

AVANTE, AVANTE BRAZIL:

PIRACY AND THE PUBLIC SPHERE IN 21st-CENTURY BRAZIL

By

YONATAN REINBERG

A dissertation submitted to the Graduate Faculty in Anthropology in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York

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APPROVAL PAGE

This manuscript has been read and accepted for the Graduate Faculty in Anthropology in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

Dr. Marc Edelman

	Dr. Marc Edelman
Date	Chair of Examining Committee

Dr. Gerald Creed

	Dr. Gerald Creed
Date	Executive Officer

Dr. Karen Strassler

Dr. John Collins

Dr. Frederick Moehn (external reader)

Supervisory Committee

Abstract

Avante, Avante Brazil: Piracy and the Public Sphere in 21st Century Brazil

by

Yonatan Reinberg

Advisor: Marc Edelman

This work examines the practice of piracy in Brazilian urban, political and online worlds in the years 2010-2013. Through ethnography conducted principally in Rio de Janeiro and online, the work frames copying and piracy as an engagement with questions of political belonging and the construction of public spheres in the shadow of contemporary capitalism. The first chapter explores pirating and consuming pirated goods as a large part of extra-market relations in Brazil. Through pirating, vendors occupy city space and provide citizens of the city with vital media about city life. The second chapter exposes piracy as a global discourse about social values, linking transnational forces to local ones in a modernity predicated on ramping up policing of public spaces outside well-defined consumptive spheres. The third chapter unravels how different actors use the specters of piracy to discuss what makes up a Brazilian, which Brazilians – and curate – various aspects of “Brazilianness” through legal regimes. Chapter four studies a group of people who use local and international frames in combination to create a pirate commons, thinking this as a contemporary solution to a disjunctured set of legal and social norms they see as a suffocating ideology. The final chapter follows an exploration of nostalgia and ownership. Through music and technology, I suggest piracy allows different actors breathing room to speak about their surroundings, and their histories that is disallowed – or hypermanaged – by the state in other ways.

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Preface

Shortly before the fall of 2010, the City University of New York sent me to Brazil to make an anthropological study of piracy there. We had heard reports from US media, both offline and online, that pirates lived with ease among the general population, and we wanted to know the details. We wanted also to know how the intellectual property position differed with our own in the United States. It was an anthropological project that excited the imaginations of few people, least of which the major US granting organizations.

If the previous paragraph sounds familiar or out of place, it is no surprise. Mine is a rewritten version of the first paragraph of Ruth Landes' famous 1947 book on Afro-Brazilian religions in the city of Salvador, *City of Women*.¹ In some contexts, this would be considered a pirated understanding of Landes, and I would be accused of stealing or unfairly using Landes' prose. The opposing view might consider it homage or genealogical connection, and my use and its circulation appropriate in a winding open to a scholarly work. The choice between these two simplifications hinges heavily on the reader's definition of value. Does the value of a work emerge in the act of its creation and therefore accrue to the creator, suggesting my reuse has little intrinsic value and is thus unimportant or stolen? Or does value lie in the subsequent circulation, reproduction and remix of works and, therefore, is enhanced by my exercise?

¹ Landes' pioneering work (2006) on national and global networks not only informs the spirit of this book but materially the Reed Foundation's Ruth Landes fellowship sent me to Brazil, creating links of debt and circulation that I am hard pressed to repay.

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Introduction

On Tuesday, January 26, 2011, Rio de Janeiro saw the largest anti-piracy operation in its history, and among the largest in the history of Brazil, with the shutdown of the Uruguaiana Camelódromo (street vendors' market) in the busy city center, or Centro. More than 150 civil police officers arrived at the market at five that morning and entered it to ensure nobody was inside. Afterward they encircled the structure in chains, all before any of the vendors opened their stalls at regular business hours.

By nine I was there to witness a more bustling scene than normal at this high traffic urban market. Uruguaiana was cordoned off, with many of the stall owners milling about just outside the building, watching in panic as roving gangs of official looking people rifled through their stalls, grabbing items off shelves and stuffing them into oversized bags. City workers in bright red shirts prevented access to anybody on the outside, while the various arms of Rio de Janeiro's police milled around indolently.² Among the regular gallery of police, two organizations stood out. The first, the *Delegacia de Repressão aos Crimes de Propriedade Imaterial* (DRCPIM) or the intellectual property crimes division of the Rio police, had set up trucks in the center of market, alongside a second unusual visitor, the *Receita Federal*, the Brazilian federal institution in charge of collecting taxes and other revenues, including customs duties.

² It was rare to see the different police entities mix at one time, including the *Guarda Municipal*, or municipal police, which usually deals with transit and other urban issues; the *Polícia Civil*, which deals with criminal activities, and the *Polícia Militar*, the federal police unit that usually engages high profile crimes.

I had arrived in Rio a few months earlier to research piracy and the Brazilian relationship to US/European discourses and legal regimes of intellectual property, copyright and technology. So far, my experience with the police had been only passive. This was the first time I had direct material vision of the power of the state in managing the networks of pirates. It was also the first time I was able to see how criminal the everyday community of downtown Rio was imagined to exist by the political and judicial powers who ordered the operation.

The pirate has always been a polarizing, fetishized figure. At one level, we know pirates as Somali outlaws in Gulf of Eden, boarding rich oil tankers, escaping poverty and undermining careful global alliances through hostage-taking. The more pervasive, cinematic version of this kind of piracy imagines a virile social justice individual lashing out against the bonds of corporations and their state. Like most tales about class and thievery, whether one finds these stories morally repugnant or heroic depends on one's own social standing.

Modern piracy is closely linked to these histories; across international borders, a poor street vendor selling a pirated DVD is the dirty robber threatening bright, clean store operations. This vendor is later recalled as a statistic by police reports and government officials in their attempts to clean up areas of the city unfit for the bourgeois citizen.

Visions of Internet piracy match its physical counterpart, if on a less cinematic scale. Nerds in basements recklessly rocketing on the Internet's series of tubes, stealing music and movies from hard-working artists, using the very same networks established by the world's less savory terrorists and gun runners. These are the pirates highlighted in US

Senate testimonies and World Trade Organization documents in their efforts to reform security budgets and international intellectual property trade agreements.

Piracy is invoked as immoral, a threat to social order. In this invocation, it is depicted as a phenomenon unlinked from any sovereign nation or shared goal, making recent panics about its emergence and popularity – the subjects of this study – all the more interesting. In piracy, the imaginations of those who break the law and those who enforce it overlap in portraying pirate networks aligned with other criminal networks – criminals who also steal value from its rightful owners and give it away (the Robin Hood model) or use them for their own profit.

They also crucially merge in a kind of oceanic imagination, in the sea metaphors of movement and instability: from chaotic urban markets to ramshackle ships invading clean ones, there are no centers and peripheries linked to piracy, no managed and cordoned sections – only individual parasites uncontrollably engaged in small conflicts.

From shipbuilders to renters

This is a study about how multiple publics interact in 21st-century Brazil through the prism of exchange relations outside the market. It is about how piracy is at heart an inexpert, lived conversation about the possibilities of commons in the shadow of capitalism, and what kind of stake we all have in these commons.

I posit that pirate publics – or the public spheres brought together by pirating acts and pirate materials – are kinds of pidgin publics, borne in the circulatory practicing of

piracy. From street vendors to Internet downloaders, these are publics that do not derive from earlier spheres or commons as if on an evolutionary scale.

In the study, I move from street vendors in Rio de Janeiro to government officials to nascent political parties and finally to the Internet: each “level” relies on the one below it and above it, working in tandem to create multiple overlapping imaginaries of pirate practices. Each offers a rich analytic field, contradictory in its subjects, who nevertheless pick – or are accused of – pirate practices. How do so many personalities, classes, and locations mingle in this oceanic movement?

From a popular perspective, piracy poses challenges to the acceptability and ethics that accompany typical discourses of the commons, and accordingly often suffers the burden of being held responsible for their decay or corruption. I explore these themes in the chapters that follow.

Indeed, through an emphasis on the materiality and the markets that these materials create, pirates stand in opposition to the other abstract organs by which the social and cultural order might reproduce itself precisely by being so abstract: Pirate publics are instrumental in temporarily *evading* the parameters of the state. They involve a kind of disinterested solidarity without contract or consent. They involve cultural reproduction through noise, leaks and holes in the logics of market expertise.

One scholarly traditional narrative of the commons frames contemporary public spheres – the family, representative voting, the market – as inevitable results of a social contract between consenting subjects.

This respectable public sphere exists insofar the one authorized to speak connects with the one authorized to listen, the “lone inventor” (Lemley 2011) speaking to his

audience. I turn to scholarship like Nancy Fraser's (2005) perceptive formulation about the problems with universalist, respectable public spheres entailed by such narratives (Habermas 1991), arguing instead that we must

reformulate the critical theory of the public sphere in a way that can illuminate the emancipatory possibilities of the present 'postnational constellation.'

Fraser's analysis hinges on how to viably retain the critical democratic functions of this Enlightenment³ public sphere, and "assume the emancipatory democratizing functions that are the whole point of public-sphere theory". Here I diverge from Fraser's understanding: I believe the nature of the terms "emancipatory" and "democratizing" are only applicable in a particularly defined framework of participatory democracy. Michael Warner (2002:85) also identifies as much, noting that Fraser's definitions "[sound] like the classically Habermasian description of rational-critical publics with the word oppositional inserted."

The pirate publics I detail stitched by the materials that they pirate, do not necessarily emancipate, nor do they democratize. Their lack of coordination, or noncoordination, is necessarily temporary, even if it is effective in bringing about longer-term change.⁴

On the other hand, I remain wary of celebrating decentralization as an end goal, rather than a starting point, and using the parameters of pirate publics as a possibility for

³ Fraser considers this configuration to be a "national-Westphalian" one, based in that particular European set of actors, histories and geography.

⁴ See Chapter Four, on the Pirate Party of Brazil, for a reading of the long-term potentials for such coordination.

an alternative politics. Recent critical public literature, such as Hardt and Negri's "multitude" conceptualization (2004) or any number of Internet-inflected political manifestos (e.g. Ito et al. 2008; Kambouri and Hatzopoulos 2011) have pushed this kind of "cosmopolitanism from below" concept. But the existence of piracy, and the solidarities formed therein, does not entail networks of cosmopolitanism that merely mirror elite networks, only "from below" as if in some sort of happy liberatory space. This position, sometimes celebrated in critical literature, too often obscures the overwhelming elite pedigree of these Enlightenment-descended cosmopolitan publics (e.g. Easterling 2007).

In fact, the alternative public sphere offered by cosmopolitanism, despite its pretensions to the internationalist rights⁵ is marked by these systems that reproduce it, which build strongly on particular relationships of power that undergird the global state order.

Piracy's oppositional stance is that there can be uneasy networks without friendship or kindness, but economic and mutual cultural understanding. In this view, these worlds of piracy are, in Elizabeth Povinelli's (2001) words, "radical worlds in the shadow of the liberal diaspora" that remain engaged with the inexorable accumulation of capital and the forms of economic, gender and racial disparities that normative ideological models of property sustain.

⁵ Similar to the emphasis on the liberty of the individual and focus on equality and tolerance, a philosophy of informed and polite engagement between speaker and receiver parses neatly with celebratory celebrations of tolerant cosmopolitanism as a solution to the world's hierarchies, which authors have rightfully criticized as another form of strategic hierarchy masked as cultural understanding (Robotham 2005; LiPuma and Koelble 2005).

* * *

A final note: It is tempting to derive – as much new business literature suggests about the ideologies of collaboration and innovation – that the protocols that piracy follows are potential lucrative corporate models as well. That piracy can teach the business world, be harnessed to capital and benefit the classes currently losing from piracy.⁶

Contrary to this view, my work does not posit that piracy furthers the contradictory goals of capitalism merely using a different approach than corporations. I believe that piracy cannot fulfill these promises because it is too contingent, too fragile, and too reliant on the materials that it traffics to give it power and indeed sustain it. I follow Warner's (2002:86) thoughts by framing piracy as a manifestation of *counterpublic*, inasmuch as it is a public brought into being by the circulation of its materials, and

maintains at some level, conscious or not, an awareness of its subordinate status. The cultural horizon against which it marks itself off is not just a general or wider public, but a dominant one. And the conflict extends ... to the speech genres and modes of address that constitute the public and to the hierarchy among media.

Subordinates at levels, addressed by the possibilities of a pirate public: the figures we see in the chapters below all were pirates in some way or another; some more morally acceptable, others not. Piracy has many proponents and opponents, definitions and omissions, but I argue that in all its forms, piracy represents a way for people to

⁶ Many alternative patent and intellectual licensing schemes (e.g. Creative Commons) align with this capitalist model. See Chapter Three for more on these aesthetics and ideologies in the face of more traditional state economies.

interrelate not outside of market relations, but on cross-tangents that enables unspoken criticisms of these market relations.

Atlantic Cosmopolitanism

For the decades of the late 20th century, Brazil has been risking its neck standing out as an advocate of progressive approaches toward intellectual property law. It did so in direct opposition to North Atlantic countries' conceptions, legal and cultural, of ownership. Countries such as the United States found the stance problematic. In a cable released by WikiLeaks and written in November of 2006, for example, a US State Department official lamented that “much remains to be done to educate a highly accepting [Brazilian] public that is still unaware of or unconcerned about the real damage done by piracy to the economy and the labor market” and warned about “the urgent need to continue efforts to educate the public, and the necessity for stronger governmental and legal intervention” in present day Brazil (Wikileaks 2006).⁷

In this same era of Brazilian chutzpah, Internet use in Brazil rose dramatically from 9 percent of the total population (17.5 million) in 2005 to an anticipated 22% of population (43.7 million) in 2011, making it the third most Internet-fluent country in the Americas after the United States and Canada. The country had been an early adopter of

⁷ Not just North Atlantic allies were annoyed by the Brazilian apparently lackadaisical capitalistic ethic. Even Mexico, on the separate but related subject of pharmaceuticals, stressed its “willingness to join the Anti-Counterfeiting Trade Agreement (ACTA) negotiations and their push back against Brazilian efforts to undermine IPR [Intellectual Property Rights] in international health organizations” (Wikileaks 2007).

Internet trends in the 1990s, and recently Brazil's TIM and Claro phone networks had unleashed high speed Internet connections to all their customers at low rates compared to other countries. Startup, informal Internet cafes called "LAN houses" in urban settings proved to be powerful social centers and access providers in areas where the state and corporations had withdrawn or chosen to ignore. Reports showed that almost 50% of poor urban dwellers engaged the Internet through these avenues (Barbosa 2010). One observer noted that in 2010 there were over 130 LAN houses in the famous Rocinha *favela* (slum) alone, with many others spreading across other enormous favelas like the Complexo Alemão (Lemos and Martini 2009).

It was during this uniquely Brazilian hybrid of alternative stances toward intellectual property and rapidly increasing digital inclusion that Brazil's Ministry of Culture had launched the *Ponto de Cultura* initiatives, broadly defined as figurative and spatial/physical "cultural points" where alternative engagements with property and history were encouraged for impoverished Brazilian populations. Under the guidance of Gilberto Gil, outspoken Afro-Brazilian musician and activist, and Minister of Culture under Luiz Ignacio da Lula's Partido dos Trabalhadores' (PT) government (2003-2010), the Pontos de Cultura played on historical divergence from European models of cultural heritage, pushing non-mainstream ideas of cultural participation and ownership often emanating from Brazil's sizeable Afro-Brazilian population.

By 2001, 1,122 cities in Brazil had over 2,000 total Pontos de Cultura where residents could burn CDs, access digital cameras and connect for free to the Internet, all techniques animated by the principals of sharing through reproduction of Brazilian music, literature and other production. "The Ponto Cultural," Gil had written upon their

introduction, was “a type of anthropological ‘do-in’, massaging the vital, if currently sleeping or dormant, points of the cultural body of the Country” (Ministério da Cultura 2011).

Indeed, during his tenure as Minister, Gil fought long and hard for these dormant cultural expressions to awake, often through declarations critical of top-down cultural creation. He suggested that marketplace and online music exchange systems, for example, be understood as “Peer-A-Cy” rather than piracy, arguing that “social change starts when [communities] understand cyberspace as a territory of their own, when they understand uploading before they ever heard of downloading,” and that these communities “recognize the digital technological devices as cultural performance tools, as a source of diversified references, as a platform for esthetic creation and re-symbolization of their experiences”(Ito 2008). A musician and artist, Gil’s newest album at the time featured a song nimbly adapting a canonical samba⁸ about technology, social cohesion and communication, “Pelo Telefone,” by renaming it “Pela Internet,” highlighting not only the Internet’s potentially empowering capacity to reverse sealed internal cultural narratives but also its inherent cultural differences.

By all superficial signs, Brazil was on its way up in the world, which had the double effect of submitting it to closer scrutiny than ever before. In 2001, it had been declared a

⁸ *Pelo Telefone*, loosely “By way of the phone,” is a 1917 song considered by experts to be the “original” samba, a surprising and proud achievement in a musical genre known for reinvention and reuse. Originally a parody of the chief of the Rio de Janeiro police’s rather foolish idea to call criminals before their apprehension, the song was endlessly remixed and sung with different verses highlighting both *carioca* invention and work ethic, and remained a statement on technological tomfoolery both in its content and in form. For more see Severiano and Homem de Mello (1997) and Hertzman (2008).

vital part of future world decision makers in Goldman Sachs' glib "BRIC" formulation, grouping the country with Russia, India and China as future decision makers likely to have large impact on trade issues and, presumably, a force to be anticipated by a dormant West lazily used to having only its heard voice. Additionally, in 2009 Brazil scored two important symbolic goals in international statehood: The World Cup (to be held in 2014) and the Summer Olympics (to be held in 2016). It was evolving, in magazine cover narratives, from third- to first-world status.

It was in this environment in 2010 that I arrived to visit Brazil's pirate Atlantic cosmopolitanism, forever bound to the destructive transnational networks in which it was born.

"Para inglês ver"

A 1618 dialogue between a new resident of Brazil (Alviano) and a wise old resident (Brandônio) features the latter giving a small aside to the former in a larger conversation about getting rich in a growing country:

Brandônio (B): Furthermore, all kinds of people come from all parts of the world to do business in Brazil, and they transact this business with the residents of the country. Now, the latter are usually very shrewd, either because of the highly favorable climate or because of the auspicious heavens. So they pick up from the foreigners whatever they think useful. They carefully preserve this knowledge and put it to use in their own good time.

Alviano: To be able to imitate and to steal abilities from those who have great ones, why, that is to wrest the club from the hands of Hercules!

B: That's just what the people in Brazil do, to the point that the sons of Lisbon and those of other parts of the Kingdom come here to learn fine manners and with them make themselves new men... (Schwartz and Willis 2010:220)

This striking document, one of the first still preserved from the early days of the Brazilian republic, sets the tone for much of Brazilian history and consequently this study. It is the essence of what the Brazilians call *jeito*, or a way to do something that requires some trickery, some shrewdness and cutting every corner possible to get something done. Far from a mere slang term, *jeito* has come to stand in for much of what Brazilians think about themselves: a way to get something done in a better and more efficient way than any other place in the world. A kind of nationalism, in effect, that rests on “imitating and stealing abilities.”

A genealogy of the construction of intellectual property in a country like Brazil, therefore, is already tricky. If we consider intellectual property to be a “sovereign right” (Kneen 2009:121), enforced by the monopoly of the sovereign or state, set against the public domain, or (in the Brazilian context) the “goods of the common use by the people” (*bens de uso comum do povo*) (Branco 2011:161), we must first investigate the context of the creation of intellectual property and the social spheres of the time.

Formally, the definition of intellectual property piracy emerges at the turn of the seventeenth century, concordant with England's expanding colonial trade in India and Africa. In the face of threats to its monopoly on trade, the monarchy is enjoined to control the means of production of material goods as a way to feed the growing coffers of empire. Local merchants extend this logic to the concept of patent, or allowing only one source to sell an item, with the printing press as the circulatory medium for the patents and the idea of the patent-able.

Adrian Johns, in arguably the most comprehensive recent book on the history of piracy, suggests (2010:39) that the broad arguments for patenting “fitted rather neatly into a grand strategy for creating a new, absolutist English state with global ambitions.” As the spread of the Gutenberg press across Europe enabled salesmen in small publishing houses to copy and distribute the work of authors, however, the control of the press itself proved obsolete, and thus the content emerged as a problem for the state control. We will see echoes of this process in Chapter Six, on the Internet.

With the press opening up new avenues of publication, smaller merchants petitioned the King and royalty of England to protect their interests and the interests of the royalty. These merchants argued that only the King should be allowed to bestow creative marks on a work of art. One such forefather of antipiracy initiatives, Daniel Defoe, warns “of a world that would be increasingly dominated by hack collections started up as treatises, until all learning would dissolve into 'a general Rhapsody of Piracy, Plagiarism, and Confusion'”(Johns 2010:48).

Defoe and his contemporaries fought hard over publishing rights and defended their authorship as a unique creation, Johns argues, as piracy exploded across the London houses. Unscrupulous middlemen would accept an author’s work and then work with other publishers to deny him money and, more importantly, the contested rights of being an elite. In Johns’ work, one sees a beautiful evocation of early English, and later Victorian, authorship, depicting the literary social scene less like a fabled paradise of quiet men burning away at the novel and more like a blurred social game of rights and money where content – the books themselves – remains in the background.

These “land pirates” (Johns 2010:41) were inspired in no small part by their contemporaries on the great oceans, who were seen as fighting against the monopolies of the English. Even as patent and copyright are indexed to state control, informal actions like circulation and distribution, aggregation and curation remained the keys to successful authorship. The content of the book seems a distant afterthought, an artifact that few care about. The creation of the patent and of intellectual property – the state regulation of expert knowledge through its transfer from informal to formal – mirrored capitalism’s foundational accumulation through patterns of enclosure, or the movement of property from the public to the private.

These anxieties over the unauthorized copying of a work – intellectual property piracy – emerge as other forms of knowledge are codified, regulated and brought in from laymen. Goody (1986) and Eisenstein (1980) show how the written book emerged as the founding seed in the social construction of intellectual property as the book becomes symbolic of the proper European citizen. Historians Delbourgo and Dew (2007), for example, note that ship building and navigation, the skills of craftsman for centuries, became public and state concerns as Portugal expands its colonial empire across the ocean.

The tension between state (elite) and “commoner” (non-elite) control of expert knowledge and the protocol to spread is likewise one of the fundamental tensions of creating Anderson’s (1983) imagined community, the nation-state. “It is hard to see” these alliances, writes Anderson, “unless we finally turn to piracy.”

Writing on the spread of what he terms “print-capitalism” and the expansion of vernacular languages into the printed page, Anderson claims the model of the state, thus

introduced in elite European centers, was “by the second decade of the nineteenth century, if not earlier ... available for pirating” (Anderson 1983:81). Anderson’s work rests on piracy as a constructive force.⁹ An imagined community forms hastily among loose allies, who through their intimate knowledge of their own cultural medium are able to create the model of the state by mimicking, remixing and pirating the forms of their neighbors.

If print-capitalism creates a “deep horizontal comradeship” in the European sources Anderson cites, what do we make of a country like Brazil, supposedly on the far peripheries of capital, itself an illicit, hybrid category of population? Lomnitz (2001) builds on Anderson’s universalist theory by problematizing the Spanish American case. Rather than a fixed relationship between citizen and state in an imaginary union, Lomnitz frames nationalism as an evolving, moving target, subject to specific local dynamics and created in the very exchanges between the peripheries (Mexico, in his example) and the capitalist metropolises of Europe.

Lomnitz thus stands in disagreement with Anderson about the latter’s omission of religion in his analysis, and Anderson’s “culturalist understanding” (2001:349) of the hermetic politics of nationalism. Nevertheless, they and others (Scott 1999; Kazanjian 2003; Shumay 1993) who write about the creation of the imagined communities of statehood seem to share with Anderson the belief that the “models” of statehood are not

⁹ In the Afterword to his popular book, Anderson tells how it was informally copied to other languages; this meta-practice “an endorsement of [Imagined Community’s] metaphorical use of ‘piracy,’ emphasizing local initiative, rather than external coercion or slavish imitation, to describe the processes of nationalism’s rapid diffusion in different forms around the planet” (1983:227)

merely stamped from above on a population. Instead, the tension between expert knowledge about being a state and the received experience of being state's citizens create local nationalisms and communities in a dynamic fixture.

Lomnitz' critique fits in well with a larger anthropological deconstruction of making the familiar strange – denaturalizing the natural – and its probing what Trouillot (1991) named the “savage slot”. This method of ethnography shifts from the ancestors of anthropologists, often state travelers tasked with chronicling the economy and culture of the subjects of conquest. These works, charge its critics, have long been stuck in reproducing searches for the exotic savage and affirm a relationship of center and periphery even as they criticize it.

My work anticipates this history by including contemporary pirates in the same economic brushstrokes as their eponymous antecedents in the Atlantic Ocean. If we take the “state” as constructed in the oceanic exchanges and movements, rather than in one place, movements, forces and unfixed actors take priority over the depiction of a state as forming from a yeast of static, national identity that the Anderson model promotes.

If nation-states and colonialism do not move from one border to another, but are formed in antagonistic, dialectical relationships to one another, doing an ethnography of how the histories, racial subjects, communities and economies of these in-between commons (Rediker and Linebaugh 2001; Landes 2006; Rappaport 1993; Reis and Brakel 1995; Weismantel 2001; Riles 2001).

Methodologically, this work follows these suggestions from Atlantic scholars in operationalizing an analysis of piracy both offline in complicated urban spaces and online via the Internet. Whether today or throughout history, thinking piracy involves thinking

through the circulation of objects that slip between the cracks of both the disciplinary vision, and the accepted formats, of the nation-state. Creative ways of interfering with state and elite power are rarely aimed explicitly against one state or nation, but against decentralized bodies like international governance structures, and groups of nations. Whereas a critique may be local and personal, it hails global processes at work, such as intellectuals concerned with creating transnational cultural consciousness. Thus the circulation of global flows, such as religion and music such as samba has therefore always been both an emancipatory and complicated negotiation with the structures of capital and technology (Matory 2005; Burdick 1998; Johnson 2002; Hertzman 2013).

More than any country in the Southern Hemisphere, Brazil is a land born of the worst excesses and foundational accumulation of capitalism, the slave trade. During its heyday, the country imported far more slaves than the rest of the American countries combined, and today it has the largest African-descended population of any country outside Nigeria. The country's growth, from early colonial invasion to industrialization, followed an invasive, celebratory pattern of domination where the wealthy collected with open pride in the manipulation and evasion of trade conventions and international agreements.

In 1807, the United Kingdom declared the traffic in slavery in its colonies to be illegal, and ordered a complete stop to the trade by 1833. Although Brazil was an independent country since 1822, it continued to rely on English capitalism – and the financier class of early capital accumulation – for capital liquidity during the country's rapid industrialization. Post-independence, Brazil was obligated to England and English elites for their help against the French. The king at the time, Dom Pedro II, officially

abolished slavery in 1831, keeping with the treaty with the English. It was, however, a complete fiction: the law was only “*para inglês ver*,” or “for the English to see.”

The phrase has become a commonplace one nowadays, if perhaps fading with the newest generation, but the mentality of flattery, trickery and mimic have not. They are, fundamentally, a kind of piracy on the normative and proper establishments of world trade. Brazil has, in this sense, always been a cosmopolitan pirate: An area of the world central to the slave trade, central to the Atlantic cosmopolitan routes that joined Africa to South America, the Portuguese empire at its height to the Americas, and culturally the most defined by the various populations swept up in these machineries. It has also always refused to join forces militarily with these factions unless necessary, backed out of treaties when expedient and followed its own laws until the very end (Costa 2000). It has always pirated – from sugar trade secrets to musical invention, from French Enlightenment liberalism (Holston 2009) to Amazonian protected trees.

Even the Brazilian computer industry, strong and well-funded since roughly the 1950s, with interruptions from the military coup, has followed this pattern; Langer (1989) documented 1980s Brazilian efforts at computer industry “progress,” built on intellectual property playfulness:

The Brazilian case also demonstrated a pattern of selective protectionism, based on a pragmatic approach that continues to characterize the Brazilian computer industry. Many Brazilian firms continue to produce clones based on other models that are successful on the world market, such as Apple and IBM. Brazil's importance as an industrial nation, the nationalistic sentiments of its rulers, and its relative independence from outside pressures made it possible to continue to produce these kinds of goods despite concerted pressure by the multinational computer companies.

In many ways, Brazilian identity follows, embraces, this piracy. It is a remix identity, a distributed one that modernist Oswald de Andrade (1991) famously depicted in bodily terms:

Cannibalism alone unites us. Socially. Economically. Philosophically.

This distributed, cannibalized body resonates with Gil's statement on the figurative "dormant cultural organs" that can be reawakened with the Pontos de Cultura. They are means by which the connections of the Brazilian urban and periurban landscape can be reimagined aside from the individualizing tendencies of intellectual property. The unique, author-based regime of rights based on a public sphere composed of individuals bartering for consensus, as is imagined by theorists of Enlightenment rationalist theorists like Habermas (1991) are thus revealed to be fragile and contingent despite their pretensions to universality.

Cannibalization cuts both ways: to suggest that a country is a cannibal devouring everything around it also implies that it agrees to the possibility of being devoured. It submits, for example, to one of its founding narratives resting on a lost sailor, Hans Staden, a German former thief ambiguously recruited to light piracy, stumbling into a disembodied landscape he has no words to describe (Staden and Whitehead 2008). It submits to constructing spheres of connectivity that are mixtures, hybrids and

outgrowths, such as social scientist Gilberto Freyre's treatise on Brazilian mixed race culture of the master's house and the *senzala* (slave house).¹⁰

If we treat this Brazilian history as an epistemological, not merely historical, logic, what kind of possibilities does the study of piracy open? Cannibalization is, at its core, a refusal to bow to claims to originality, authenticity and center. Cannibalization rejects the teleologies of origin that place civilization – and consensual, effective government – at Europe's center.

What happens if we reframe piracy as a reparative practice of empire, rather than a detrimental force? Below, I delve into virtual and physical worlds to think about these questions.

Anthropology and the Virtual

Inside Brazil, I worked with two different sets of informants. One set was online and its most obvious distinction was communication and operation through electronic media such as forums, social networks or direct communications like email/direct messaging. The other set of informants are people I interviewed or observed traditionally,

¹⁰ Freyre, the man perhaps best known for arguing in depth for Brazil's "lusotropicalism," suggested through his work that "miscegenation" and other mixing had made Portugal's colonial outpost different from other similar creations where the white leaders had obliterated all other influences. Freyre is well-positioned to be hated for his outstanding architectural role in the construction of many racist state and cultural institutions. Recent treatments (Burke and Pallares-Burke 2008) of his life however have recast him as a one node in a busy network of similar socio-scientific output.

with my physical presence as an anthropologist sharing space with their physical forms as informants.

Traditionally it has been very difficult to study the former – online – group. Most academic scholarship portrays them in one of two ways: a *representation* of the human, extended into the virtual world (Gray and Driscoll 1992), or a *different identity* that is allowed to flourish in an apparently disconnected arena.¹¹ Both these approaches suffer from, principally, treating the Internet as a medium and technology rather than a phenomenological shift, comparing it, for example, to the invention of the printing press and the medium of communication it allowed, echoing Benedict Anderson’s (1983) work on the role of the newspaper in the creation of the modern “imagined community.” In both these analyses, the theories were constructed around technologies by now far outdated or lost. In both, the Internet is a virtual space separate from the world.

Whether one adopts the first path – that of an Internet extension of the self – most easily popularized by terms like “virtual reality” and the exhaustive early 1990s series of movies and video games that boasted about it, or the second about separate identities, scholarship of the Internet framed it as a distinct entity. We anthropologists often studied questions of access and or focused on particular hardware or software.

The banal, famous New Yorker cartoon suggesting that “on the Internet, nobody knows you’re a dog” is of a piece with these claims. The Internet user was disembodied

¹¹ In her canonical book, Turkle (1997) suggested the Internet will foster a new era of identities divorced from the social constraints of “real life,” echoing many early admirable but problematic works around the emerging technology. See also Ribeiro (1998; 1996), Escobar et al (1994) and Boellstorff (2008).

when she went “on the Internet” and only returned to reality when the Internet was switched off, like a mother chiding her child for spending too much time on the television. Internet users have a tongue-in-cheek slang for this thought process: IRL, or In Real Life. One will post something and use IRL as a meta-shorthand for the valley between online and offline living.

