war on terror. Kavita Philip embeds these findings in an analysis of larger shifts in Western media coverage, observing how an older, largely patronizing perspective on Southern piracy 'as annoying and inconvenient for western business, but one that will inevitably be cleaned up with the coming of full-fledged modernity to backward nations' gave way to a much more fundamental anxiety, an anxiety that is fuelled not least by the economic success of BRIC nations which, as Shujen Wang demonstrates in this volume, have in different ways shunned the prescribed road to modernity 'proper' by negotiating their way around strong copyright enforcement. In more recent media representations, the spectre of postcolonial piracy has thus begun to haunt nothing less than the whole 'Western way of life', fuelled by 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).

Such discourses advocating copyright enforcement across the globe have come under attack, not least by interventions which oppose the social control of media in the name 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 (as briefly critiqued by Marcus Boon in Chapter 6, this volume) 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 the inception of copyright itself (as indicated with reference to 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 in which all consumers are potential creators (cf. e.g. McLeod 2007; Strangelove 2005; Vaidhyanathan 2003). By criminalizing vital techniques of the digital age such as cut-and-paste, remixing, ripping or sampling, the proponents of this discourse argue, 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 model under which this very volume is licensed. In fact, we collectively agreed with our contributors to propose our project to its original publishing house not least on the grounds of its politics of simultaneous print and open-access electronic distribution, hoping to facilitate circulation within as many cultures of the copy as possible, and especially in the global South.

We are, in this sense, indebted to Lawrence Lessig in particular, the man behind Creative Commons and doyen of the free culture movement. Nevertheless, Lessig's model of free culture as underscored in his highly influential eponymous 2004 publication is also troubling from a postcolonial perspective, and indicative of the Eurocentric imaginary underpinning large sections of the libertarian copyright critique. As Kavita Philip and Lawrence Liang outline, Lessig's work post his interventions in *The Future of Ideas* (2001) is marked by a strategic distinction between piracy that is acceptable and desirable, and piracy that is 'wrong', in response to criticism, both indignant and enthusiastic, which interpreted free culture as unsettling both the law and the market. Good piracy, for Lessig, is defined by the 'transformative uses of creative work' (Lessig 2004: 156), whereas bad piracy does 'nothing but take other people's copyrighted content, copy it, and sell it' (63). This kind of piracy, Lessig ventures, 'is rampant and just plain wrong. It doesn't transform the content it steals; it doesn't transform

the market it competes in' (66) – and, strikingly, Lessig's rhetoric and examples locate it overwhelmingly in Asia. 'Asian' piracy figures tacitly as an oriental 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 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).

Unsurprisingly, this logic is inverted in (neo)Marxist readings, which precisely reject the legitimacy of 'bourgeois law' and the capitalist world system which both the discourses opposing piracy as *theft* and the discourses defending 'good' piracy as *free speech* support. By framing piracy as *resistance*, the interventions in this field tend instead to conceive of the media as a 'system of control and exploitation that operates in the service of capitalism' and 'insist on the importance of *class*' (Lobato 2008: 28). Vital examples of this approach are, for instance, Ronald Bettig's seminal *Copyrighting Culture* (1996), or the *Global Hollywood* volumes co-authored by Toby Miller and colleagues (2002 and 2008). Bettig undertakes a detailed and compelling history of 'the political economy of intellectual property' which fundamentally critiques the entanglements of copyright and capital, and analyses in depth how the US government has, in conjunction with various industry associations, 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 which are critically enabled by intellectual property legislation that 'prioritizes ownership over use, creators over audiences, and production over reception' (Miller et al. 2008: 226). Both approaches tend to value piracy as a viable mode of subversion and resistance within and against a hegemonic neoliberal and neocolonial world system.

To build on such analyses a classical Marxist critique of piracy as *resistance*, however, 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. In *Shadow Economies of Cinema*, Ramon Lobato foregrounds, for instance, how systems of cinema across the globe 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 historical narrative of classical Marxism.

