Pirates, Not Plagiarists

In the gloomy cloud of intensive transnational media conglomerations, aggressive privatization of all public resources, and catastrophic arts defunding, hope for independent documentary beckons, a shred of blue on the stormy horizon. Although endangered and precarious, independent documentary can redirect tactics to widen the cracks for different kinds of democracies. Always the outlaw, independent documentary must mutate into something dexterously ingenious to change the new world orders of the new millennium. It can remake itself as a pirate. Independent documentary can surf and raid the global image flows to build new constructions and new spaces to counter the transnationalization of Hollywood. The promise of digitality and affordable new technologies, the high noon of copyright and fair use, and the pervasiveness of deterritorialization allow for new imaginings and new ambushes to materialize.

The word piracy raises many different forms, fictions, and fantasies. In this chapter, I use the term piracy as itself a hybrid of history, fact, fiction, and fantasy, a practice that defines itself in rewriting borders and fantasizing new futures. I recuperate the term and decriminalize it. Media pirates, those who recycle images from other sources, are distinguished from plagiarists in two ways: first, the plagiarist uses images or words in their entirety, whereas the pirate decontextualizes images and words in order to recontextualize them; second, the plagiarist renders the copying process invisible and seamless, whereas the pirate foregrounds the process of snatch- ing as a disruptive act and intervention, a rerouting of media tributaries. For example, a pirate editorial titled “So You Want to Be a Pirate?” explains, “So what’s a pirate? A pirate is somebody who believes that inform- 

mation belongs to the people. Just as a book can be zeroxed or placed in a library to be shared, pirates provide a type of library service.”

The post-1989 economic and technological realignments have precipitated a variety of new formations of piracy. The conflicts among the countries of the North and South and West and East have transformed from militarization to mediatization. State power has been realigned along economic lines more than ever before, shifting the location of culture from a state prerogative for national history building to a narrative of transnational consumption of stateless, globalized commodities dependent on the circulation of image culture. As the CIA tracked weapons and nuclear capacity during the Cold War, the Motion Picture Association of America (MPAA) now pursues illegal pirating of Hollywood films to force nations to adopt stricter copyright legislation. The newly emerging democracies of Eastern Europe and China have spawned commercial pirates in droves; they copy and sell everything from Forrest Gump to Windows 95, Madonna CDs, and downlinked satellite broadcasts of Friends. As Gordon Graham noted in Publishers Weekly in 1995, “Piracy, as we know it today, is an eruption of the world post-colonial era.”

If the commercial pirate copies for profit, the media pirate copies for the pleasure of profaning the dominant commercial media discourse and turning it against itself. The commercial pirate operates in the realm of exchange value, trading money for a material commodity, whereas the media pirate functions outside and in between exchange relations, forging new ideas by cutting apart and twisting the old parts into something new that exchanges ideas in a circulatory system rather than products.

If the commercial pirate is a counterfeiter, the media pirate is a counter-discoverer. The former produces an object; the latter produces new subjects. Media pirates conduct subversive art maneuvers that alter the material of the image by fragmenting it, whereas criminal pirates basically reproduce films, CDs, and software without any alteration of the material object or representational mode. Pirate media are the ultimate form of recycling in the transnational era: they salvage corporatized images for compost to grow something new out of the old.

Subcomandante Marcos, the leader of the Zapatista insurrection in Chiapas, Mexico, exemplifies this new piracy strategy. He commenced his offensive on the day the North American Free Trade Agreement (NAFTA) was signed, giving equal importance to media tactics and war strategy. Guillermo Gómez-Peña has dubbed Marcos “a consummate performer-cerno” who “utilized performance and media strategies to enter in the political ‘wrestling arena’ of contemporary Mexico.” In an address broadcast via satellite to the “Freeing the Media” teach-in held in New York City on
January 31, 1997, Subcomandante Marcos remarked: “Independent media tries to save history: the present history — saving it and trying to share it, so it will not disappear, moreover to distribute it to other places, so that this history is not limited to one country, to one region, to one city or social group.”

Guillermo Gómez-Peña, also responding to the NAFTA provision that allows capital but not labor to move freely across the borders that separate the United States from Canada and Mexico, has also written about how expropriation of media and cultural elements is necessary in the new world orders to create more open and fluid systems, with art spaces creating what he calls “demilitarized zones.” Describing the new hybridized cultural worker, he says: “S/he performs multiple roles in multiple contexts. At times, s/he can operate as a cross-cultural diplomat, as an intellectual coyote (smuggler of ideas), or a media pirate. At other times, s/he assumes the role of nomadic chronicler, intercultural translator, or political trickster.”

John Fiske, in a 1989 essay titled “Popular News,” anticipated Marcos and Gómez-Peña. In contradistinction to the homogenizing and narcotizing structure of commercial news, he imagined a formally open, participatory news boiling over with contradictions that provoke public discussions and minimize distinctions among author, text, and reader. Media piracy, as a form of popular news, deploys digitality and new technologies to open up previously closed and encoded formal systems, going beyond Fiske by materializing his ideas. Yet it also, in a crucial distinction from the postmodern inflection, collapses the frontier between author and consumer, between writer and reader. The media pirate, then, rejects the exchange value of the image and rescues its use value for new uses.

A 1992 Paper Tiger program called Low Power Empowerment, for example, chronicles low-power radio produced by women in Galway, Ireland, and by Black Liberation Radio in Springfield, Illinois, with inexpensive audio technology that creates community-based talk around significant issues such as women’s work and housing. However, the tape is not simply a celebration of the appropriation of low-end consumer technologies for clandestine radio broadcasts; it also functions as a how-to primer on pirate radio: it provides viewers with tips on where to shop for components and instructions on how to rig a system.

Pirate radio operations around the globe foreshadow the confrontations among diffusion of new technologies, the surveillance of the nation-state, and democracy. The case of Radio Free Berkeley illustrates these points of rupture. In 1996, the Federal Communications Commission (FCC) fined pirate radio producer Steven Dunifer twenty thousand dollars for broadcasting without a license. Dunifer contends that the FCC investi-
The BLO Nightly News (1994), produced by the Barbie Liberation Organization, is itself a media prank that hijacks network news. The tape discloses how activists switched the voice boxes on three hundred Barbie dolls and G.I. Joes in forty-three states in the fall of 1993 to "culture jam" gender stereotyping in children's toys. G.I. Joes say, "Let's go shopping," and Barbie dolls speak of war tactics. The dolls were altered by BLO operatives, then returned to stores in what the BLO calls "shopgiving." Parents unknowingly bought the dolls as Christmas gifts for their surprised children. Local and network news covered the story of the dolls, themselves pulled into the web of the ingenious media prank to expose how toy manufacturers produce gender bias. The BLO even sent press releases to news organizations and ran a toll-free telephone number in a parody of public relations spin efforts.

The BLO Nightly News sabotages the objectivity of network news in a variety of ways. It reuses the conventional news coverage from NBC and CNN as clips, thereby turning the corporate commercial media into producers for the activists' agenda. It fabricates a fake television newscast replete with a sports announcer describing the advance of the altered Barbies over archival sports footage and a science reporter investigating the "corrective surgery" techniques employed in the transgendered alterations. At one point, a stolen image of President Clinton is keyed behind the fake news anchor.

The BLO Nightly News, then, instigates a two-way dialogue between the activists and the corporate media by means of the prank: the activists gain access to dominant media through gender bending and then reuse those news stories in their own tape. The dominant media are recast as penetrable to raids, and usable. The division between producer and consumer is blurred. The mass-media coverage of the pranks opened up a small discussion on sexism in children's toys through humor at a particularly heated time of the year for toy purchases. At the same time, the tape itself apes the slickness of corporate news visual models, but bents them with a transvestite weatherperson, montage editing that exposes the corporate media agenda, and a style of news reporting that highlights the performative pose of corporate media reporters.

The tape does not stop at documenting the Barbie and G.I. Joe voice box surgery, however; it also serves as an instruction manual on how to change the dolls. Through these multiple moves, the tape turns all consumption into production of ideologies, deconstructions, practices, or subject positions. Even the viewing of the tape itself changes spectatorship, assuming that the how-to aspect of the Barbie caper is as crucial as the why. The BLO Nightly News presumes that all technologies are infinitely manipulable, from toll-free telephone numbers to computer chip voice boxes in dolls, to television, to videotape, to satellite feeds, to the mail, to surveillance cameras, to ChromaKey technology.

To survive these new nearly debilitating structural realignments in public culture, democratic media strategy needs to deterrioralize, to adopt a more mobile, more multiple, more clever performance that is a productive relation on spatiality. It needs to embrace hybridity, rejecting the essentialism of identity politics, but also rebuffing formal purity, combining tools—from film to video to digitality—styles, and distribution systems. It needs to dispose of such concepts as guerrilla or alternative filmmaking, hangovers from older periods with quite different political debates and historical contexts. A theory of piracy and pirates offers a sailing ship with which to navigate the new world orders with new epistemological structures and political tactics.

In the 1970s, it was fashionable to refer to radical media practice as guerrilla filmmaking, a concept borrowed from Third World liberation struggles that sought to overthrow the colonization of territories. The guerrilla media maker operated outside, marooned in the margins, fighting for
territory in an underground way. The term guerrilla suggests that media practice was itself militarized, armed, ready to bomb out the opposition, seeking discursive and geographic territory. A signifier condensing this strategy resides in the logo of the Newsweek collective quick flashes of the name Newsweek with bars of machine-gun sounds.