Because of the time those kind of studies were written, and academics’ – especially anthropologists – fetishes for researching alternatives to Western understandings of the self, it seems all the more curious that the Internet not as an extension or replacement, but as a vital *part* of the self, an extension of what it means to be human, albeit virtually placed, could be a more straightforward explanation.

More broadly, following possible academic trends in postmodernism toward seeing cultural objects as “texts”, anthropologists took a dim view of the Internet as a technology that could not only be explicitly social in a traditional sense, that is, relying on a set of shared cultural norms that are communicated through a public sphere, but also as a social space that enabled new patterns of organization and cooperation that could be harnessed by various social groups. The Internet had to only be virtual and separate, a place where identities mutated into something different from what society deemed normative relationships, and as such to these academics it both offered a potential critique of identity – hence the fetishistic portion – but also was permanently limited by its real world potential for action. On the Internet, after all, since nobody knows you are a dog, everyone assumes you are.

In short, we were offered a lot of ethnography *on* the Internet, while this work takes a different path. I have tried to highlight an ethnography of the Internet, of its

embedded power structures, anxieties, claims to publics and economic relations, or what Daniel Miller (2012) has argued is the frontier of “digital anthropology”:

This should surely be the heart of a new Digital Anthropology, a concern not just with technology, nor indeed just with anthropology, but rather with the welfare and creative response of the diverse populations of users of these technologies as encountered through ethnography. We need to pay at least as much attention to consequences as to the creations of these technologies.

Recently, partially because thanks to science studies’ deconstruction of the contemporary and historical social role of technology, and the increasingly widespread adoption and access to the Internet, the limitations of these approaches, both of which rest on the virtuality of the Internet, have become more clear.

In response, anthropology has appeared to slide into the next theoretical moment, the heyday of material studies, which has allowed scholars to view technologies as material, embedded objects available for circulation, use and reuse in ways that are precluded by simply thinking of it as a medium. Writing about the introduction of the television into the home in the mid-20th century, for example, Morley writes that

Television may well be understood as a symbolic and partly ... visual medium – but it is also one with a materiality all of its own, and a wide range of material effects in and on its primary physical setting, in the home, all of which ... must be given a far more central place in the study of the medium than they have, thus far, been granted. (Morley 1995:187)

This shift toward the materiality of science and technology has shown impressive results across the disciplines by placing nonhumans alongside humans as actors with intent and subjectivity in life. It has led scholars to interesting places, such as a focus on

sculptures and the state (Sansi 2010) and the sad contrast between the epic highs of technological hope and the withdrawal society suffers (Redfield 2000), as it is revealed to be just the opposite. In short, the shift toward science studies and material culture has cast about in almost every arena but the one this work studied: the Internet.

My work argues that the Internet is just as physical a space as your porch, and evokes the same social function and representation any other material object would evoke, including debt society, problems of value and limitation/scarcity. By moving the Internet into this realm, it is then possible to subject it to anthropologists' best arsenal of tools, sharpened as they are toward understanding how people make sense of the world around them through economic, historical and cultural intersection.

Coleman has recently termed this approach as the study of the "prosaics of digital media" (2010:494), or how lived experiences intersect with media. My work, especially in the chapters on anti-pirate movements and Brazilian music, follow these studies of thinking about traditionally embodied facets of humanity, such as race, class and gender in digital eras. Even if it is obvious to the reader today that class may exist on the Internet, the idea that there exists a sense of ethnicity – and that it is expressed differently in Brazil than in the United States, for example – felt epistemologically and built aesthetically into the Internet strikes most people as incredibly strange.

I follow one other axis in thinking the ideology of piracy; through its parody, play and intersection with the digital world, thinking through piracy allows us to see the

Internet as a linked online space and as a material, felt place¹² with complex, nuanced sentiment about larger economic claims. Even if there is no digitality in the pirate act – as we will see with the camelôs in Chapter One – the Internet’s presence as a material actor is incorporated into the ideologies that sustain piracy.

The Ethnographer and his Magic

The preface above and this introduction are stories of my arrival in Brazil, told differently, each articulating a different vision. The preface, a redistributed Ruth Landes account, hails decades of anthropological and feminist scholarship on Brazil. Its simplicity obscures a problematic tradition of academics engaging Brazil as a distant and sensual tropics detached both from its geographic neighbors in South America and from its intellectual parents in America¹³ and Europe. The introduction to this chapter, an ethnographic and creative account, obscures a reliance on external sources and theoretical scaffolding to bolster my argument.

Neither is therefore creative on its own and both appropriate from other texts, people and lives. These themes permeate the form and the content of this work.

¹² For example, Boyd (2009) discusses how Facebook leans toward a whiter population in the United States, with Myspace and its vibrant colors and disorganization apparently appealing to people of color. This research, however, may be outdated in 2013 as Facebook has attained almost superhuman status in social networks.

¹³ Although scholars of Spanish-speaking Latin and Central America vary from the disinterested to the highly critical in the popular substitution of “America” for “US,” I found Brazilians did use this substitution without much thought, and therefore use it in this work. In some ways this marks the country even further as disconnected ideologically from its neighbors.

Of course writing style is writing style, fact is fact, and neither method of introducing my story and consequently this work will dispute the reality that I did spend fourteen months with pirates in Rio de Janeiro in 2010 and 2011, with another visit in 2012. In both accounts, I studied piracy on various scales in Brazilian society at a time when, nationally and globally, piracy and its discontents were being redefined and deployed variously in different contexts as weapon, solidarity builder, lawbreaker, and freedom fighter. Internet “wars” were erupting as Anonymous, WikiLeaks and social media networks became part of the cultural landscape. Piracy remained a moral stain in this Internet stratum.

The events of January 26 at Uruguaiana were only one visible marker in a dramatic sea change in the relationship between the world and “being Brazilian” that accompanied the shift from the Lula government to his successor, Dilma Rouseff, under the same political party. In the chapters that follow, I parse these shifts in Brazilian public conceptions through an examination of piracy in 2010-2012, placing the physical, urban engagement with piracy in spaces such as Uruguaiana and the Rio de Janeiro metro next to, but at a different scale with, Brazilian online music and Internet copyright reform. Against the proclamations of a meritocratic and flatly interconnected world, *sans* boundaries, that typically accompanies a state’s entry inclusion into the respectable world order, piracy is a noisy process and discourse – not merely an act – that creates a cultural space involving specific actors, limits, times and places.

Adrian Johns concludes his book with the pitfalls of speaking about intellectual piracy in the 21st century:

Because more things fall under the aegis of intellectual property today than ever before — including recordings, algorithms, digital creations, genes, and even living organisms — practices that until relatively recently would not have seemed even potentially piratical may now be deemed actually so. Meanwhile, as the information economy has grown, so it seems that piracy has metastasized beyond anyone's ability to understand and master it. (Johns 2010:497)

Metastasis is an understatement. Today piracy and copyright violations are used as catch-all terms for many types of international trade politics and as an insult at many scales of illegality. Even as the term has proliferated in use, the preface “intellectual” has dropped out of everyday usage as all the cultural properties of actors are collapsed into one aggregate value. Pharmaceuticals and books, soap operas and typography, all are available as claims when accusations of piracy move from state to state, flitting between middlemen, weaving through unbelievably dense legal regimes and technologies.

Work Outline

The first chapter explores pirating and consuming pirated goods as a large part of extra-market relations in Brazil. Through pirating, vendors occupy city space and provide citizens of the city with vital media about city life. The second chapter exposes piracy as a global discourse about social values, linking transnational forces to local ones in a modernity predicated on ramping up policing of public spaces outside well-defined consumptive spheres. The third chapter unravels how different actors use the specters of piracy to discuss what makes up a Brazilian, which Brazilians – and curate – various aspects of “Brazilianness” through legal regimes. Chapter four studies a group of people who use local and international frames in combination to create a pirate commons,

thinking this as a contemporary solution to a disjunctured set of legal and social norms they see as a suffocating ideology. The final chapter follows an exploration of nostalgia and ownership. Through music and technology, I suggest piracy allows different actors breathing room to speak about their surroundings, and their histories that is disallowed – or hypermanaged – by the state in other ways. **The Conclusion** engages the Internet as a space of ethnography, and the divisions between “real” and “virtual” that often plague academic writing on the subject. I introduce the issues at stake here and suggest a possible way out through material understandings through the myriad ways people use the Internet as a social space, rather than as a identity-based tool as is commonly portrayed. I then contemplate on next steps for pirates in Brazil and abroad. What kind of challenges and laws are being introduced for the future, and how might Rio de Janeiro-based vendors survive? The **Epilogue** details the ongoing fights around legal and online spheres in Brazil, that were not part of the original ethnography. As their own narrative around the shifting contours of political and elite appeals to piracy, however, they are presented with little comment. **Appendix B** is my translation of the Charter of Principles of the Pirate Party of Brazil, described in Chapter Five.

Brazilian Portuguese and English were the main languages used in the research¹⁴, with a smattering of Spanish-language sources which I indicate whenever used. All

¹⁴ When using nouns such as place names in the descriptive text, I have kept to US-English accepted standards, for example Brazil rather than Brasil, unless used within a Portuguese language phrase. In shorthand or abbreviations, I have kept as much as possible to Brazilian conventions (media or informal) as much as possible. Hence, for example, President Dilma Rousseff is referred to as “Dilma” rather than the more

Continued on next

translations are my own; I keep intact the slang and verve of both street and online Brazilian Portuguese, and specifically Rio de Janeiro Portuguese when applicable, which differs from the rest of the country in certain colloquial usage.

I capitalize the Internet below when I refer to the international network of broadcasting servers and receiving computers that operate over the accepted and established protocols that are colloquially understood, in aggregate, to compose a globally interconnected whole. On the Internet, the word Internet is rarely capitalized because it is so ontologically integrated as to be a meaningless designation. I retain the capitalization here in print, however, for stylistic reasons and to distinguish this meaningful Internet from an indescribable, external technological network that encapsulates everything; this is the suggestion of the work, that the Internet is just as connected to its human and material progenitors as they are to it.

internationally accepted “President Rouseff,” and the Ministry of Culture is shortened to MinC instead of the perhaps more logical “MC”.

Chapter One: The Camelôs and the City

Through piracy, few gain and everyone loses.

– Polícia Civil, Rio de Janeiro, January 27, 2011

Meu amor era verdadeiro o teu era pirata (My love was authentic and yours was counterfeit/pirated)¹⁵

- Gabi Amarantos, Ex Mai Love.

The famous pirate market at Uruguaiana, the *Camelódromo*, rusts with grace at the end of Rua Uruguaiana,¹⁶ on the corner of Avenida Presidente Vargas, named for former dictator Getúlio Vargas and a major thoroughfare in the sprawling city. At the other end of Rua Uruguaiana lies one of Rio de Janeiro's other famous downtown streets, Rua Carioca, lined with shops selling old musical instruments and carving the city between downtown, the newly renovated Praça Tiradentes and its rapidly gentrifying surrounding neighborhood, Lapa. Buffered by two subway stops, the street is old, cobblestoned and pedestrian-oriented, with small byways for motorcycles and trucks loaded with consumer goods.

It has little shade except as provided by the buildings on either side, older *carioca* institutions that sell consumer products such as refrigerators and laundry machines and

¹⁵ From the album *Treme* (Amarantos 2012).

¹⁶ As this chapter rests on places and names as a convention of pirate expertise of urban space, I retain the original Portuguese names and naming conventions in this chapter, including *Rua*, meaning street, with the plural *Ruas*, and *Avenida* meaning Avenue.

fancy clothing. Whether one enters from the imposing ten-lane wide Avenida Vargas or the more genteel Rua Carioca, Rua Uruguaiana remains open and welcoming, one of the few areas in the city with a traditional crisscrossing grid of streets named after various South American capitals. It is a unique affair, for as Rio is built sandwiched between the ocean and bay (locally the Bahia da Guanabara) and the rainforest that sits atop the mountains surrounding the city, grid patterns are rarely in use.¹⁷ Despite its easy access from almost every part of the city, it is not an area frequented by the city's increasing numbers of tourists. Nervously hugging tour guides, their incursions into these streets usually end at the art nouveau café Confeitaria Colombo adjacent to Rua Uruguaiana.

The street's most famous denizens are Rio's pirates and the subject of this chapter on the spatial actors of piracy: the *camelôs*. Named for the camel-like humps on their backs from carrying cargo, a *camelô* is best translated in English as a street vendor, though the connotation in Portuguese carries a more criminal and base valence. The nuanced meaning implies sneakiness, and concealment as if it were a hump. An alternative name for these vendors is *ambulantes*, or the people who are mobile and not attached to any store.

This chapter examines two sets of *camelôs* in an analysis of the divisions between the practice of piracy as theft, and piracy as agentive creation of alternative commons. I

¹⁷ Outside of the small downtown area, most of the city (excluding the newer suburbs) is a warren of streets moving up and down the mountains and barely connecting. Until the city blasted tunnels during the urban renewal phases of the 1930s and 1940s, for example, it was impossibly hard to navigate between this urban center and the famously cinematic Copacabana and Ipanema, effectively isolating the rich in these outer suburbs while the poor remained centralized. For more on the politics of Rio's urban spaces and especially the construction of Avenida Vargas, see Jaguaribe (1999).

begin with the extremely public life of Rio's camelôs and their contribution toward creating a public sphere of consumption that is not dictated by formalized networks of exchange or indebtedness. I then move to a second group of camelôs, located in the Northeastern city of Belem do Pará, who actively record and sell their own music.

I analyze how camelôs' visibility initiates both a moral panic about what constitutes piracy and thievery in a city, and how that visibility anoints the same group with a particular kind of expert status about prejudices and class and racial inequalities in Rio de Janeiro.

I am particularly interested in the differences between these two sets as a remark on the class implications of certain imaginaries; for the camelôs I analyze below, piracy is embodied in different ways and implicates different visions of Brazilianness. I return to this theme in exploration of Brazilian online music exchange in Chapter Five, comparing elite pirating with the practices that engage the camelôs below.

Market Space

The street – named Rua Uruguaiana – and the pirate market that sits at its end – the Uruguaiana Camelódromo, or area of *camelôs* – bleed into one other, but crucially differ in their roles as markers of Rio's criminality. My first trip to the market made this distinction abundantly clear, as I met a camelô selling a copy of *Nosso Lar* (Our Home),” a romantic comedy released in theaters in the fall of 2010. The camelô's setup is the same as the other's setups on the same avenue: A mesh or wireframe cube with a flattened cardboard box on top, a makeshift table that can easily be packed. On the flattened

cardboard box the movies are laid out. Fabio, the camelô, has his DVDs in standard-issue plastic cases, although the DVD inside is pirated. Others I noticed just use a plastic sleeve or even a piece of paper. Based on preliminary observations, there does seem to be a price discrepancy between the two; ostensibly if you want a “fancier” pirated DVD, you’ll buy the plastic box.

I buy *Nosso Lar* for \$10 Reais¹⁸ from Fabio after a little bit of bargaining, and nervously strike up a conversation in my still-young Portuguese. Fabio is more than willing to speak about his work, contrary to my earlier fears.¹⁹ He’s very open to talking about how retail stores lose business to camelôs like him, but he insists that authors and creators don’t lose any more with his sales. “[Movies and music] were always very expensive,” he says, “and now I and my friends make it more accessible.” I ask him about how movie theaters cope with the issue, given that I have seen two on the way to Uruguaiana that are showing *Nosso Lar*. “I provide a service for Brazilians who can’t afford to go to the movie theater or to buy the movie directly.”

While we stand talking in the saturated sunlight, Fabio is nervous, agitated and constantly looks around him for any signs of the Guarda Municipal (GM). At one point in our initial conversation he folds up his items, doing as all camelôs do by putting the wire

¹⁸ Roughly six dollars in the fall of 2010.

¹⁹ I had anticipated approaching camelôs to be a big problem for research when first writing out my research methodology. It soon became apparent, however, because of any number of reasons, that most were not only fearless around me but eager to share. Along with the assumed privileges at play here – such as my white male foreigner role – my heavily accented Portuguese reassured everyone that I was not an undercover police officer, and my apparently rare willingness to approach and speak to camelôs luckily endeared me to my informants.

frame to the side, picking up the four corners of his “tablecloth” that effectively create a net at a moment’s notice. It is obvious that the Guarda Municipal know when camelôs are going about their business; I can see their eyes rove back and forth as they cross the pedestrian path, swinging batons and examining their perennial symbiotic nemeses. Dressed in beige-brown suits and carrying guns, but lacking the full military-themed regalia and gravitas accorded to the Polícia Militar, who normally deal with Rio’s drug-trafficking and other major crimes, the GM are familiar with their roles in the urban ecosystem, and are tasked officially with keeping the streets clean. Hated by the camelôs, they are in constant contact with them and are normally one of the few police units on foot, cops on the beat in an age of distanced surveillance and technological panopticon.

The GM is one of the material, visible keys to understanding urban Rio’s particular divisions and spatial interactions. They are the gatekeepers between the camelôs on the street and those inside the physical, tin-covered structure of the Uruguaiana Camelódromo. “I am on the street,” Fabio exclaims after they pass, “because I can’t afford the police payoff inside the market. The only real difference between them and us is money, but I’m so happy I’m not stuck inside there as friends with the police.” Others beside him, glad to have an ear, echo his sentiments to me.

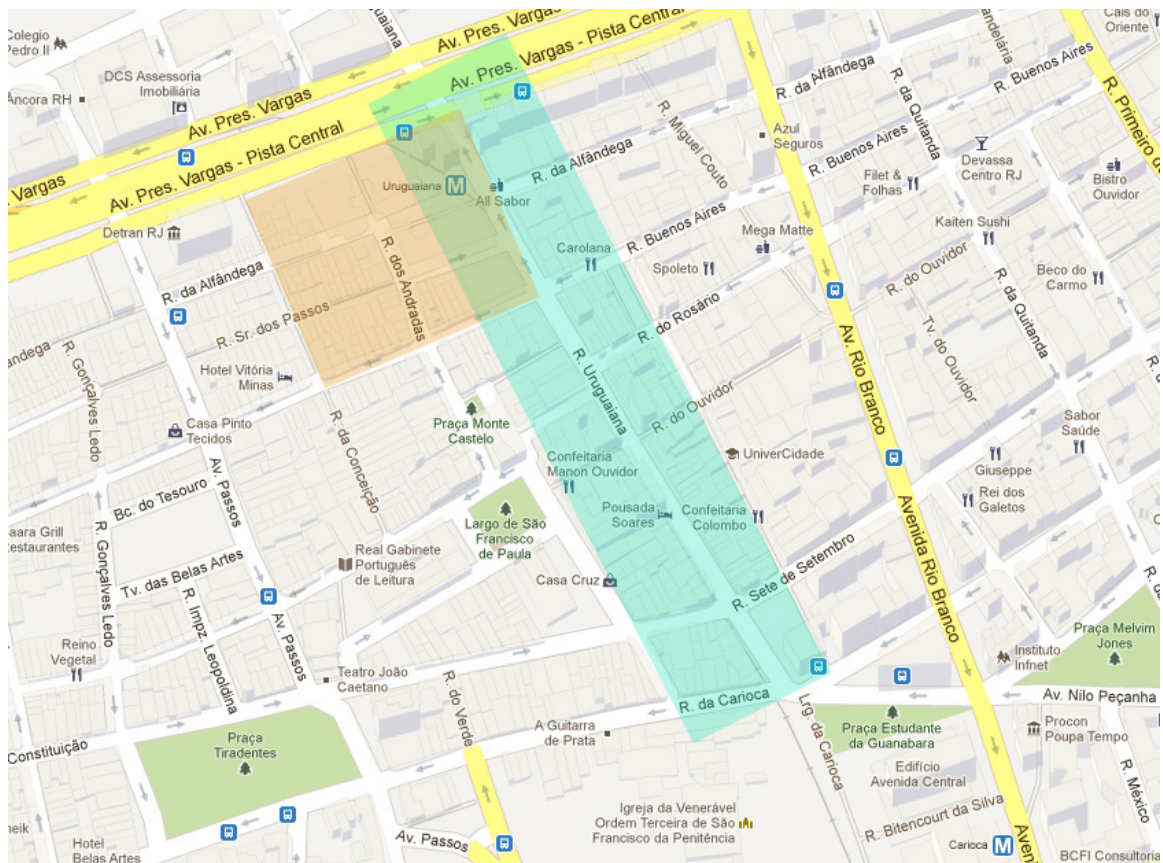


Figure 1 Rua Uruguaiana (blue) and Uruguaiana Camelódromo (orange) in downtown Rio de Janeiro (Map of Downtown Rio de Janeiro 2013)

We have set the scene, then, at Rua Uruguaiana – where Fabio the camelô has brought us. Let us step back and shift down the street to the Uruguaiana Camelódromo market, long a shopping destination in Rio de Janeiro where poor- and working-class Brazilians, and especially people of color, would visit. Taking up roughly two square blocks, it sits at the end of its eponymous street, and next to another colorful shopping

district.²⁰ A warren of alleys surrounded by corrugated tin, small shops selling similar goods sit touching one another. It is by many accounts a modernized market, with some districts having air conditioning. It even boasts a website.²¹

My original research subject in downtown Rio in was Brazilian-produced media such as movies and music, and yet it was hard to miss the Uruguaiana market as breeding ground for other modes of piracy, such as counterfeit Nike shoes and luxury bags. When an item of clothing or other consumable was trendy or in season, it was available at Uruguaiana at the exact same time as it was in the main formal stores, without delay. Famous shoes seen on an American movie star were proudly on display the next day at Uruguaiana. Strange mixtures of pirated imagery played on celebrities and their international reach.

²⁰ This “third” shopping district is named Saara in a fetishized ideal of an Arab – or “Saharan” – bazaar. Mostly textile and bulk sales of objects imported from China, it also had many of the city’s Arab food markets, most of which relied on Aladdin-style stereotypes of the Arab, complete with mustache, hat and scimitar. Saara shops are owned by legitimate businessmen, but often provide the material for the camelôs that populate Uruguaiana, in yet another twist on the politics of space this chapter will discuss.

²¹ The website is available at <http://www.mercadouruguaiana.com.br/>, although it was broken at time of writing.



Figure 2 : Hip hop artist Beyoncé and her tiger friend. Image is pulled from Internet collections of desktop wallpaper. November 2010, Rua Urugiana. Author's photograph.

The pirated goods were specifically tailored to a local audience, with a nuanced understanding of what Brazilian consumers wanted. Before Rio's week-long annual Carnival celebration, for instance, I noticed the preponderance of pirated samba school shirts. Made of cheap nylon, unlike the official school shirts I had seen in the lower-middle-class suburbs of Mangueira and Portela who gave their names to the schools, these shirts were made to be worn when one's favorite band was playing during the Carnival of

2011. There were soccer jerseys of local teams and the types of jeans that Brazilian women apparently were purchasing that season. Uruguaiana thus differed crucially from other markets I had visited around the world, such as New York's Chinatown and Beijing's Silk Street Market. Whereas those markets sold pirated or counterfeited high-end goods and were tailored to tourists, the types of items sold at Uruguaiana were distinctly produced for the Brazilian market, despite some having been created elsewhere and trafficked to Rio de Janeiro.

Camelôs outside the market on the street were free, in a sense, to set up where they wished, but the physical market rented space by the month to its vendors, who sold everything from jerseys to evangelical music CDs, pirated cellphones and video gaming systems. To purchase a stand inside its corrugated roof, one had to pay a fee depending on whom one rented from; generations had subleased to one another in increasingly complex, almost fractal rental agreements. One's fee also naturally depended on the location in the market; facing outward toward the many passersby incurred a higher fee.

The vendor who buried her *loja* (shop) in the nether reaches of the Camelódromo (bordering the Saara shopping district) was granted virtual license to operate the most dubious of operations, such as the cellphone unblocking technicians and PlayStation unlockers. I found much music there, both on actual CDs but also on flash (USB) drives and as burned MP3 discs. The latter were CDs as well, but not playable in a standard audio player. One needed to use a computer to play them or to transfer to a cellular phone. In a few select stands, I could pick 100 songs from a catalog of thousands and have the camelô burn them to CD for a mere R\$8 (six dollars).

Here, a note: I only call the vendors inside the market camelôs because of its name: the Uruguaiana Camelódromo. To others, like Fabio and Maria dos Camelôs, the subject of our next section, the market was no home to camelôs but its very antithesis.

Rights to the City

It is a scorching Tuesday afternoon and I finally have been able to finagle a meeting with the famous Maria dos Camelôs. She works at the *Centro Unido dos Trabalhadores* (CUT), a labor rights organization active around Brazil but with a particularly strong Rio chapter. A contact from the Rio chapter of Brazil's Pirate Party had given me her name, and some preliminary research shows she's quite famous in defending the camelôs, and has been personally involved in many of their legal struggles. I have been trying to reach her many times but it has always been cancelled because of some kind of last minute problem.

I arrive at four in the afternoon (we had agreed to three and she called that morning to shift it to four) and she still is half hour late, a Brazilian standard that has perplexed many a foreign ethnographer. Two other women also arrive with her, a photographer and a journalist who are recording her story for a Brazilian television show to air in the spring about "people of the street." This interests me, as she is obviously known and a charismatic person, wanted for her insight.

Maria's charisma is palpable; she must be late 30s, married according to her ring. I approvingly take notes on my pad about her blue painted fingernails. The CUT office lacks air conditioning and is extremely hot, on the 15th floor of an old office building on

Avenida Vargas. Maria is bright and sprightly, offers me water and invites me in with the journalist, who brushes me aside in her mad rush to the air conditioned office. This aggressive behavior continues throughout our meeting, as she barely acknowledges me and orders her rather absent-minded photographer around.²² As soon as she leaves, my interview begins and with that first interview Maria became one of my most important contacts in Rio de Janeiro. Below I reproduce her life story, pieced from many interviews and walks we had, because I feel it is very important as a chart of Rio's change in treatment of camelôs.

“Eu sou mineira (I am a mineira [i.e., from Minas Gerais state],” begins Maria, an affectionate reference to her outsider status in Rio.²³ She grew up poor, married early and had a child, and divorced immediately after. At age 25 she arrived in Rio, without money or a home, and began squatting in a building downtown that has since remained in the family and passed onto her grown children. After a few odd jobs around Rio, she continued to run into camelôs in her squats and saw how they were able to make more money while “being their own boss”. It was a very open climate to her, and quite international: she recalls people from Paraguay and São Paulo, which was very compelling for someone from small-town Minas. “Camelôs were interesting, exciting,” she exclaims in

²² The women interviewing Maria gives me a unique opportunity, to be both an anthropologist/interviewer but also an observer, to see how a journalist might interview Maria. My observation: much more oriented toward the human interest, or Maria's life, rather than the camelôs and social justice work for which she is famous.

²³ Minas Gerais (MG) is literally “general mines.” Known for its history in mining and agricultural production, it figures prominently in Brazilian imageography as decent, hardworking and honest “folk.” It can be compared to the American Midwest, both in the myths about the character of its inhabitants and in its culinary and topographical riches.

between a shot of brutal Brazilian coffee. “They know the streets.” According to her, in those days there was a mutual respect between the GM and the camelôs: whenever the GM would enter camelô districts, it was more for show and they would respect the rights of the camelôs and not destroy anything.

She became a camelô after a few months living in Rio and realizing the opportunities it would give her. Incidentally, she is one of the very few female camelôs I know and saw in the area. In the mid-1990s, she became pregnant again and nine months in, just before Maria was about to give birth, “things in Rio began to change, the *jeito* was no longer the same.” She recalls one major operation at my insistence. She becomes increasingly agitated as she describes it.

The GM came into a side street just off Rua Uruguaiana and caused a *briga enorme* (huge fight) in the street and threw all my things around, destroying and arresting without concern. I’m very pregnant and worrying about my child, but they leave me untouched, thank god. At that point I didn’t think or care about labor rights... I was *revoltada* (quite angry) and just scared for myself and my child.

In 2003 Maria joined CUT as a representative of the camelôs. Their labor, she felt, was being unrecognized. CUT offered her a stable salary in addition to health care, something she never had being a camelô, and having children by then was causing her to tire of the camelô life without security. After attending her first *manifestação* (protest or action) at Cinelândia over the arrest of a camelô, a plaza in Rio’s downtown, she recalls crying over the multitudes that visited.

I couldn’t breathe – there were camelôs from Madureira (a poor northern suburb), camelôs from Niteroi, and I couldn’t contain myself. They were all very united. I could barely speak.

One week later, a huge crackdown came from the mayor's office. As she points down one of the streets she worked on, she begins to speak rapidly, challenging my language skills. Police detained at least thirty-seven camelôs, and imprisoned twenty-five of them, an unheard of action in the streets. "*Foi uma bagunça na rua* (there was a crazy mess in the street)." According to Maria, this act of police brutality set off a new rebellious attitude among the formerly mostly law-abiding camelôs. They staged a sit-in where, among others, was imprisoned for the third time in her life. It was during this sit-in where the police pulled out a counterfeit blacklist with names of police officers from the GM the camelôs wanted to kill.

Maria laughs loudly at this point in one of our interviews, and I ask her again about it the next time she shows me around the side streets. Did the police really find such a list? Did camelôs really maintain a detailed list of police they wanted to assassinate? She finds such accusations absurd and maintains the list was a police invention, intended to drum up support for mass incarceration of camelôs. "So we did what we can," she tells me. "We organized *como a velha guarda* (like the old school)." Using radios, they would coordinate coming together – not running away, as I would have assumed – whenever somebody reported a squad of GM were arriving. They would hire taxis to drive slowly behind police cars and report their locations back to the camelôs.

It is Maria who brings us into the modern condition for the camelôs, all predicated on accusations of piracy. Since the last *manifestação*, she maintains, the government has created a worse condition for the camelôs than ever. They disappear camelôs and nobody knows to where, while the GM takes all their belongings (both personal and to sell) and nobody hears from them. A large part of it is the regularization – formalization – of

Uruguiana market, she flatly asserts. This has made the camelôs on the street much less organized than before. They come and go, arrested or in fear and “it’s just impossible to get them together.”

I emphasize this difficulty in uniting camelôs; I too noticed this during my months of interaction with Maria, as we became friends even as our times together were filled with emergencies, job-related and personal. Like her friends, certain informants of mine would disappear for a month, arrested or sick. I would worry but have no way to contact them, as I never knew their numbers or their real names, much less their addresses. Curiously for media pirates, too, they had very little access to the Internet. Whereas most people I personally knew pirated music and movies by downloading from the Internet, the camelôs would copy them via copy centers buried in old corners of the colonial downtown.

I visited duplication centers from time to time. I confess I imagined shiny long hallways out of a Hollywood movie. The reality was much more social. Security and preventative access to these stores were not with guards but people on corners alerting friends and colleagues to potential intruders. Once inside, I would see older cloning devices and printers, as well as individual computers used to pirate an initial copy. The atmosphere was convivial and easygoing, but the threats of raids were always present.

“The police like to associate us with the *traficantes* (drug traffickers),” I heard more than once, “but the reality is that they have much more to do with that business that we do.” I was told stories of police planting drugs on camelôs in order to implicate them, and police beating camelôs to death for minor infractions. At those same times, I was informed, people kept coming back to them to look for cheap DVDs, clothing or other items.

That culture seemed to have change as Rio took a more tourist-friendly, new order police²⁴ role in the 2000s, but the camelôs still intimately felt the paradoxes of being criminals and providers at the same time.

I spend many visits with Maria; whether protesting or fighting police takeover of a squatter building on Avenida Mem de Sá in Lapa or arranging press releases for CUT, whenever I was with her she was fielding calls from arrested camelôs. She was frustrated both at the system that arrests them and at them as well. She tried to organize a camelô union, but nobody ever shows up to the meetings: “They only call me when they are arrested and I don’t always have time for that.”

I once asked her about the reasons pirates are arrested, by way of introduction to my research on piracy and criminalization.