Dipesh Chakrabarty attends to this problem from a different end in his critique of hegemonic historiography. In *Provincializing Europe*, he intricately flags out the tensions between the universal scope of post-Enlightenment narratives of history and subalternized local epistemologies, and he particularly grapples, from a dissident's perspective, with the undeconstructed Hegelianism of orthodox Marxism according to which all human progress must lead to the establishment of capitalism which is then sublated into communism. The historical determinism of this model, Chakrabarty argues, has dramatic consequences for local 'formations of self and belonging' outside of Europe, as it conflates and reduces them to an indistinct prehistory, 'posited by capital itself as its precondition' (Chakrabarty 2000: 63) in a unilateral, world-historical narrative. Rather than adhering solely to this monocentric *récit* (Chakrabarty's 'History 1'), Chakrabarty advocates that we instead also attend to such pasts and narratives (Chakrabarty's 'History 2') which 'do not lend themselves to the reproduction of the logic of capital', and which as such productively interrupt the 'totalizing thrusts' of the universal dialectical model (ibid.: 64, 66). Such readings, he argues, allow us 'to make room, in Marx's own analytic 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 and their relationship to global capital' (67). It is in this spirit that we may arrive at a materially grounded, yet, in Mignolo's terms again, 'pluritopic' critique of piracy, a critique that acknowledges the ways in which its heterogeneous practices are necessarily tied to the logic of a capitalist world system, yet which insists that such practices are always refracted by local histories and epistemologies in 'provisional compromise' (Chakrabarty 2000: 70).

Towards a pluritopic critique of piracy

Thinking about postcolonial piracy in terms of a plurality of 'provisional compromises' between global designs of 'property, capitalism, personhood' and concrete local ways of 'being human' that are mediated through older and new technologies across the global South crucially allows us to move beyond the Eurocentric imaginaries of theft, freedom or resistance. While not denying their partial validity, a pluritopic hermeneutics invariably foregrounds the imbrication of universalizing narratives with alternative local epistemologies and imaginaries which complicate and exceed their scope. Piracy across the global South, in this reading, is certainly and most pressingly a consequence of a 'global pricing problem' in a world of '[h]igh prices for media goods, low incomes, and cheap digital technologies' as highlighted by Joe Karaganis in his vital policy-oriented intervention (Karaganis 2011: i). Yet piracy is always also more than that. Cultures of piracy across the globe, as we have tried to argue, have performed as crucial sites in which various ways of being modern have been negotiated and acted out. Moreover, the volatile infrastructures of postcolonial piracy have created their own materially grounded, provisional aesthetics. Brian Larkin, for instance, draws on cassette, video and cinema cultures in northern Nigeria to foreground how the aesthetics of postcolonial piracy are often marked by 'the ubiquity of technological breakdown and repair' and a regime of reproduction

which creates 'a set of formal qualities that generate a particular sensorial experience of media marked by poor transmission, interference, and noise' (Larkin 2008: 218–19, 233). Such reflections on the generative aesthetics of piracy productively trouble Lessig's seemingly neat distinction between 'transformative' and 'plain' copying. And while the more recent distribution of digital technologies is about to widely eliminate the degrading effects of copying and sharing across the South, the 'boundary object' of piracy continues ever more urgently to destabilize and reformulate conceptions of originality and authenticity, of creativity and authorship, of belonging and being. The many futures of cultural production in a global age are negotiated and acted out, yes, in Los Angeles or Berlin, but ever more urgently so in Cochin and Bamako, in Cochabamba and Campinas.

The following contributions offer a polyphonous collection of seminal voices from and about a range of regional and disciplinary contexts on which we have heavily drawn in our own attempt to conceptually frame this volume. It goes without saying that this frame hardly contains the plurality of arguments at stake, and that all our contributors productively exceed, and in some instances contradict, us as well as each other. In their entirety, however, the contributions powerfully underscore the need to find new ways of thinking and conceptualizing postcolonial piracy for a global age.

This collection sets out with a section of four essays that carve out the *Domain of postcolonial piracy*. It opens with two classical interventions, Ravi Sundaram's 'Revisiting the pirate kingdom' and Lawrence Liang's 'Beyond representation: the figure of the pirate', which in many ways set the conceptual challenges of the field. Sundaram mainly concentrates on a range of urban media cultures which have manifestly shaped modern India, yet remain largely outside of the imaginary of Western narratives of urbanism and globalization. Liang in turn powerfully questions the viability of legalistic and liberal discourses of the public domain for postcolonial populations, drawing on contemporary contexts across the South as well as unfolding a larger trajectory of the commons and dispossession that reaches back across the history

of modernity. The opening set is completed by Volker Grassmuck's 'On the benefits of piracy' which expands the field of inquiry to the nineteenth-century US book market, Nigerian video culture and the Brazilian Techno Brega circuit while pleading for a 'legalization of small-scale piracy', and finally Shujen Wang's "'Dreaming with BRICs"? On piracy and film markets in emerging economies'. Wang offers a detailed assessment of the different ways in which Brazil, Russia, India and China have sanctioned pirate markets of the economic underground and borderlands against various degrees of pressure from, in particular, the US, and how such markets tie in with formal economies in intricate ways.