In the transnational era of mobile capital, fluidity, global communication flows, digitality, and diaspora, any concept of radical media practice that is lashed to binary oppositions between demonized corporate media and sanctified pure independent media is bound to fail at creating more democratic spaces. A more complex, constantly shape-shifting hybridity of strategies, technologies, and textual interventions is urgently necessary if there is to be any struggle for independent media at all.

As David Cordingly has argued in *Under the Black Flag*, the construct of the pirate has intertwined fact and fiction: in the seventeenth and eighteenth centuries, many pirates were criminal outcasts who chose to reject the naval operations of the nation-state for economic gain, but not all; in literature and Hollywood film, many pirates have been romanticized as dazzlingly handsome action-adventure heroes who lived a life of sailing, but not all. Nearly a century before the French Revolution, pirate ships were democracies dedicated to liberty, equality, and brotherhood.

In her novel *The Holder of the World*, a feminist novel about the transnational movement of a young woman in the seventeenth century who moves from the American colonies to England and then to India, novelist Bharati Mukherjee summons the image of the pirate ship. In narrativizing and reimagining the pirate ship, Mukherjee casts away its criminality, re-fashioning it as a mobile boat of resistance to capitalist companies, the state, colonization, and slavery. In *The Holder of the World*, pirates freed the slaves in Madagascar. In contemporary practice, media pirates free the media from its transnational corporate location.

Piracy is identified with an earlier period of mercantilism, when capital was in a similar era of change and growth internationally. Always on a boat, on water, moving in and out to raid and steal, the pirates were not moored to one nation. Pirate ships, as Mukherjee imagines them, had crews composed of many nationalities; they were ships of deterritorialized bodies, moving in and out of ports.

The information age, with its global flows in the vast ocean of cyberspace and its infinite reproduction of images, marks another era of great economic shifts. If piracy can be theorized as a media form that is fluid, mobile, and hybrid, then it can perhaps provide a way to rethink this new period of exploration and capital growth not as something huge, impenetrable, dominating, and depressing, but as an archive to be raided, its contents borrowed, mutated, digitized. Jacques Derrida has noted the indeterminacy and openness of the archive, its endless productive capacities in the period of digitality: “The archivist produces more archive, and that is why the archive is never closed. It opens out of the future.”

If piracy can be conceptualized as a new media strategy, it then becomes an insinuation for difference(s), multiple layers of critique(s), intervention(s), and space(s). Theorizing piracy means disengaging from territories, deconstructing the binary opposition fueling most of a quarter of a century of independent media, and entering the global flows not as consumers, but as producers-in-dialogue. A notion of piracy refuses to recognize images as property, but instead collectivizes the images in the global image flows, severing them from ownership by the transnationals.

In rejecting the binary opposition between Afrocentrist essentialism and black nationalist pluralism, Paul Gilroy has also summoned the image of the ship as a central metaphor for hybridity, displacement, border crossing, circulatory systems, transformation, and reinscription. In his conception of the “Black Atlantic,” he explains how sailors moved between nations on ships that were “micro-systems of linguistic and political hybridity.” Gilroy’s emphasis on movement, border crossing, plurality of forms, and open textuality as modalities of resistant cultural practice is materialized in the dubbing, scratching, and remixing of digitally sampled hip-hop music, a form of black music that ransacks other musical forms in order to refashion them into a new musical language.

Media piracy, which reinscribes racializing and engendering discourses on dominant media that privilege whiteness and maleness, similarly refutes the binary oppositions between dominant and radical media by creating a hybrid structure that graphs together old media and new forms, a sampling and remixing of culture. Gilroy deploys the term antiphony to describe the democratic model emerging in African American call-and-response musical forms, a term that collapses the binary oppositions between producer and consumer, author and reader, into intersubjectivity and interaction. Media piracy, then, can be theorized as an antiphonic relation, rather than as simply a marginal or resistant position. The former implies motion, whereas the latter suggests stasis.

Pirate antiphony, however, is not simply a productive relation, but a virtuoso invention of new social spaces designed with recuperated imagery and tactical practices. In *The Practice of Everyday Life*, Michel de Certeau theorizes space and its relation to poaching, a tactic of the dispossessed to change the register of totalitarian regimes by concocting a creative utopia through wit, trickery, and art, reversing the power relations. An example of this poaching emerges in folktales and legends, where the story enunciates.
this inversion: the disempowered trick giants and other ogres, signifying impregnable power and triumph, a pedagogy of utopianism and hope.\(^\text{17}\) For de Certeau, space differs from place in that it is “composed of intersections of mobile elements,” whereas place is bounded, fixed, located.\(^\text{18}\) These notions of space and tactics rather than place and strategies are central to rethinking how to deal with the post–Cold War new world communication orders, which have simultaneously centralized (with mergers across industries) and decentralized (diffusion of new technologies such as camcorders and computers). Media piracy, then, produces mobile space through tactics in which, as de Certeau has said, “order is tricked by an art.”\(^\text{19}\)

**Transnationalizing Hollywood Images**

Hollywood films are juicy targets for pirates. Hollywood, as an ideological fantasy and economic giant, condenses three phases that have fueled piracy: first, its images are hegemonic and globalized; second, its homogenization of narrative form and ideology has accelerated; and third, it has contributed to the intensification in the patrolling of the reproduction and circulation of images. Both commercial and media pirates prey on Hollywood.

In his short tape *Dia de la Independencia* (1997), video artist Alex Rivera deflected the image of the alien spaceship descending over the White House and the advertising campaign from the blockbuster 1996 hit *Independence Day* to suggest that alien movies are really anti-immigration, racist narratives. In effect, he recodes and Spanglishizes the trailer from *Independence Day* through computer-generated animation techniques. Rivera executes a visual double entendre by exchanging a sombrero for an alien spaceship. The sombrero hovers over the White House, visualizing the anti-Mexican ideologues of the current popular discourse on immigration and space aliens.

In *Dia de la Independencia*, Rivera engages digital imaging to racialize the Hollywood blockbuster. Borrowing from the short form of movie trailers, which create interest through anticipation, Rivera pirates the form of *Independence Day* to show that the Hollywood film subtextually propagates fear of racialized aliens across the border, disguised as space aliens. The tape perfectly mimics the slick editing, visual perfection, and tone of Hollywood studio summer blockbuster trailers, but completely subverts the content by assuming a Spanish-speaking audience rather than an English-speaking one and warning Anglos of the impending invasion.


The tape concludes with the sombrero blowing up the White House in a visualization of racialized fantasies. In effect, Rivera recuperates digitality in order to reracialize special effects, to bring to the forefront that which they repress, a sort of psychoanalytic and political exorcism.

Piracy is perhaps the most significant issue for transnational media in the post–Cold War era. This economic context of more and more globalized and expensive media and expansion into new markets around the world surrounds and fuels artistic media piracy. As the gap widens between those who have access to media technology and those who do not, tactics for participation change. Since 1989, piracy and copyright violations have emerged as central international trade issues for the United States as it deals with the newly democratized countries of the former Soviet Union, Eastern Europe, and China, areas where illegal piracy has exploded exponentially as demand for Western entertainment has increased and such high-tech consumer goods as VCRs have become more available.

These regions represent some of the largest emerging markets for the media transnationals, and are thus heavily policed through threats, trade barriers, and trade sanctions by the U.S. government that are designed to ensure that transnational media products are purchased rather than copied.
The U.S. government as well as trade organizations for Hollywood, such as the MPAA, have become allies of the media transnationals, bolstering them by providing international policing of intellectual property rights. In Asia and the Third World, copyright piracy has continued to increase. On the other side, intellectual property — ranging from films, books, and computer programs to musical recordings — has become the third-largest U.S. export, after aerospace and agriculture. China, for example, has been found to account for nearly one-tenth of all losses from piracy, a particular threat to the transnational media sector because China is the largest and fastest-growing telecommunications market in Asia.

The conflicting legal systems, histories, and cultural norms between the nation-state and the transnational era are typified in the cases of China, Poland, and Russia, where Western legal definitions of copyright are alien concepts. For example, as Derek Elley has explained in Variety, different cultural values on replication of material exist in Hong Kong cinema, “a film industry where plagiarism isn’t a dirty word, where genres play themselves out at a furious rate in only a matter of years, and where audience happily applaud plagiarism as much as complete originality.”

Since the revolutions of 1989, democracy has been equated with the market economy, and computer software, videos, and CDs have emerged as important components of international trade. The explosion of new technologies, the very technologies that have facilitated unprecedented global growth in the communications/entertainment/information sector, has simultaneously opened up the possibility of endless illegal reproductions by pirates in these countries who are copying entertainment goods for profit.

As argued in a 1995 UNESCO report on international cultural diversity, the concentration of media ownership worldwide has greatly accelerated since 1989, producing an enormous gap between those with access to media and those who do not have access. Richard J. Barnet and John Cavanaugh have shown how the concentration and globalization of media have catapulted entertainment into the third-largest surplus product of the United States. They describe the postindustrial corporation shedding its manufacturing divisions and moving increasingly into information processing, communications, and marketing. For example, they document how the music industry has globalized, with MTV and CDs sold around the world, as music is a commodity that easily crosses language barriers. The information/communications/entertainment industry conglomerated in the 1980s and then globalized in the 1990s, forming transnational webs of interlocking companies with high levels of concentration.