People get arrested for nothing. [She begins imitating a police officer]: I’m arresting you because you are in front of someone who is pirating. If there weren’t any camelôs, piracy would still exist. *Lojas* (stores) will sell pirated goods. Like inside Uruguaiana [market]. Unlike the past, now camelôs have to be anxious all the time and recognize whenever the GM will come and go: *A GM sai da moda, entra da moda* (the GM go out of style, come back in style).

The theme of inside and outside market is recurrent in our conversations. To the newcomer to Rio de Janeiro, the differences between Uruguaiana Market and Rua

²⁴ In 2009, Rio de Janeiro followed Mexico City’s 2005 embrace of former NYC mayor Rudy Giuliani, asking him to bring his policing tactics to Rio before the 2016 Olympic Games. Most newspaper reports I found of the invite were celebratory; one columnist however suggested that Mexico City’s violence “was far from being resolved” and that no generic field experience, “could be transferred like a software program for the computer” (Barros 2009).

Uruguaiana seem minimal. Inside, she tells me, they are not camelôs even though they appear to be (and it is named the *Camelódromo*). This is merely a historical artifact, she explains, but they are basically stores. They not only are not part of the camelôs outside, but they do not even bother to help them when the GM comes running after.

Piracy and urban circulation

If the Uruguaiana market is not really composed of camelôs, why was it shut down with so much media hype by police? As I learned, that first sweaty day of Uruguaiana's closing, against the cars with the small shop owners and camelôs – surprisingly not angry, but smiling and relaxing – the atmosphere of defeat mingled with cries of “January began well.” One camelô mentioned that the excuse for piracy was “bullshit” (*mierda*) and the police were just here for “ethnic cleansing” (*faxina etnica*) and power demonstration.

The police shut down Uruguaiana not because the pirated products themselves were bothering them; after all, according to my informants police were being paid off to look the other way most of the time.²⁵ Police shut down Uruguaiana because it presented a competing Brazilian viewpoint about consumption, one that international capital could not abide. Unable to jail or imprison all street vendors, the market drew police attention as an image rich, public relations victory that allowed people to interact with the Brazilian state's power on a local, consumptive level. The services the camelôs, both inside and

²⁵ I never personally saw this. Whether the rumor of police payoff was real or not matters less than their existence, where the power of rumor and its agentive power say more than truth about it.

outside the market, had been offering, were competing visions to state dominance over consumption, where more elite business interests reigned.

In 2011, a very famous sequel to the international hit movie *Tropa do Elite* (or Elite Squad in the international version), *Tropa do Elite 2*, came out in the theaters.

Immediately, that Friday at Uruguaiana, the camelôs (street vendors) were selling it on every street corner, screaming “Tropa has arrived” to a hungry, consuming audience. Stopping to note the conversations that occurred between these vendors and the consumers, I could not help but notice a serious conversation about both the quality of the two films and the cinematic discrepancies between them. Instead, it was a lively, invested discussion about the different visions of police brutality and Rio’s general corruption in the two movies. One young – probably no more than 15 year old - boy declared the second movie to be “more Hollywood,” if less critical of the police, while another camelô, Zé, assured me that being “more Hollywood” did not necessarily eliminate the criticism of the police, but it did make the main heroes look much more good and left out the “bad parts” about them the first movie showed.

José Padilha, director of both the first and second Tropa Elite movies, famously wrote an editorial in Brazil’s leading *O Globo* newspaper in 2007, arguing that piracy was merely a “popular term for intellectual robbery” and should be treated like a grave crime. The popularity of the first film among the pirate markets of Uruguaiana and São Paulo’s similar counterpart²⁶ did not “make him proud,” as some critics had suggested. “As a

²⁶ São Paulo, economic capital of Brazil and home to almost twenty five million people, has a vibrant Uruguaiana-like market on Rua 25 de Março (25th of March). São
Continued on next

Brazilian, I cannot be proud of this,” he noted, because it takes away from all Brazilian industries that rely on the author as cultural diplomat (Padilha 2007). It was with particular relish that he then proceeded to describe the security measures put in place with the collaboration of São Paulo’s police upon the release of the *Tropa de Elite* sequel, including using public funds to outfit the studio with keyword-only entry doors (to monitor individual access) and cameras streaming 24-hour a day footage of the room on the Internet, a peculiar engagement with the expertise of the visual as a way both to shame would-be pirates as well as a direct challenge to Internet users about the voyeuristic nature of piracy (Giannini 2010).

Threaded through these accusations and conversations with the camelôs was an intimate engagement with Brazilian cities as variegated, hierarchized urban spaces that only criminals and police navigated with ease. The Rio de Janeiro of pirates becomes a public different from its portrayal in the movies. The camelôs liked to compare themselves to these criminals, but only insofar as they understood the common public space of spheres like Uruguaiana to be a welcome place for all who came. It was in these spaces, as Fabio would explain to me, “that all people could make their living” and was even international; he often would point out recent arrivals from Peru and Paraguay. Noting that these people were not exactly “friendly,” he nevertheless agreed that they

Paulo’s mayor (called a “mini-dictator” by his critics) has launched an even harsher campaign against the camelôs there, imprisoning and expelling them en masse. For more on the most recent fights between camelôs and Mayor Kassab, see articles in *Causa Operária* (2011) and *Folha online* (2011), the latter detailing how camelôs kept shops open despite mayoral initiatives because they, in their own words, “wanted to work.”

made the space a safer place for all camelôs. When the streets are empty, he explained to me, nobody benefits. It was disconcerting indeed to see Uruguaiana empty, even in the melting Rio de Janeiro sunlight.



Figure 3: Uruguaiana Market on its first day of shutdown. Tins are down on all stores except for those being examined by police. January 26, 2011. Author's photograph.



Figure 4: Uruguaiana Market on its second day of shutdown. The DRCPIM (copyright protection) police truck sits in the foreground. January 27, 2011. Author’s photograph.

Over the months I had spent meeting camelôs both inside and outside the formal market, I noticed the differences between popular stereotypes of pirates – cunning thieves responsible for lost employment opportunities who sat salivating at every corner in wait of new bounty – and the actual lives of the street vendors. For them, they explained in great detail, piracy was a way of life but a way of “serving customers” that the big studios never would understand. Moreover, every one expressed nuanced sadness at the CD and DVD stores that had been closing around Rio and losing ground to piracy, both physical and Internet-based. “When I was a child,” recalled Marcelo, “I would love to run to the

windows of the CD stores on Rua Carioca. Now, most of that is gone. But I don't think it's our fault; it's the studios fault for such *sacanagem* (abuse of power, blackmail)."

Fabio, who had become one of my main informants, had switched from selling CDs to DVDs to backpacks as the seasons demanded. He came from a poor neighborhood in the north of the city, Jacarepaguá, and had begun as a camelô when he was fourteen, ten years earlier. Like most of his colleagues, he was a mixed-race male, plainly aware not only of the pervasive racism that plagued Brazilian society²⁷ but the class interactions between camelô and police that happened in the public, circulatory systems of downtown Rio. Others I interviewed noted with sadness that times had changed for the camelô in Rio, because "things used to be better for us" in the 1990s. There were fewer tourists at the time, and the general consensus agreed the police treated the camelôs better as a result. Also, before the urban renewal processes of the neoliberal regime of mayor Eduardo Paes, the city had been somewhat more relaxed in its enforcement of piracy.

When trends came and went from Uruguiana – such as the tattooed arm bands that were in style in early 2011 – Fabio would switch to selling them immediately. This had surprised me initially, since I had come to Brazil to specifically look at media such as music and related cultural artifacts. But Fabio, like all the camelôs I would come to know, had no such attachment to one particular object to sell. All of what he sold, he claimed,

²⁷ One of the most interesting themes that came up repeatedly in interviews with the urban poor of Rio was a proud allusion to US President Barack Obama and comparisons between him and former president Lula. "Very cool to have a *negro* President" was a refrain I heard over and over. When Obama visited Brazil later that year, it was in poorer, mostly black neighborhoods where he was most welcomed, despite the majority of his policies not reflecting Brazilian priorities. I reflect on this in the chapters below on Brazil's internationalism.

was to make a living first, but to be in touch with the “*povo carioca* (people from Rio de Janeiro).” Around Christmas and the New Year, I observed, the pirates were just as busy as stores, both because the consumers wanted it and because they were making up lost money for the year. I found it interesting, but understandable, that although they were illegal and considered on the margins, that people relied on the camelôs for Christmas/end of year shopping.

It was this flexibility and intimacy with the consumer, but without resources of corporations, that first drew me toward theorizing the informal publics of Uruguaiiana, and proposed a shift in the study of piracy toward circulation and away from production. Demand for, and familiarity with, popular pirated goods and an identity of being “camelô vs. police” were among the few things that united the various classes of camelôs, a frustration that Maria and the other organizers at CUT wrestled with daily. Of course one could make the standard argument that piracy is against the law. I do not reject that in my work. But I suggest that the antipiracy movement - which I explore in more depth in Chapter Two - sought to quash Uruguaiiana because it was a material manifestation of Brazilian relationships with material goods and commons that could not be indexed to a popular media desirous of a capital-friendly, orderly Brazil.

When returning home through the various back streets I saw a *Globo* reporter interviewing one of the Polícia Civil. As I passed, she was answering a question about piracy’s ill effects: “With piracy few gain, and everyone loses.”

After the initial police presence had died down, I returned to Uruguaiiana; camelôs were sitting around drinking beer, chatting quietly with one another. Somebody had put on a fake police costume and walked around parodying the police, poking his stick at the

sunbaked camelôs. This was a moment where I was particularly aware of my privileges. I was able to get close enough to ask people about the flyers Uruguiana organizers were handing out about materials confiscated, but not close enough to see what they said. People were suspicious of me, but not suspicious enough to tell me off. It was almost more frustrating than my previous experiences with camelôs outside Uruguiana; without any central organizational system, they were more easygoing and willing to speak to me. Those vendors inside, now turned inside out, were exposed to the system.

One laughed when he told me about the cleaning out of fake goods: “It’ll be back before they know it, and those *filhos da puta* (sons of bitches) won’t know where to find it. Anyway, as long as people want to buy it, they’ll know where to find it.” Indeed, that third day of the shutdown, as I was heading back home, a man in dark glasses whom I had not seen before approached me a few blocks away from the market, on the same street. Asking me if I needed anything, he proceeded to tell me that anything I would want was still circulating in the area, just not available at the moment. What the police were doing would pass, he argued, once they had their media blitz finished.

As I turned to look behind him at the shuttered, chained market, I see the red-shirted temporary workers walk with white garbage bags filled with high demand, counterfeit objects, shimmering in the heat. As they throw the sacks into the large unmarked white trucks, I am reminded of the famous photo of the United States Great Depression, where oranges are watered while a weary and hungry public looks on behind, to keep value up for producers. It is this understanding of value – the name of a brand over its worth to the people who exchange it – that pirate publics call back against.

The tecnobregistas

In Brazil a musical form called *tecnobrega*, practiced by self-proclaimed pirates, that relies entirely on a distribution system of camelôs. Based musically on the *brega* (“cheesy”) musical genre of the northern Brazilian states in the 1980s, tecnobrega is a reconstruction of the songs, resung by local artists and layered with heavy electronic beats, whistles, DJ voiceovers, shouts and horns. The syncopated music is extremely fast and often very short; songs will last less than two minutes and an album of music will be under 30 minutes. Many albums lack titles or formal artists, being authored by DJs and consisting of so many mixed-in samples that an original copyright license is all but impossible to source.

Tecnobrega is one of the most fascinating musical distribution models in the world and has been the subject of many studies and even an independent documentary. The music is recorded, produced and distributed entirely via camelôs in Belém do Pará (Pará state’s capital city). It is also endlessly ridiculed by the cosmopolitan, urban centers of Rio de Janeiro, São Paulo, and Porto Alegre as a cheesy, outdated music of the northern lower class. I can remember many conversations with cariocas about going to Para to listen to tecnobrega, where the reactions ranged from amused disgust to outright contempt for this “impure, annoying” music, as one *sambista* in Rio told me.

Indeed, the tecnobrega scene is incredibly difficult to follow, for an outsider. The websites, of which there are many, are so riddled with animations, advertisements and garish, clashing colors that one is driven almost to a heart attack. Its online aesthetics are nothing compared to the physical tecnobrega world of the camelôs. It is a musical genre dependent on distribution in the narrow alleys and markets of Pará, both in its creation

and in its distribution. Hermano Vianna (2003) wrote an article in describing his experiences in Belem:

We could close our eyes, pretending this world did not exist, believing in the jokes and statistics of unemployment [published by journals about the effects of piracy]. We may believe that police and public education will change these other economies into property, law-abiding and tax-paying ones. But perhaps it is better to look these frontiers in the eye ... recognize that they do not bring the downfall of propriety, rather inventing new, chaotic forms ... of civilizations of the future.

The Fundação Getúlio Vargas published a very influential work on tecnobrega (in conjunction with industry group Open Business Models), entitled “The Paraense Tecnobrega Open Business Model” (Lemos and Castro 2008) , detailing

This informal market which sells CDs and DVDs through its agents, the non-authorized re-producers, is considered as an important tool for circulating and promoting tecnobrega music in Belém, next to the sound systems and the radios. They represent an alternative for artists who do not base themselves on the formal rules of the rights of property.

I am less concerned with the tecnobrega business model, as such, and more with the construction of Brazilian-ness through its narratives of the public sphere, and banditry and piracy as an effective means of social resistance. Contrary to the pirate practices of Rio’s camelôs, tecnobrega is not concerned with the re-construction of public domain culture – because in tecnobrega culture there is no public domain that existed in pure form which is now being either stolen from or reconstructed.

Through its complete musical annihilation and cannibalization of every source in its arsenal, tecnobrega sidesteps the questions of originality. There is no originality, and no need for it – the value of the music is created in the moment another DJ pieces

together something else, gives it to his army of camelôs, and earns money from CD sales or from the shows.

I spent less time in Belem researching those camelôs than in Rio, because of my suspicion of the fetish of the tecnobrega movement. In Rio, the tecnobrega model attracts many for its “disruptive” forms of capital and circulation. Many of the elite, technology-oriented personalities and institutions of the southern Brazilian world I detail in the chapters that follow (mostly Rio, but also São Paulo) have looked to the tecnobrega model as a welcome and intimate alternative to the prevalent laws and ideologies of copyright.

Visiting the camelô streets of Belem, however, the anthropologist feels familiar. There is an intimacy here that Rio foregrounds, though the heat was substantially worse and added a layer of grime, toned indelibly by the air from the Amazon, on whose edges Belem lies.

I did not see many police when I was in Belem, but I did not have the time to integrate into the pirate markets like in Rio. My brief experiences on street corners with camelôs consisted in comparing beer consumption between them and their Rio counterparts (“we drink it even colder here”²⁸ was not uncommon) and listening to deafening *tecnobrega*.

Instead of my camelô friends in Rio, these had little fear about being interviewed in public, in front of a shiny case of CDs, though the names I have recorded are similar:

²⁸ Cold, or *gelada*, beer is an unholy obsession of the Brazilian communities I lived in. I was shocked to see the amounts of *quente* (warm) beer spilled down the gutters when any US graduate student would have rushed to savor those last bits of wheaty, watered-down beer. During the Carnaval, the principal selling point of any given beer camelô will be the coldness of their beer, since the price is exactly the same.

Fabio, Marcio, Sergio, Gabriel. The camelôs here were perhaps less anxious about the police, if only because the recent popularity of tecnobrega has made them celebrities, or at least tourist attractions. The tecnobrega shows I attended were sponsored by camelôs who had recorded the music, sold it on the street for a pittance, and hawked the live music for later that night. From what I understood from them – and the research of the FGV – the majority of camelô income came from the live show. The value of the music was in the moment of playing; discs were not kept for a long time, claimed the group I spoke to the most. “You can throw them out after a while,” one shouted at me, laughing and downing his beer, “I’ll come up with something better after.” These kinds of claims, loaded as they are, differ dramatically from the kinds of value emanating from a different piratical music I investigate in Chapter Five.

I had come here after hearing one leading light of the movement, Gabi Amarantos, in a club in Rio. Originally of the band *Tecno-Show*, calls herself the Beyoncé of the Brazilian world. She looks typical of northern Brazil and of the *interior* (interior of the country, poorer and more agricultural), with features of indigenous populations, African-heritage in the way most fetishized in Brazil. She is, as some have said referring to her musical forms and physical appearance, the “white black Indian of Brazil” (Sanchez 2012b). Like many of the folk musics that become popular on a national level, Amarantos rise from dancer on small time television shows to big star – Rolling Stone Brazil called her newest album, *Treme*, “one of the most anticipated albums of the year” – her reputation is managed as a rosy mixture of the authentic and the popular.

The album’s first release single, *Xirley*, was released as an “official” video on YouTube almost immediately. The video begins with Amarantos walking through a

colorful urban scene including houses, backyards, and into her pirate workspace, where she picks up a bunch of DVDs.

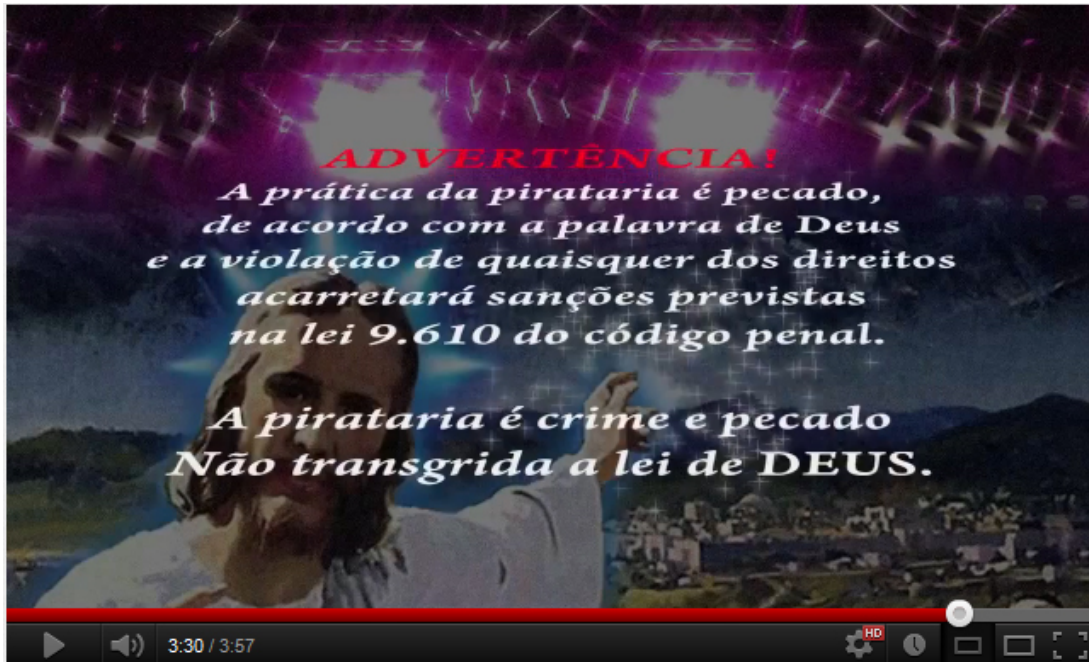


Having picked up the DVDs, she runs to the market where she meets many *tres por cinco*²⁹ friends selling DVDs. She gives them the DVDs to sell:

²⁹ Literally, three DVDs for five Reais, but I heard this term as adjective many times in Rio, as in, he's just a "tres-por-cinco" camelô.



There is one final message from Amarantos after the actual video has ended:



It is a wall of scrolling text, in a Star Wars-fashion, featuring a Jesus figure warning the user:

Be advised: The practice³⁰ of piracy is a sin according to the word of God and a violation of the laws... of the 9.610 penal code. Piracy is a crime and a sin. Do not disobey the law of GOD [emphasis from the video].

Contrasted this with the video's imagery, the text is of course revealed as a sarcastic joke. The laws of copyright were not handed down by god throughout eternity, like the Ten Commandments. They are a temporary fiction of the state, itself a coalition of bandits and troublemakers like Amarantos herself.

³⁰ I am intrigued by the distinction between being a pirate and “practicing piracy” as seen in this video. Although I asked several people about it, nobody could reliably tell me if it was simply a syntactical issue or something more philosophical.

The tecnobrega world is stuffed with troublemakers, pirates and most interesting for our study, the markers of *temporality*. The temporary *barracas* (stands) of the camelôs to the quickly cemented favelas and other dwellings that populate the visuals of the tecnobrega world recall nothing so much as an existence based on the active acceptance of precariousness and constant labor as immanent in life's existence – not the erasure thereof. As one 30ish DJ/camelô explains in the *Brega/SA* documentary (16:15):

In 15 years, people won't listen to *tecnomelody* [a radio station playing *tecnobrega*], *tecnobrega* like people listened to *brega* of 15 years ago. *Tecnobrega* will never be music of the past – it plays like hell, but when it passes, it passes.

Similarly, the hundreds of sites that publish tecnobrega music not only do not obscure the temporariness of it all, but encourage it. For example, breaking every kind of convention of website design, most sites feature a chat room on the front page of the site, constantly updated with quotes and emoticons from visitors to the site. Usually hidden to a specific “chat” page, the presence of a chat room on the very front page of a website is just one indication of tecnobrega's fidelity to being always constructed in the social. There is very little of the archival features available in other sites. Searching is usually broken, if it even existed. It appears to me that when I download any kind of archive from these sites or purchases a DVD from a camelô, I am encouraged to duplicate the music and to share it: only through duplication will the histories of the music continue.

The addiction to duplication can extend even to pedagogy: Consider the following image entitled “*Poxa* [damn], I want to record my CD without a pause!” attached to a compilation I bought which was signed by the original DJ.

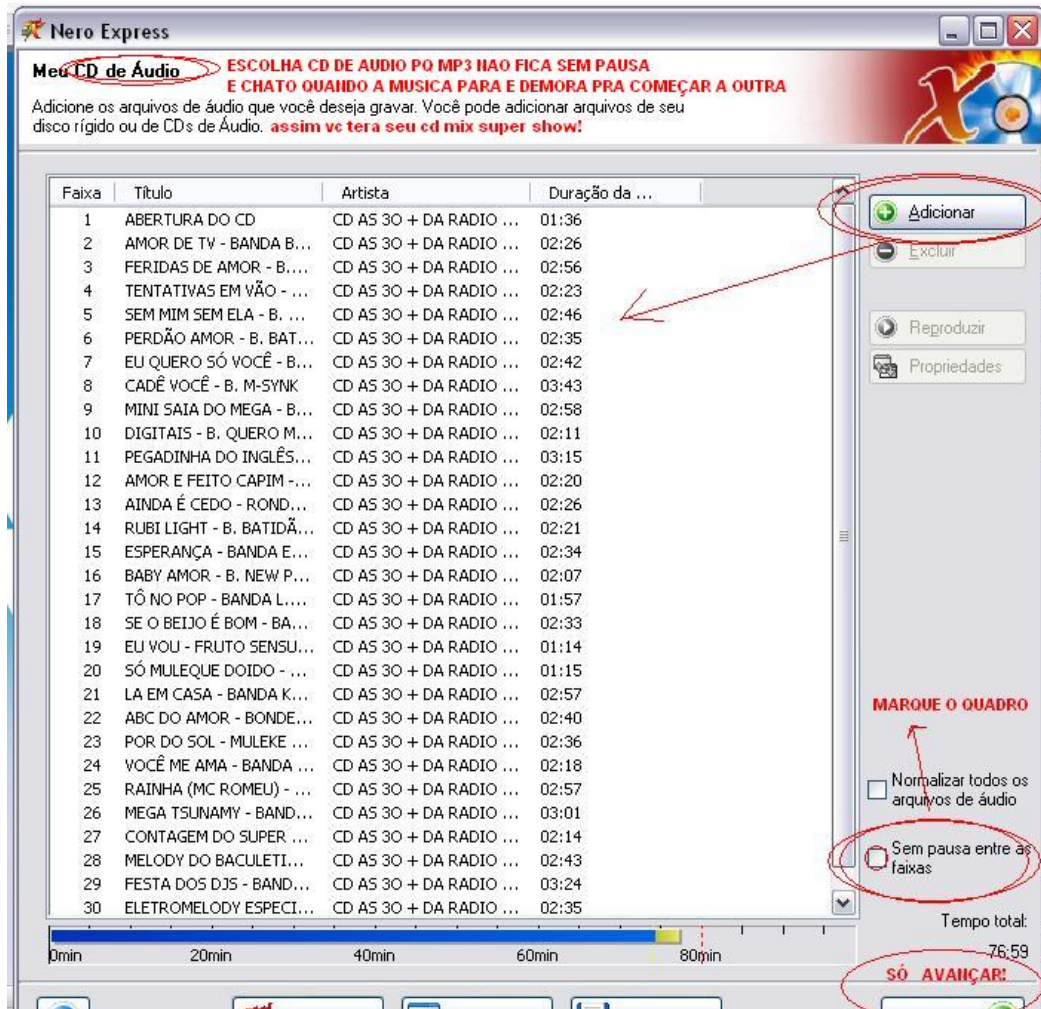


Figure 5: Poxa [damn], I want to record my CD without a pause! Author's screen capture. Author's scan.

In it, he shows how to add the tracks to a particular piece of software and how to make a perfect copy, instructing that you must select a particular option so there will not be pauses between tracks, noting "it's *chato* (annoying, boring, stupid) when the music stops and slows down before the next one begins." The DJ is specifically interested in providing a temporary, flowing experience for everyone that listens to the music.

* * *

My time in Pará was short, and I heard many such sentiments from people. Some camelôs had asked me if I had ever downloaded their music; when they played it for me and I recognized the song, they disapprovingly reminded me of their own originality even within the duplication. “This is one is mine, *irmão*,” said Rodrigo, “it’s nothing like the stuff you hear in Rio.” Another, a female camelô named Thais – who claimed she was a singer on a few different tracks, but had lost touch of even her own music – explained her tecnobrega world differently:

I would never think to what is the authentic – we are all pirates, we all copy and it doesn’t really matter in the end. What matters is that we live here, the music [and the videos] show it, and that’s all that’s important.

Back in Rio, interested in the spread of tecnobrega outside of Belem, I traveled often to the *Feira de São Cristóvão*, an outpost of Northeastern Brazilianness in the cosmopolis of Rio. While the beer was just as cold as in Para, the music was different. A microcosm of the Northeast, it was still divided into the various states as if a model United Nations. Of particular interest was the Maranhão (a state on the Caribbean and Atlantic) dominated area, predominantly Afro-Brazilian with reggae-inflected music, while the surrounding stands had the mostly *sertaneja* music of the country. It was hard to find, much as a tried, tecnobrega stands inside the *Feira*. I asked from time to time, and people laughed at me, telling me that outside of Belem the only real place to find such “*bobeira*” (nonsense) would be the Internet, where “the pirates had made homes for themselves.”

Race and Space

In one of my later conversations with Maria dos Camelôs, I asked her if she has hope for the future of camelôs as the Olympic and World Cup cleansing of the city intensified. With a wistful sigh, she remarks that

My hope is that they make some money in the future. Make art. Make some money. The sad thing is, the camelô works today only to eat for tomorrow. It's really hard to organize them. Once the GM screws around with the situation they can't reorganize people. And people don't come to meetings.

These reluctances to formally organize may be due to many reasons. As I detailed above, sometimes it happens because of police intervention, or family issues.

Occasionally, the camelô will take vacations if he feels he has made enough money that week to remain at home. Any of these is a valid excuse, to be sure. I believe, however, that may be another reason to think about the inability to organize a direct resistance to the police.

It is no mistake that pirates and piracy, romantic bearers of freedom, rely on the ocean – that Atlantic crucible of the nation state based on economic extraction – for its spatial metaphors. It is likewise no surprise that recent literature on pirates has shown them to be far removed from the mythical images of Hollywood movies. Pirates were often escaped slaves or whites of extremely low classes. In leaving their appointed roles either as human cargo or transporters of cargo, they used pidgin languages, music and other forms of contraband communication to stubbornly offset the desired fluidity of colonial exports that bounced from port city to port city. Following this scholarship on pirates of the Black Atlantic, I suggest that pirates of old – and their contemporaries in the

Somali ocean, for example – remain cosmopolitan in ways their legitimate doppelgangers in the armies of the Spanish or English could never follow.

Uruguiana's pirates, like the poor half-citizens of Rio's favelas that suffered the police invasion, have preyed upon the output of Brazil's media empires, incorporating alternative formats in ways that sidestep the limits of circulation proscribed by official narratives and that instead weave it into a powerful critique of the society they live in.

Belem's pirates have taken on the next step: the pirating is the alternative media empire, and incorporates its own shared norms and market relations. Through the expressed rejection of intellectual property regimes, the tecnobrega pirates create alternate sets of disorganized labor relations.

* * *

Anthropologist Robert Da Matta has argued that the Brazilian political relations distinguish between those who own the means of transmission and those without it as a distinction between the individual and the person. The individual remains "in a universe characterized by general, impersonal hierarchies and laws" whereas the person "personalizes the general law ... and never [stops] to assume a fixed place in the social structure" (Matta 1991:237).

Similar studies of Brazilian banditry (Souza 1973) reinforce the marginal figure as a rogue, a trickster who refuses to take on the ordering role of the *patrão*, or boss. The figure uses his labor power to carry out his duties, but without his value accruing to any leaders. But while Da Matt and others focus on the inversions that occur when somebody

from below overcomes a boss, they also fix these tales as ritual that tells about Brazilian society as a whole.

In the introduction to their edited volume (2001:13) on crime and punishment in Latin America, Carlos Aguirre and Ricardo Salvatore explain that traditionally, the study of legal codes has been the province of legal historians, and as such generally – though not always – devoted to studying the juridical nature of the law. Instead, they suggest,

The law is a complex and often confusing arrangement of norms of different hierarchy and origin intended to order social interaction. It assumes basic social agreements, and thus can be viewed as another type of imagined community.”

Though it is built on a rich, long history of Latin American legal historiography, Aguirre and Salvatore’s book is one of only few to come out in recent years applying a decidedly poststructuralist (though they would probably bridle at this characterization) model of studying of law and Latin America. The chapters unpack the law as embedded in cultural norms and not merely as an institution of experts, codes and representations influenced by law itself.

Now, I want to draw attention here to the collection’s examination of the creation of criminality (what they term “banditry”) in the face of the positivist developments of Latin American law. According to these historians, the study of banditry (criminality) characterizes much of the scholarship of Latin America, as it strived to “connect banditry

with other forms of rural struggle such as peasant rebellion and a variety of forms of subaltern agency” (2001:8)³¹.

Paradoxically, protecting the public sphere of polite society – the rationale behind the positivist developments in medicine and law, as the book explores – involve a reverse movement. As the privatized individual is molded in the vision of the (internationalized) state, the actual private person – the prostitute, the criminal and the lover – is eradicated. The crisis for all involved is how to fit this formally valueless individual, yet clearly with value in the social spheres they operated, into a commoditizable enterprise.

In the codification of these antibanditry laws, from constitution to constitution, in the 18th and especially the late 19th century, people whose livelihood depends on the creative use and exploitation of publicly circulating knowledge is converted into criminality.³² We might also imagine this as the same moment when horror stories about the virtue of unbounded replicas, copies and the erasure of the artisan in the recesses of industrial excess – such as Goethe’s horror story of the Sorcerer’s Apprentice mocks – are pushed out as the call for specialized knowledge in the construction of new social and legal norms only increases.

³² The stories of “passion” as pathology in Buenos Aires and prostitution as moral failing in Mexico City, accordingly, show experts of city life and the body purged from the body politic and reframed as criminal. In another study, an examination of candomblé and legal tradition in Bahia, Dain Borges (2001:203) suggests that the 1890 “restoration of witchcraft laws,” which formally outlawed all explicit practices of candomblé, were a result of “the emergence of spiritism, a movement within the literate classes with an elaborate intellectual rationalized, ... [which] posed a special challenge to the medical profession and the Catholic church.”

In Latin American early modern world,³³ the development of intellectual property follows these paths of flattening knowledge. As I explored in the Introduction, Benedict Anderson argues that statehood would never have been possible without the pirating, or duplication, of a set of ideas borne in a particular geographical and social context. From this initial imprint a network of states grew to establish what we today conceive of us as Europe. When we think of the duplication of a states and corporations, however, we do not immediately think of piracy.