Under the rubric *Reframing the discourse of postcolonial piracy*, the second set of four essays then offers reflexive interventions into the emergent field of postcolonial piracy studies itself, critically assessing the conceptual repertoire of its rhetoric, the scope of its analyses and the trajectories it opens up for future research. It begins with Ramon Lobato, who profoundly interrogates the conceptual validity and productivity of the term 'piracy' in the debates at stake, given the 'impossible heterogeneity' of the cultural phenomena it addresses, and given that the term seems to confine us to a 'copyright-centric critique of copyright ... that cannot speak its own language'. Marcus Boon frames this problem in a different way in 'Depropriation: the real pirate's dilemma' when he exposes the pervasiveness of the concept of subaltern 'appropriation' in the philosophical trajectory of current critiques of piracy. In an analysis of phenomena as diverse as Occupy Wall Street, WikiLeaks and the music compilation *Music from Saharan Cellphones*, he proposes instead to reorient our discourses along the conceptual lines of 'depropriation' as a way to think beyond the logic of property and capital. In a meta-critical tour de force, Kavita Philip then expands the scope of current critique by embedding the discourses of piracy within a more encompassing study of the knowledge economies of modernity/coloniality. In 'Keep on copyin' in the free world? Genealogies of the postcolonial pirate figure', she advocates an intimate tracing of the ways in which the figure of the pirate has functioned as

a 'boundary object' serving to stabilize discourses and technologies of governmentality across history, in a genealogical perspective which ultimately reflects how the futures of pirate studies themselves are 'embedded in, shaped by, and co-constituted with the structures of power-to-come'. The section closes with Adam Haupt's 'Interrogating piracy: race, colonialism and ownership', which returns to the imperial imaginary underscoring John Locke's *Second Treatise* and the politics of commons enclosure in the genealogical spirit outlined by Philip; at the same time, the essay marks a transition to the final section of this volume by tracing the profound legacy of Locke in a closely contextualized case study framed around Solomon Linda's classic South African song 'Mbube'.

The volume closes with four case studies which illustrate the ambivalent *Work of postcolonial piracy* in different contexts of cultural production in urban Brazil, rural Bolivia, in the capital of Mali and in the Indian state of Kerala. Ronaldo Lemos's 'To kill an MC: Brazil's new music and its discontents' takes the violent death of funk carioca MC Daniel Pellegrine, a.k.a. MC Deleste, as a starting point for an intense meditation on the conceptual consequences of new modes of digital music production almost exclusively channelled via YouTube, Facebook, Twitter and 4Shared for notions of legality and originality, subjectivity and collectivity, social authority and authorship. Henry Stobart's "'Justice with my own hands": the serious play of piracy in Bolivian indigenous music videos' then sets an intriguing counterpoint to the web-based cultures of urban Brazilian musicking by focusing on rural Bolivian music cultures and the medium of the video compact disc. Stobart offers a compassionate and astute analysis of the ironic paradoxes of piracy that is informed by his friendship and collaboration with *originario* musician Gregorio Mamani, showing how the Bolivian pirate infrastructure is at the same time fundamentally enabling, in the basic absence of a formal music economy, yet also precariously disabling indigenous artists. Ryan Skinner pursues a related argument for the precarious music circuits of Bamako in his 'Money trouble in an African art world: copyright, piracy and the politics of culture

in postcolonial Mali'. He closely traces the gradual transformation of Malian postcolonial politics from state-centred cultural production with all its discontents to the neoliberal structural adjustment policies which resulted in a cultural economy of constant 'money trouble', an economy which forces artists and audiences alike to perpetually navigate between the 'perceived anarchy' of local piracy and the 'proscribed control' of a global rights regime. Last but not least, the volume comes full circle with Satish Poduval's contribution 'Hacking and difference: reflections on authorship in the postcolonial pirate domain' which ties back in with and expands on the crucial interventions of Sundaram and Liang in the first section. Poduval focuses on the boundary figure of the postcolonial (literary) hack in two Kerala-based instances, one historical in the context of leftist theatre, and one fictional in the context of the Malayalam film industry, to illustrate how in the Indian South piracy-as-mimicry has enabled an ambivalent 'rear-guard occupation of modernity' for those previously left out of its imaginary.

But no more parley, reader. Now that our motley crew is on deck, let us sink this editorship and all its provisional compromises. Enter, set sail and depropriate.

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