These economic changes have had significant impacts on the form,
the lack of unified, enforceable copyright laws on a global scale, and lack of media diversity in certain regions, such as the Middle East.11

Within this context, the Hollywood film industry has changed dramatically, particularly in its relation to producing visual imagery and linear narratives. As Janet Wasko has argued, the media/entertainment sector has grown considerably during the 1980s and 1990s, with most studios now transnational conglomerates that are transindustrial, multilinked entities combining film, television, music, and publishing and utilizing new technologies such as cable, satellite, and VCRs for control over distribution. Although the studio system was divested by the 1948 Paramount decision, the studios have fact reintegrated themselves vertically in the 1980s and 1990s. They have also globalized, earning more than 43 percent of their profit from foreign distribution.

As a result, copyright and piracy have emerged as major areas of concern: the Hollywood studios have become some of the fiercest advocates for free trade, especially for the General Agreement on Tariffs and Trade (GATT), which greases the wheels for the globalization of Hollywood products by lowering trade barriers. A major plank of GATT is the protection of intellectual property rights such as copyrights and patents. Ronald Bettig has observed that the signing of GATT “signalled the consolidation of control over intellectual and artistic creativity in the hands of transnational corporations in rich countries.”12

Within this context of increasing regulation and policing of transnationally mobile images and archives, media piracy of a different register has materialized that reclamations these images as fragments of psychic imaginaries, public histories, new formations of subjectivities. This work rejects the privatization of the world’s image banks by recuperating these narratives and images as a malleable, reproducible, infinitely mutable part of public culture, memory, and history. These acts of media piracy capsize the subject-object relations of the image: their tactic is to refuse the border between public and private by navigating the zone in between.

Rock Hudson’s Home Movies (1992), by Mark Rappaport, is a direct assault against the transnationalized and purified image archive. Actor Eric Faar impersonates Rock Hudson, describing in first-person voice-over his sex life as a gay man in Hollywood, his studio marriage, his thoughts as he was represented as the epitome of 1950s heterosexual masculinity, his battle with AIDS. This imaginary gay narrative “voiced” by Rock Hudson redeems the Hollywood film clips from various Douglas Sirk films he starred in, simultaneously detaching the films from their patriarchal familialism and queering the straight sexuality of these films’ representation of masculinity.

The archival trace of Hudson in Hollywood, then, is transposed into evidence of the blurred frontiers between public image and private life, straight sexuality and queerness, narrative representation and subjectivity, documentary and fiction. Faar impersonates the imagined documentary truth of Hudson's sexuality, diving beneath the tabloid hysteria surrounding Hudson’s battle with AIDS to reveal an actor who adopted the role of trickster of sexual norms, while the Hollywood narratives, born from their context, are transcribed into documentary evidence of Hudson’s skill at acting out the part of a straight male matinee idol. At one point in the film, the voice-over describes how Rock kissed and does subversive readings in which gay sexuality bubbles just beneath the narrative representation in a series of stolen looks, glances, touches. Rock Hudson’s Home Movies, then, deconstructs Hollywood narratives and reconstructs gay male sexuality, elucidating Hollywood as a site for the consumption, reproduction, and distortion of sexual fantasy.

In Joan Sees Stars (1993), Joan Braderman performs a similar tactic of sexualizing and rereading the Hollywood archive through a reinscription of suppressed subjectivity and physicality by investigating how Hollywood celebrities permeate our psyches, our beds, and our dreams. The beginning sequence of the tape features a montage of various warnings about copyright infringement lifted from the front of rented videocassettes, its excess and repetition signaling the futility of copyright enforcement.

The tape interweaves two stories of aging and illness: Joan’s own serious, debilitating illness, which puts her in bed for months, and her friend Leland’s deterioration from AIDS. With Joan in the East and Leland in the West, they communicate via phone, discussing the videotapes they rent from video stores to pass the time while they are bedridden. The Hollywood films, featuring various movie stars such as Elizabeth Taylor, function as talismans for hallucinations of physical perfection and beauty, fantasies that transport Joan’s own psychic space from her sick bed and body to the realm of the imaginary, which she interprets as a useful distraction from her physical pain.

Joan describes devouring biographies on the stars, reading their images in the films as hallucinations of femininity, merging with them as celluloid goddesses. Joan Sees Stars explores the identification process inscribed in the new form of cinematic spectatorship, the home VCR, which, in privatizing and isolating the viewing experience, also opens Hollywood films up to a new kind of psychic recycling. As they are endlessly replayed, stopped, and fast-forwarded on Joan’s VCR, the Hollywood films function more as ritualized obsessions, love objects, and repetition fantasies than as narratives. The space of the video screen, then, becomes the site of recuperation, both from illness and from corporate images.
Gringo in MananaLand (1995), DeeDee Halleck's epic compilation restructuring the "story" of the U.S. relationship with Latin America through reedited pirated clips from Hollywood films, newreels, educational films, and industrial films, also performs reconstructive surgery on commercial presentation, demonstrating that these Hollywood and newreel images populate a public landscape. Twelve years in production, Gringo in MananaLand juxtaposes film clips to tell the story of U.S.-Latin American relations as one of rampant cultural imperialism, where a rich and exotic land is discovered by Anglos, where natives toil in the fields, where bandits threaten, and everyone desires U.S. aid. The producers compiled a database of more than seven hundred films from more than one hundred archival sources, ranging from the U.S. National Archives to the U.S. Marine Archives, the University of California, Los Angeles, the University of Southern California, the National Archives of Guatemala, and the Cuban Film Institute. In the tape, clips from Hollywood films such as The Cuban Love Song (1931, MGM), South of the Border (1939, Republic Pictures), Tropic Zone (1953, Paramount), and Fun in Acapulco (1963, Paramount) are rearranged, shaved down, and rethreaded to reveal that nearly all the representations of Latin America, whether in newreels, industrial films, or narrative films, serve as a fantasy of the U.S. national imaginary, projecting Latin America as a land of bounty, pliant natives, and bandits.

Halleck fashions a new narrative out of the old films, one that unpacks the racialization and class exploitation the commercial films repress, in effect, editing to expose the seams in the seamless representations. Gringo in MananaLand, then, historicizes narrative by showing that all narratives, whatever modality or genre, have an international trade context. Drawing on films spanning an Edison film about the Spanish-American War from 1900 to a 1963 Elvis Presley musical, the tape creates a new historiography of representation, one that rejects linearity and opts for an archaeology of the psychic and economic relations between United States and Latin America. For example, the films are not edited together in chronological order, but are interwoven in sequences announced through superimposed headline intertitles, the progression of which itself narrativizes imperialism: "arrival," "the past," "paradise," "problem #1," "bandits," "technology," "cooperation." Structurally, Gringo in MananaLand demonstrates that the fictionalized cinematic representations in Hollywood films enact the psychic fantasies of the political economies of imperialism, while the documentary footage from newreels, educational films, and industrial films enacts a projection of national and international fictions.

For example, near the middle of the tape, a sequence on banana production disembowels fictional and nonfictional representations as fantastic projections of labor. In a scene from the 1943 Hollywood film Tropic Zone, a woman tells her husband that her family founded their plantation to provide more and better employment for the laborers. This scene is then cut with a United Fruit Company film about "mananaLand." The sequence that follows intercuts a dance sequence from a Fred Astaire film in which he pulls veils off of a Latin American woman, a Carmen Miranda dance number in which women sport huge bananas on their heads, and various newreels and industrial films that illustrate banana production and shipping.

In this editing, Halleck demonstrates that both Hollywood dance numbers and black-and-white newreels fantasize labor and race, spectacleizing both to show subservience to the interests of capital. bell hooks has described the enjoyment of racial difference as "the commodification of otherness." For instance, a black-and-white newreel image of a worker carrying bananas on his head is intercut with a similarly framed shot of Carmen Miranda with an enormous pile of bananas flowing out of her head, nearly five times larger than her own body. This cut crystallizes Halleck's political
tactics: the real is fantastic, the fantastic is real, both speak the power of a racialized, sexualized economy of signs and products.  

The Crisis of Copyright in the Era of New Technologies

Copyright debates pit the diffusion of new computer and satellite technologies against regulation by large transnational corporations, public interests against private capital, information against property, the information haves against the information have-nots: but all of these oppositions are suspended in the fluid frontier of new technologies such as computers and satellites, which blur borders. Hayden Gregory, chief counsel for the House Judiciary Subcommittee on Intellectual Property, for example, has noted, "You can sum up copyright concerns in one word: digital."  

As Ronald Bettig has argued, "Copyright is monopolistic." Copyright, which developed in the sixteenth century with the dawn of capitalism and the printing press, transforms culture into property. In effect, it materializes ideas, objectifying that which suggests interactivity and installing stasis into that which depends on movement. Copyright grants monopolies of knowledge to individuals and corporations instead of to communities, enforcing what Jane Gaines has termed the romantic idea of uniqueness, singularity, and authorship. If folktales, songs, and stories were passed on and altered in communities as living, changing, communal, authorless works, copyright, in rewarding individuality, commodifies culture, information, and knowledge, transforming it into private property to be policed and sold rather than shared. However, as Bettig and Gaines have both underscored, copyright, because it facilitates enormous regulation and surveillance of the image and information, can conflict with issues of access, freedom, creativity, and critique. In other words, copyright operates as a privatizer of public spaces constructed out of discourses, images, stories. In a literal sense, copyright incorporates ideas into the corporate environs.