Everything is flattened as the fights over authorship – and origins – become central to the construction of the state. The public good – or the elimination of piracy – is constructed as salvation of the public domain. By extension, the public domain only exists where individual rights have withdrawn, or where the duplication and transmission of cultural cohesion is performed by the state. In this view, then, we may actually do away with the distinction between piracy vs. legitimacy, and instead fruitfully describe the fight of intellectual property as one between two types of piracy: a socially acceptable piracy, and a socially unacceptable piracy.

The principal difference between the two is not duplication, or disagreement over author and origin. Rather, the former, legitimate piracy is one where the extraction of the commodity into an abstract, “own-able” artifact has been able to maintain systems that favor he who owned the systems of transmission: in other words, where he who can parcel

³³ Measurability – expert knowledge, spread wide and rationalized: these are the effects of rationalization, along with the schemas of positivism that emerged just as anxieties about intellectual property did as well. And make no mistake: these developments, from international experts of medicine, science and capital, emerge as a flattening of expertise between metropolises.

out access to these abstract items can accrue a profit in the most abstract sense, through the understanding that a negative ownership of intellectual property is constructed as debt. In this kind of social, rentier agreement, then, if I have copied a DVD I am indebted to the creator of the DVD. I have stolen because I have incurred debt when nothing was actually lost.

The latter, socially-inacceptable piracy, also duplicates and passes. But the pirate in this scenario has circulated the duplicated item in channels that are not surveilleable. The camelô and the online pirate (as we will see in later chapters) are people whose knowledge about transmission and materials is not able to be measured (fruitfully, at the minimum), nor can their labor be quantified. This is perhaps one of the greater ironies of the antipirates movement, which seeks always to quantify loss – either in terms of labor hours lost by the theft, or the money lost to the industries and authors – and also one of the greatest assets of vocal pirates (e.g., the PPBr in Chapter Four).

Images of camelôs as slum dwellers and the slums they inhabit have recently enjoyed both popular and critical attention in books (Davis 2006; Neuwirth 2004) and movies such as “City of God” and “Slumdog Millionaire” as sites of resistance where incipient citizens, lacking full rights, nevertheless contribute to the cultural and political formation of the state at an urban level. These models are flawed in their romanticism, but they do draw attention to oppositions to conventional market methods of distribution that rely on a tripartite model of creator/owner-vendor-consumer. Creative output such as music and other media pirated from capital’s convenient networks of circulation expose a subaltern critique of value and archival power, however temporary or fractious.

Conclusion

Rio has changed dramatically since its portrayal in films like *City of God*, for better and for worse. Increased support and repression from Rio de Janeiro state's governor has made *cariocas*, or residents of the city, feel safer in the rapidly gentrifying downtown areas, but has brought dire results for many of the residents in the outlying, poorer suburbs.

Yet piracy and the people who practice it – both consumers and vendors – straddle the line of respectability and question our concept of the role of counterfeits, circulation and authorship in the physical networks of piracy. The histories of property and criminalization in Rio de Janeiro specifically and Brazil in general, especially among the poorer, often Afro-descended populations, have informed the kinds of piracy that are tolerated and those that are disallowed.

Paráense music, or *tecnobrega*, has made different claims on the denizens of the city calling on different regimes of intellectual property, the criminalization of those kind of musics has taken a different form. Although similar in its expressive embrace of street-level circulation, it has brushed off attempts at criminalization due in part to the particular role of *camelôs* in Pará and to the material of the music itself – not thought to be a rupture from elite reproduction, but something that should remain at street level.

I therefore argue that piracy has allowed people of discriminated classes – which often are coterminous with people of color in Brazil – a sort of agency and expert reputation in a very cruel city. Themes common to scholarship on Brazil, such as urban segregation, policy brutality and sexuality. I contribute to these conversations by thinking piracy as an engaged civic politics that remains informal, local and global at the same

time. Street pirates in Rio have become an integral part of the cityscape and the culture of “being *carioca*” more than any formalized system of cultural dissemination allows.

* * *

In the next chapter, I turn to the antipiracy advocates who rely on the public in a very similar way as camelôs do, but with opposite intentions. It is these lawmakers and corporations that frighten Maria in a counterintuitive thought she expressed in one of our last meetings:

Once the camelôs are really out of work (with the Choque de Ordem³⁴) they will organize more. They won't have anybody else to protect them, they'll have to protect themselves.

³⁴ The *Choque de Ordem*, literally “shock of order,” is a recent initiative across Brazilian cities including Rio, inspired by US zero-tolerance and “broken-windows” theories, and sometimes directly shepherded by the same people responsible for those movements (Murakami Wood 2010) in the global North. Like those ideologies, the Choque has been principally concerned with purging streets of camelôs and other public markers of difference or improper behavior, such as public urination. Appreciated by Rio's upper class citizens and tourists to the city, the Choque has turned many against the mayor who ramped it up, Eduardo Paes. At time of writing the losing mayoral opponent, Marcelo Freixo, competed in a general election based in large part on a discourse against these “surveillance societies”.

Chapter Two: Hell and High Water: Death and the Pirate

[Compared to 2005 efforts], the claims are a bit more modest and focus more on lost jobs than on terrorism and human trafficking, but officials still insist that piracy funds widespread gang and criminal activity. (Anderson 2011: 3)

Only we can show you the truth.

– Street vendor selling *Terror in Rio* DVD, Rio de Janeiro, January 10, 2011

The previous chapter introduced the camelôs of Rio de Janeiro as the public faces of piracy, embedded in urban structures of circulation. They figure as the most visible markers of the alternative visions of property and a bridge to an external cultural world for many *cariocas*. In their roles, they serve as multiple scapegoats in official ideologies: they are hated as dirty, stubborn relics of gentrifying Rio and they are grouped in with Internet pirates, who in actuality duplicate and distribute far more media than they do, but suffer far fewer legal consequence.

I strive not to portray camelôs solely as victims, however. Camelôs are an integral, if fading, part of Rio de Janeiro, but their overdetermined status provides for a generous, embodied critique of the politics of the contemporary city. This chapter explores these critiques by reflecting on the camelôs and their nemeses, the antipiracy movement, through the morality and commons invoked by these opposing coalitions.

On the one hand, we have an ideologically cohesive notion of legal, formalized property, and the media distribution systems that sustains it, which frames the state as the

most acceptable social contract. The nonideological and varied practices of piracy, on the other hand, circulate an alternative social commons of which everyone is a part, for better or for worse. This latter, pirate commons, however, sustains a critique of the social death, isolation and poverty embedded in the proper channels of being a citizen.

When I speak of a Brazilian antipiracy movement, I purposefully collapse a loose but diverse configuration of organizations, corporations and government institutions into one movement. In doing so I do not suggest a centralized movement with shared leaders, or even that the majority of these institutions are in regular communication with one another.

Instead, I frame these organizations as a coalition in order to ideologically locate them against the pirates that populate Rio's physical, virtual and emotional streets. I use "movement" therefore in the same sense as I would a public; or as an analytic appropriate for gathering and analyzing a discursively unified set of groups intent on one particular goal. Where the pirate sphere of the camelôs tends to be unbounded, and indeed stands against formal infrastructure, the anti-pirate not only embraces this infrastructure but finds them integral to any kind of political action.

Camelôs and their opponents mobilize similar public discourses of access and circulation, but unlike the former group, the majority of attitudes against piracy do not originate in Brazil. Rather, anti-pirates claim their imagery and ideology directly from international definitions of piracy and the business interests that propagate them. In an interesting tension, many of the forces that unite in declaring copying and sharing illegal encourage this behavior among their own. Many of the advertisements, pamphlets and

movies are, in this sense, yet another layer of pirating and remix even as they rail against it.

The antipiracy movement's main claim – that their intellectual property is being stolen – seems inconsistent in its pursuit of a death images and the foreclosure of the “easy buy.”

Instead, this chapter suggests the movement is more concerned with maintaining a respectable moral calculus of society through its insistence on the citizen's proper relationship to property, or rather, property's relationship to citizenship, and the authorized technologies that encourage these relationships.

Students of the history of intellectual property in Brazil (Fragoso 2009; Branco 2011) have argued that Brazil only joined international laws on intellectual property for pragmatic reasons, very late, despite their rise in prominence in South America.

The [laws] passed in Brazil didn't follow the same customs, configurations or mechanisms as in other countries or judicial systems. To understand them, it is important to understand the customs they regulated: it is fundamental to also understand the cultural values that were circulating when the laws were elaborating. (Branco 2011:87)

Branco elaborates that Brazilian resistance to copyright was great; only through the positivist developments of the Vargas regime did the country indulge in the underlying cultural “values” that property was equivalent to freedom as in the Lockean model of rights. It isn't a surprise that Brazil only agreed to the famous international

Berne Convention³⁵ in 1922, some 36 years after its passing, and long after France and other countries had already joined.

Piracy funds Terrorism – International Interventions into the Brazilian Public Sphere³⁶

Below I present a sample of three forms of materials the anti-pirates movement deployed during or around my time in Brazil: (1): elite reports, which are normally released by nonprofits or NGO operating within the media movements; (2): advertising campaigns, released by similar folks in coordination with these reports to create a public current in tandem with the released report; and (3) videos, which are disseminated as trailers in cinemas and available online to the viewing public.

Together, these efforts generate a dilemma and conversation around the dilemma in an ideological way I suggest is a de facto mirror of similar international movements sustained by global trade groups and US-based lobbying groups that hold enormous

³⁵ The first international convention governing copyright, the Berne Convention globalized the mostly French concept of “author’s rights” (*droit d’auteur*) which differed in many ways from copyright laws of other countries, including England. Before Berne, for example, a work copyrighted in England could be sold in France without any rights. Berne, at the initiation of author Victor Hugo, enshrined copyright as we know it today, with decades-long protection schemes no matter the intention of the author, and a cultural understanding of intellectual property as a natural right, rather than an economic or legal ownership. It also created the antecedent organization to WIPO, a part of our story featured above.

³⁶ This subtitle is willfully lifted from a song by “global beats” singer M.I.A, whose album of the same name drew criticism from many in the US record industry.

power in US intellectual property policy. This chapter does not examine the legal or juridical aspects of these movements; I will reflect on that in the next chapter.

The movement's images of pirates as criminal bogeymen roaming dark oceans with blatant disregard for respectable society are drawn in many ways from other similar global movements. Building campaigns and statistics with the help of the World Intellectual Property Organization (WIPO) and its partners in Europe and the United States, the tactics center on shaming citizens involved in piracy. Principally concerned with showing piracy to be an affront to polite society, it functions by drawing connections between piracy and property theft, and consequently to moral regimes of public safety and anxiety. It therefore emphasizes such linkages as organized crime and pirated CDs and ironically mobilizes national pride and cultural identity to promote Western, or international, understandings of copyright. It also explicitly criminalizes those who claim any other relationship to property that is not state-approved.

Although the corporate discourses of criminalization accuse pirates of theft and loss incurred to the content creator (the musician, the artist or the film industry laborer) in reality the materials it produces do not feature this artist. Rather, it foregrounds ideas of circulation, of the audience, and relies on a vocabulary of city life, family and crime in Brazil.

I begin with a review of an important document, launched during my time there, about the pernicious effects of [media] piracy on the growing economic power of Brazil, released in coordination with a Rio PR campaign against piracy.

In November 2010, the Rio de Janeiro-based arm of the national Brazilian business trade group, the Federação do Estado do Rio de Janeiro (Fécomercio-RJ) launched to

much hype its newest report, *Piratária No Brasil: Radiografia do Consumo* (Piracy in Brazil: Consumer Study) as part of its *Brasil Sem Piratária* (Brazil Without Piracy) initiative (2010). Opening with a quote from Nobel Prize-winning economist Eric Maskin,³⁷ the report details the latest research Fécomercio-RJ had collected alongside data it had been archiving since 2006 when it began tracking piracy in Brazil. The introductory paragraph is worth sharing in its entirety:

Modern piracy, as well as the 15th-century practice that inspired the term, is a crime that does not follow any country's laws, nor international conventions. It is a crime without borders that invades the lands and seduces a portion of common citizenry as simple consumerism.

The report reveals that the last five years had seen a dramatic increase in the consumption of pirated goods in Brazil. In 2006, 42% of respondents had purchased pirated media, whereas in 2010 the number had risen to 48%. Curiously however in those same five years, the purchase of pirated CDs had dropped, from 86% to 79%. The study could only conclude (though it did not track it directly) that CD consumption had dropped due to the growth of electronic formats like MP3 that could be downloaded and shared through iPods and cellular phones. In 2006, 33% of respondents had bought a pirated DVD in the previous 12 months; in 2010 the number had grown to an incredible

³⁷ From the Portuguese, the quote roughly translates to “the human species is essentially selfish and frequently needs some prodding in order to act toward a cause greater than itself.” I was unable to find an original English (or other language) source. Maskin confirmed that he had no knowledge of this quote as well in a personal email in May of 2013. Moreover, I found their use of Maskin in the document surprising given his previous statements on patents, such as a 2000 paper urging a “cautionary note regarding intellectual property protection” in a “dynamic world [where ...] patents may constrict complementary innovation” (Bessen and Maskin 2009:20).

77%, due to the increase in sales of DVD players and especially the region-free³⁸ species that bypasses built-in copy protection.

The report is filled with many interesting statistics about media use in Brazil, which are buried deep in the document beyond its overwrought and fear mongering opening pages, which underscore with great urgency piracy's connection to larger criminal networks. A thorough reading of the report, then, actually suggests the opposite when one reframes piracy as circulation. If the consumer – or respondent to the survey – is also a pirate, does the hyped connection to organized crime still pass muster?

When formally asked whether piracy is connected to organized crime, 70% of respondents had agreed and 24% disagreed in 2006. In 2010, 60% agreed and 34% disagreed that the two sectors were linked. Another question asks the respondent whether piracy causes material loss to the maker or artist. That number too had fallen in the intervening years. What was causing these numbers to fall, I wondered? And what were antipiracy groups doing to stop these positive shifts in attitudes toward piracy?

I repeat my last question by alerting the reader to the last question on the Fecomércio-RJ survey research: “Many pirated products can cause serious health problems. Is the respondent familiar with this information?” If the respondent was not familiar with these “serious health problems,” she certainly would be soon, thanks to the Fecomércio-RJ's sly attempt at a push-poll.

³⁸ As part of an intellectual property protection suite baked into the DVD standard in the 1990s, the world's viewing audiences were divided into regions, wherein DVDs sold and bought in one region could only play in DVD players from that region. This scheme was shortly defeated with the introduction of cheap – and legal – “region-free” players that had no built –in prevention.

Immediately after the publication of the report, the center worked together with international organizations from WIPO to American organizations such as the Motion Picture Association of America (MPAA) to create an advertising campaign that would be carried on Rio de Janeiro's new underground subway system, the Rio Metro.

Kicked off on December 3rd, annual *Dia Nacional de Combate à Pirataria*³⁹ (National Fight against Piracy Day), the campaign would promote awareness of the danger of buying pirated goods. Below I show some of the posters the Fécomercio-RJ campaign released:

³⁹ In 2005 President Lula announced the *Dia Nacional de Combate à Pirataria e à Biopirataria*, initiating the fight against piracy (the intellectual type) and biopiracy at the same time. Brazil has historically suffered tremendous losses from biopiracy due to its trade agreements with Northern countries as well as, most importantly, the vast stretches of Amazon rainforest that cover the western part of the country. Although the 2005 law was meant to indict biopiracy and media piracy, the former dropped out in later reports, media articles and similar vernacular uses.



Figure 6 Whoever buys pirated medicine pays with their life. Second line reads: “Pirated medicine does not cure and can kill. The risk is not worth it.” Fecomercio-RJ, December 2010. Author’s reproduction.

QUEM COMPRA
PRODUTO PIRATA
PAGA COM A VIDA.

Relógios, bolsas e outros produtos piratas são crime para quem vende e para quem compra. O risco não compensa.

BRASIL SEM PIRATARIA

MAJURO
SISTEMA
FECOMÉRCIO RJ
FEDERÇÃO SENAC SBC

Figure 7 - Whoever buys pirated products pays with their life. Second line reads: “Watches, bags and other pirated products are crimes for the seller and buyer. The risk is not worth it.” Fecomercio-RJ, December 2010. Author’s reproduction.



Figure 8: Whoever buys pirated cd or DVD pays with their life. Second line reads: “Selling or buying pirated CDs or DVDs will land you in jail. The risk is not worth it.” Fecomercio-RJ, December 2010. Author’s reproduction.

QUEM COMPRA
BRINQUEDO PIRATA
PAGA COM A VIDA.

★ 2004
† 2010

Soldado Pedrinho.
Engasgado em combate.

Brinquedo pirata solta peças cortantes, tinta tóxica e pode matar. O risco não compensa.

BRASIL
SEM
PIRATARIA

SISTEMA
FECOMÉRCIO RJ
FECOMÉRCIO SINAC ISEC

Figure 9: Whoever buys a pirated toy pays with their life. Second line reads: “Pirated toys have sharp pieces, toxic paint and can kill. The risk is not worth it.” Fecomercio-RJ, December 2010. Author’s reproduction.



Figure 10: Whoever buys a pirated toy pays with their life. Second line reads: “Pirated toys have sharp pieces, toxic paint and can kill. The risk is not worth it.” Fecomercio-RJ, December 2010. Author’s reproduction.

After spotting these images in the metro and on buses in 2010-11, I attempted to trace their origin and circulation. A few days later my research led me to WIPO’s

“Intellectual Property Outreach Tools,” a website which lists hundreds of poster and other campaigns from around the world as resources for businesses and individuals combatting piracy in their countries. It also offers links to lawyers specializing in intellectual property law and a section on running effective communications campaigns in countries around the world. None had any official sourcing or credits, which I would learn during the course of research was common practice in international and national anti-pirates campaigns.

The introduction to the toolkit (Guide to Intellectual Property Outreach 2007) offers a distinctly anthropological stance:

Guides such as this cannot replace the services of local communications professionals. Moreover, local customs and culture have a major impact on how messages are worded and promoted in publicity campaigns in different countries. The WIPO Guide to Intellectual Property Outreach has therefore been stripped to the essentials which tend to apply worldwide.

The WIPO document portrays the toolkit’s local audiences as open books, culturally ignorant at best and culturally indifferent at worst, ready to buy from pirates simply because they are not sufficiently educated. The point of any good business improvement strategy thus becomes a matter of finding your audience (“segmentation”) and targeting it with educational campaigns that draw linkages between public spheres accruing rights to deserving subjects and shady, imbalanced public spheres where the buyer enables all kinds of anti-civic sins to flourish.

The document, like much of the antipiracy movement, religiously believes in the power of collaboration, sharing and the erasure of barriers between every citizen of the free market. Through this openness it will persuade with moral certitude that pirating, or

the bad type of sharing and collaboration, leads only to hazard to the pirate and his family. “Loss” as a construct is flattened and stretched – a loss to an American author by a pirate in Brazil is no different from a loss to a Brazilian *telenovela* producer in an Italian city. This is no Brazilian nuance, no acknowledgment of particularly Brazilian affections – or distastes – for the act of piracy. It also assumes that piracy is not an innovation or a creative act, but merely a parasitic thorn in the side of good media firms, a theme to which I return below.

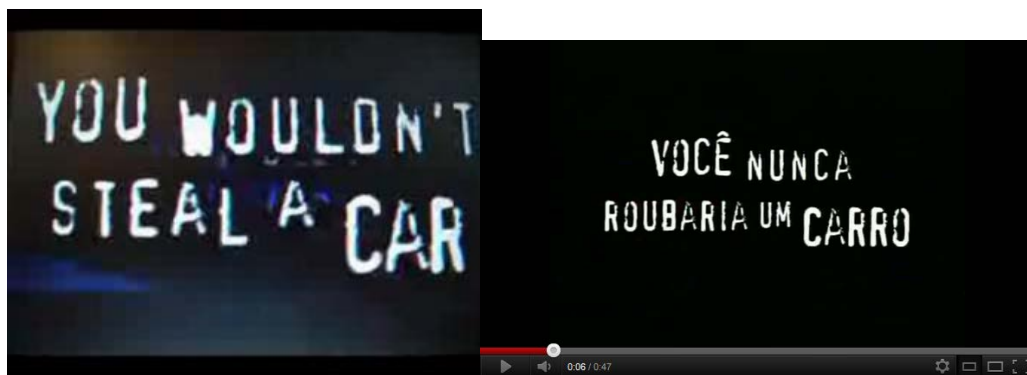


Figure 11. Stills from similar antipiracy video commercials; the Portuguese says the same as the English. There is no credit on the Portuguese version to the MPAA, which released the English version. YouTube 2012.

In their SSRC study on “Media Piracy in Emerging Economies,” the Brazilian researchers (Mizukami et al. 2011:269) came to a similar conclusion:

There is relatively little about the content of these initiatives that is uniquely Brazilian. Nearly all borrow heavily from international templates, marking another side of the international coordination among industry groups. The strong moralization of anti-piracy discourse is present throughout, whether directed at children or filtered through nationalistic accounts of economic development.

The authors of the report are interested in disputing industry claims about the thefts inspired by piracy.⁴⁰ I too follow their lead and seek to study antipiracy as the instigation of moral panic because, theory aside, in terms of actual financial loss, time and again studies have shown that street piracy and file-sharing do not cause any actual industry loss.⁴¹

Linked from the WIPO sites at which I arrived through my Fécomercio-RJ research were dozens of international campaigns, from Italy to France, Africa and New Zealand, but the majority were from the US, and authored by two main sources: The Record Industry Association of American (RIAA) and the Motion Picture Association of America (MPAA) . No critical perspective was presented on these studies in their use for Brazilian audiences, despite many academic and business scholarly work on the pitfalls of relying on these models.⁴²

⁴⁰ Mizukami and his fellow writers are generous in their claim that the moralization is about piracy as theft, given the public campaign images I show above, in which piracy threatens to harm your children, for example.

⁴¹ Sanchez (2008) traces a famous repeated figure of 750,000 lost jobs, which is “brandished like a talisman each time Congress is asked to step up enforcement to protect the ever-beleaguered U.S. content industry”. Sanchez concludes this number is “utterly bogus,” based on extrapolations from dubious related figures from early 1980s. Nevertheless, he demonstrates how such amounts snake their way through local and international discourses about piracy.

⁴² Wilson (2012), for example, studied RIAA claims in the US context:

The whole point of file-sharing lawsuits from the RIAA’s perspective at the time was to make a few high profile lawsuits happen and deter file-sharers – not just those targeted – from ever downloading ever again. That obviously never happened as we have years of general observations to go by here. It’s unclear how much the authors ever dreamed of their findings of file-sharers simply moving to other sources when something is determined to be too risky being a consistent
Continued on next

* * *

Another form of the anti-pirate representation, videos played at Brazilian cinemas and on television stations in past years, enlarges on this theme of proper citizen. Below, I show some of the scenes from the videos, which center on moral panics and threats to proper society, and analyze the videos in the following section. I intend to show how the videos embody an attitude toward piracy that is a top-down model, aligning piracy with a threat to the Brazilian family. By examining the videos in their context however – their

theme for the six years after this study was published, but you have to give them credit for hitting the nail so squarely on the head on this one. I say that, given the initial goals of RIAA file-sharing lawsuits, this study alone showed that the litigation tactics failed spectacularly.

A similar study from the University of Missouri and Wellesley (Danaher and Waldfogel 2012) found the availability of pirated content as a more appropriate measure for industry loss, rather than the desire to avoid paying:

Hollywood films are generally released first in the United States and then later abroad, with some variation in lags across films and countries. With the growth in movie piracy since the appearance of BitTorrent⁴² in 2003, films have become available through illegal piracy immediately after release in the US, while they are not available for legal viewing abroad until their foreign premieres in each country... We find that longer release windows are associated with decreased box office returns, even after controlling for film and country fixed effects. This relationship is much stronger in contexts where piracy is more prevalent: after BitTorrent's adoption and in heavily-pirated genres. Our findings indicate that, as a lower bound, international box office returns in our sample were at least 7% lower than they would have been in the absence of pre-release piracy. By contrast, we do not see evidence of elevated sales displacement in US box office revenue following the adoption of BitTorrent, and we suggest that delayed legal availability of the content abroad may drive the losses to piracy.

circulation in addition to their actual content – we see that they are used as critical commentary on Brazilian legal efforts.

1. Video One: Commercial Against Piracy (Comercial Contra Pirataria 03 2007).

In our first video, put out by an affiliation between the MinC and the Brazilian movie industry trade group, the União Brasileira de Vídeo, a mother comes home from work with a new DVD for her daughter. The house, clean and intimate, depicts the mother as a good, respectable woman.



Figure 12 - Comercial Contra Pirataria - :03. YouTube 2013

A respectable woman, that is, until she puts a pirated DVD (demarcated by its handwriting rather than neat type) in the television, when a curious message appears on

the screen (0:12): “A thank-you for your special collaboration in purchasing this pirated DVD”.

Immediately the screen cuts to a group of gangsters in a bombed out *favela* with machine guns thanking the girl:



Figure 13 - Comercial Contra Pirataria :16. YouTube 2013

With language particular to lower-class *cariocas*⁴³ they thank the little proper girl for her direct participation in their life in the ghetto. They proceed to fire shots in the air in honor of her participation. The little girl is, of course, deathly scared.

⁴³ The use of “meu irmão” or “my brother” is immediately marked as being from Rio, more so when it is spoken rapidly by mostly people of color from the Zona Norte, or northern suburbs, resulting in the condensed “mermão” as this video features.

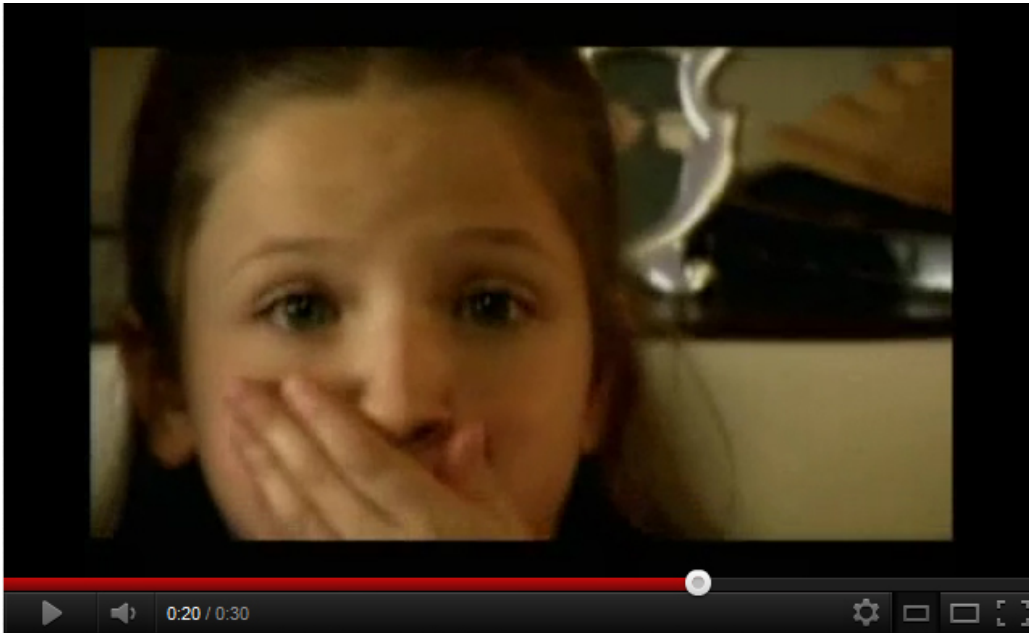


Figure 14 - Comercial Contra Pirataria :20. YouTube 2013

2. Video Two: A Pirated DVD, Dad? (DVD Pirata, Pai? 2008).

Another video expands on the family theme by adding a few more characters. At a family dinner, the father announces that after dinner the family will be watching a movie together. He bought an excellent pirated DVD for the family to watch at a very cheap price (*baratinho*) and brags about being an *esperto*; literally expert, the word means one that is able to take advantage of a situation through *jeito*. An *esperto* never pays full price or obtains videos the legal way.



Figure 15 - DVD Pirata, Pai? - :09. Youtube 2013

Immediately, the video cuts to the disappointed daughter who yells at her father: “A pirated DVD, dad? Don’t you see that you’re helping crime this way? Tomorrow they’re going to sell drugs in my school because of this DVD.” She excuses herself and leaves the table, the dethroned braggart now emptied of his glee.



Figure 16 - DVD Pirata, Pai? - :22

Next the son shakes his head and leaves, and finally the silent wife and provider of the family departs. The father is left alone to think about the actions he has perpetrated on the family.

3. Video Three: Pirated DVDs are a Crime. Only Get the Original (DVD Pirata é Crime. Filme Em DVD Só Original 2008)

In another video, a man is accosted outside the steps of a government-looking building in a nondescript city. The camelô is eager to sell to the man, and the customer asks if there is a *promoção*, or deal to be had, on the sale.



Figure 17 - DVD Pirata é Crime. Filme Em DVD Só Original - :10

Of course there is, respond the salesman and his partner, both men of darker complexion and curly hair; the offer is three for the price of two. The man asks if the camelôs have change for him. That too the camelô can oblige, and the money shot of the video occurs as the camelô asks “Do you mind if I give you change in bullets?” and pours large bullets into the man’s hands.



Figure 18 - DVD Pirata é Crime. Filme Em DVD Só Original - :20

* * *

I must admit, as an ethnographer, that I reproduced the Fécomercio poster images above with some concern: one that points at the inadequacy of the conversation around the ethics of piracy. After I had seen some of these images in the subway, at some points waiting around for hours trying to catch the posters fly by, I did some preliminary Internet research to find the source of the campaign. I had, until that point, not had much interaction with Fécomercio-RJ. I promptly wrote them in an official capacity as a researcher from the United States interested in their campaign and speaking to them about it.

More to the point, I asked them if they could produce any high-definition images of their posters, anticipating them to jump at any opportunity for an international reach.

About three weeks later I received a curt reply: “Unhappily, we cannot authorize the use of these images.” Awkward language phrasing aside, I found it quite strange and almost Escher-esque in its paradoxes.

The images were in public, circulating at large, in order to educate the public about the illegality of piracy via appeals to public safety and health concerns. As such it they were freely available – and it was legal – to take a picture of these images and reproduce them (as I have done above) with credit. But how then could they effectively claim a form of copyright over the very same images? And why would Fécomercio-RJ not jump at the opportunity to share material about... not sharing material? In vain I attempted to track down some responsive soul at the business center but was unable to locate anybody who would speak to me.

Similarly, the antipiracy videos whose stills I show above were emailed to me from contacts, who had seen the videos in cinemas and uploaded them to popular movie-sharing sites like YouTube, Vimeo or other Brazilian ones. The circulation of these videos, like the poster images in the public spaces of Rio, depend on an existing public sphere, familiar with the discourses of piracy – or at minimum willing to be addressed by their tactics and motives.

And yet, the most readily and easily available anti-pirate materials only came to me as a joke from friends, informants and camelôs. From the PPBr members and from some of the people I describe in Chapter Three, I was continually forwarded these

materials until I could barely remember where they came from. Many of these materials also circulated over Twitter⁴⁴ (as a “retweet”) with jokes affixed.

In short, it was the pirate circulatory sphere – without the permission of the author – that enabled even these products to flourish and create their audiences. I will return to this theme a little bit later.

Public Streets, Public Terror

When the camelô sells a DVD and returns the change in bullets he is converting money to violence. Like the posters from the subway cars, depicting dead babies or splattered blood on a children’s toy, the underlying message is that property cannot be extracted from violence. What appears to be a mere brutish lack of subtlety on the part of the anti-pirate movement emerges actually as a subversive commentary on the nature of enclosed property as a relationship existing in the shadows of state violence.

Similarly, when the father is isolated and emasculated as the role in the center of the family, he is shown to be like this because of his lack of access to property. He has not been able to legitimately account for the property he has brought home; it was a counterfeit without a deed. He was merely borrowing it, and he is not fit to be the proper head of the family.

The (single) mother enjoying a pirated DVD with her daughter is likewise an unwitting accomplice to the bad men in the favela who have given her a pirated DVD just

⁴⁴ As a “retweet” mostly; see the Conclusion for more on the sourcing questions around the Twitter medium.

as they shoot at the police that may invade their space. The machine guns and blown out ghetto landscape of the Zona Norte has invaded the plush outcroppings of her Zona Sul home, linking the two as polar opposites of citizenry of Rio de Janeiro: one involved in the tearing of property from the good and converting it into a scene worthy of a post-World War II Dresden, the other, if she only contributed to property as she should, would be allowed to continue to live in her apartment out of a woman's lifestyle magazine.

I want to suggest that the antipiracy materials have thus inadvertently revealed to us the genuine trouble that piracy enacts. It can link woman and *favelado* (favela occupant), father and family, businessman and street vendor in a lateral relationship of exchange and knowledge production without the mediation of larger structures⁴⁵. It links these disparate figures without violence precisely because the objects preclude the violence embedded in them via the structures of capital. If the objects were seriously imbued with violence, nobody would have bought the DVD in exchange for bullets. But by reminding the buyer that the DVD is converted to bullets, we are actually reminded not only that property must always be enforced by violence in order to remain property, but consequently that human life, viewed through the lens of property, becomes a calculable metric.

Via anti-pirate campaigns, piracy reveals the hegemonic morality at play in the foundation of consensual, participatory democracy by pointing to how money, and market

⁴⁵ Gillespie (2007:125) has studied similar phenomena in the US context, lamenting that "Critics [of copyright schemes] are left in the untenable position of seeming to defend pornography and terrorism, while neglecting children, families, and the basic moral values of democratic society."

relations of credit and debt – or value transmitted between and for a product – enable, as David Graeber (2011:14) writes, “the way violence, or the threat of violence, turns human relations into mathematics.”

* * *

In his work on media piracy in Nigeria, Brian Larkin (2008:220) points to the problems of studying pirated goods as two separated fields of the goods that are pirated, and the act of pirating:

The difficulty [in these studies] is that much work on the transformative effects of media takes for granted a media system that is smoothly efficient rather than acknowledging the reality of infrastructural connections that are frequently messy, discontinuous or poor.

Larkin points to the paucity of research around the embeddedness of media in the systems that transmit it, and how poorer, informalized infrastructural technology provides a space for speaking other stories that are frequently ignored. For Larkin, piracy becomes an “everyday practice” (223) rather than theft, which preys on the rise of a “privatized media phenomenon” (225) in Nigeria. It is not, for Larkin, just a way for poor people to “be technological,” as they are often framed in the debates about the digital divide.

Instead he frames the circulative modes of piracy as the technological bearer of “repair” (235) to the breakdown of the promises of the familiar democratic commons. Larkin also comments how important infrastructural breakdown is to the pirate systems that operate within it; in Kano, one of his fieldsites, the conditions of poverty and material want create the preconditions for the experiences of pirated goods. Larkin notes very clearly that piracy is not simply a critique of state issue; instead he takes pains to note that

piracy is nonideological in its practice because it remains unyoked to the broader narratives of a formalized, ideologically marked media. It also involves those who practice it, from vendor to consumer, in the creation of this assumed shared commons.

Although he does not name it piracy, Charles Hirschkind (2009:8) reflects on similar processes via the culture of cassette-recorded sermons in Cairo. Noting that these cassettes are claimed both by academic scholars as insight into the particular forms of Egyptian public spheres and by US officials as insight into potential radical terrorist activity outside the scope of normal media, Hirschkind insists on showing there are both, and neither:

Recorded and rerecorded, passing through worn-out electronics, bustling crowds, and noisy streets, the vocal performances resonate both within the sensorium of sensitive listeners and outside, around them and between them. In doing so, they create the sensory conditions of an emergent ethical and political lifeworld, with its specific patterns of behavior, sensibility, and practical reasoning.

Hirschkind's has harsh words for those who reduce these practices (*da'wa*) to a pure politics or subaltern counterpolitics. This reduction remains an issue with Western scholarship on the nature of media, he suggests, which in its own grounding in the nation-state always seeks to reduce it to either a local "form" of the global, or of merely the latest in the efforts of the state (142):

To focus solely on the process through which the concepts and modular institutions of modern liberal democracy have been inflected by non-Western traditions is to fail to explore the often parallel projects of renewal and reform launched from within the conceptual and practical horizons of those traditions.

I remain interested about the potential for “renewal and reform” posed by pirate practices. If anti-pirate representation insists on showing piracy as a violent form of public participation, I turn to piracy and its circulative circuits and pose the question of moral expertise: Who is best equipped to make a case for legal regimes that structure moral life?

Below I highlight a major police intervention in Rio’s public sphere and how a product’s circulation and remix allowed piracy to formulate a valuable narrative, and place it against the Brazil’s government general shifting thoughts on piracy. In doing so, I attempt to trace how a pirated object offered a glimpse into Brazilian understanding of cultural spaces, race and class and the public sphere.

Rio de Janeiro’s northern section, known colloquially as Zona Norte, is a diverse economic and geographic mixture of lower and middle class *suburbio* (suburban neighborhoods) and *favelas* (hilltop ghettos). Most of the wealthier population of Rio de Janeiro city and the state surrounding it, however, consider it simply impoverished. While not all of Zona Norte is in the same slum-like conditions depicted in popular movies such as *City of God* or the video still above, many residents of Rio’s southern, richer area, Zona Sul, avoid the Zona Norte and receive their news and information strictly through the Brazilian media, much of it controlled by the Globo news corporation. The Zona Norte reigns in various popular imaginations as a black paradise, as one of the birthplaces of

samba music, or as a dirty, industrial space that is unbecoming of Rio's boozy, beachy popularity.⁴⁶

This vision is not precisely wrong, but it is quite impoverished: the Zona Norte is a place where Rio's varied middle and lower classes fluidly mix, where immigrants from the north of the country interact with the twin armies of the drug dealers (who generally stick to the favelas themselves) and the militias composed of former police officers, who stand outside the favelas and in collaboration with the drug traffickers keep their residents in fear and maintain an iron barrier between the tourist-friendly Rio de Janeiro of Zona Sul.

It should therefore be no surprise to anyone but the casual observer that most of the camelôs at Uruguaiana come from the Zona Norte, and bring their sensibilities to their marketplace at Uruguaiana, likely the most southern place in Rio they will ever travel in their lives.

In November 2010, owing to an alleged series of bus burnings and attempted police assassinations, the various police forces of Rio joined together to invade several favelas controlled by immensely powerful gangs, mostly in the Zona Norte, ending in a long standoff in the particularly infamous Complexo Alemão favela. Media coverage of this invasion was notoriously biased toward the police, with one daily paper, *O Dia*, featuring a cover comparing the residents escaping police as cockroaches skittering into

⁴⁶ The government of Rio de Janeiro recently covered the sides of the highway leading from the airport, in Zona Norte, to downtown Rio with semi-transparent fences depicting drawings of children from the favelas and slums that are now obscured by the same fences. Showing playing infants, palm trees and lush mountaintops, the fences have ironically served to call more attention to the poor and intimate conditions that lie behind them rather than merely hide them.

characteristically tiny dusty allies. Television reporters approvingly discussed the beauty of Rio's police force compared to the ugly and corrupt traffickers, nimbly cloaking the involved racial demographics. Indeed, for many critical observers of Rio's long history of police brutality,⁴⁷ November 2010 came as a frustrating watershed moment where police violence was routinized and became socially accepted in ways it never had before.

It was in the immediate aftermath of these tense days that I found the camelôs at Uruguaiana selling a DVD entitled "Terror in Rio 2010," or a different DVD with the same cover image, titled simply "Complexo Alemão." The DVD cover featured a crudely photoshopped version of the iconic Rio de Janeiro "Cristo," the Jesus statue that hovers above the city, lit all night and central feature of almost every media image of Rio in existence. In this cover, however, Cristo was backlit by an exploding wall of fire and wore a *Batalhão de Operações Policiais Especiais* (BOPE, or the Brazilian equivalent of the elite SWAT team) bulletproof jacket. The DVD itself showed a slightly different Cristo, drawn and very nearly crying, yet with the same bulletproof vest and the BOPE crossed-swords coat of arms.

⁴⁷ Teresa Caldeira (2001; 1996) is a popular reference for Brazil's troubled history with police, connecting with late 1990s urban anthropology.



Figure 19 - Terror no Rio 2010 DVD cover and DVD. November 2010. Author's photo.

I purchase the DVD for about ten Reais – still the going price for a single pirated DVD in Uruguaiana. With the addition of another DVD the price goes down dramatically. I ask the camelô about the DVD and furtively glancing to his sides, he somberly informs me the DVD demonstrates “how the police did bad things in Complexo”, like taking the TVs of people that lived there, or intimidating the *moradores* (citizens or community dwellers). I continue my walk around the market and run into another camelô selling the same DVD with a slightly different cover, who tells me about how the DVD is really exciting and *ligado* (fresh, or hot) and, he suggests furtively, while it is very interesting, it nevertheless represents the perspective of the media. I ask him to what perspective he

refers, assuming that he thinks the DVD is not sufficiently critical of police activities during the invasion. I was wrong; the camelô tells me the footage is entirely shot by the media. The entire “documentary,” it turns out, is pieced together images culled from the mainstream stations, both national and international, that covered the four panicky days the city was on lockdown.

Amazed at this pirate media remix, I rushed home to view the DVD. The second camelô was correct; it was various clips of footage brought together, sometimes inexpertly, sometimes with transitions appearing almost professional. Curiously and brilliantly, the DVD wove together transitions in apparently contradictory fashion, for example, television hosts discussing how police are being kind and gentle to the population next to an officer kicking down the door of a female favela resident, to make a point not only about how the media portrayed a story about the poor of Rio, but how the media’s own images are always subject to pirating.

Without any explicit narrative conceit or apparent point of view, the camelô pirate mix not only distributed as wide as possible the gruesome images of the invasion of Complexo Alemão, but entered it in a marketplace where the trade in images of violence brings with them a public value uncapturable by the images “original” viewing on the television.

This is heavy stuff. Black victims and white media. With no explicit commentary, the pirate artfully chooses his images, pointing firmly at Brazil’s gaping racial divides behind a curtain of “racial democracy.” The music on the DVD is black – the favela’s *funk* soundtrack alternating with calmer Samba music – as are the victims. A physical version of YouTube, the Terror in Rio 2010 DVDs shine light on the ability of images, extracted

from their original transmission from producer to audience, to inform and educate an alternative, pirate public.

Whereas a *camelô* may point out that the bloody DVD “is not fit for children” he insists on selling it at the market, boasting to one reporter (Pennafort 2010) that he sold more than twelve during lunch. Through the reproduction of the same images the media used, the pirate is able to call on his intimate connection with the city – both the favelas that he lives in and recognizes as living entities, configured by the residents, and the markets where Zona Sul and Zona Norte residents mix – to provide a space for a powerful media critique that is gained only in the transmission of these DVDs. For the consumers, the individual cameramen do not matter.

The “authentic” is likewise unimportant. Neither, I would suggest, does the Globo logo that graces the screen momentarily; if anything, it lies there limply as a testament to the waning grip on technology the major content producers enjoyed for so long. Rather it is the vicarious thrill of the market purchase that animate these pirate images, haunting Uruguaiana and inserting the dead of the Zona Norte, figuratively and spatially, into the everyday life of an area far removed from it.

The same police that were hunting down the images of their conquests are the ones involved, some of my informants note with dripping irony, in the dismantling of Uruguaiana on that long weekend in January. This was just another front on “their campaign of *faxina etnica* (ethnic cleansing),” remarked Marcio.

The Violence of Property

Walking the plank, and other cinematic tropes of pirates may be silly on one level, but they do have a resonance with the myths about contemporary intellectual property – the insistence on a debt-based, death-above-all morality that works without regard to state control.

Death in particular, or the threat of extreme violence, is shown gleefully when it is abstracted from daily life. Through buying a pirated toy, the ads suggest, your child's head is likely to be blown off. I would guess, however, your child's head is much more likely to be blown off in Rio in a battle between police and drug traffickers.

The problem is the paradox: the types of violence that the antipirates attributes to pirates are actually not possibly through piracy, according to the logic of the antipirates. If pirates do not care for buying, and only steal, then logically you cannot be killed for stealing – in fact, piracy encourages it! Money denied the starving artists who lose out in when you pirate is, in fact, encouraged by the same large companies who insist on authorship as a the only validating metric (Manuel 2006; Barthel 2007).

I believe a strange inversion is at stake here. Through the international conferences, advertisements and movies it appears to me that there is much more work and violence invested in the maintenance of the morality of property, or the expropriation of commons. And yet the violence of the pirate – who shares commodities and knowledge for free or for an individual price – is more legible. What accounts for this inversion?

It seems to me the answer is that antipiracy is concerned not with the object that is pirated, but the possibilities of commons circulated within these pirate networks. With the possibility of piracy as a pidgin, a language that communicates – via duplication,

imitation and borrowing – without center. And the underlying threat: that these pirate practices are so much more appealing to the communities of Brazil and beyond that there must be resources siphoned to educate the public about the dangers of these practices.

Rediker and Linebaugh richly situated this kind of pidgin as the “hydrarchy” (2001:144), a term they borrow from colonial English times that, in those times, designated both

the organization of the maritime state from above, and the self-organization of sailors from below. As the strong hands of ... sailors made the Atlantic a zone for the accumulation of capital, they began to join with others in faithfulness, or solidarity, producing a maritime radical tradition that also made it a zone of freedom. The ship thus became both an engine of capitalism in the wake of the bourgeois revolution in England and a setting of resistance.

Pirates in this hydrarchy figure the ship as an accumulation of a capital and its rejection. The ship is a center of death – of the Middle Passage⁴⁸ – but also of the potential for a different kind of society. In Rediker and Linebaugh’s story, it comes as no surprise that successive hydrarchies are marked for death by the state, “bodies left to

⁴⁸ Even in death, value is exchanged: Baucom (2005) argued that much of what we understand as normal in contemporary capital’s emphasis on the abstract as a source of value – from credit to insurance - is created in the slave trade of the 18th century. Baucom focuses on a trial held in England after a particularly gruesome incident, known as the Zong Massacre, prompts a famous international trial. The captain of the ship Zong, seeing that a large number of his slaves are dying on the journey between their African port and Jamaica, throws the dying slaves overboard, as they are insured against dying on board. In Jamaica, they would have no value as products and therefore are better jettisoned before reaching land to claim their potential value in actuarial tables.

dangle in port cities of the world as a reminder that the maritime state would not tolerate a challenge from below” (Rediker and Linebaugh 2001:173).

Contemporary times make dangling bodies from gallows an unnecessary expense. Through the technologies of circulation the hydrarchy lives; the technologies of piracy – our very modern “ship” – allows both the images of death *from* the state to smash up against images of violence *about* state violence.

In his excellent work on the reproduction of death images and movies in Thailand, Ivan Klima (2002:144) argues that

the pirates of the new world order become the most powerful resistance to national media control. Under the sign of death and the space of funeral exchange with the dead, the black economy thrives on a power that can no longer be controlled by the Thai military, the state, or by Disney.

He details a particular moment after the “Black May” incident of 1992, a particular gruesome military coup which involved hundreds of thousands of protesters, torture, and death. Thai popular media, anointed both with internal powers of government intimacy and with the external role to maintain Thailand as a destination for tourists, had virtually nothing to say about the topic.

In piracy, Klima finds an alternative method that not merely tells “a hidden story” about what occurred, but also carries with it another set of meanings about the morality of exchange. The media, he tells, juxtapose controlled narrative with particular global feedbacks, pirating as they wish whenever the exchange rate favors their own control of popular dissent and circulating capital.

It was piracy that delivered the cultural products to the people who wanted them, in the easiest way possible, with the most economic freedom possible. Pirate practices connected, not disrupted, social flows.

* * *

I return to a familiar refrain from many I met in Brazil in 2010-11, and many people I met on the Internet during those days. Like those who sent me the antipiracy videos above, piracy is, to many, many people, is the easiest way to get something done. It is a smooth movement evading the “walled gardens”⁴⁹ of corporate and state worlds, which seek to remove an object from circulation if the appropriate audience isn’t available. Like the camelôs who sold and spread an alternative vision about the police actions at the Complexo Alemão favela, piracy is means of circulation without adherence to a set of particular norms.

Rather than illuminate the immorality of pirated materials, the antipiracy movement reveals that piracy creates a citywide set of affiliations that do not need to mask violence in order to communicate. Piracy engages a different kind of cosmopolitanism in opposition to the violence the state perpetuates to maintain the normal, acceptable order of property.

⁴⁹ This term is used on the Internet to refer to content on large sites that is only accessible to paid subscribers. Often this model deridingly associates walled gardens with print journalism, evoking a Victorian model of a private garden in opposition to a public street.

In the pirate markets, however, the exchanges follow long, established patterns of buying and selling, familiarity and indebtedness. It is in this competition between the “high-capitalist exchange of international media” and the “spontaneous marketplace of image exchange” (2002:152) that Klima points to commodity paths which swirl around the technologies that enable them. Both are in essence a type of piracy on different scales, however it was not the elite internationalist piracy that gripped Thais but a kind of hyper-local piracy that does not translate to a global capital regime.

I follow Klima in his contrasting of these two competing commodity paths, both grounded in different types of equal and unequal exchange. I therefore suggest that we reframe the familiar with the lens of the unfamiliar, that we see the “pirate” patterns of exchange and indebtedness, imitation and duplication as the normal order of things rather than the deviant, and the insistence on enforcing a type of intellectual property with violence an abnormal and ahistorical development. It is in this manner that we resist such violent imagery.

Conclusion

A possible mirror to the camelôs I earlier introduced leads us from the “street level” of piracy into its moral imaginaries as deployed by pirates and anti-pirates. Local Brazilian business interests portrayal of a precarious public spheres camelôs invade seems counterproductive in an examination of camelôs own particular interests.

Representational texts and videos take material power as they are mobilized by opposing sides; whereas the international business communities have at their disposal

easy money and shaming materials, Brazilian pirates also have critiques of public spheres available through the media they share.

Through pirate practices, I suggest that whereas the camelô orients the citizen on a local level by bringing together international and national media and a sense of space in Rio de Janeiro, the business interests responsible for antipiracy campaigns bring together international and national legal entities to stand against these pirates. Public space – and therefore the property allowed to circulate within it – is shown to be a contested space within the parameters of piracy.

Chapter Three: Shifting Winds in Brazilian Politics

[2011 is] the year Brazilian culture did not happen...

Trezentos Blog (Freitas 2011)

In October of 2010, Brazilians elected former anti-dictatorship activist Dilma Rousseff to the presidency of Brazil, to start her term in January 2011. An economist and former socialist leader, Dilma was most famously a victim of torture for her role in the kidnapping of a Brazilian minister in the nineteen seventies. As a candidate she ran on former President Lula's *Partido dos Trabalhadores* (Worker's Party, or PT) platform. Because of her lackluster campaign and bureaucratic persona, her election was in no small part guaranteed by Lula's untiring appearances with her in television, newspapers and campaign speeches. Nor was it a secret that most Brazilians were first voting in solidarity with Lula's working-class spirit and only as a distant second in political agreement with the PT and Dilma. In keeping Lula's PT in power, despite its numerous corruption scandals, many expected a continuation of almost all of Lula's initiatives, including the reform of the maligned copyright laws that activists had been advocating.

Alas, as happens with many political changes, the promises of the Dilma campaign and the corresponding reality disappointed many inside Brazil. In this chapter I explore how these reforms affected those in and around the Ministry of Culture (Ministério da Cultura, or MinC) while keeping in background many of the other major political shifts outside the scope of this work. Below I tell the story of the MinC, broadly constructed as the organ responsible for addressing cultural funding and education inside Brazil as an

international player grappling with international laws on intellectual property and copyright. This chapter examines competing voices for the attention of the MinC in 2011-2012, including the process and fate of the MarcoCivil, an Internet law reform program initiated in early 2010, and a controversial state-sponsored archival campaign to combat piracy that went awry. I include a few key civil society organizations with deep ties to Internet and piracy reform in Brazil.

In particular, I am interested in showing how, through appeals to criminality and piracy, cultural circulation of “Brazilianness” becomes a contested terrain: on one side, the Brazilian state insists it is most capable of arranging and providing for this cultural transmission. On the other lies a set of nonstate, yet still elite actors, informed by a particular mixture of a Brazilian history of cultural production and a rights discourse that hinges on understandings of the private individual and the state.

Everyone in the story of cultural curation is guilty of duplication and circulation of intellectual property. The way access to common cultural heritage is mobilized, however, differs dramatically. I continue, therefore, my exploration of piracy – and the fight to stamp it out – as a shared pidgin commons that ties together distinct sets of cultural speakers and emerges not as theft but as a negotiation with ideas of property and of belonging.

I suggest the gatekeepers to this larger frame may be called the *curatorial class*, a professionalized, elite class of individuals that maintain a role in curating and aggregating public culture. Through a tangled relationship to pirate practices, their claims that the criminalization of piracy reflects poorly on the state’s role in managing Brazilian culture at

times stand at odds with their roles in the formalization and professionalization of the same cultural output.

Background

Under Lula's oversight of a heretofore "third world" Brazil,⁵⁰ now anointed a top economic power, the MinC had, with the tutelage of Gilberto Gil and other progressives, earned many enemies and championed many reforms of these historical inequalities. Internationally, the MinC fought with member countries at WTO meetings and treaty agreements. Internally, through yearly grant money to academics, institutions, festivals of every possible media and informal cultural happenings in every part of Brazil, the MinC became an outsized organ of state intervention in private life following a liberal-democratic model of the 'public good'. As one Brazilian professor noted in a speech in 2005:

Brazil is actively engaged in the international scene, cooperating with Portuguese speaking LDCs and participating in debates regarding Intellectual Property at international agencies, such as the World Intellectual Property Organization (WIPO). So far, two telecentros have been installed, in São Tome e Príncipe and Cabo Verde in Africa¹¹, and a draft for a "development agenda" was jointly proposed with Argentina at

⁵⁰ Keck's (1995) excellent study of the *Partido dos Trabalhadores* (Lula's party) makes few remarks on their cultural ambitions, save for observations on the PT's conscious rupture with other reformist Latin American ideologies (based on Trotskyite or similar "socialisms") which point to, in my mind, a dogmatic effort to move away from managing cultural output as a function of state control. Other studies of the PT (Sader and Silverstein 2003; Castañeda 1994) I read similarly minimize role of cultural production, the subject of this chapter.

WIPO, seeking to prevent radicalizations with Intellectual Property regimes from trampling upon human rights to express and access knowledge in our Information Society. (Dourado de Rezende 2005)

Despite the WIPO and WTO complaints about the MinC's work, which I outline in the Introduction, the MinC never formally promoted piracy under Lula and Gil. But it did provoke anxieties from those organizations and their powerful member states by not fighting or speaking out against it. In fact, Gil and his kin were quick to frame copying and downloading as a critique of intellectual property, and not the grand criminal schemes depicted in Chapter Two, suggesting an interpretation of piracy that differed from the internationalist. Gil's MinC instead followed broader governmental initiatives in their promotion of the Pontos da Cultura, which included DVD copying and free recording studios and the formalization, or state recognition, of informal community activist organizations. With the tacit approval of the MinC, and in the absence of rigid online copyright enforcement, online music sharing and social media in networks such as Orkut flowered.⁵¹

Along with the effects of these MinC developments, the Brazilian government was heavily promoting its own version of the international Free and Open Source Software (FOSS) movement of the 1990s and early 2000s, Free Software (*Software Livre*) movement

⁵¹ Orkut, Google's first-generation social network (followed by Wave, Buzz and Google+) was immensely popular in Brazil. At time of writing, 62.5% of total Internet traffic to Orkut.com was from Brazil, followed by India, and only 1.7% came from the United States (Wikipedia 2013). During my fieldwork I anecdotally noticed a tremendous decline in Orkut usage throughout the 1.5 years, where most people moved to Facebook, known for being more organized, clean and restrictive in its data collection.

(Shaw 2008; Wade 2010), shifting governmental computer networks to free, collaboration-written operating systems and non-corporate software as the tools by which to govern.

Inspired by some of the international players I mention above, there were nascent movements against these progressive reforms, but they had little traction in Brazilian government. One major effort, the Azeredo Bill (also known PL 84/1999, AI-5 digital), informally named for its sponsor, Senator Eduardo Azeredo, had been introduced in 1999. The law, a “Brazilian SOPA,”⁵² was decried in Brazil for being a tool of American business interests and against the Brazilian constitution, and amounted to Azeredo “disrespecting the formal review of the [Brazilian] Federal Constitution in favor of the adoption of international norms” (Rená 2011). The Azeredo bill had been stalled in the Câmara since 1999, and activists had felt safe they were keeping it at bay.

During Lula’s term, in short, through its promotion of indigenous production of cultural goods, the MinC had become the arbiter and enabler of these productions. Using the Pontos da Cultura as formalized ways to promote the circulation of creative output had made the MinC a de facto expert on Brazilian culture and Brazilianness internally and externally. The MinC followed a Brazil entering global capitalism by awarding money to institutions that it understood to promote new multicultural models of inclusion, following models of cultural heritage promoted by organs like UNESCO and Brazil’s

⁵² For more on Stop Online Piracy Act, or SOPA, see Conclusion. These kinds of laws, which appoint middlemen like Internet service providers as criminal enforcers, are discussed in Chapter Four (on the Pirate Party of Brazil) and in the Conclusion.

National Institute of Historic and Artistic Patrimony (*Instituto de Patrimônio Histórico e Artístico Nacional*).⁵³

The MarcoCivil

In 2010, senators, activists and public spheres embarked on a highly publicized and innovative effort – titled *MarcoCivil* – to reform their Internet and copyright-related law. The MarcoCivil promoted many common themes of international progressive copyright reform, relying on the momentum of the powerful free software movement that had gripped local state governments in the 1990s and 2000s. Al-Jazeera and other international observers have neatly called it the Internet’s “bill of rights”. Among others, MarcoCivil had been shepherded by one of my contacts in the MinC, whom I had met in November of 2010. Surprising to most Brazilian observers, the MarcoCivil procedure had been carried out transparently, owing to a particular historical mixture of Lula’s government, the advertisement work done by the MinC, and the larger governance reform effort on the part of Brazil as part of its respectable rebranding for the World Cup, Olympics and movement from “third world” to “first world.”

Crucially, the bill was aimed at reforming the previous Intellectual Property Law of 1998 with provisions for “fair use,”⁵⁴ including allowing students to copy up to 25% of a

⁵³ Alencar and Kofes (2010) describe the inclusion of samba in IPHAN’s registry and the rights discourse that emerges for sambistas around their presumed property, and how the owner is assumed to take on certain bio-ethnic characteristics and erase others. Vassalo (2008) makes a similar ethnographic case for capoeira, arguing that capoeira’s “ancestry” is not necessarily marked by biology or ethnicity, and the promotion of those is to the detriment of other tales of Brazilianness.

book for educational purposes, for example, and making exceptions for certain religious uses, and revising the criminal levy for copyright infringement. The main point, according to article three of the bill was to

Stimulate artistic creation and cultural diversity, and guarantee the freedom of expression and [open] access to culture, education, information and knowledge, in order to harmonize the interests of artists and that of society.

Because we sometimes know just as much about a movement from its enemies, it is instructive to introduce one of our American players, the International Intellectual Property Alliance (IIPA), an organization composed of the major US film, publishing and music industries. As the bill was forming, the IIPA recommended Brazil's remaining on an international TRIPS Watch List⁵⁵ and decried the bill as too lenient on copyright:

This proposal ... fails to recognize the importance of protecting copyright in the online environment as an essential ingredient for the healthy growth of electronic commerce. In addition, the draft would create impediments to effective copyright enforcement on the Internet; pre-empt the potential use of a number of mechanisms to address online piracy; and create broad immunities from liability without any conditions to cooperate in dealing with those who employ Internet access to commit copyright theft. As noted elsewhere ... the release of the draft Internet legal framework bill was perceived in

⁵⁴ Many of the provisions in the new law were inspired by US "Fair Use" laws, codified from common law in Copyright Act of 1976 which allow limitations and exceptions to copyright for certain social and cultural purposes. For an excellent overview see Hilderbrand (2009) and Lessig (2004).

⁵⁵ The Special 301 Report is produced annually and required by the Trade Act of 1974. The document is infamous for its opacity and its power to sternly reflect internationally on local laws and traditions.

many quarters as a statement discouraging voluntary cooperative anti-piracy measures, and thus cast a pall over efforts to convene a roundtable for candid discussion of such voluntary measures.

Because the MarcoCivil drafting was being assisted by a famous elite institution, the Fundação Getúlio Vargas (more on them is below), the IIPA and its sympathetic member-states in the WIPO and TRIPS failed to note that the process was remarkably transgressive by Brazilian standards in its inclusivity to the general public.

The MinC had used WordPress, an open-source content platform for the web, to promote the new law, shifting the WordPress software it from its original use as blogging platform into an political tool to not only allow access to all internal documents but to collect comments and markup from the general public. Released under a licensing system based on the Creative Commons “alternative” copyright scheme, the entire process collected over 7,800 remarks on the law, ranging from chatty comments about the nature of copyright to specific sharp legal editing from copyright lawyers. In the press and on the Internet, the MarcoCivil process was hailed as a success and yet another marker in Brazil’s ascendance to the “big players” on the world field, as many Twitter and other commentators signaled.

The data available from the MinC open comment process was all available online, and conveys a variety of Brazilian understanding of author’s rights. Of the approximately 7,000 comments collected, 2,500 were in favor of the new law. Another 1,000 were in favor of previous formulations of the MarcoCivil process, and the rest were against the new law, with reactions from citing the old law as sufficiently protective of author’s rights while preserving the public domain to one contributor who noted that “in order to join the rest of the world, Brazil must reform its laws to respect creation.”

Indeed almost all the (substantive) comments spoke about the tension between creation and authors' rights, and the rights of the public sphere. One commentator in favor of the revision argued (line #2512) that there was “no reasonable justification for the use of penal punishment in the control of intellectual property rights ... these laws would be used to as instruments of persecution of alternative forms of cultural production.” Another noted (line #7075) that the new law was “totally unconstitutional. The state should have no right to intervene in the author's creation.” Another similarly noted that the author (line #7126) is the only person “who is fit to tax or not tax for his work as he sees fit.”

Other comments focused on the exclusionary work of the law, which granted limited exemption to religious institutions (line #7272). “We cannot concede to so-called religious temples, as there are many religious cults that are basically music shows, and each time they're growing and as such should be paying authors rights.” The comments are endless and quite interesting, categorized by occupation such as self-professed laypeople to lawyers, authors to educators and the ambiguous “other segment”.

In all, the MarcoCivil comment process is an incredible movement in a country known for opaque governmental bodies⁵⁶ and the exclusionary nature of lawmaking (e.g.,

⁵⁶ With notable exceptions, such as the participatory budgeting processes in various cities in the 1990s (Reid 2003), Brazil has a reputation for ornamental, tedious and bureaucratic processes. I experienced as much (on a small scale) during my time there, though I privately doubt that Brazil is actually worse than other places in the world, and suspect more that first, Brazilians slyly encourage this reputation in order to expand on their own *jeito* in navigating the system, and second, that this is then enhanced by the numerous business-friendly manifestos (Grudgings 2010; Gomes 2012) which use the term as stand-in for other policies.

(Holston 2009)), and the experts of Brazilian technological society, standing on the sidelines watching as the United States engaged, and negotiated strategies with, the growing specter of online and other piracy in the decades of easy technological duplication, crowed happily about Brazil's progressive stance.

Much of this salutary output, however, seemingly arrived at port too early. As the New Year came and brought with it a new president, it became apparent that Dilma's government was charting a slow but sure return to the Cardoso, or pre-Lula era, no more evident than in intellectual property and Internet reform. As I will explore in the following section, a curious role reversal occurred. Where under Lula experts looked to Brazil as a center of opposition to (mainly) US domination of international copyright schemes, as Dilma took office Brazilian experts began looked to US technological organizing as models upon which type of hybrid Brazilian resistance could occur.