The development of new communications technologies, whether the printing press, photography, cinema, VCRs, satellites, or computers, has always threatened the monopoly control of copyright and ownership of images. As technologies are diffused, they have the potential to democratize access to information and communications, a potentially destabilizing force requiring constant system adjustment in the laws, in national culture, and in economic structures. Martha Buskirk writes, "The initial establishment and the subsequent development of copyright principles should be understood as a series of responses to the potential for disruption inherent in various new forms of technology."  

The first attempt to revise the world's copyright laws for the digital age occurred in 1989, a pivotal year in the new world order, at the World Intellectual Property Organization (WIPO). WIPO members recognized copyright as a fundamental ingredient of the globalized economy. By 1996, the WIPO Diplomatic Conference in Geneva met to review the challenges digitization poses to the Berne Convention, the international treaty on copyright. The conference foregrounded the heated political debates between those who want to ensure greater enforcement of copyright to extend monopoly control and those who want to protect access to information.

The Clinton administration and the film and recording industries were strong supporters of more aggressive copyright enforcement and an expansion of its reach, whereas the American Library Association, the Association of Computing Machinery, artists, universities, civil liberties groups, and computer manufacturers worried that the new proposals would limit public availability of information. TheClinton and Hollywood positions would have wiped out any fair use provisions, which operate as a balance to monopoly by protecting access to material for educational and critical ends, in effect, supporting users rather than highly protectionist copyright industries. On the other side, a coalition of African, Asian, and Latin American countries lobbied against enlargement of copyright domains and stalled the copyright maximalizing position. As Pamela Samuelson has noted, "The battle shaping up in the digital era pits media conglomerates against users as never before." This international copyright debate condenses the layered destabilizations that cyberspace opens up, especially concerning the distinctions between public and private, boundaries that become much more difficult to chart in the digital era and that contribute to the gnarly discourse enveloping all forms of piracy. From the side of capital interests, for example, Howard C. Lincoln remarked in the Wall Street Journal: "Piracy has always been a threat to international trade, but it is especially so now. Thanks to technology's miracles, the products of the postindustrial age—like computer driven games and information services—are susceptible to piracy in ways that manufactured producers never were." Jim McCue in the Spectator expanded this point even more: "Copyright law is falling into disrepute as technology makes it both unenforceable and irrelevant."  

With digitization, images and words can be endlessly mutated, copied, revised, manipulated, and distributed, eradicating the differences among producers, creators, artists, users, and spectators. Whereas this elaboration of a fluid space of change and exchange has provoked the legal/economic strata to rein in and colonize this new frontier, it has encouraged artists and activists confronting the end of arts funding to develop new formations

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that are perhaps less institutionally bounded and that manufacture new
spaces. Commenting on the new possibilities that cyberspace and digital

technologies offer to artists, Margot Lovejoy has said, “The potential of
the new technologies is toward interaction and communication, a kind of
inclusivity which encourages global exchange through which fresh insights
can evolve through experimentation with diversity and difference.”

Yet these possibilities for new environments, which by their inscription
of and immersion within intertextual structures refute the very notion of
single authorship, defy the property presumptions of traditional copyright.
Transmission of words and images is not only instantaneous, but subject to
endless manipulations, transformations, and morphings that challenge the
very notion of stability in any form or articulation. John Perry Barlow, a
former songwriter for the Grateful Dead who has become a major voice for
democracy in cyberspace, has noted, “Digital technology is also erasing the
legal jurisdictions of the physical world, and replacing them with the un-
bounded and perhaps permanently lawless seas of cyberspace.”

Digital space, then, is not a bounded place, but an endlessly shifting
context, where the differentiations between context and text are collapsed
as each folds into the other. Much theorization of this digital zone has in-
voked the metaphor of ecology, a signification of how this interdependent,
rhizomelike system operates as a living organism, where texts sprout from
other texts, contexts die off yet fertilize new texts, and open, mutating sys-
tems link to other metamorphosing systems where there is always new
growth. Recognizing digitality as a contradictory formation incorporating
both the masculinist, privatized logic of the capitalist market and newly
emerging possibilities for social collectivity, Bill Nichols has also sam-
moned the language of environmentalism and ecology, arguing for a trans-
gression of its capitalist delimitations through the new social formations
and new visions digitality itself produces. Consequently, because digitality
arranges a more collective event and environment, it displaces the indi-
viduality inscribed within intellectual property laws. Pierre Levy, for ex-
ample, in theorizing how digitality precipitates new artistic epistemologies
and spaces, notes that it places users “in a living environment in which we are
always already co-authors.”

This ecological modality of digitality, then, is built upon circulation
rather than exchange, fluidity rather than static objects, a recontextualiza-
tion of piracy itself as a democratizing practice that ensures environmental
health. Umberto Eco has extended the public interconnectivity of this ecol-
ogical framework, arguing against the privatization of computers them-

Pirates of the New World Image Orders

selves by formulating the idea of a public multimedia arcade, with public
access to computers, giant communal screens for the posting of Web sites,
and reclamations: “A style that has the reflexivity to create counterdominant narratives against a mobile and shifting enemy—may be one of the most effective ways to fortify communities of resistance and simultaneously reserve the right to communal pleasure.”³⁶

Following Rose, who traces the popularization of digitality in the form of samplers and consequently decenters the primacy of the computer itself as a fetish object, computers are the only machines operating in this new technological environment to challenge copyright by establishing new social communities. Satellite technologies, which use outer space to transmit images and sounds across the globe in seconds, are also a central part of this new ecology. Satellites exhibit homologies to the social and economic contradictions of computers that need to be pirated and reinvited with communal pleasures as well.

Neither Ted Turner’s CNN nor Rupert Murdoch’s Star TV could be imagined without satellites. Satellite technology allows CNN to broadcast to more than two hundred countries and ensures that industrialized countries will control global news as nations deregulate and privatize broadcasting. However, the miniaturization of home satellite receivers, their dissemination to countries around the globe, and their drop in price constitute threats to this transnational control of news.³⁷ Because satellites leave a wide “footprint” that crosses national borders, anyone with a home satellite dish can downlink material, increasing the likelihood of piracy. The diffusion of satellite dishes around the world has contributed to the rise of piracy via satellite in Asia, the Middle East, and Latin America, which has been accelerating since the mid-1980s.³⁸

Recently, pirate media productions have emerged that exploit the democratic possibilities of satellite technology to create new communal spaces and to imagine a world without distinctions between public and private and without nationalist borders. These productions repudiate the separation between the analog and the digital, the historical and the contemporary, high-end technology such as satellites and low-end video. Aesthetically, they hybridize form, content, argument, and reception, linking technologies to marginalized politics to produce new potentially democratic spaces.

In Spun (1995), Brian Springer has explored how U.S. commercial television stirs public debate by reediting more than six hundred hours of on- and off-air satellite feeds into a seventy-six-minute compilation tape. Springer recorded these unscrambled satellite feeds during 1992, the year of the Los Angeles rebellion following the acquittals of the officers who beat Rodney King, the year of increased agitation over reproductive rights, and the year of a presidential election. The tape shows the off-air segments between national broadcasts, during which reporters talk to their producers, Larry King schmoozes his guests about how to obtain drugs, and Clinton and Gore discuss how to act on a live broadcast. Describing his work process, Springer explains:

As far as the fair use issues, my public position on this is that images were transmitted unscrambled and visible to over 3.5 million dish owners across North America. So to me, the images are in the public. That's my position—I'm not a lawyer and others may have a different view based on the communications acts. Once the images are in a public realm, then they can be reused under fair use. I recorded them with my own dish.³⁹

In these feeds, the performative mode of television, which packages news and sanitizes private discourses, recedes. Spun crawls between the interstices of television, the spaces of live, nonstop satellite hookups in between national and international broadcasts, in effect, working the seams rather than the programs. Indeed, because copyright issues regarding downlinking satellite feeds are both ambiguous and unresolved, the tape itself cannot be broadcast or commercially distributed; its own distribution and reception are thrown into other in-between spaces outside traditional distribution channels.
officers accused of beating Rodney King, a news anchor jokes, “Okay, I am standing by, ladies and gentlemen. We don’t have shit to say. We don’t have anything to do. But by god, the management of this company deems it necessary that I come on the air at seven in the morning and shock the shit out of all of you.” By maneuvering through this national televisual unconsciousness in a slow editing rhythm permitting the unfolding of these intertexts, Spin disintegrates the technical velocity associated with commercial television by rerouting it via satellite, a space that holds more multifarious layers of communication. Consequently, Spin writes the end of the public sphere with these interstitial private utterances of racism, cronynism, power brokering, and regulated discourse.