Upon taking office, Dilma installed famous musician Ana de Hollanda, musician and sister to even more famous Brazilian legend Chico Buarque, as head Minister of Culture (the same post once occupied by Gilberto Gil), overnight shifting its orientation toward the recording and royalty industries of Brazil, unified as the part of the *Escritório Central de Arrecadação*, or ECAD (roughly, the Central Collection Office), one of the most hated organizations of many Brazilian copyright reforms.

Under de Hollanda, the MinC had joined, according to one (Sanchez 2012a), the "United States of ECAD." In its role as "the highest organ of Brazilian culture," the MinC never took the side of Brazilian people. Instead, it chose to

stand firmly on one side [of ECAD and private interests]. That's what makes us say and repeat, in a whiny tone, that the MinC 2011-2012 is unable (or unwilling) to distinguish

between public values and Republican ones – special interests, corporatist, submissive, [and is an organization] that never even visited the United States (of America), but have still returned from there *norte-americanizados*⁵⁷ [North-Americanized].

De Hollanda's MinC immediately removed the Creative Commons logo from the MinC website, prompting outcry both in the print press and online regarding this subtle but important omission. Rio's *Globo* newspaper called the change "an opening polemic in a larger fight," while online commentators were much less generous in their interpretation, linking the deletion of the logo to larger processes at work in Brazil:

In the center of capitalism, creative industries produce laws to discourage free circulation and restrict innovation. Here, [ex] Minister "Hacker" Gilberto Gil, with President Lula's endorsement, pointed Brazil in the opposite direction. As this struggle continues, will Brazil now turn toward the conservative movement? (Savazoni 2011)

Shortly thereafter, responding to the furor over the change in the MinC website, Hollanda suggested that the MarcoCivil reform appeared "unnecessary" and "failed to recognize the importance of copyright protection online... an important ingredient of the promotion of Internet-based commerce" (Dias 2011). Her stance would not change as the months went on; Hollanda moved members of the music-industry-dominated *Conselho Nacional de Combate à Pirataria* (National Council to Combat Piracy) into her MinC orbit,

⁵⁷ The latter term, "North-Americanized," is a clever nod to Carmen Miranda's scathing satirical samba song, "*Disseram que eu voltei americanizada* (They say I've returned Americanized)," where she notes her critics claim she's returned from fame in America with a bag of money and can't handle the various Brazilian cultural institutions (such as music, food, and cities) that made her a star.

stressing the need for the world to see Brazil's commitment to the copyright law crafted in the northern hemisphere.

De Hollanda's bargain paid off handsomely: In March 2011, the United States removed Brazil from its Special 301 Watch List, a compilation of countries whose antipiracy strategies run contrary to US interests. Brazil was the only country of the four "emerging economies" to be removed from the list and government officials were delighted. Having tried for years (an earlier WikiLeaks cable detailed how the government still "bristles at being included on the USTR watch list" despite its "[commitment] to a strong anti-piracy policy" [WikiLeaks #08BRASILIA254 2008]), it was de Hollanda's efforts that convinced US officials to allow Brazil into the world of low tariffs and easy access to pharmaceuticals that characterizes the 301 list's barriers.

As the IIPA declared so proudly in the same letter asking for a halt on the MarcoCivil passage,

[We are] pleased that this proposal will be subject to further review and examination, and looks forward to participating in an effort to develop a balanced legal framework for the Internet and e-commerce that includes an appreciation of the importance of copyright protection as a critical framework element.

The fetishes and aesthetics of Brazilian technoleft "commons" culture

Let us step back a moment: It is a few months before the Dilma's election, and one of my hottest days so far in Rio, a Tuesday in November. I take the 179 bus from Glória, going through most of the city on my way down south. The ride is beautiful, although sticky and hot and it is a tiring journey to Barra da Tijuca, where I am to meet my contact

inside the MinC. Most of the bus from the center gets off at the foot of the famous Rocinha favela, and the much emptied out bus continues to the nicer southern neighborhood of Barra, with its enviable beaches and thicker private security detail.

I arrive at the Windsor Barra hotel a mere half an hour after I had projected, and my contact, a former anthropologist, is sitting on the couch waiting for me. Immediately upon meeting me, he exclaims that we must go into another room – as it happens, the same hotel he’s staying at is hosting a meeting of a famous recording group, which hates him and the policies he has been pushing around intellectual property laws.

We sit down for a cappuccino and he launched directly into the meat of the subject. As an employee of the MinC, he explains that he sees Dilma as continuing the same policies of her predecessor Lula. With pride he explains Brazil’s role as a “thorn in the side” of the United States and other bodies at TRIPS and other WTO meeting – including the derailment of a Free Trade Area of the Americas – and affirms that he does not see this changing in the future.

He’s clearly thought about how he’s going to lay this out, and proudly calls himself a “prized informant” of mine. He feels his best original contribution – that is, that I can’t get on the Internet or elsewhere – is to detail the inner works of the historical unfolding of Brazilian IP/author rights both nationally and internationally. I have a list of questions to ask him (ranging from *pirataria* to race and gender) but I realize that this interview will be him telling me his understanding of what I need. It actually works much better than I thought. It makes more sense this way, rather than asking pointed questions. Or it makes

more sense with elites, I'm not sure. Either way I know I've stumbled into a great contact and luckily he made his way from Brasilia⁵⁸ to here and made time to meet with me.

The MarcoCivil process, he explains, has been the closest thing he's seen to "direct democracy." There was a lot of spam and fake responses, but they left those in the datasets released because they were left, he suggests, by the Brazilian music industry⁵⁹ who were concerned it would lead to piracy. They did not use the Creative Commons logo I refer to above because it seems radical, even though they based most of the MarcoCivil principles on it. The history of piracy enforcement in Brazil, he suggests, was based on a "criminalization of the poor" – the first antipiracy government initiatives in the 1990s (initiated by the government of Federique Enrique Cardoso) had as its head a member of the Polícia Federal, which "shows you what they thought of cultural production."

According to my contact, Brazil remains a constant "hostage" of the "damned" Special 301 list, and consequently the antipiracy initiatives rest on three pillars designated by the United States literature:

- Repression. This part of antipiracy is about the shuttering of pirate markets, enabling of technological controls on sharing, and empowering distinct parties like Internet Service Providers to have control over data and transmission.

⁵⁸ Capital of Brazil and where all government posts are headquartered. The tension between Brasilia as a government city in charge of producing law, as opposed to Rio de Janeiro and São Paulo, which are perceived as producing culture and packageable Brazilian identity, is peripheral but relevant to this discussion of how Brazilian culture is anticipated and explained by Brazilian Internet elites.

⁵⁹ This kind of Internet commenting is commonly called "astroturfing" in the United States after the custom of the planting of fake seeds and grass to give appearance in sports arenas.

- Education. Part two of the attack is about educating a willing public that piracy is wrong, as we explored in Chapter Two.
- Economic “stimulus”. The final part, once demand for pirated goods has been subdued both through force of law and moral imperative, is to lower prices on original, authentic goods and stimulate the purchase of these goods instead of counterfeits.

As we wrap up the afternoon session, he points me to some connections at two other major nodes in thinking about intellectual property and piracy in Rio: the *Overmundo* Foundation and the *Fundação Getúlio Vargas’s* (FGV) Center for Technology and Society, both involved in technology rights and internet discourses. The former is a private institution, home to public intellectuals and hackers. The latter, part of a very famous graduate school, has been responsible for many public-policy decisions around Internet access. I thank him for the recommendation; I had been planning on connecting with folks there as part of my initial research plan. I already had some contacts, and they have been very welcome to me as an international colleague.

The two research centers are quite intertwined. At *Overmundo*, coordinator Oona Castro is in constant contact with the FGV lead researcher Ronaldo Lemos, a major international figure in the technologist/“futurist” world.⁶⁰ Both – more often Lemos – are often quoted and sourced in technology and culture blogs around the world, including

⁶⁰ Although newer to the scene, I would place Lemos in the next highest orbit to the (mostly white, mostly male) inner circle of great philosophers of technology and the Internet, such as Linus Torvalds (creator of Unix), Lawrence Lessig, Tim Berners-Lee (practical inventor of the Web) and the other 1990s grandfathers.

Wired, ArsTechnica and the Electronic Frontier Foundation's blog in the United States, and similar blogs in Europe. Lemos in particular constitutes an important node of knowledge about Brazilian technology culture and politics, as his perfect English and handsome aesthetic translate well to an international audience.

Between Overmundo, where Castro worked more in the academic and activist technological fields, and the FGV, where Lemos and his team worked in the civil society and legal roles, Rio de Janeiro thus has an outsized influence on Brazilian technological culture. Despite its rather smaller technological/hacker/programmer base (Porto Alegre, São Paulo, and Curitiba are better known in the Internet activist world) through these organizations Rio took on a larger role in the production of knowledge about the role of cultural circulation and technology during the time Gil's *Pontos da Cultura* emerged.

It is telling that these two organizations, especially the FGV, were instrumental not only in pushing the MarcoCivil process in the first place, but also in the promotion of the outrage after the process was put on hold by Hollanda's MinC in 2011. Both are intimately connected with – even as they are critical of – the Brazilian state's production of culture and the circulation thereof.

I met with Oona Castro many times during my research at the tall building that housed Overmundo in downtown Rio. Like the other informants at FGV and elite institutions, her English was well beyond my Portuguese, and her folksy attitude – especially as a woman in a male-dominated field – was instantly accessible.

Among my other questions, Oona Castro was quick to confirm the three-pronged approach to combating piracy my earlier contact had elaborated, but added a new urgency to the story: Much of the local new resistance to piracy is a result of US intervention, she

argued. “A lot of this started because US pressure was brought down on the Brazilian Government. Congress organized a commission to discuss piracy in response to direct pressure, and brought the discourse of organized crime and connection to favelas that was prevalent in the US.”

Oona was disdainful of the generalized idea of piracy and framed it instead as a regularized and un-regularized market: in many shops in areas where Overmundo did research, they found up to 40% of the goods were pirated or illegally obtained. Since these are in formal shops, however, the police do nothing as opposed to the *camelôs*, whom they hit or throw in jail. The fight against piracy, Oona confirmed, is the criminalization of poverty.

In one of our interviews, Oona touched on an issue that many of the technological “left” that I have interviewed so far in Brazil have avoided. When I ask her if she believes in any alternative models that don’t consider piracy as a model to emulate, she replied

Naturally I like free culture, within borders because it contributes to innovation and sustainability. But internationally, you need to protect the things Brazil develops, otherwise companies steal from it. If you don’t establish this level of IP, the “outside” will steal and not pay.

Outside the realms of FGV and Overmundo, other activists I interviewed pointed to the tension between the internal logics of “free culture” and the public and private limits of the state, but none advocated – to me at least – the maintenance of IP. Most were quick to throw it out. Oona’s understanding of this IP fit well with the pidgin Brazil as a cannibal country yet with its own private, protectable (and exportable) cultural goods. The concept of intellectual property here was not the individual who produced a piece of

work, but as owned by a group of citizens who make claims about culture as part of public life. That is, in my engagement with technologists, I found most of them to promote free culture as a set of norms surrounding the distribution of cultural goods, but most shared US understandings of what constituted the creative act and actor. Not many spoke of this tension formally, however; it was a topic that I perceived from the conversations with a technology elites.

* * *

We might usefully frame those involved intimately with the thinking around technology and “commons culture” as local actors involved with international spheres originating elsewhere as the “technoleft”. I favor this construction for individuals and groups involved with theorizing technology policy as it relates to more fundamental constructions of public sphere rights culture, especially US-dominated rights discourses like the right to freedom of speech.

Much of this movement internationally coalesces around reified understandings of a particular kind shared online “commons”, and has been codified in the Creative Commons (CC) licensing scheme, whose logo withdrawal I identified above as a source of tension for the technoleft. Formally, CC is a set of legal and cultural trademark and copyright revisions developed in 2001 by libertarians and computer experts such as Lawrence Lessig and Hal Abelson. Through a clear set of licenses, logos and resources, the copyright scheme – also the name of the international organization that coordinates its

distribution - “enables the sharing and use of creativity and knowledge through free legal tools” in opposition to corporate control of legality.⁶¹ There are many different and overlapping licenses in the software world (following the inception of the FOSS movement) but CC was the first to include music and literature in the same licenses.

At an FGV conference I attended in early 2011, for example, the center circulated a full color booklet entitled “The Power of Open”, published by the CC and available in at least eight languages on its online site. The conference, sponsored in part by the CC, was about publicizing in Brazil the particular epistemology of knowledge the CC foundation espouses, or, as I call it above, “the right to curate”.



Figure 20 : "The Power of Open," a booklet produced by the Creative Commons foundation. Cover scan by author 2012.

⁶¹ For much more on the formal legal applications of CC, see Hilderbrand (2009) and Lessig (2004).

The booklet, a collection of essays and interviews with some thirty people featured many artists and businesspeople, the latter category with many broad ideas about “openness,” “innovation,”⁶² “collaboration,” “accessibility” and “creativity”. There was only one Brazilian essayist, a public relations and marketing specialist from São Paulo. The aesthetic of the booklet, like much of the tech elite aesthetic, was one of cheerfulness, minimalist design – such as maximum white space, simple san-serif fonts (e.g., Helvetica) and popping bright colors.⁶³

* * *

In 2006, Alexander Galloway was one of the first to have bucked the tide of technology-oriented scholarship – both popular and academic – that heralded the Internet as a liberator of identity, labor practices, and access to information. For Galloway, the technological, mundane and esoteric protocols of Internet and other network technology was built with the politics of control within them. The decentralization immanent in

⁶² Words like innovation and collaboration, and the attendant market prose of egalitarianism through commerce, have often been celebrated as an erasure of race and class and the creator of a post-race, post-class social structure. I point the reader to Boas and Gans-Morse (2009) investigation of the slogans of the economic discourse and its critics. Another example may be in the explosion of neologisms like “shareconomy,” the keynote theme of the biggest international trade show, CeBit (Hannover 2011), which is described as a “sweeping trend that emphasizes sharing knowledge, resources and experience to create new forms of collaboration”.

⁶³ This aesthetic is characterized by many designers as “Web 2.0,” or an interface philosophy of designing for content rather than form; for prioritizing the easy distribution⁶³ of data dissociated from its original form. In this new technology paradigm, a piece of data is forever delinked from its original environment; I may circulate and republish it across a variety of platforms and networks, save it and resave it without losing its integrity, and allow it to be endlessly marked up by levels of semantic data. See Chapter Six for a further investigation.

Internet protocols of distribution were not a freedom, but a new means to a more pernicious system of control. Precisely because all must have access to a rigid, standardized protocol of communication, the Internet's openness enforces standardization:

in order for protocol to enable radically distributed communications between autonomous entities, it must employ a strategy of universalization, and of homogeneity. It must be anti-diversity. It must promote standardization in order to enable openness. It must organize peer groups into bureaucracies like the IETF in order to create free technologies. (Galloway 2006:142)

The contradiction that Galloway points to, between freedom to communicate and depending on powerful agencies to enable that communication, has only expanded as the years have gone on. The Internet cultures that champion sharing and freedom are among our most capitalist – as scholars have continued to point out in the intervening years (Chun 2006; Morozov 2011; Benkler 2007).

Our technologies – material and immaterial – produce spaces for cultural commons to emerge. But what happens when those technologies are deployed by elite actors acting within their own frames of reference of what a commons entails?

In 2008, Bryan McCann's study of cultural politics of Brazil deemed Overmundo's funding from Petrobras – Brazil's state-owned oil company – as constitutive of its "relentlessly populist" (2008:139) approach, which he also claimed nevertheless sustained a "business as usual [approach]– Overmundo serves as an efficient groomer of minor-league

talent for Globo's big business." ⁶⁴ Tracing who did and did not get funding from Petrobras, and the ways in which certain artists received heaping exposure while others none, McCann argues that "the interaction of these [various actors] will continue to determine the ways in which cultural invention finds its way to the national and international public" (2008:155).

McCann's analysis attends to the state's curatorial role in allowing production to flower. His analysis of the culture industries focuses more on the final objects produced and not so much attention to the practices of circulation of these objects from the illicit and informal to the formal. Like many students of technology and elites, he theorizes piracy either as an anachronism to be stamped out, at worst, or irrelevant to the real transactional world of business and consumers. ⁶⁵

Returning to the CC movement, when its philosophers suggest that the fight on piracy is censorship, they create and promote forms of circulation that lend themselves most to this fight; the philosophy of CC is about allowing the easiest access to finding the author and circulator of this data. When the focus on content above all becomes an endpoint to itself, the various other circulatory actors drop out of the equation.

As we saw in the tension between the camelôs and the antipirates in Chapters One and Two, then, while CC believes itself to be a localized, heroic form of open "commons,"

⁶⁴ The Globo network of newspapers, television shows and various other media forms have crushed opposition since the early 20th century. The brand is virtually synonymous with Brazil, and is extremely popular with all segments of the population. Globo is widely considered to have been friendly with Brazil's military dictatorship (1964-85) and its current neoliberal class (Porto 2012).

⁶⁵ Google's purchase of YouTube, after having pursued it years for piracy (Field 2010), constitutes its own version of socially-acceptable piracy.

in my view it advances a world in which commons are not possible, because the disembedding of cultural production from its producers.

Whereas CC acknowledges this disembedding somewhat, in its various licensing schemes with varying degrees of credits and authorship, we see in its own document production that it obscures this technological work.

Most interestingly in the discourses of the technoleft⁶⁶ is the representation of a Brazilian public at once both informed (hence their capability to wisely intervene in the machinations of capital) and naïve (hence the need to protect them from large corporations and government institutions looking to make a profit from what was rightfully their cultural heritage).

This chapter began with a quote, in which 2011 is declared the year that “Brazilian culture did not happen.” In the same post on popular blog Trezentos, activist Carlos Freitas (2011) indicted the MinC under de Hollanda as having a “repulsive weakness of character,”

At the same time, out here [in the activist world], when spirits are inflamed by the profound changes in the MinC landscape, the minister’s versatile destructive forces are attacking the volcano of ideas that emerged in the Lula era. The cynicism shows that there are no limits to this new missive against the Brazilian people... Without brilliance or human warmth, Ana de Hollanda ... has censored the sound of utopia in all our various cultural activities.

⁶⁶ I go into more depth into one group of these, the Pirate Party of Brasil, in the next chapter.

Similarly, author Pedro Alexandre Sanches (2012a) connected the US, ECAD and the MinC's gestures against the MarcoCivil and its fight toward the criminalization of culture. "Is Brazil killing Brasil", he asks (note the external, Americanized "Brazil" vs. the Portuguese *Brasil*), "or is it the other way around?"

This is what leads us to say and repeat, in lamenting tones, that the MinC of 2011-2012 does not (or will not) distinguish between public, republican, corporate or private interests who have never visited the United States (of America), but there have already returned from north Americanized.

Thus the question of piracy and intervention via government control – or the fight over the MinC MarcoCivil initiative – emerges as different kind of fight, one about the expert manager of the public Brazilian good under contemporary state control. For one set of actors, the anti-piracy fight represents not merely a repression of the transmission of music, film and DVD, but a movement toward the granting of public goods to private, US-based control. Or as activists (Rena Da Silva 2012) have suggested, with the MarcoCivil "guaranteeing fundamental rights to Internet use" including sharing, "why has [it] still remained unanalyzed by the senate?" In their model, unadulterated access to a reified Brazilian cultural admixture is granted without the profit of these cultural goods accruing to a larger organization.

Why would I steal from the public?

In March of 2011 my inbox filled up with angry emails from various activists about a new initiative of de Hollanda's MinC: the creation of a blog by famous poet and musician Maria Bethânia, titled "The World Needs Poetry". The blog, to be run by

Bethânia and various Brazilian cultural figures, would highlight Bethânia's poetry and contribution to both Brazilian and international creative scenes. But there was a catch: The MinC had allocated Bethânia and her team 1.3 million Reais, an eye-raising amount of money, to create the blog. The reaction was fierce, as the reader might surmise.

These were the same Internet activists and elites informed by US-dominated technology culture, who had had a tremendous amount of power in Lula's MinC. When de Hollanda announced the 1.3m disbursement to the already rich Bethânia, it only served to further enrage a class spiteful of government largesse and cultural enclosurement. As one activist (Villaça 2011) sardonically remarked, "If I were a 'troll' ... I would title my response 'Why the MinC is right to authorize Maria Bethânia to get 1.3 million for her blog.'" The writer explained:

Bethânia is ... a sacred part of our culture. But this is not to say that she has the right to dig her hands into our pockets in this way – especially for a project that any competent *productor* [maker] could do (and better) for a third of the approved amount.

Rio's *O Globo* reported on the blog proposal and stoked the fires by describing the fight online for its casually interested readers. The reportage, although gleeful in its pursuit of a he-said, she-said media frenzy, underscored the importance of such a fight in the promotion of Brazilian culture online which was heretofore, as one interviewee noted, stuck in a "lost place" (Miranda, André and Ventura, Mauro 2011). Live protests were

organized by anti-blog activists, tying together the cultural aesthetics of the Anonymous⁶⁷ movement with Brazilian efforts:

⁶⁷ See Coleman (2012) and Coleman and Ralph (2011) for more on the Anonymous movement, its goals and some theoretical analyses. For the purposes of the figure below, I suggest the masking of face and the aesthetics of the multiple present in the Anonymous movement were taken up in the protests against the Bethânia blogging spectacle. The Anonymous masks would take on greater significance in the anti-government protests of June 2013 after a 20c rise in public transit fees.



Figure 21: “A circus driven by Minister Ana Buarque de Holanda” [sic] – “We want to be Maria Bethânia”. Author’s photo.

At the time of the explosion of the Bethânia spectacle, I met with a famous musician, anthropologist and all-around Brazilian cultural *malandro* Hermano Vianna. Vianna had been noted in many places as being at the helm of the Bethânia project.

Before I met with him, I had been a bit surprised; Vianna was known throughout many cultural and musical circles as a proponent of distribution of digital culture “from below,” had published major works on Brazilian *funke* as it emerged from the favelas, samba’s place in distribution of Brazilian identity, among other contributions. The blogs complained: why had a man with this foothold in the commons suddenly taken on such a ministerial role in the promotion of culture?

When I met him in one of the large, anonymous lunch buildings in central Rio, the complexity of the situation unfolded. Hermano told me a bit more about the background: Maria – as he called her – known the world over for her poetry, had approached Hermano about doing public shows in favelas and other places on the “periphery”. Noting that she was at the top of many Internet searches for Brazilian poetry and music, and that these search results linked to shoddy bootleg recordings and outdated versions, Hermano was excited at the idea of reappropriating Bethânia’s online record as a professional and comprehensive online repository. He suggested a blog – as she was not Internet-savvy – and she warmed to the notion, to collect as a public archive many of her prior performances.

Hermano suggested the strong reaction was provoked by the misunderstanding that the money was delivered to a corporation that then disbursed the money to her, among other people. “People got pissed off about writing a blog, because they think to themselves, ‘I write a blog for free’”, he explains, “but they didn’t think about how much work for the last two years we’ve been doing, picking out the appropriate poetry”. At the end of our talk, I asked him if he was still planning on creating the blog, and he replied

that all money had been pulled. “How can I do something when people think I’m robbing money from the public?”

In the same vein, an online manifesto (Correa 2011) expressed anger at the online echo chamber, or the *galera do twitter* (Twitter crew) that simply retweeted, or republished, anger at the blog proposal. “Do you know how much a camera and operator costs,” Correa asked. “A makeup artist, an editor?” The problem, Correa pinpointed, was the Internet being seen as less valuable, even by its proponents. “If [Bethânia] had made a documentary for the cinema or sold it to [Canal Brasil, a TV station], everything would be fine.” Correa’s lament pinpoints the tension and potential contradiction: for activists who always lament that the Internet is seen as a virtual and unreal world, this attention from the Brazilian state should be welcome. These same activists, however, are scared that the wild and “free” notions that characterize Internet thinking would be shut down by that same attention.

This tension is central to the distinction between socially acceptable piracy and socially unacceptable piracy I spoke about earlier: Why would the distribution and circulation of Bethânia music and videos of poor quality be more prized by Internet activists than a professional, completely free archive of all her work published and encouraged by the artist herself?

**The right to circulate - Network culture, “intellectual property”
culture and the historicity of piracy.**

Recently, the studies of so-called “network cultures” has been interested in thinking⁷ about the impact of post-postmodernism – in its aesthetics and economic forms – on cultural understandings of people’s subjective history (Castells 2000; Ito et al. 2008; Escobar et al. 1994; Ribeiro 1996; Rotman 2008; Manovich 2001). Much of the network culture crowd understands⁶⁸ historical consciousness to have given way to moments of “atemporality”. The key to atemporality is usually technology: speed of circulation and ease of access has flattened particular subjective relationship to particular histories.

We therefore experience history all at once, rather than through our own genealogical understanding. Kelys Varnelis (2010) explains science fiction Bruce Sterling’s take on the subject, who he takes to mean

that having obtained near-total instant access to information, our desire and ability to situate ourselves within any kind of broader historical structure have dissipated. The temporal compression caused by globalization and networking technologies, together with an accelerating capitalism, has intensified the ahistorical qualities of modernism and postmodernism, producing the atemporality of network culture.

Asked about his atemporality and “compression” concept by Brazilian professor Renata Lemos-Morais (Lemos-Morais 2012), Sterling responded:

⁶⁸ In keeping with extrascholarly theory like Fukuyama’s (1993) “end of history” theories.

The time compression is certainly part of the issue, but there are also time extensions in network culture. For instance, what is the difference between "the year 1955" and "the year 1955 as revealed to me by a Google Search"? Analog remnants of 1955 tend to be marred by entropy, but digitized clips of 1955 will load with same briskness and efficiency of digital clips from 1965, 1975, 1985 and so forth. In this situation, our relationship to history feels extended rather than compressed, because data from the past feels just as accessible as data generated yesterday. If you are re-using this material to create contemporary cultural artifacts, you don't just get "compression," you also get a skeuomorphism, a temporal creole – a Brazilian anthropophagy when all the decades are in one software stew-pot.

This is the crux of the anger of the activists about the Bethânia blogging debate, and the larger fight between the Brazilian state and the technoleft. If our relationship to history is mediated by the technology of the archive, what happens when this technology is cut off as a matter of intellectual property? The curatorial power of the state is thus enforced as an ability to manage history as an archive, and points to the fight against piracy as a fight against the right to circulate, and therefore manage, the assets of being Brazilian. The Brazilian state, in this case, with and without the elites of Brazilian Internet culture, has decided to intervene at moments in order to maintain a hold on what is, formally, Brazilian "culture." This culture – through its musical, poetry, performance and other expressions - becomes the patrimony of the state only **in its closing off** from other paths of circulation.

As I have been arguing in this study, one abiding ethos of the neoliberal state and its attendant cultural forms are naming certain types of cultural exchanges as "piracy" based on the asymmetry of the exchanges; if the state or elite corporations are the debtors,

this exchange is portrayed as “innovation.” If, however, the exchanges are not initiated, or indebted, by these groups, they are called piracy.

The recent reframing and focus on piracy under Dilma and de Hollanda’s government has shown the shifting role of the state: now it is the ability of the state to *curtail* production that emerges as a creative act, whereas piracy and lateral distribution becomes a dangerous position.

This curtailment does not happen through overt politics in every way: the technologies that allow or provide for avenues of distribution form the politics of the materials. The labor involved in these technologies – the person who rips an old record to an MP3, who writes about the old music, who situates himself in a scene of exchange with other labor power – forms another part of the circulatory power.

Conclusion

I began our study with a street level examination of piracy and moved to the imaginaries it deploys through material representation. How did these practices permeate the elites of Brazil, who are spooked and intrigued by the premises of pirate commons?

This chapter examined Brazilian government and other elite institutions involved in the shifting worlds of cultural production and value creation. Tracing the changing ways intellectual property is seen internally underscores Brazil’s recent historical role as antagonist to Euro-American copyright models in greater detail. Notable changes in Brazilian government, most obviously the shift from the Lula regime to Dilma’s government, have changed this trend.

In this sense Brazil's membership in the BRIC group has proven to be an asset to the country's power, both internally and externally, as the Dilma government invested more money and diplomatic energy than ever in its efforts to engage with the world. In an interesting twist, however, Dilma has now let one of Brazil's most vaunted institutions, the Ministry of Culture, fall into public disregard both in its management of official "culture" and in its retractions of the many progressive measures of the Lula era.

As a pirate-friendly government changed course and international public spheres and spaces bear down on Brazil, antipiracy campaigns invade Brazilian cities and public opinion in ways almost directly opposite the previous eight years – even as other Brazilian public services improve dramatically (for most).

As we have seen, competing actors mobilize their own experts to legitimize or delegitimize exchanges appropriately. The next two chapters tell the stories of people who are likewise clamoring for expertise and the "right to circulate" by suggesting intimate, embedded knowledge as the true owners of cultural property. As we will see, however, these groups also rely on potentially compromised ideas of exchange that demonstrate how particular ideologies of property and identity have blurred the trading between liberalism and activism.

Chapter Four: Pirate Parties and Internet Statehood

Today's copyright legislation is out balance, and out of tune with the times. It has turned the entire young generation into criminals in the eyes of the law, in a futile attempt at stopping the technological development.

– Christian Engstrom, Minister of the Swedish Pirate Party (2011).

We have the intention to run for offices across the country, in all political spheres, because we are interested in changing laws in order to politicize debate and promote citizens' rights.

– Interview with Pirate Party in the Jornal Do Comercio (Entrevista -> PPBr 2011).

In November 2010, I arrived on a freezing day in São Paulo, Brazil's business capital and one of the largest cities in the world. It was day one of the first annual meeting of the Partido Pirata do Brasil (Pirate Party of Brazil, or PPBR), the local branch of the nascent Pirate Parties International (PPI) political movement. I had come into contact with the Party – not yet an official registered entry in Brazilian politics – through research into Brazilian Internet politics. Many of the commentators I had been reading either belonged, or had some strong opinion about the PPBr. It had appeared to me to be one of the most vocal organized groups with a sustained engagement with discourses of piracy inside Brazil that did not originate from the companies responsible for promoting incoming new laws, which I discuss in more detail in this Chapter.

The annual meeting was the culmination of many months of preparation by a very dedicated core of the party, many of whom have moved to work in other forums on

related issues. The PPBr also had, at one time, a very active mailing list with a fascinating long-running discussion on Brazilian and international Internet topics. That list too has since disappeared. In a sense this disappearance is a sad event, for the informants whose stories I tell and for the momentum of an actual Pirate Party in Brazilian politics. In another sense, however, the erasure of a mailing list, certainly one of the most anachronistic oratory forms on the Internet, is symbolic of the larger experiences of the creation of a party, or any institution, whose fragile grip on the scales of the national and the international fails to obtain in larger media spaces.

The PPBr, like its sibling political parties in the PPI, is fundamentally a statement about the production of knowledge around virtual property. It speaks about documents, music, video and other cultural forms because it is born in the technological frames that move these forms. If in earlier chapters we have emphasized piracy as a negotiation with accepted forms of circulation and the publics that accompany them by looking at the architecture that allows this circulation, this chapter follows on this proposition by unpacking the moral and legal regimes that accompany technologically charged publics like the PPBr. In telling the story of the mailing list, the annual meeting and side experiences with members of the Party, the aim here is to understand the flimsy nature of piracy as an emancipatory “right,” or as a discourse that carries meaning across various national and international frames. If piracy meant one thing to the camelôs in earlier chapters, it means something different to the members of the PPBr, the PPI and their international followers.

The PPBr presents an interesting ethnographic challenge as many of its adherents are part of a virtual community that only crystallizes at certain moments – e.g., the annual

meeting – in a physical space. Thus the expertise and knowledge claimed by Party followers is framed doubly. On the one hand, it is “representative” of their local spaces and own, personal knowledge that is accrued over years of expertise. The individual’s expertise is, at the same time, framed as a connection and engagement with international frames of Internet familiarity, teeth cut on the famous strands of ideologies that have united similar communities across the world. If these concepts of the “commons”, freedom, collaboration and other discursive frames of the PPBr resonate with a liberal politics regime founded in the North Atlantic political worlds, the PPBr must acknowledge the problem: how to engage Brazilian culture politics in these issues without losing the immense gains Brazil itself has made to these concepts?

Annual meeting, meeting annually.

I made my way that morning to the Pinheiros neighborhood where my contact, Jhessica, had invited me to join her before the start of the conference. Jhessica studies at the Universidade de São Paulo, in a technocultural social studies concentration. Her study – on piracy and intellectual property – was recently defunded because the funding institution – the Ford Foundation – chose to stop funding research into illegal activity. I walked down the avenues of São Paulo, much colder both in climate and in temperament than my beloved Rio, and met her outside her enormous flat. She invites me upstairs while she prepared various snacks for the meeting and I talk to her a little about the party and the upcoming encounter. Until this moment, my impression had been that the Party was a big deal, well organized and active. Jhessica is preparing bags of food as she tells me

all of this. I am curious about why she has all these things; the party is clearly less organized than I anticipated. She has recently come back from the April PPI meeting in Brussels (she will present on it shortly at the PPBr meeting later that day) and is full of comparisons between the international party and the Brazilian situation.

The PPBr has yet to receive any actual funding from the PPI,⁶⁹ which has promised that it would deliver money to organized, viable political chapters in the countries it recognizes. The problem, she explains, is that in Brazil the government requires half a million people to register a political party. In Sweden only 1,000 signatures are required to create a political party. Here, she explains, it has been very difficult to collect all these signatures. Most people are 20-25 years old here, she remarks. In Europe the members are much older and more established. “We don’t have much experience with working with political parties,” she explains. There is no treasurer or secretary, no bank account for the Party – Jhessica does it all after a previous member had left in ignominy.

My opening gambit is a discussion of the whether the PPBr is a “real party” in the political sense. It is obvious that Jhessica has been fielding questions like this for a long time. The answer is pretty straightforward: Swedish law requires one thousand signatures to recognize a new political party, whereas Brazilian law requires half a million for the same. The PPBr has not yet attained that number. As she is preparing the things to bring

⁶⁹ The PPI started funding local Pirate Party movements after the April meeting of 2010. It has since claimed to have funded successful campaigns in Germany, where in 2011 the local chapter was elected to a state government and, in a more symbolically potent success, in Tunisia after the fall of the Ben Ali regime a Pirate Party Tunisia member was elected to state secretary. The Tunisian representative later resigned, claiming “his work was done”.

to the meeting, Jessica exasperatedly comments on the composition of the party. Largely middle class and without political experience, she explains, there is very little they will be able to do at a national level. “There’ll be a lot complaining online, but when the time comes to actually do something, nobody is around.”

At the meeting

We arrive over an hour late at the converted bar in São Paulo’s Lapa neighborhood, and begin setting up the table in a space eerily reminiscent of any number of Brooklyn loft-style restaurant-bars. While the women are setting up the space, doing almost everything, the men are arguing about passwords for wireless access. I count sixteen people (including this anthropologist); three are women. All are white. People are dressed in a very tech-oriented way,⁷⁰ reflective of both the atmosphere of São Paulo and also the computer-oriented nature of the organization. It is a far cry from Rio’s *chinelos* (flip-flops) and board shorts. All are, to my eyes, of some sort of elite privilege; none appear to be camelôs or lower-class people.

The meeting begins with the principal statement – how to organize a political party in a country the size of Brazil, where many of the PPBr members are scattered in the various metropolises away from São Paulo and Rio, in the interior, north and south (e.g.,

⁷⁰ An interesting anthropological partner to this work would be a transnational study of “nerd-dom” and nerdiness, especially as it relates to the stereotypes of the US, such as poor dressers, eaters, and (male) anxieties in relating to women. Whether or not many of these stereotypes hold true, they remain in full use in US movies, books and televisions, and are often proudly worn by “nerds” themselves.

Porto Alegre, Belo Horizonte, and Recife). Previously active in the early 2000s, these cities have shown decreased activity lately. “If you don’t have compensation or achievements, you don’t have incentive to continue with things,” remarks one initial speaker. After a short discussion of the history of the PPI, Jhessica relates her story at the international convention in Brussels. Fluent in English, Portuguese and Spanish and from the interior of São Paulo state, Jhessica is the perfect example of a potentially powerful international political player. She also has the sharpest insight into the PPI’s greatest problem in appealing worldwide.

Brussels was not easy to get to, she explains, nor were visas readily available for many people outside of Europe and the US. The meeting was very Eurocentric and therefore only knew how to deal with parliamentary systems and countries that channeled politics available through these paths. In Brazil, she notes, most of the power is vested in the executive branch, with individual ministries debating different laws and approaches to their particular problem. With these opening statements, Jhessica has raised a point that will become a feature of this chapter: How can an international pirate party speak for all its members while retaining its unique local characteristics? As one member frames it differently, “is Brazil,” comes a question from the audience, “even considered part of Latin America?”

After an introduction to Brazilian copyright history from a professor at the Universidade de São Paulo, we are introduced to the specifics of music and file sharing and legality in Brazil. Brazil and the US are the only two countries in the world that consume more of their own music than external music (India of course has a tremendous film output, but not nearly as much music). “Brazil is now starting a huge anti-piracy

apparatus to guarantee a place in the free market,” one member screams out, referring to the Azeredo Bill.

Brazilian banks have been promoting the law as a bulwark against identity theft, but the relationship is flimsy. In reality, the law will probably be used in the fight against piracy: like France’s recently passed HADOPI law, it will require Internet Service Providers (ISPs) to retain tracking data⁷¹ for all users, regardless of prior criminality. Whereas other industry attempts to regulate piracy at the source (the production) or at the end user (on the computer) have failed, HADOPI, England’s Digital Economy Act,⁷² Lei Azeredo and other such “3 strikes” laws⁷³ are the newest tactic emerging from industry groups and the corporations that sustain them. “Make no mistake,” one of the attendees mutters, “*a gente* (we/the people) will lose with this international TRIPS⁷⁴ framework.” The Internet, replies another, “is a fundamental right, and cutting access will be quite very bad.”

Next follows a presentation on “net neutrality,” or the US based movement around equal access to Internet bandwidth; the neutrality in the terms refers to treating data sent over the network as equal, without privilege. Opponents of “net neutrality” such as AT&T and Verizon in the US have argued that, as providers of Internet access, they should be

⁷¹ Metadata tracked by ISPs, as has been detailed in recent scandals with Edward Snowden’s leaking of National Security Agency documents, includes IP addresses, visited sites, dates of login, and potentially much more.

⁷² This 3 strikes act uniquely shifts the burden of reporting onto rights holders, potentially derailing criticisms leveraged against mechanisms like the DMCA which are used at will, anonymously, and without any consequence (Brown 2012).

⁷³ For more on the US 3-strikes law, SOPA, see the Epilogue.

⁷⁴ The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is an agreement between countries of the World Trade Organization to circulate and enforce trademark and copyright as part of international trade.

able to privilege certain kinds of data over others. As such, the term has become a rallying stance for all kinds of people, from arguing for potential censorship to plain capitalist monopolies.⁷⁵ Another woman speaks next, introducing some of the steps to act as a unified political movement. I am again surprised at the lack of attention to other explicitly political meetings; the speaker is now acting like a teacher.

Throughout the meeting, the dissection of intellectual property laws inevitably comes into conflict with the participants' personal thoughts about piracy. The complexities of sharing as a functional aspect of technology, copying and distribution for example are also discussed as an explicitly political ideology. In their view, person to person computing (P2P) thus become a model that emerges from the pirate sector and becomes a way to share and engage with political thoughts.

There are some scattered reflections about the capitalist system of distribution, I note, but very few direct interactions with class, which I suspect reflects a general absence of class discourse in discussions of the Internet. Rather there is thought to be a fissure between the class of people that use the Internet for "good means" – which includes file sharing, distribution of information and general archiving – and those that use it for "negative" means, such as preventing file sharing, preventing distribution. These classes are broadly patterned after rich and the poor, but the resonances only go so deep.

In all, then, the Pirate Party of Brazil becomes at this meeting a battle between those who would circulate "knowledge" and ensure the freedom of such knowledge and

⁷⁵ Encouraging visiting one advertiser's site over a competitor, for example, by privileging search results for a particular term.

those who keep cutting knowledge at its borders, maintaining parameters. The maxim “information wants to be free”, a mainstay of many online movements, takes on new valence as information is indexed to other material goods that are pirated. It strikes me that, unlike the camelôs, the PPBr is unconcerned with the piracy of counterfeit Nikes. Much like similar movements in the US or internationally, piracy online is unequal to piracy in the streets. Copying and replicas mean different things when they are digital and when they are physical, with the exception of one area: copyright.⁷⁶ Copyright, or the way by which money eventually returns to the creator of the product, no matter the copy, seems to be the sticking point for the PPBr just as it is for many thinkers of piracy. Every person may use the “information wants to be free” ideology only to hear the retort “but how do authors ever get paid?”

The meeting devotes a lot of time to this subject, including thinking strategically about the way the Pirate Party moniker may hinder the party in obtaining actual political power because of this precise issue. Nobody wants to be seen as the denier of earned value to the authors that create the content. The discussion, therefore, becomes similar to themes we have explored in earlier chapters. The people who gain from copyright are, in the PPBr’s eyes, not the authors themselves. They are the large companies that own the rights to the music of times past. They are the service providers who provide the bandwidth and technology and therefore access to this media. They are those who put

⁷⁶ In Portuguese, copyright is translated as *diretos autorais*, or “author’s rights”. Whereas juridically similar, the use of author in the term is an important distinction that is lost in the English usage of “copyright”, which can be manipulated and deployed variously depending on who the author or rights holder is.

limits, enclose rather than share and distribute. Piracy, to these people, counters these methods of centralization through its protocols of disruption.

The second day of the national conference of the Partido Pirata do Brasil is a warmer day. The vibe is more relaxed. As before, the meeting begins late; the women are setting everything up and cleaning. The second day emerges as the more theoretically-inclined day, as we are tasked with giving input on the creation of a political manifesto, a set of principles to release to the public, or the *Carta de Principios 1.0*. The objective here is, according to the main speaker today, Leandro, create a way to speak competently to the public and provide a manner by which to insert the PPBr's strategies into the national discourse. This is my first actual political engagement with any kind of technological-oriented group, although I have been involved from time to time in various US-based organizations with similar philosophies, and I am puzzled but also unsurprised at much of what I see. Many of the men, for example, are more obsessed with the technological setup, such as the video cameras or Internet feeds, than with the process itself.

The organizer is a tough critic of perceived political inactivity, urging the attendants to use Petrobras, Brazil's nationalized oil company, as an example in creating mission statements. The irony of using a para-capitalist institution as a model for the PPBr's professed anarchic leaning is not lost on several members of the group who makes jokes about the process as the attendees break off into groups to discuss various parts. In the meantime, I talk to Jhessica and several others I have seen emerge as committed leaders about the composition of the PPBr. The refrain is by now similar to the reader: "Everyone is white, middle-class, and internationally-focused".

While a debate about how much the mission focuses on solidarity ensues, someone raises the important point that the earlier proposed mission statement did not even include the word Brazil, rather than a vague global commitment to freedom.

This point is important not only to the party but to this observer as well. If I have been arguing that piracy is negotiation of local scales and international leanings using alternative understandings of property, the inclusion or exclusion of the word Brazil demonstrates the various valences of the reach of the pirate ideology. Whereas a *camelô* – and his enemy in the *Fécomercio-Br* – may use the image to portray locality and the obstruction of legality, for the PPBr piracy is seen as an international spatial dimension, a way of collaborating not with people within Brazil but people from the outside. IT is an international cosmopolitanism that emerges without explicit reference.

As the debate proceeds, we see other facets of this cosmopolitanism as the crew discusses individual vs. group “freedom,” the concepts of freedom more broadly, and the ways in which justice and the law interacts with individualism – much of which is viewed through the prism of privacy. Three themes emerge for this final part of the meeting: Privacy (*privacidade*), Society (*sociedade*) and a rights-based debate about guaranteeing (*garantir*) versus defending (*defender*) the individual’s right to the three. Society is placed at one end with the privacy of the individual at the other end. Wrapped in these themes is a romantic figure, historically fighting state and capital intervention for the local, or community movement of which he is a part. In the PPBr’s vision, this community is the globe, its citizens international figures with a desire and therefore a fixed right to freedom of speech.

Despite the forceful declarations and appeal to historical antecedents, the PPBr's notion of privacy is not an eternal static concept. The expertise with which they guarantee – or defend – the rights of the individual to a privacy defined as the negative energy of a public sphere comes not from one particular Brazilian model. Nor is the concept, on the other hand, wholly from the outside. Rather I am arguing that this model of privacy has been shaped in a negotiation with a longstanding US (and to a more historical extent) British commonwealth⁷⁷ understanding of the individual in the public sphere. Even as the PPBr is fixing for a withdrawal from state panopticism and arguing for the freedom to for Brazilians to avoid legal and other “suffering” for technology-related activities, it is calling on the same liberal-democratic historical tradition that pins the individual as responsible for his breach of the social contract. Broadly, like many transnational movements that invoke international norms in local law, I remain wary of local cultural vocabulary to articulate these legal regimes.

Like the mailing list that the PPBr primarily uses to communicate (more on this below), the document the annual meeting produces, the charter of principles, evinces a preoccupation with the technology and architecture of connection just as much as it does the politics, or connections, themselves. The charter⁷⁸ begins clearly enough, announcing

We are a collective whose mission is to defend freedom and democratic access to culture, information and knowledge.

⁷⁷ See Coleman (2009) for more on the legal regimes of expertise.

⁷⁸ The entire charter is included in Appendix B, but for the purposes of analysis I reproduce some key parts here.

As it goes through the various ways in which the information and knowledge are circulated, access becomes the main marker promoting “democracy”; this democracy, and the rights it affords mark the logical endpoint of human collaboration and interaction. Another section speaks more plainly to piracy’s ability to bridge – or open – the enclosures of the monopolies of capitalism:

We believe that the pirates can innovate and act more dynamically than the current actors in Brazilian democracy. There are several areas ripe for action: not only the legislative but also the executive branches of public administration are in a strategic position for a critical dialogue on transparency, electronic government [software] and privacy policies.

The document continues with an emphasis on neutrality, transparency, and privacy, stating that

We must build on existing movements in these areas, always keeping in mind that these solutions must consider digital access, privacy, anonymity, neutrality of the Internet and the democratization of the media: the values we stand for uncompromising way.

The pirates of the PPBr take for granted the easy blending of privacy, anonymity and transparency. Despite their apparent internal rigor and seeming coherence, they seem to me to be almost contradictory. What notion of privacy does the PPBR work with? Are they international ones or Brazilian ones? How does Brazilian idea of privacy differ from the others? How would the camelôs and government officials, all using piracy as a shared discourse or set of discourses, interact with this particular definition?

A digression: Who can be private and who can be public?

As I met the various pirates of this study in Brazil, I had to recalibrate preconceptions about the functions of secrecy, anonymity and rumor across geographically spread out places. Many of the Internet sources on blogs and other forms of media were anonymous or written under pseudonyms. I spoke to many camelôs and pirates who refused to give their names. At the elite end of the spectrum I spoke with government officials who asked to go off the record as they shared their thoughts about the Lula vs. Dilma movements and international – especially US-based – pressure.

Despite the celebratory public nature of “openness” as central tenet of freedom that marks the 21st-century Internet landscape,⁷⁹ I quickly realized that while anonymity may be prized at some moments, in some social spaces – among other street vendors or hacker groups around the police – it is never fixed. At other moments in time or in social spaces, recognition trumps secrecy and the pirate proudly shares his name and labor.⁸⁰

This held true both in the online and physical world of pirates.

⁷⁹ Any number of Internet writers and futurists opine on this matter without end. See for example the Electronic Privacy Foundation, Lawrence Lessig, Clay Shirky, and TED talks. See also the literature on new business models such as the P2P foundation’s (2012) “Synthetic Overview of the Collaborative Economy” and more about the elite/technoleft in Chapter Three.

⁸⁰ Legendary fights have occurred between different groups – tops of the online piracy pyramid which are referred to as “topsites” – “releasing” different ripped recordings of the same DVD, each accusing the other of a sort of meta-piracy. The names of the groups in these circulative alliances thus figure prominently in all kinds of markers of reputation and cultural value. One group would like you, the pirate consumer, to only download and share their pirated versions, for it is the best quality or the smallest file size for the quality. It is heresy to therefore download or share another group’s files. The list

Continued on next

Just like everything else, then, anonymity itself is a form of circulation. It may attain a certain value in some orbits and fade in another. It too carries a power of its own, a signifier when it is invoked presence. I struggled to address this problem and seek a solution in my fieldwork, realizing that in a somewhat different vein, this problem would not be out of place in an oral historian's toolkit. Louise White, writing about rumor and gossip in colonial African narrative (2000a:67), asks the reader to remain alert to all problems arising from "the [quaint] notion of an essential self, a persona that sees his or her life the same way over time" and further develops her argument in a separate essay, taking oral history as a discipline to task for placing too much value on the direct, explicit language of African informants, echoing other anthropologists (Price 2002) who have urged an attention to the intents of social cues embedded in personhood. White ends her essay by pointing to secrecy as a circulative act, meaning

that secrets aren't a single thing; their meaning, and their value both as spoken and unspoken assertions, change and are negotiated and renegotiated regularly. Secrets and secrecy are social acts, constantly aware of audiences and publics and how to keep them from learning a specific version of events. (White 2000b:22)

While secrets may mean a variety of things to their speakers and receivers, this variation in correlation to reality in informants responses attain new valences when dragged online, where the audience and participant roles are mixed in a dizzying array of possibilities.

of these dramatic fights go on forever, lest any casual observer of Internet scenes assume, like WIPO operatives may, that pirates operate as a tight mafia family.

In general, as I have tried to show, thinking through piracy mixes roles of consumer and producer. But do blog post comments posted in somebody's name as an anonymous satirical statement⁸¹ on a political event "count" as truth in a traditional ethnographic sense? What kind of cultural translations can anthropologists derive from such sources, rich as they are, if they are not traditionally cited?

The oral historian, however, at least has a person with whom to speak. Anonymity more broadly is itself a complicated question and not easily solved by a pat dictionary definition. Anonymity on the Internet is barely anonymous to anyone with some technical knowhow, and even less anonymous to law enforcement and government agencies.⁸² It is even further less anonymous in political regimes with lax civil rights protections, where all Internet traffic is heavily monitored or explicitly intercepted by censors using specialized technology, often developed in Europe or US, and then used against its citizens.⁸³ While these technologies are usually used against dissident activities, they are becoming more frequently deployed in antipiracy campaigns, especially if the laws I have remarked on in Chapter Three, such as the Azeredo Bill international ACTA, are passed in their respective contexts.

⁸¹ Haugerud (2013) has more recently studied this phenomenon in her analysis of satire as a tool of economic criticism in the United States. For her, this kind of anonymity might comprise a witty slip through the bounded economic discourses of the major US media.

⁸² And *ainda* less anonymous in other contexts; see for example Estes (2011) on drug cartel violence against apparently anonymous bloggers in Mexico. In this situation anonymity doubly weighs on the citizen; he is also encouraged to anonymously report cartel violence to the police, who are known to be working with the cartels.

⁸³ For example, the recent pursuit of Edward Snowden by the NSA as a consequence of his revelation of the data the NSA monitors on US citizens through everyday applications like Skype.

Thus I choose not to definitively state that, for example, online users were more anonymous than the camelôs I had met physically. To meet someone in a dirty urban market in downtown Rio, surrounded by thousands of people and about as many alleyways and streets, is only apparently more anonymous than to receive an email or read a blog post on an Internet site. The “abandonement” of back alleys in Rio de Janeiro are full of recognition: the police recognize the camelôs, the camelôs recognize one another, and everyone recognizes that I am the anthropologist, out of place, unless that month my deep tan and nylon-blend shirt has given me temporary cover.

No, the stakes are clearly different online; if one is reprimanded by YouTube for uploading infringing content, the severity of the punishment is much lower than those exacted by police in Rio against camelôs. Even more so, the charges for white male criminals who are usually the perpetrator of piracy are less than stringent and often are overturned in higher courts. They only serve, most observers argue, for dramatic political or legal justifications.⁸⁴ Anonymity may cloak whatever identities congeal in one’s person, but I suggest that a more complicated view of personhood, distributed digitally and physically across allegiances, a personhood itself circulated by the various ontologies that structure our lives, is precisely what piracy thrives on.

At one level, privacy is prized as the removal of the author from what she offered. Whether it is a document, a piece of music, or an opinion posted on a website, through the mechanisms of privacy, the author is removed from the public sphere that engendered

⁸⁴ An in-depth discussion of this is beyond the scope of this work, but see, for example, the case against the most famous music file sharing service Napster (Langenderfer and Cook 2001).

the conditions of possibility for this work. The author is therefore not responsible for it any longer, not for its positive consequences (value returned to its creator) or its potential negatives (e.g., punishment for wrongdoing). Privacy is therefore a kind of social tool. It is imagined to be a value-neutral endeavor, a scientific capability applicable to any possible act of creation.

Anonymity, which follows from privacy, consequently creates its audiences as a multitude comprised of many individuals with often conflicting opinions, but united in their own conceptions of having experienced privacy. Privacy has been put upon them, in the vision of anonymous society, to strip them of identifying markers or formal social connections. Privacy operates through falsehood and rumor: names are not “real” names, connections are obscured between sender and receiver, and temporarily is unfixed as there is no direct link to be had between an exchange between two parties.

Transparency however performs a different social function. Transparency ensures that all who speak and create are known to the other. Transparency demands that all parties in an interested exchange – and even the disinterested – submit to actively fighting privacy’s policing role. Yet transparency, prized as a civil right, can function as a policing of its own. As Birchall (2011:71) writes in her study of transparency as a rhetoric in Western political worlds,

A violence is performed in current discourse ... when transparency is advocated as an alternative to secrecy or as a method by which secrets will be eradicated. Secrecy is always already at work in transparency.

At its heart, I suggest, the PPBr's fight for transparency and secrecy combined, wrapped in a banner of piracy, refers to a particular figure central to contemporary Internet ideology, the hacking individual.

Put differently, if piracy is a form of circulation that is a vital part of statehood and cultural identity in the 21st century, the ideology of the person bound in this circulation is that someone must be there to guard it, to theorize it. According to the PPBr, the capable guardian of these moral rights is the pirate, because the pirate is an expert at translating this particular computer knowledge from coded technical discourse into moral discourses.

Experts and Politicians

On a cinematically rainy December night, I scurry through side streets, samba music blaring out from sidewalk *botequim*, to the apartment of a PPBr representative I had never met in person before. Today, I would finally meet Seis, his online pseudonym, in real life.⁸⁵ He had been one of the first to respond to my emails when I arrived in Brazil and reached out to the PPBr, and we had continued our communication electronically for a few months.

The PPBr email listserv, in which I participated actively since I arrived in Brazil, connected me to Seis and many party members from their various homes scattered around Brazil. Usually groups would also coordinate in their own locations, such as

⁸⁵ "In Real Life," or IRL, is a common acronym online, suggesting its virtuality and dividing the Internet from a perceived reality. I try to argue against this distinction; for more see Conclusion.

Curitiba or Pernambuco, but the most active members lived either in São Paulo or Rio. Always lively and active, the listserv members debated all kinds of relevant political news, cultural shifts, and of course intra-group dynamics. The PPBr also had a small website with a forum section; the latter was so underused as to seem abandoned when I first visited it. Hence the livelihood of the listserv, walled off from the general public (one's application had to be approved on an individual basis) surprised me at first.

After a while, I realized that the listserv format, which I had considered outdated, was indeed perfect for this kind of dynamic. It created a space where discussion was encouraged, where the writer had a guaranteed audience, unlike posting on a blog or in a forum. That all the writing was done in the listserv, seemed to me to grant the PPBr some semblance of material connection for such a variegated group. Several times people referred to it as the party's *arquivo* (archive), a set of foundational texts that were outside the purview of search indexing capabilities, as there were no posts archived on the site, for reasons of privacy and security.

Calling each other "*piratas*" with ease, some signed their emails with "*Viva o compartilhamento!*" (Long live sharing) while others signed off with "Avante, piratas", recalling the imagery and myths of seafaring pirates in popular movies.

As I grew familiar with the list, I would recognize the "voices" of the various pirates, infer longstanding feuds between some of them, and pick up on internal debates surrounding their anxieties on being a formal political party instead of an informal collection. Whereas all wanted the former for its potential power, the latter was really what most preferred.

Unlike in Europe, where the PPI had fielded some candidates – and won – in Germany, for example, the PPBr seemed to me to be an aggregate of pirates concerned about the porous leakage between technology and politics through an exchange of skills about technology, rather than about obtaining actual party power. During my “tenure” on the list, I saw many people leave the PPBr in dissatisfaction about this perceived inertia. One person’s departing note spoke to the tension between politics and technological skills:

Sincerely, the grand majority here doesn’t want a party, is anti-political and has anarchist tendencies that see a party with *maus olhos* (disdain) and waits for a “*revolução de cairo* (Cairo revolution; Arab spring)” to happen here, to bypass electoral law... Good luck with what you all want to do, it’s become a circus here.

The discussions about reaching out to Dilma after her election in order to position the PPBr were particularly heated. Seis noted that Dilma would not receive a delegation of such a small political party, noting it would be better to meet other potential partners more “laterally positioned” to have the PPBr’s input on upcoming laws register more clearly. Others wanted to protest outside Dilma’s office until she would receive them, or join with other “alienated groups” into a larger movement to petition the President. Emails were circulated about breakaway members that were starting potentially confusing websites not representing the “true” party and the merits of “censoring” such an effort.

They were particularly angry when Ana de Hollanda was installed (see Chapter Three), countering her arguments for a more restrictive copyright law with their own “translation” of her words: “*foda-se o povo, o importante é ter o dinheiro na mão das mãos* (the people can go fuck themselves, what’s important is that the money is the hand of the

bad ones”. When de Hollanda removed the Creative Commons licensing from the MinC website in February of 2011, the list was full of angry comments about her relationship to ECAD and the handover of the government to the American model and away from the Brazilian people.

All were concerned with online piracy, first and foremost, and these were the discussions with the most substantial, interesting comments, such as the Globo television station’s monopolies on video streams of popular soccer games, and how these represented a kind of cultural transmission that was owed to the public. Several soccer teams, part of the “Club of 13” in Rio, had attempted to break their contract with Globo, to maintain greater media rights and earn more money from their games. The list was silent about this effort until one member, blueandneon, spoke:

It’s incredible that nobody has spoken out about this. Fine. The first maxim: Football is culture. We can debate what culture is, but football is [Brazilian] culture. Various times those dissatisfied with the current dynamics have tried independently to negotiate their media rights. All, of course, wanting a larger piece of the pie... And where was piracy when this was happening?

Like the Club of 13 incident, most if not all larger themes focused on rights and the politics of deserving. This is where most pirates saw their contribution – to illuminate what is owed, deserved, entitled and to point out that technology, which is presented to the public as a value-neutral thing, politically and financially enables corporations and government to benefit. Only a few spoke formally about capitalism – most were involved the computer industry in some way and their involvement in PPBr was a mutually reinforcing effort.

When I met many of the members at the annual meeting, it was a surprise to match faces to the online pseudonyms. Many looked like what I anticipated, but were more social and friendly than the personas they cultivated on the list. All were nice to me, the outside anthropologist interested in pirate politics. It was there that Seis, who lived in Rio, invited me to his apartment.

Several months later, that rainy night in Bairro da Fátima, a ramshackle neighborhood on the border of the famous Lapa neighborhood, I arrived at his apartment. Like most of the PPBr I had met, he was a white male. Unlike many of the PPBr I met, however, Seis was also a camelô and radio pirate at one time. Seis tells me about his movement from copying CDs and DVDs in the street and selling them to his more active role in the politics of the PPBr. For Seis, like many of the pirates, he recognized the right to piracy because he realized that most of the Brazilian world was falling behind in guaranteeing rights in a new era of technology. Why, I ask him, was he particularly positioned to guarantee these rights? “Because of my background,” Seis answers. “Because I am familiar with the underlying technologies that are being used, those things that the general public doesn’t understand.”

Seis had never been politically active, but had always been at the margins of technology and political activism. He runs a pirate radio station in one of the rundown warehouses buildings near the bus station. Like his pirate colleagues, he sees himself as an informal generator of knowledge about social worlds in 2011 because he manipulates the protocols that make these worlds possible. After encounters with police and the law, he understands the paths by which new legal regimes shape social possibilities because, for

Seis, the legal regimes are being embedded in the technologies that condition what is permissible and what is not.

In his view, the pirate is the one that is best able to negotiate between government and the public; he is an intermediary. In her study of software hackers, Coleman (2009:449) argues these are the new cultural experts of what only appears to be software:

Given the extent to which esoteric legal codes dominate so many fields of endeavor ... we must ask to what extent informal legal expertise, of the sort exhibited by [software] developers, is a necessary or useful skill for social actors seeking to challenge such regimes... struggles over code are not only hackers' productive freedom but also the very meaning of democratic citizenship.

All too frequently, academic and critical studies of hackers remain in the parameters of a Habermasian liberal sphere; even as they upset the categories of licit and illicit, they remain within the parameters of the creator (the hacker) and the consumer (the rest). Coleman and Golub (2008:271) for example discuss the "moral genres" of hacking, suggesting the emphasis on the United States colors their discussion. To move the study "globally," they argue, would outline "the ways computer hacking runs against the grain of liberal logics".

In the PPBr mentality, pirates are something more than hackers: they affix a morality to the act of collage. Pirates see themselves as capable interpreters of technoculture morality not merely because they understand and play with the

technologies that structure circulation.⁸⁶ They also understand, innately, about what happens to expert knowledge and labor when ideological regimes of property annex them from public circulation.

I want to suggest that the language for this kind of loss becomes a discourse about rights not because every PPBr member believes in a kind of Western natural rights philosophy. I did not see this when I meet PPBr members in person or discussed other topics with them; in those conversations PPBr members used language at odds with an individual rights-based discourse. Anonymity and transparency cannot coexist as conventionally understood except for in one discourse: a global, cosmopolitan and detached stance separated from real, hand-touching politics.

Because PPBr members struggle to articulate the kinds of transitions they discuss – such as the growing Digital Rights Management⁸⁷ movement, the use of copyright law to wall off access to public goods, the withdrawal of music and movies from public domain

⁸⁶ See Ben Nelson's (1996) interpretation of the Maya for his use of Haraway's "technoscience" paradigm. Nelson figures the Maya as hackers in their roles as cultural translators and experts, using colonial technologies to "reprogram" their cultural roles. Nelson's resuscitation of the Maya using the hacker figure problematizes the nostalgic role of primitive man but, even more strongly, elaborates a position of the pirating of expert knowledge away from its owner as integral to sustaining a cultural patrimony.

⁸⁷ Digital Rights Management (DRM) is an industry movement of the past ten years seeking to embed limitations and restrictions on copying inside the video, music or game, so that it cannot be played or duplicated without the appropriate hardware or software. This effort has led to some serious problems; usually the "legitimate" purchasers of these media suffer the most, as they may lose access to their product because of a software bug, an outdated computer or some other random error. Many online and forum members (not the PPBr) cite this as their main reason for pirating; it's easier to see a British television show pirated, for example, than to purchase an restrictive and slow subscription to an online US-based company that has secured distribution rights to that show. For more, see Doctorow (2004).

and increasing cost to access them – they borrow from an international language that speaks about these losses. Unfortunately this language is so elevated and connected to its own inception in the Euro-American models of rights that it fails to ultimately obtain traction in Brazilian polities.⁸⁸

The contradiction is intense. Individually these pirates understand the complexities and differences of not only the Brazilian political system, but the differences in democratic participation and the Brazilian conceptions of the common and of the individual. But no matter how local and embedded the individuals' lives are, they cannot appeal to languages of the international technological community to ground a politics. The use of rights language, of individual liberty, of these kinds of ideological frames does not translate to an electoral politics, nor apparently does it constitute a “frame” that has resonance with a lot of people, which probably accounted for the relatively marginal status of the movement.