As Spin refigures the reception of satellite feeds as a productive modality, *El Naftazteca: Cyber Aztec TV for 2000 A.D.* (1994) skyjacks satellite capabilities for cross-border production. A joint project between the eEAR Studios at Rensselaer Polytechnic Institute in Troy, New York, and Mexico City–born performance artist Guillermo Gómez-Peña and produced and directed by Branda Miller and Adriene Jenik, *El Naftazteca* was taped during a ninety-minute live satellite broadcast that addressed cross-cultural issues and American-Latino relations as they intertwined with issues of such advanced technologies as computers, virtual reality, long-distance telephones, cable access, satellite, television, and film. Directed by Adriene Jenik, with Branda Miller as executive producer, the broadcast was part of the live satellite telecasts program at Rensselaer Polytechnic Institute called “In a Word, with Technology.” Flyers were mailed around the country urging communities to set up public viewings of the broadcast that would have telephones to allow the audience to call Gómez-Peña during the performance. The program was provided free to anyone with the technical capacities to downlink, and sites were encouraged to create public, communal viewings on Thanksgiving Day, November 22, 1994.60

Featuring Gómez-Peña as El Naftazteca, a name that combines the acronym for the North American Free Trade Agreement (NAFTA) with Aztec, the name of Gómez-Peña’s ancestral people, the tape assumes a visual look fusing the low-tech aesthetic of cable with the high-tech fast editing of MTV: a low-tech, self-reflexive mise-en-scène replete with computers decorated with Mexican toys, studio technicians dressed like gang members, and machineryJerry-built to look like homemade virtual reality machines mixed freely with state-of-the-art computers, editors, satellite transmitters, and glossy editing. Reverberating with this technological mixing and border crossing, a plethora of televisual styles are also referenced and revised, ranging from MTV clips of Hollywood spectacles about Mexico to computer animation, performance art, direct-address lecture, intertitles
scrolling on the screens, and sermons. Thus *El Naftazteca* hybridizes all layers of the production, from genre to language to technology to form.

The tape “performs” piracy as in a simulacrum using interactive satellite television, posing as an illegal pirate transmission from an “underground *vato*-bunker, somewhere between New York, Miami, and Los Angeles.” Throughout the tape, Gómez-Peña functions as host, shaman, intercultural translator, and pedagogue, constantly shape-shifting his own subject and performance position and freely intermixing Spanish, English, and Spanglish as he responds to live callers who ask about where to travel in Mexico, comment that the broadcast shows that “Third World countries are really capable of deconstructing the whole postmodern media paradigm,” and joke about whether the performers will return to jail after the broadcast.

Precoded video sequences retrieve “cultural memories” of Mexican films, Gómez-Peña’s own performances, and Hollywood representations of Mexicans through *TECHNOPOL 2000*, a “new technology” invented, Gómez-Peña explains, by “Mayans with the help of aliens from Harvard. Its CPU is powered by Habanero chili peppers, combined with this or DAT technology.” Gómez-Peña is accompanied by a sidekick character called Cyber-Vato, who at one point dons “Chicano virtual reality machine” headgear to experience the subjectivity of an alien alien attempting to cross the U.S. border.

Throughout, Gómez-Peña challenges everything—from language to computer and media technology, to film history, to the whole notion of interactivity—by assuming the role of pirate, the buccaneer who travels between cultures and nations, mixing bounty from different regions on a ship. The tape opens with a title in graffiti-style writing, “A TV Intervention: Pirata,” and *El Naftazteca* announcing, “Good evening, post-NAFTA America. I’m sorry to inform you that this is a pirate TV broadcast. My name is El Naftazteca: cross-cultural salesman, disc jockey apodéptico, and information superhighway *bandido*, all in one, within, and vice versa, interrupting your coitus, as always.”

Later in the broadcast, he exclaims:

You lonesome *guerreros* out there in TV land are witnessing a *historica* pirate broadcast. Two intelligent, live Mexicans on national televisions. So get off your *nalgas pachudas* and be interactive, *carnales*. Call the bunker right now and let us know what you think you think. Remember: you are allowed to speak in any language you wish. Illegal aliens are welcome. You are allowed to be smart, performative, or poetic.  

*El Naftazteca* dematerializes technological power and copyright from exchange relations, not only severing them from commodification but also racializing them as new hybrid languages that defy borders. The tape suggests that piracy and hybridity are codependent, both tactics that displace monopoly controls over images, information, essentialized identities, technologies. In this tape, copyright and new technologies are virtually ignored and scorned as inconsequential to the emergent yet always circumscribed possibilities of interactive communications and the new communal spaces that can be provisionally and transitively developed as technologies are repositioned and structurally amended.

**Fair Use and Fair Users**

The monopoly character of copyright law is not to be had. Fair use provisions ensure that a small discursive terrain stays open for critical and educational usages. These provisions operate as a check and balance to the commodifying tendencies of copyright laws. The fair use provision imposes limitations on the exclusive ownership of images. Section 107 of the 1976 Copyright Act provides for use of copyrighted work for “criticism, comment, news reporting, teaching . . . and scholarship.” Legally, four interconnected factors are exercised in the evaluation of the applicability of fair use: the purpose and character of the use, the nature of the copyrighted work, the amount and substantiality of the portion used in relation to the whole work, and the effect of the use on the potential market value of the original.

In the post-1989 new world order, where information and entertainment are central components of the transnational economy, fair use provisions have emerged as a site of enormous system disturbance about the traffic in images. These debates on the boundaries of fair use underscore how new technologies that increase access to and democratize media production (camcorders, VCRs, home satellite dishes, tape recorders, fax machines, photocopiers, computers, e-mail systems) challenge older, more exclusionary elitist standards of authorship. For example, corporations and national governments such as the United States under the Clinton administration have often argued for restrictions and delimiting of fair use in GATT and the Berne Conventions, a corporate protectionist stance that many artists and public access advocates view as dangerous.

Media pirates, who catapult from a privatized realm to a public realm in different textual contexts, have invoked the fair use provision to question the legal and economic boundaries of what Guy Debord has called “the society of the spectacle.” In their fair use manifesto, the found-sound band Negativland argues that the saturated mass-media environment...
is natural cultural material for artists to sample and collage as a way to intervene against the increasingly conservative interpretation of fair use:

We think it’s about time that the obvious aesthetic validity of appropriation begins to be raised in opposition to the assumed preeminence of copyright laws prohibiting the free use of cultural material. . . . The act of appropriating from this media assault represents a kind of liberation from our status as helpless sponges. . . . It is a much needed form of self defense against the one-way, corporate-consolidated media barrage. . . . Appropriators claim the right to create with mirrors.**

For Negativeland, the Fair Use Doctrine represents the only protection for artistic freedom, freedom of speech, and democracy within an increasingly corporate-controlled media landscape that inhibits critical public discussion. It is important to note here that Negativeland and other media pirates do not reject copyright law in its entirety; they support the intention of copyright to protect authors and creators by requiring fair compensation for the use of work. The argument rests on the expansion of the liberalized interpretation of fair use, especially in the rapidly changing new media technological environment, where new artistic forms based on sampling and fragmenting existing cultural practices are surfacing.**

In effect, while copyright represents the privatization of images within a market economy, fair use sustains the public access environment surrounding the use of images and their circulation within different discursive networks. Fair use, then, theoretically functions as a mechanism to make images public and to allow individuals to insert them into public spheres defined by critique, parody, or education. Media piracy detaches and displaces images and words from the syntax of corporatized speech and creates new metonymic and metaphoric relations that attempt to emphasize the publicness of the image.

Two legal cases that transpired during the 1990s foreground the great philosophical divides between commerce and artists in relation to the Fair Use Doctrine and the pressures exerted on it by new artistic forms derived from new technologies: the 2 Live Crew case, which raised the issue of digital sampling and parody, and the Jeff Koons case, which queried the extent of protection for postmodern appropriated art.

In 1993, the rap group 2 Live Crew parodied the 1964 Roy Orbison song “Oh, Pretty Woman,” recasting the woman as a grotesque hooker. Acuff-Rose Music, owner of the rights to the Orbison song, contended that the context of the usage constituted a copyright infringement, because the rap group was engaged in a commercial, for-profit undertaking. The U.S. Supreme Court upheld the Fair Use Doctrine, arguing that parody is protected, and ruled in favor of 2 Live Crew.**

However, in contrast, the federal appeals court ruled against postmodern sculptor Jeff Koons, who had copied a commercially produced photograph of two people sitting on a bench shot by Art Rogers in a sculpture called *Stray of Puppies*. In supporting Rogers’s argument, the court stated that Koons had committed an act of piracy, arguing that his work was less a critical parody than a commercial enterprise.** In assessing the implications of the Koons/Rogers case for the art world, Martha Buskirk has asserted that the case points to a conflict between two different discursive practices: the court found no difference between a mass-produced product and an artistic product, suggesting a collision between two distinct types of authors who operate in different contexts of exchange relations.**

Although these cases represent two extremely differently inscribed sites—commercial music and the New York art gallery scene—the divergent court opinions suggest that both sampling and postmodern art elaborate the ambiguous parameters of fair use as it is challenged and stressed by technological and artistic restructurings. However, this legal articulation of fair use addresses only the judiciary layer of recycled imagery, minimizing and obscuring the evolution of new social spaces and the changes in property relations that new technologies intensify. The very ambiguities inherent in the Fair Use Doctrine, as it abuts the digital age, have emerged as a new subcultural territory occupied by culture jammers, computer hackers, media pranksters, ravers, billboard bands, and critical theorists. This technosubculture exploits the contradictions between concentrated transnationalized media that crimp access and the diffusion of new consumer-based technologies that expand it. Rather than concentrating on the Fair Use Doctrine as a signifying system, this subculture emphasizes fair users as producers of new signification systems.

Extending Umberto Eco’s call for “semiological guerrilla warfare,” Mark Dery has explained that culture jammers of all types “introduce noise into the signal,” always asking the central question, Who has access to information?** Dery contends that these pirate utopias constitute “temporary autonomous zones,” provisional, transitory, nomadic places where the force of existing social and political restraints is suspended for limited periods of time.

Similarly, the Immediat Underground, in a series of public-domain, no-copyright manifestos, also notes the collusion between the state and media corporations to interpellate a collective identity devoid of public discussion, accountability, or resistance. Immediat tactics reverberate with a reclamation of public space suggested by the Fair Use Doctrine, but provoke a more access- and production-oriented position, far beyond the domain of copyright regulations. Immediat advances “empowerment
through the liberation of public space, and the spread of insurgent projects that feed or fuel the democratic power necessary for glasnost and perestroika in America and Europe. . . . We envision a bibliocentric public sphere. We advance Freedom of Speech to mean the facilitated ability to both access and produce information and cultural material.”

Both culture jammers and Immediats position democratic media as requiring access and production as central operative, active modes of subjectivity, displacing consumption and reception as positions infused with corporatist agendas of passivity, commodity identification, and delimitation of the public sphere. In other words, rather than working within the gray areas of the Fair Use Doctrine, these arguments elevate fair users over the text itself, because the text, as both object and discursive relation, is itself severed from its property relations and recoded as bibliophilia, a text to be endlessly revamped in new contexts that radically alter its semiotic relations. This move constitutes pirate documentary as always already manufacturing new documents out of old, a process of infinite citation and reconstruction.

Craig Baldwin’s Sonic Outlaws (1995) is perhaps one of the most notorious of pirate media productions that deliberately play with these ideas of fair use versus fair users as a highly politicized zone where a new cultural politics is being hammered out. A feature-length film, Sonic Outlaws is ostensibly “about” the legal case in which the San Francisco-based sound collage group Negativeland was sued by Island Records for illegally appropriating a song and image from the Irish rock band U2. The band mixed this material with outtake sound from famous disc jockey Casey Kasem in which he makes less than flattering comments about U2.

Negativeland sampled the U2 song “I Still Haven’t Found What I’m Looking For.” The film maps the legal conflict between a broad, artistic, public-based interpretation of the Fair Use Doctrine by fair users and the limited, corporatized application of the doctrine by Island Records. In one scene, for example, one of the members of U2, during a phone call between the band and Negativeland to discuss the case, asks what they want. They reply, “Money,” and describe how the lawsuit has bankrupted them. Sonic Outlaws cast the legal case as a David and Goliath struggle between artists and megacorporations, serving as a kind of amicus curiae brief to the courts arguing that the disparity of resources between the defendants and the plaintiffs destabilizes the conservative interpretation of the Fair Use Doctrine.

However, Sonic Outlaws structurally displaces the linearity of the legal conflict between Negativeland and Island Records by constantly expanding into a wider context of new technologies and media practices that decenter the privileging of copyright through montage. By creating a swirling mix of a range of pirate media practices, Sonic Outlaws functions not only as feisty, militant manifesto for piracy that physically decomposes copyright in its layered structuration, but also as an operations manual for how to engage in such piracy. The film, then, is a call to action, a Man with a Movie Camera upgraded with a new operating system for the new world order that calls for seeing the world with different eyes through technological appropriation.

Throughout, Sonic Outlaws’s editing strategy is to apply centrifugal force to the legal case, spinning it out into a larger context of culture jammers to yank it out of the gravitational pull of judicial discourse as a monologic position. In a Foucauldian way, Baldwin deauthorizes even the case, illustrating the end of authorship with the layers of discourse encircling the production of pirated works. The film itself is structured as an interrogation into the murky territories of fair use, parody, the mass-mediated landscape, and new media technologies, as much an analytic deconstruction of copyright as a materialization of anticopyright practice.

Sequences in the film feature a who’s who of media piracy: writer Douglas Kahn explains how folk art uses appropriation, the Barbie Liberation Organization changes Barbie voice boxes, the Emergency Broadcast...
Network pulls down satellite footage, the Tape-Beatles remake commercials, kids steal images from newspapers with Silly Putty, ACT UP infiltrates a Dan Rather broadcast, a member of Negative and eavesdrops on cell phone conversations.

A plethora of technologies and formats similarly deauthorize a technological essentialism that would argue for a formal unity: Sonic Outlaws edits together Pixelvision, camcorder footage, 16mm, computer imagery, and captured video and shows media piracy through almost every conceivable technology—computers, commercial television, camcorders, VCRs, audio tape, satellites, cellular phones, samplers. In the film, images as texts and technologies as apparatuses are annexed, destroying their boundaries and metamorphosing into a new cyborg of productive, interventionist communication. However, while Sonic Outlaws provides a tutorial in active spectatorship that seems an invocation of Dziga Vertov’s kino-eye, it also reclaims the pleasure of production: it announces in an intertitle, “Copyright infringement is your best entertainment value.”

Technophobias and Technopublics

In February 1996, President Clinton signed into law the Public Telecommunications Act of 1996, the most major overhaul of telecommunications regulations since 1934. The New York Times, CNN, and all the networks analyzed the effectiveness of the V-chip—a salient provision in the bill almost obsessively highlighted by CBS, NBC, and CNN—to inhibit children from overdosing on unsupervised television violence. All the mainstream media focused attention on problematics of transgressive texts, passive audiences, and the susceptibility of underage youth to technological invasions into domesticated, private space. Clearly, new tactics for media democracies are called for in this chilling environment.

What was more frightening than television violence twisting the minds of minors, however, was the complete absence of debate about the telecommunications bill prior to its passage. An almost complete blackout by the corporate-owned mainstream news organizations that were bound to profit by the bill paralleled a congressional tactic of almost no debate on the bill, with deal making behind closed doors inaccessible to progressive lobbying groups.71

But more politically, the V-chip colloquy symbolized the social, political, and psychic instabilities that attend to the complete restructuring of the borders between public and private, nation and globe, that new technologies such as satellite, cable, and computer networks facilitate. The enormous amount of discussion surrounding the institution of the V-chip as the savior of the polluted airwaves in Clinton’s 1996 State of the Union Address provided a convenient smoke screen for the provisions of the new telecommunications bills that paved the way for unprecedented, unregulated mergers between major media transnationals across different industries, closing down access to communication.

In her book Communications Policy and the Public Interest, Patricia Aufderheide refers to the bill as impoverishing public sites and noncommercial arenas. She points out that the bill ratifies transnational communications’ vertical and horizontal integration in unprecedented ways, gearing the way for the formation of culture trusts that have the dangerous potential to annihilate public debate.72 This battle cry for a newly invigorated critique of media concentration was echoed in a speech delivered at the Media and Democracy Conference by Tom Frank, which appeared as an article in The Nation titled “Hip Is Dead: The Howl of Unreflective Consumerism.” Frank cautioned that the new culture trusts needed to be scrutinized and nailed against with a newly rekindled mudslinging fervor, exposing their demobilization of democratic communications, their incorporation of a “hip” multiculturalism and culture of dissent gobbled up by consumerist advertising. He pointed out that most of the discussion about the new information age is optimistic and not critical, arguing that concentration of media power will “make each of us more autonomous.” “Why haven’t these gigantic developments aroused public anger?” Frank intoned. “What happened to that older model of dissent under which trusts were always suspect? And why is the model by which today we all understand liberation so powerless and backward, so susceptible to hijacking by the likes of Geffen and Eisner?”73

“Were the alternative media locked in their own insular world, in which only National Public Radio beams in news from the outside?” queried New York Times op-ed columnist Frank Rich. In a piece titled “Mixed Media Message,” he tellingly quoted one participant at the progressive Media and Democracy Conference held in San Francisco in February 1996: “I feel like these are all the people I marched on the Pentagon with 20 years ago.”74

The first ever Media and Democracy Conference—organized by the Institute for Alternative Journalism to rethink a progressive media strategy for the transnational-media-concentrated 1990s—featured a diverse array of media activists and writers, such as Lillian Jimenez, Barbara Ehrenreich, Salam Muhawkil, DeeDee Halleck, Jay Walljasper, Jonathan Tasi, and Urvashi Vaid, as well as media producers ranging from zines and Internet user groups to Globalvision and Paper Tiger.75 “In my day’s worth of
panel-hopping," mused Rich, "I often felt I was trapped in the time warp of the old fratricidal left."

Rich's piece emanates despair. Despite his good intentions, he failed to grasp the new mobilities offered by new media technologies and new pirate media practices. He bemoans outdated media practices that hermetically seal provocations to the new world order within the safe borders of the “left,” paralyzed from puncturing the large transnational media webs encircling all public space and suffocating most public debate. Decrying how the ever-growing transnational behemoths block democratic communications, Rich describes Johns Hopkins University media studies professor Mark Crispin Miller's handout on the new culture trusts of the “four huge media conglomerates of Time-Warner, General Electric, Disney/Cap Cities, and Westinghouse.”

However, although media concentration has without question progressed with almost unprecedented and unregulated frenzy since 1989, the border between transnationals and independent media is now much more porous, provisional, and mobile than in Frank's almost nostalgic conception of big bad media and good little media.

Media piracy has assumed a multitude of different performance styles. Two very different recent documentaries illustrate how this fluidity and malleability unsettle the very location of independent documentary media. These works necessitate analysis of the emerging spaces that can be created, occupied, warped, or imagined as different registers and acts of piracy: a censored segment of TV Nation from 1993 called “Savings and Loan Crooks” and a 1996 Paper Tiger Television video titled Narrowcasting: Technology and the Rise of the Christian Right.

Although different in style and in location, these two pieces disassemble the national imaginary and then trace how inside/ outside segregations between the state and its opposition are much more transitory and mutable. These two pieces show how the inside of power is now outside and how the outside is inside: savings and loan executives bailed out by the government are sneered at as rich felons, while the religious right marshals new technologies such as cable, satellite, and the Internet to create a mass movement through narrowcasting.

Produced by Michael Moore, renowned for his anticorporate cinema verité film Roger & Me, TV Nation was first broadcast on NBC—owned by General Electric—in 1994. Canceled after six weeks during the summer, the maverick Fox network—owned by international media mogul Rupert Murdoch, owner of the News Corporation—picked it up for the 1995 season. TV Nation programs recycled the newsmagazine format reminiscent of 20/20 or 60 Minutes, a low-cost, although neutralized, format for the networks that is extremely attractive to sponsors. Moore served as host, and often as aggressive interviewer. However, TV Nation openly called the bluff of the newsmagazines, which performed a masquerade of objectivity and fairness and avoided topics with any political and economic bite.

TV Nation segments often were set up—an infraction against the tenets of nonmanipulation embedded in direct cinema—recalling Allen Funt more than Dan Rather. However, these fabricated scenarios did not trivialize individuals, but instead used the situations to open up institutional political analysis, exposing, for example, the racism of New York City taxi drivers or the exploitation of poor Mexican workers by American transnational maquiladoras as a result of NAFTA.

TV Nation also rejected the serious, reverential tone of network newsmagazines and reporters, substituting irreverence, irony, witicism, humor, and muckraking of politics and economics for stories about celebrities or victims. Episodes freely intermingled cinema verité with compilation techniques and a strategy of intervention invoking performance art or guerrilla theater. Editing was disjunctive, using the quick-cutting techniques of commercials to highlight analytic points. Borrowing from MTV, most of the segments used music for irony or for ideological effect, a strategy disdained by most network magazine producers as too editorializing.

“Savings and Loan Crooks,” produced by veteran documentary filmmaker Pamela Yates (director of Resurgence, When the Mountains Tremble, and Take Over), was one of several TV Nation episodes that Fox refused to air. The mixed episodes were not permanently shelved, however, but were broadcast on the BBC and Channel Four in England, indicating the globalization of the market for independent media. “Savings and Loan Crooks” asks a simple question: Where are the crooks from the savings and loan scandal now? It blasts the posture of victimization assumed by the savings and loan executives. With visual evidence of their easy life of class privilege, the piece exposes the ramifications of the enormous government bailout of these bankers. Invoking populism, the piece rails against economic elites and refigures their lamentations of innocence as outrageous utterances.

“Savings and Loan Crooks” begins with a series of dissolves between medium close-ups of white male corporate executives in suits in front of a black background saying, “I am innocent,” creating a surreal montage of corporate power effecting itself through pleas of victimization. This strategy is repeated two other times, evoking hall of fame or “most wanted” posters. In an archival news image, Ronald Reagan signs legislation to deregulate the banking industry and exclaims: “I think we hit the jackpot.” The voice-over explains that bank officers broke the law by making improper loans,
forcing the government to salvage the savings and loan industry at a cost of five hundred billion dollars.

The middle segment of the piece visually exposes how the U.S. government bailouts bolstered the lavish lifestyles of savings and loan officials, including Neil Bush, Thomas Spiegel, Craig Hall, "Buni" Bright, and Henry Hyde, by totaling their fines and government assistance over montage sequences of polo, tennis, limousines, elegant restaurants, and financial investments in other industries.

Hammering on the ludicrous claim of their personal pain, the final section of "Savings and Loan Crooks" is marked by dissolves of corporate executives proclaiming their distress and anger in front of black backgrounds. Using a scene from the Savings and Loan Support Group to undermine their individualistic remorse, the segment then cuts to a montage of upper-class leisure—polo, golf, limousines—with a voice-over that explains that it will cost Americans a total of one trillion dollars to remedy the savings and loan crisis. The capitalist hubris of these executives is divulged once more by a medium close-up interview with one executive who quietly reveals, "I'm a convicted felon, and I'm still doing business and my firm is doing well." The segment ends with a group portrait of about fifteen white, mostly male executives, with a voice-over asking, "Still, isn't it worth a trillion dollars to make a bunch of businessmen happy again? Because second chances are what America is all about."

"Savings and Loan Crooks" performs a series of inversions, hijackings, crossings, and warpings. It inverts the hidden network agenda of complicity with the ruling elites by exposing savings and loan executives as crooks who have used the government to finance their lifestyle. It hijacks the accessible, short, light, human interest story from corporate news agendas, refueling it with evidence, analysis, and argumentation of corruption. It crosses different strategies, combining experimental, highly stylized techniques of posed interviews with aggressive compilation editing recalling Vertov or Marker. And it warps the space for radical analysis by infiltrating national network and cable broadcasting with humor. Even when the segment was not aired, it was indomitable: it recirculated in the global television market.

Narrowcasting: Technology and the Rise of the Christian Right, produced by the cable-access, low-end media collective Paper Tiger Television, tracks another kind of inversion and warping from the other side of the political spectrum: it shows how the right has utilized new technologies and media alternatives to the networks to create space for a forceful conservative political agenda in the mass media and Congress. Narrowcasting argues that the Christian right has developed alternative media infrastruc-

tures for itself through an aggressive use of new technologies, such as satellite, cable, talk shows, the Internet, the World Wide Web, and home video. The Paper Tiger tape exposes the various media strategies of the Christian right: using new technologies, creating wedge issues, conducting stealth campaigns, disseminating free videos on antigay and antiabortion agendas, infiltrating school boards and curricula with untested scientific information.

"Savings and Loan Crooks" and Narrowcasting signify almost opposite maneuvers for institutional space, the location of independent producers, access to technology, and rhetorical address. Although both pieces were produced by independents, "Savings and Loan Crooks" is an example of independents who have effectively infiltrated corporatized media, whereas the Paper Tiger tape represents the creation of a new zone of production outside corporations entirely. The savings and loan piece employs extremely high-end production techniques of well-lit, stylized interviews; utilization of network television images of Reagan, Bush, and savings and loan scandal guys; and quick editing between segments. Conversely, the Paper Tiger piece uses camcorder interviews of various scholars and activists tracking the religious right, pirated satellite TV images from religious broadcasters, and a deductive structure heavily reliant on exposing the tactics of the religious right. Whereas "Savings and Loan Crooks" constantly uses an ironic voice-over that exposes the absurdity of these criminals' actually prospering from the government bailout, Narrowcasting deploys what Bill Nichols has termed a discourse of sobriety, mounting an explanatory argument on the tactics of the religious right.

However, the textual and rhetorical differences between "Savings and Loan Crooks" and Narrowcasting in the end do not sufficiently illuminate the new media politics they rouse. Rather, it is their strategic commonalities that represent significant and hopeful deviations from the forms of hermetically sealed, ghettoized independent media Frank Rich chastises. Both pieces morph the borders of and locations for independent media, moving around and within different economic and discursive terrains: networks, cable networks, political action groups, satellite, public access, home video, and global media outlets.

Each piece offers a critique of existing power relations through testimony and evidence and deploys disruptive visual techniques to produce fissures in the smooth presentation of the savings and loan crooks or the Christian right. Each piece pirates work from other sources to critique it as discursive construction and mythmaking, not as the more traditional form of compilation filmmaking that contains footage for its transparent explanatory and explanatory qualities.

Both pieces operate within a different rubric of documentary than that
of the classic television journalism documentary dedicated to exposing factual information, because in both, information itself is not only viewed with skepticism, but actually deconstructed as fantasy. Although both pieces borrow from postmodern documentary styles for their disjunctive editing and the combination of seemingly disparate visual elements, they implicitly refute a documentary practice that remains solely on the level of analysis of representation. Anchored to social and political agendas and struggles, to specific points of contestation, the pieces critique representation as social fantasies with evidence that redirects the viewer toward moral and social constituencies.

In both production and distribution, their strategy borrows more from computer hackers’ infiltration and penetration of coded systems to expose system weaknesses than from either the classic documentary of sobriety or the more postmodern documentary of visual flourish and irony. Andrew Ross has persuasively argued for a wider conceptualization of the term hacker to dislodge social critics and radical practices from their folkloric invocations of dissent. He maintains:

If there is a challenge here for cultural critics, then it might be presented as the obligation to make our knowledge about technoculture into something like a hacker’s knowledge, capable of penetrating existing systems of rationality that might otherwise be seen as infallible; a hacker’s knowledge, capable of reskilling, and therefore rewriting the cultural programs and reprogramming the social values that make room for new technologies; a hacker’s knowledge, capable also of generating new popular romances around the alternative uses of human ingenuity.76

For documentary practice to survive as more than an antiquated relic of an idealized and pure radical practice that no longer exists in the new world order of transnational media, privatization, deregulation, and the closing down of political debate, it will be necessary, to extend Ross’s argument to other forms of media, to reskill, rewrite, and reprogram it for penetration and popular desire. “Savings and Loan Crooks” and Narrowcasting demonstrate how to hack between the false divides between texts and structures, between production and distribution, between argument and deconstruction, between high- and low-end technologies, between radical interventions and popular desires.

Warping Space for the Translocal Imaginary

Pirates never return home, as the act of piracy itself disassociates from territories, nations, essentialized identities, master narratives, homogenized
tell you how I feel that you have taken mine from me.” *It Is a Crane* then creates a new diasporic space, between the global flows of Hollywood narratives populated with South Asians and new locations that are disjunctural and discursive, taking space as much as images, to quote Naani's footage credits, “taken from a bunch of films made in Britain and Hollywood.”

Piracy itself imprints a constant process of image production, of movement, of change, of creolization, rather than a fixed identity; it is not a text that is fixed, then, but is instead writing, always being written, and, in writing, making new spaces and locations. Discussing the radical poten-
cialities of a postcolonial reading of *The Wizard of Oz*, for example, 
Salman Rushdie observes that “there is no longer any such place as home:
except of course, for the home we make, or the homes that are made for
us, in Oz: which is anywhere, and everywhere, except the place from which
we began.”

Piracy, then, revises the whole concept of independent documentary:
it is no longer a practice defined by constitutive positions vis-à-vis static
structures and fixed locations, but dynamic, ever shifting, fluid, democratic
strategies in perpetual motion that, like the nomad summoned by Gilles
Deleuze and Félix Guattari, are not so simply stabilized texts, but a “space
of contact.” For Deleuze and Guattari, space stages nomadism: “The
nomad reterritorializes on deterritorialization itself.” They argue that
nomadism dismantles the state, the nation, the law through heterogeneity:
the media pirate, then, performs a similar dismantling, performing outside
work inside. Like the nomad, the pirate takes the deterritorializations of
the global circulation of images and the technologies of representations
and reterritorializes them in new and different spaces, forming new loca-
tions that are simultaneously real and virtual, here and there, to be moved
into and out of.

Ellen Spiro's *Room Sweet Home* (1997) illustrates how nomadism is
not only about taking images from the global flows but also, if not equally,
about seizing spaces from transnationalized territories through mobile vec-
tors. *Room Sweet Home* follows an assortment of elderly nomads who trave-
Elled the American West in recreational vehicles, fashioning their own utopian,
mobile communities at various sites, among them a discarded bomb testing
ground. One community runs an open food kitchen to feed people who
can’t cook for themselves. In another community, a group of elderly widows
gather around a campfire to discuss self-protection on the road.

Spiro’s cinema verité-inflected camcorder shooting style, however,
displaces the camera as a site of authority and surveillance by reposition-
ing it as a membrane through which interactions between the maker and
the subjects achieve mobility and escape from the stasis associated with the


elderly. The camera, then, does not simply interview these elderly nomads
about their lifestyle, but manufactures a virtual space that is itself simul-
taneously specifying nomadic deterritorialization at the same time it prac-
tices an act of radical reterritorialization, a making of a new discursive
and physical space for marginalized elderly people. Indeed, throughout
the tape, the elderly travelers are shown doing various life-affirming folk
art projects, such as songwriting, painting, decorating the insides of their
trailers, painting rocks, walking across the country, affirming the creativity of life as they progress toward death. In fact, only dogs die in the tape, standing in for the inevitable decline of old age. These tasks of self-creation parallel Spiro's own videomaking, which is not a privileged activity at all, but a condensed metaphor for mobility and creating new spaces by pirating whatever is left — camcorders, Airstream trailers, old rocks, dogs, songs — and bestowing it with hope.

The local has emerged in discussions of transnationalization as a salient concept to anchor the deterritorialization of global image culture, a site from which to map new positions of resistance. It is described multifariously as an antidote, a residual formation, a nostalgia, a place of resistance, a place of material relations, a place of concrete struggles, a fantasy, a projection of stability. However, several theorists suggest a different view of the local that counters the fixity of place with the movement of spaces and identification, and it is this view that offers promising ways for independent documentary to rethink its own practices for the new millennium.

Arif Dirlik has stated, "The local must be translocal." For him, the boundaries of the local are open, porous, constantly shifting and evolving within the deterritorialization of globalization. The local, for Dirlik, is a site of invention, a space for imagining. Along these same lines, Arjun Appadurai has advanced a notion of the local as always being in production and consequently relational, disjunctural, and contextual rather than simply spatial, creating a "multi-centric world." Expanding on these ideas of the translocal as always defined by process, Caren Kaplan has emphasized that the local is always plural, populated by multiply placed and multiply linked subjectivities in a multiplicity of dialogues.

However astute these various descriptions of the translocal are theoretically, and however useful they are for rethinking documentary as a relational process rather than a fixed representation, these arguments frequently return to an invocation of concrete local organizing efforts around women's or environmental or race issues, which, in and of themselves, are to be saluted as political interventions. The matrix of "media" is still left within a corporatized, narrativized confine, the commercial current through which the global flow of images float, in effect codifying, by default, a binary opposition between bad media and good social practice. In the new world order, the metaphor of piracy can teach us that these kinds of distinctions ignore the democratic possibilities of all forms of new media—from camcorders to digitality to beyond—to join with resistant social practices to create translocal social spaces, which, in some ways, can exist only in these liminal zones between media spaces and practical politics.

For example, Austin Allen's *Claiming Open Spaces* (1996) investigates the end of public space for communities of color as a concerted effort by governments and corporations to privatize both activity and space. He begins with a battle between the African American community in Columbus, Ohio, and the local government, which was wooing an international flower show to a park heavily used by African Americans as public space.

Allen links this fight to retain rights to public space for leisure and political activities to parks in Detroit, New Orleans, and Oakland that figured heavily in African American local history as gathering places for music, talking, and marching. *Claiming Open Spaces* writes the translocal as a montage of differently inflected African American histories, from slavery to civil rights, to the Black Panthers, to fights against transnational corporations that manufacture ersatz public space. The tape itself then emerges as translocal space, a space that reconnects local history to histories of resistance and reclamations of public space.

The media campaigns of the National Labor Committee to expose the exploitation of workers by transnational clothing manufacturers in maquiladora sweatshops in Honduras and Haiti also exemplify this processual translocal by showing the connections between transnational textile manufacturing and international labor solidarities that are obscured by the products and publicity. These highly successful media campaigns, which achieved major concessions from the companies as well as propelled human rights campaigns internationally, attacked two high-profile transnational companies that target the youth market: the Gap and the Walt Disney Company.

Combining demonstrations at Gap and Disney stores with a sophisticated media outreach that organized diverse communities such as religious groups, schools, unions, and feminists across borders, the National Labor Committee produced two videos that were widely distributed within these community networks as extremely moving and effective organizing tools to mobilize support in the North for workers and children in the South. Shot with a camcorder, *Zoned for Slavery* (1995) reveals the oppressive working conditions of young teenage girls in Gap clothing plants in Central America. The tape refutes the idea that corporate space is private space by showing footage taken by a cameraperson who walked into the guarded plant with a camcorder to record the degrading working conditions despite being asked to turn off the camera and leave. *Mickey Mouse Goes to Haiti* (1996) chronicles the impoverishment of Haitian clothing workers who sew Walt Disney T-shirts, destroying the myth of the Disney Company as family-friendly. Both of these tapes function not as stand-alone artistic practices...
"OUR ANIMALS WERE TREATED BETTER THAN MOST HUMANS...IN THE WORLD"

Disney's 101 Dalmatians press kit

UNBELIEVABLE!
"DURING FILMING, THE DOGS WHO STARRED IN DISNEY'S 101 DALMATIANS WERE VERY WELL TAKEN CARE OF. THEY STAYED IN SMALL DOG MOTELS, HAD ROUND-TEE-CLOCK CARE, AND HAD PERSONAL TRAINERS!"

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"GREAT EXPLOITATIONS!"

"IN HAITI, WOMEN SEWING DISNEY'S 101 DALMATIANS CHILDREN'S CLOTHING ARE PAID STARVATION WAGES OF SIX CENTS FOR EVERY $19.96 GARMENT THEY SEW!"

National Labor Committee

"PHENOMENAL MISERY!"

"FOR THE LAST YEAR, DISNEY'S CHILDREN'S CLOTHING HAS BEEN PRODUCED IN BURMA, IN A FACTORY LARGELY OWNED BY THE RUTHLESS MILITARY DICTATORS. AVERAGE WAGES IN BURMA ARE SIX CENTS AN HOUR, THE AVERAGE WORK WEEK 60 HOURS!"

National Labor Committee

FOR MORE INFORMATION CONTACT: NATIONAL LABOR COMMITTEE, 275 SEVENTH AVE, NY NY 10001 (212)425-0002

Political organizing flyer from the National Labor Committee's Disney campaign, "101 Sweatshops." Reproduced courtesy of the National Labor Committee.

but as simply one strand of much larger media campaigns that included commercial television, *New York Times* op-ed pieces, flyers, demonstrations, public speeches, and radio call-in shows. The aim of this work was to reconnect the communities of the North with communities of the South, demonstrating that the translocal means rejecting false borders. In these tapes, the low-end camera operates like a ship, moving in and out of ports to bring images home to be used, a piracy of that which transnationals at-