Calling themselves pirates and serving in a Pirate Party, however, serves to underscore the fact that there is no appropriate language for discussing these issues in a radical manner. The Lula reforms I discussed in the introduction were implemented under the auspices of the Brazilian MinC, as was the Maria Bethânia blog we saw in

⁸⁸ Many anthropologists have wrestled with how the global tracks with the local, employing various metaphors, such as Merry and Levitt's (2009) “vernacularization” or Tsing's (2005) “friction”. Notably these anthropologists and others position ourselves as able to understand, or at minimum expertly explain these forces, which are usually understood to be the maintenance of the local in the inexorable flow of the global. I am not convinced that the vector of influence – or friction – is as directional as many anthropologists frame; pidgin piracy is able to have just as much work in the global by being a local, desired expert on what is considered the domain of the global.

Chapter Three. These were cultural initiatives on the part of a government ministry, articulated in languages of public good, not in individual rights language. Nor did they appeal to an international, cosmopolitan frame – instead the discourses emphasized allowing Brazilians to express themselves, and forging a path for Brazil that was different from the world’s treatment of property as a natural right.

Conclusion

The PPBr is a local chapter of a growing international political party focusing almost exclusively on issues of technology and Internet “freedom”. However while the party could be seen as an elite part of the same characters I introduced in earlier chapter, it manages to balance – or to struggle around articulating – both an intensely local and dizzyingly global set of politics, often times to the detriment of its own members and participants.

A real political party composed almost exclusively of people under 30, the PPBr ultimately sees piracy as not only a critique, but a fundamental human right. Through an appeal to “commons” and other technoliberal symbolic frames we see how the spaces of internationality are both narcotic and dangerous as the Pirate Party struggles to make itself heard in formal Brazilian politics. They are “authentically” Brazilian but facing outward: are they part of a new Brazilian set of norms or do they continue historical Brazilian challenges to property and value through piracy?

Chapter Five: Music and the Right to Circulate

In civilizations without boats, dreams dry up, espionage takes the place of adventure, and the police take the place of pirates (Foucault and Miskowiec 1986:27)

This chapter explores Brazilian musical forms and technologies of circulation, focusing on music not just as cultural expression, but as a living historical archive and cultural memory. I analyze the kind of knowledge pirated music promotes about Brazilian cultural spheres, and the effects the parameters of enclosure and propertization of the same music – such as its movement from the “public domain” to the realm of “intellectual property” – has on the public spheres it draws together.

The chapter is substantively inspired by the trajectory and forms of Brazilian music. It begins with samba’s introduction to Rio de Janeiro as an accessible, acceptable “black” music in the early 1920s via state radio and urban circulation. Much of Brazilian consolidation around the emerging 20th-century state was based on this circulated, acculturating samba. Like the radio stations, whose practices of circulation, sharing and remixing were standard at the time, samba as a genre is based on informal copying, homage and non-named – or socially acceptable – piracy.

I then move forward to the main theme of the chapter, contemporary Internet sharing of samba, and touch on its consequent online “revival”⁸⁹ as a form of online

⁸⁹ The last ten years in Brazil has seen a renewal of samba in many ways, both online and in the music and the physical *rodas* (literally circles, or locations) where it is played. It has emerged, in many ways, as a critical space in a new Afro-Brazilian identity. This identity as an ethnic polity seems to me to be informed in many ways by the northern hemispheric Afro-descended, particularly African-American, multiculturalist movement

Continued on next

memory of Brazilian culture, as well as its role in broadening the scope and power of a trans-Atlantic identity based on historical musical forms.

Of particular interest is how these online archivists create a narrative of Brazilian history through the sharing of music, differently from the kinds of piracy I described in the first Chapter. Where there the camelôs' labor created an archive of city spaces, bathed in class and race dynamics, the circulatory nature of online exchange appears to remain more elite and self-conscious, if no less intimate. This elite self-consciousness, I suggest, is drawn from the music itself, samba and MPB, embodying nostalgia and anxieties about the origins of the Brazilian nation-state.

* * *

It is tough to do ethnography of the Internet without drawing on influential tropes like “networks,” “collaboration” and similar bidirectional ideologies, words which lend themselves easily both to popular theories of transnationalism and the newest capitalist ethos. In print and much of the business and Internet literature, these portrayals make subjects appear fluid and conducive to effortless connection. Much of the metaphorical

starting in the early 1990s (Gilroy 1993; Williams 1995); such cultural-political formations did not earlier exist in Brazil in the same way (Cunha 1998; Sansone 2003) and have emerged, I suggest, as Brazil has integrated further into the world's representation of it. Whereas this chapter is focused on circulation and mostly online piracy, not urban musical space, we do not go further into this topic except to note that the online circulation of such music is not disconnected from its physical, urban circulation, neither in content nor in form. For more on the physical circulation of cultural commodities, see Chapter One.

weight is ultimately based on comparing people to electronic bits and bytes who utilize the latter's protocols of movement. These ideologies consequently ascribe parity to all parties involved, a field where all have equal access to the technologies, labor and time to contribute to a particular creation.⁹⁰

I argue against this narrative – there are always interruptions, prejudices, structural inequalities, obstacles, competing actors, and of course grit in the ball bearings in every industry, including the cultural industry. However, I sustain the underlying epistemology of connection by proposing a different model of collaboration influenced by samba's *musical form* as a way of telling the story of Internet music and its pirates; my logic is, in a sense, a technological interpretation of the musical understanding of *call-and-response*, which I explain in further detail below.

I use this call-and-response to show how the words and the aesthetics of online traders – who are named pirates and are chased across the web and into courtrooms – produce a different kind of knowledge about the legitimacy of labor and property. In “unfluid” and outmoded protocol and aesthetical ways, pirates move against the labor-blind pretenses that unite elite and nonelite technoleft movements and the top-down, more traditional capitalism. Listeners – or downloaders – are not criminals, but archivists and laborers. Through an intense devotion to the circulation of propertied commodities,

⁹⁰ This is one hallmark of the Creative Commons philosophy and movement, which I discussed in Chapter Three. Such flattening critiques have been described by Riles (2001) in ethnography of women's organizations working within UN governance frameworks, and Edelman's (2004:36) analysis of peasant social movements where “formal network organograms imply agile and obstructed movement of information ... The network's representation of itself erases political, historical, and personal forces that might, in practice, impede the networking process”.

pirates reveal the labor inherent in producing culture, in opposition to a vision where culture is centrally produced and sustains itself on its own merit.

The recent governmental favoring of the systems that regulate and structure the circulation of these commodities and the protocols by which they are available is not strictly a debate about property and ownership. It is an inflection of a large debate about who can speak – own labor and seek rents – and who can only be a consumer.

Here, more than in any other chapter, I name people “pirates” and their actions “piracy” with trepidation. Even as camelôs will willingly – in jest or seriousness – call themselves pirates, most, if not all, of the people I studied and spoke to were not contemporary movie pirates (such as the camelôs detailed in the first chapter) or pop pirates of any other media. Here, their own words tended to be more about music as an archive, about technologies as both enabling new forms of imagined communities while they enabled the shutting down old forms, or intrusion by other, stronger forces.

Musicalizing Brazilianness

“Radio came to Rio de Janeiro before Christ,” writes Bryan McCann (2004:22) in his impressive work on the instrumental role of radio in the formation of contemporary Brazil. Long before the iconic architectural ode was erected high above the city, radio was used by the Getúlio Vargas administration (1930-35) to create the Brazilian identity that endures in today’s national and international visions. Marrying new technology to the political ideals of Vargas’ early dictatorial career and, later, his *Estado Novo* (New State)

reform program, radio moved from local, low power stations in the beginning of the 20th century to form the cohesive national glue for a mainly agrarian society.

Aside from explicit political and daily news, however, McCann shows how the core knowledge about “popular” music was formed in these years of radio growth as a carefully constructed image. From various states and landscapes of vast Brazil artists arrived in Rio de Janeiro to creatively contribute to the new broadcasting system. The contribution was not unidirectional, as radio created the artists in its own visions of circulation while the artists were improvising their own musical styles. Thus radio provided a perfect tincture for social mixing in Rio and its various low- and upper-class environments, where a poor singer like the *choro* composer Pinxinguinha could speak to famous social scientist Gilberto Freyre.⁹¹ These two, though vastly different in living experience thanks to class and race prejudices, embodied the Rio de Janeiro of the 1930s: highbrow and lowbrow, white and black brought together through technological modernizing projects like state-sponsored radio programs and concerts.

McCann follows work by scholars of samba (Vianna 1999) and the national musics (see e.g., Wade (2000) on Colombia, Moore (1997) on Cuba, and Zolov (1999) on Mexico) of other countries in unpacking the machinations and actors of the predetermined

⁹¹ Freyre, the man perhaps best known for popularizing a scholarly understanding of Brazil’s “lusotropicalism,” suggested through his 1933 work (1987) that “miscegenation” and other mixing had made Portugal’s colonial outpost different from other similar creations where the white leaders had obliterated all other influences. Freyre is well-disposed to be hated for his outsized architectural role in the construction of many racist Brazilian state and cultural institutions. Recent treatments (Burke and Pallares-Burke 2008) of his life however have recast him as a one node in a busy network of similar socio-scientific output.

“authentic” or folk national identity. In almost all the foundational stories told by these authors, “Latin” and other Western hemisphere music are purposely culled from the exchanges⁹² with the poor, African-descended populations. Even as they are denied access to other privileges of citizenship and access to sustainable livelihood, poor workers’ music provides a scaffold for creating the state.

The framing of these particularistic musics – borne out of the pidgin suffering of the populations that suffered most state violence – as the true origin of the state entails a kind of socially-acceptable piracy we have been discussing in the preceding chapters. But the rent “extracted” of this piracy does not only accrue to the elites; it also enables others to horizontally leverage a history in their own re-versioning of the music. This piracy becomes the cultural commons of the state, moving from private to public as if by eminent domain.

Some visions of these historical exchanges are branded as “cultural appropriation”. This is the case, for example, with rock and hip-hop in the US (Radano and Bohlman 2000). Recent social historians however have sought to argue that show the simple story of stealing and cultural appropriation all too often collapses other, submerged narratives. Appropriation as a deterministic idea obscures many of the actors involved in the moments of appropriation; no matter the original intention, creation and inspiration still provides individuals with personal attachments to create their own knowledge about where something originated. The authentic origin, or creator, is a myth; it is in the

⁹² Vianna (1999) has written extensively about the cross-class exchanges of the earlier Samba movement, and the ways the music of the *favela* took on elite dressings even from its earliest years.

appropriation and circulation, difficult as it may be to stomach in its immediate horror and breathtaking forgetfulness, that the actual authentic is created. As Trouillot (1997:151) writes about the production of history around American slavery,

Whether it invokes, claims or rejects the Past, authenticity obtains only in regard to current practices that engage us as witness, actors, and commentators – including practices of historical narration.

In Rio, McCann and Vianna show that samba musicians from the worst slums would play at aristocratic parties even as they sang about the plight of the poor. Artists copied and burnished music from their places of origin, exchanged with one another and stole from one another in the creation of samba, contrary to much of its reputation as a pure expression of Afro-Brazilian life in the favela. Music, and especially the newly constructed popular music, became a focal point in a story about the origins of Brazilianness. Lyrically, class and race were submerged even as they remained archived and indexed in the music's lyrics and words through calls to place of worship, technologies of street circulation.⁹³ Broadcasting circulation provided the forum to form publics across disparate labor regimes and practically different countries all unified under one Brazil.

After samba, one of the most dominant visions of Brazil, with its lush tropical geography and party-going tomfoolery, emerged from the *tropicalismo* movement of the 1960s and 1970s, of which Gilberto Gil was a part. Spurred by the kind of cultural *bricolage* that characterized Osvald de Andrade's modernist poem on Brazil's identity, *Tropicália's*

⁹³ I am particularly thinking of the function of the *esquina* (corner) in samba music; a pivot where social facts are produced, verified and circulated by the communities. It seems to be an enormous structuring physics of the genre.

(as it is known in English) main principle of *antropofagia* (cannibalism) emphasized parts reconstituted as wholes (Dunn 2001; Perrone and Dunn 2001) to create something new, but essential and historical: an archive in movement. Its cross-hemispheric aspirations – borne both in the spirit of collaboration and out of the very real threats and exiles of the dictatorship years – encouraged a musical exchange, homage and circulation that crossed the Atlantic between artists. That *tropicália*, after its Bossa Nova predecessor, became a way of “knowing Brazil” is testament to the archival power of music.

In all these genres, from samba to *tropicália* to beyond, we must never forget the artist’s agency in the situatedness of her work. In his seminal book on Brazilian Popular Music (*Música Brasileira Popular*, or simply MPB). Sean Stroud (2008:9) argues that “popular music in Brazil has frequently interlinked with political and cultural ideologies since the 1920”, while Moehn (2012:205) elaborates that

Some [artists] have in a sense marketed discourses of inclusive mixture as the Brazilian musical brand. The popular music press has eaten it up ... As analysts, we perhaps appreciate too little the extent to which many pop musicians must balance the need to make money from their endeavors with the desire to find meaning and intensity in them.

Circulating technologies

In my analysis, I follow a long lineage of music speaking intently about feelings of belonging, of cultural identity, both to internal and external audiences. Circulating samba through radio created a particular kind of structure, useful to Vargas’ Estado Novo. *Tropicália* provided a different kind of knowledge about Brazil. I want to take radio and

vinyl out of the equation and examine the broader implications of circulation-via-technology on meaning and national identity.

The creation of an authentic identity – such as Afro-Brazilian, cosmopolitan, and so on – and the logic of being part of any group is ineffective without the technologies to circulate it. Whatever technology it happens to be – the body, radio, or the Internet – allows for particular rhythms and protocols to emerge, more or fewer freedoms to consolidate, and different kinds of experts about this identity to be created.

In this manner, just as radio became the official, acceptable platform for Brazil's important emerging musicians to become sources about being where Brazil had come from, and where it was going, through pirated and shared music, the Internet has become a competing source from which counter-narratives about Brazil's past grow. This is why, I suggest, it has become such an important site of control and repression as states in the late 2000s wrestle with its early "Wild West" evocations. It is why pirates and sharers are able to articulate alternative worlds of solidarity through its hidden alleys as they become experts in how to use it, greater experts and navigators of identity.

The question emerges: If music and its circulation – over waves accessible to everyone with a few Reais or wandering in a public spot with a radio turned on – foments public space, what happens if the music is enclosed and taken out of circulation? What happens to authenticity, origins, and histories when a particular group has a legal license to prohibit them by naming these facets of life as property?

Un-silencing the past

In 2012, the owner of the blog Flabbergasted Vibes posted an out of print album by a group of famous old *sambistas* (samba players) from Rio de Janeiro. Remarking in depth on the record's various players and songs, FV's write-up (Flabbergast 2012) ends with an angry lament:

The music's undying nature notwithstanding, the fact that this recording is completely out of print is yet another example of malfeasance by an industry that still views cultural patrimony as just another commodity to be extracted, packaged, and forgotten about. I guess the industry has been too busy putting together box sets for Cazusa or whomever, to remember the sambistas they so gleefully exploited when classic samba was filling their coffers.

The comments on the post display a range of delight with the album and follow-up questions that I reproduce in their entirety, with mistakes and original formatting preserved:

Theo: Flabber, this is the first samba i've really listened to and it's fantastic! unfortunately, i have no idea of where to go from here? the genre seems so huge and intimidating, especially being that it's so culturally (and not being in english, linguistically) distant from me i have no idea where to start. I hate to be an amateur/ask obvious questions, but do you have any recommendations for where to go from here? if not records, then perhaps blogs/sites/films/etc

Elza: Beautiful writing as usual. Thank you for the music as well.

Another anonymous user asks if Flabbergast has an album he referenced in his overview, by some of the same artists. Flabber responds:

Its not here on the blog, but it could be. As should be obvious, I prefer to actually present these records when I have time to say something worthwhile about them. Otherwise this place would just be a repository of music, a supermarket for the curious -- there are already more than enough blogs that serve that purpose, several devoted to Brazilian music. I won't name names but in my opinion, given the lack of context and what is usually horrible audio quality, I hope that someday those sites will become obsolete.

A similar blog, UmQueTenha (“One who has”; UQT) plays on the Brazilian aesthetic with a lively, multicultural banner and almost daily posts of Brazilian artists, with comments that are almost always effusive. Many times, UQT’s links have been taken down by corporate executives as piracy. When I asked him about these actions, Fulano Sicrano,⁹⁴ the proprietor, responded

I don’t think my activity is piracy. If you go to the dictionary and look up ‘piracy’, you’ll find the piracy acts to accumulate wealth, the purpose [of this being] equity. The blog does not have one equality objective, indirect or direct. We don’t sell copies, advertising, nothing. Quite the opposite, I bear the cost of the blog because so many people use it and I can’t stop. The enlightened producers and artists have already realized they gain more with the circulation promoted by the blog than by selling a few albums. The majority who browse here like music and buy CDs, go to shows, spend their money on this kind of entertainment. It doesn’t help to fight these people, it’s important to work with them. It’s *burrice* (stupidity) to try to limit blog activities ... other blogs will come out, other mechanisms of sharing will be created; just like tape recorders emerged, the Internet as an digital archive continues the activity.

⁹⁴ Fulano Sicrano is a popular Brazilian “placeholder name” for the commoner or everyman, similar to how “John Doe” functions in English.

Fulano's role on UQT is similar to Flabber's: they see themselves as cultural curators, in constant dialogue with their downloaders in order to provide a fuller, richer experience of Brazilian music. On one post of a 1979 Martinho da Viola album, for example, one user, Michel, asks if he can write in "portunhol".⁹⁵ "I must be dreaming ... I still don't believe that UQT is back [the site being down for a few months at the time] and I couldn't be happier". Another, Jackson, writes that "Your site is wonderful and you bring much culture," while Thais thanks him for "enriching my collection of Brazilian music... Maximum respect!"

On that post and many others, a striking amount of people ask for particular records that are out of print or are prohibitive to access in their countries or cities. For some, they are too expensive or they have them in vinyl but not in any presently listenable format.⁹⁶ Above all, we observe the strong philosophy that offering this music for download is more than just a desire to steal or to avoid responsibility. Indeed, what I see in these blogs is almost an imperative as part of a greater constellation of archivists speaking to one another about a canon of music that crosses continents and is seeded by a shared African descended history.

⁹⁵ Colloquial for a mixture of Spanish and Portuguese.

⁹⁶ Like Flabber and many others, UQT prides him- or herself on the quality of the sound files, posting music at a higher bitrate (compression ratio) than any legal company offers. They also often offer uncompressed files that have not suffered any losses in fidelity from the original recording. Such "lossless" files are prized among audiophiles for their longevity and authenticity, another wrinkle in the ever-evolving search for originality even among a world of copying, remixing and sharing. Unknown to the larger world, the pirate world is infinitely seeking what they call "better solutions" to the problems posed by the movie studios. For example, a highly respected coalition of groups of leading movie pirates recently released a specification document for ripping videos, arguing the "standard aims to bring quality control back to [their] releases" (TVx2642012 2012).

Other similar blogs, such as *300 discos importantes da Música Brasileira* (300 important discs of Brazilian music), Worldservice, Snap, Crackle & Pop, Matsuli African Mixtapes, Dr. Auratheft and others too numerous to list here, have all similarly commented on their motives for sharing the music. These blogs are in constant conversation with one another: A rare King Sunny Ade live album at one blog prompts a collaborator to repost another favorite Sunny Ade album, or at the minimum a similar juju album. A blog owner may also be reminded of a Nigerian highlife singer from the 1970s whose music referenced these musical movements, and post on that. Many blogs, such as *300 discos*, even have ongoing pages about music they do not yet have, but are seeking. Almost all have explicitly political or philosophical musings on their roles:

Um Que Tenha has a strictly cultural nature. Our purpose is to promote Brazilian artists and music and spread the pleasure of hearing them, without resulting in any burden or direct or indirect financial benefit to anyone. (Um Que Tenha)

This blog aims to be a resource and research tool for the exploration of music as cultural and social history; of music as a form of sociology, critique, and joyous celebration in local and global context. (Flabbergasted Vibes)

Global Groove is made out of passion for music. no commercial purpose what so ever. if you disagree with our post, tell us and it shall be removed (Global Groove)

Some big blogs have come and gone – such as an early major “father” to the Brazilian MP3 scene, Loronix⁹⁷ – and these are remembered and lamented by others across

⁹⁷ Loronix was one of my first encounters with the Brazilian music blogosphere as well, very early in the 2000s. As I prepared for fieldwork in 2010, I had a few virtual conversations with the owner and made plans to meet him when I made my way to Rio.

Continued on next

the blogosphere. The music generated becomes an organic back-and-forth movement, the music itself instantiating networks of collaborators that not only bring together the music collectors, as a traditional flea-market would do, but substantially more: Posts are often accompanied by lucid text about its origin, its place in either the political or other realms of the country in which it was produced (Nigerian Danie Ian's rise and fall to stardom according to the whims of the dictatorship, Chilean Violeta Parra's pronouncements on Allende) and is likewise accompanied by pictures and references to other blogs. There are commenters on each post who send out the music to people they feel would love it and return to comment upon it. As one comment on Flabber's site went, regarding a particular album:

Here is a nice and warm record that I first heard about through the blogosphere, through our friend JThyme's blog I do believe, who in turn got turned on to them via Loronix if I'm not mistaken.

The Aesthetics and Genres of Different Piracies

This is not piracy in the way that record companies name and shame it, and yet recent legislative attempts at online copyright regulation – perhaps because of blog

Upon my arrival, his email began to bounce and the blog was removed. Nobody knows what really happened to this generous, encompassing and substantial archive of Brazilian music, but it is certain that he or she inspired generations of subsequent sharers both in the musical contributions and the personalized, intimate writings on each post.

visibility – has focused principally on “file locker” sites and the blogs that use them⁹⁸ as the unfriendly face of piracy. Indeed, in the 2011-2 world of Facebook’s white glittery, minimal landscape, the outmoded sensibilities of blogs, which feature clashing colors, pictures that escape appropriate margins, long form rants that don’t adhere to character limits, and, most interestingly, allow anonymous comments⁹⁹ – all of these coalesce in a larger fight against the intimacy of an group of Internet-users in touch with one another and involved actively, with their own labor, in creating and leveraging network connections.

Indeed, an outsider to Brazil sees the world of MP3 music blogs and is instantly endeared to the Brazilian musical world. Samba’s famous, intensely evocative *saudade* (nostalgia) weaves through the dense writing; one can almost feel oneself enjoying the fights between Monarco and Ismael Silva about how to best sing a particular samba, or about the collaborations between Brazil and Europe during the Brazilian dictatorship (1964-85) in the various covers of *Fado Tropical*. Like the Bethânia videos I highlighted in Chapter Three, sometimes the music is grainy or incomplete. It both works within the parameters of Brazilianness – for example, by promoting the same samba and similar

⁹⁸ In 2011, Brazil was number one in the world in Google’s annual Transparency Reports (Anonymous 2012b), with the highest number of requests by government (including law enforcement and judicial system) to take down copyrighted material.

⁹⁹ Blogs are one of the remaining few genres on the Internet that maintain the technology permitting secrecy and anonymity. In a gradual change from the early years of the Web where pseudonyms were expected and encouraged, most of today’s big players (e.g. Facebook, Google+) pursue policies mandating real names (under the guise of “openness”) to the point of demanding government identification and asking people to report on those who surf without names, in what has been termed the “nymwars” (Ingram 2011; Bernal 2012).

pieces that are known to every Brazilian and sung at festivities such as Carnaval – and without, by acknowledging the role of interlocutors from the United States (in the case of Jazz-Bossa Nova, for example) and the larger sets of politics in a music never cut off by the borders surrounding it.

UQT, Flabbergasted, 300 discos and the hundreds of other sites I visited are not only concerned with samba music, but I highlight the exchange¹⁰⁰ of samba next to their own words for a particular reason. Like the piracy itself, a nostalgic lament for a bygone Brazil, samba is haunted by nostalgia for the past. About the normative social orders that ruptured and reconstructed in these behemoth cities. This nostalgic ideology bleeds into the circulative, pirate networks of samba: full of the search for meaning and links, pirate samba calls out to brethren across the world, in the gas lit streets of the Internet through Internet blogs. Blogs – like samba music – speak about love and loss in grand sweeping tones. Just as samba is distinctly embedded in the modernist forms of the era in which it was born, so is the piracy that in which it circulates.

No, this is not the piracy that record companies name, but the fact that pirates, who pay attention to their wares, crafts and technologies, are seen as a legitimate target for state control, only further underscores that piracy is an archiving resistance in the face of other, more totalizing forces. They are counter-archives in the sense that Trouillot

¹⁰⁰ Not in the scope of this work, but the exchanges I detail here are not the exchanges that ideologies of the Internet’s “Cloud” entail. The fetish for cloud is a fetish for a world without borders; we can just use the cloud and music services to share files and convert formats. Piracy, on the other hand, is annoyingly local and populated by personalities that the cloud all but vanquishes.

(Trouillot 1997:52) writes – they “assemble”. Trouillot points to “archival power” as the distinction between a historian, amateur or professional, and a charlatan,” in that

Their assembly work is not limited to a more or less passive act of collecting. Rather, it is an active act of production that prepares facts for historical intelligibility. Archives set up both the substantive and formal elements of the narrative.

If radio provided a socially acceptable way to create an archival vision about the Brazilian state, it was unilateral: it broadcast from a central location, decided upon in advance, and controlled in every parameter and advertisement. As McCann tells it, it was a tight vision down to every last detail. It was a welcome model for a particular philosophy of labor employed under the capitalist system, because the only people with the capacity to circulate all this music were also the people whose interests were vested in creating a vision of “being Brazilian.”

Internet archivists, on the other hand, present a different vision of Brazilian history, where its often hidden progenitors – including Afro-Brazilian musicians, collaborators on long lost albums – are shown to be part of dense networks of cooperation and homage. These kinds of archivists are part of a particular production of knowledge about Brazilianness that bases itself on a different relationship of labor between artist and listener, one that is less capable of being yoked to the predominant capitalistic labor model.

I asked Fulano, of UQT, why a blog was important when so many other forms were available to contain the music he was archiving:

UQT began five years ago, when the sharing of *arquivos* (files) in MP3 in Brazil were still little. There were forums, Orkut communities, other programs, but no blogs. The

motivations to start the blog were to ... raise people's emotions, excite them, things that music is able to do like no other art.

Pirates and commentators

On the Internet in the mid-2000s, the introduction of two new technological forms, married together, created a new movement in online music exchange. The first was the creation of easy to use and, more importantly, free, personal blogging sites. A blog (web log), or online journal, is a website that a user can set up in just a few minutes with only an email address. Crucially, one does not need to know software or coding to use these blogs. From the earliest generations – such as Geocities and Angelfire – to the middle years – Blogger (later purchased by Google), Movable Type – to the latest incarnations in WordPress, these systems separated the content, or the actual words, images and media, from its presentation, which remained off-limits to the lay user.

Thus I could publish a website with only a login and password and my content, stored separately from the presentation, could be pulled and read across a variety of devices and by a variety of people. Although in 2012 these innovations seem laughably outdated, prior to the introduction of these kinds of sites featuring a software called “content management systems” (CMS), only people with highly specialized coding knowledge could operate an Internet site, because websites used to combine data and presentation in one form; to change one a user had to change another.

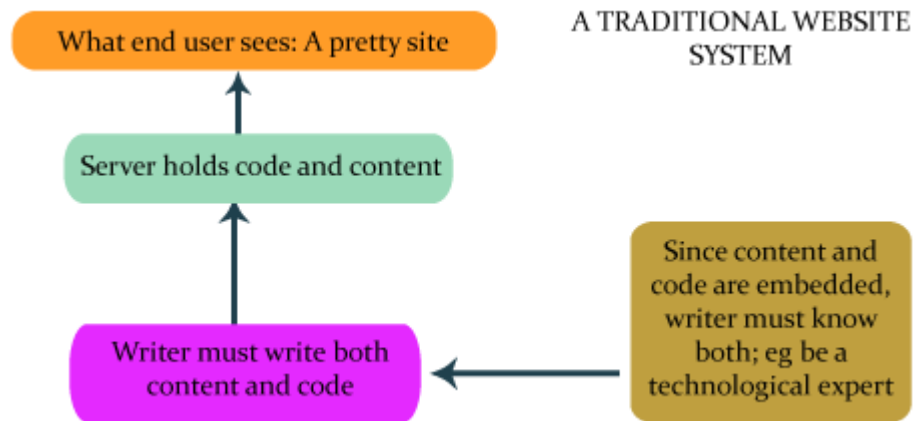


Figure 22: Web “1.0”, where content and copy are combined. Any changes to content must be done by an expert coder because the form and presentation are mixed.

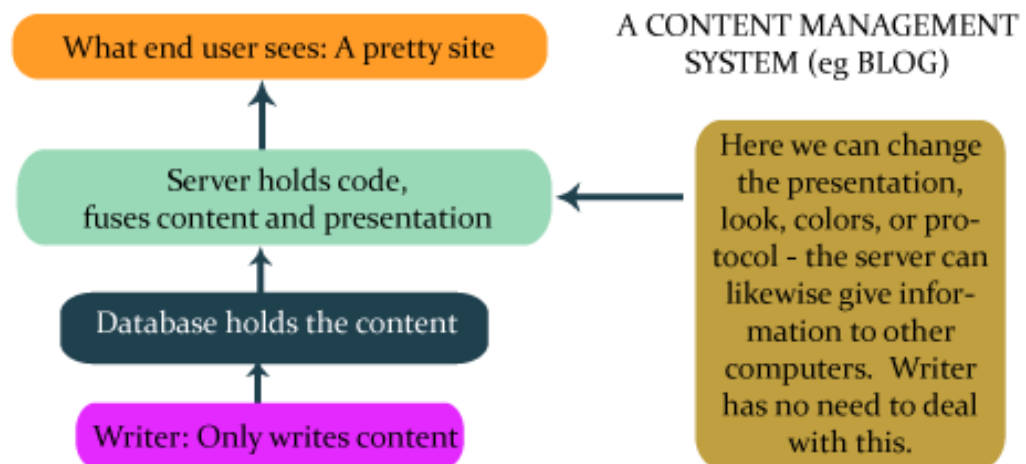


Figure 23: Web “2.0”, where content and copy are separated. Changes to content can be done by any layperson.

CMS software, of which blogs are a small part, allowed anybody to become a published writer with the minimum of technological knowledge. However just as blogs –

which are the focus of our inquiry – allowed the layperson to create any kind of vision they had for a site quite easily, it also allowed very easy control over the protocol. I could write whatever I wanted, but I could not change very much about how it looks, what kind of ads it loads on the sidebar, and the like. Crucially, I also could have my content censored quite easily. With the ease of use came abdication of fine control over one’s platform.

This brings us to the second great innovation that enables our inquiry: file lockers. Most free blogging sites did not allow the user to upload files, for security, copyright or other reasons. In his void emerged a network of sites, many now defunct,¹⁰¹ that simply allowed the uploading of files and nothing else. I could upload a large ZIP or music file and would be given a link for this file. Because file lockers made most of their money on web traffic, they did not care about, nor had the systems or personnel to inspect, whatever files were uploaded.

These two systems, combined, were unbeatable. I, the lay user, could both write about a subject and offer a companion file about it without owning my own website or having any technological knowledge. In this ecosystem, millions upon millions of blogs sprouted on every topic imaginable. Comments and connections are integrated both visually and semantically in the physical sidebar of most blogs. When a blog owner adds a “friend”, the recent post and comments from their friend’s site is posted on the owner’s site. In their ceding of control and acknowledgment that a blog is only part of a larger

¹⁰¹ Megaupload, the most famous of these sites at the time, was shut down by the US Department of Justice in 2012, and many others have subsequently fallen. The Conclusion for more context on these shutdowns and others that have followed in 2012 and 2013.

network, therefore, blogs by their nature are social and bidirectional even though the actual owner has final control over the content. Although many have termed the moment of Facebook and Twitter as the final emergence of the Internet into the mainstream of popular and political culture, these blogs represented a bigger epistemological shift, with the sense that the “ownership” of the Internet had moved from the domination of those who had access to the experts and technology to publish the site.¹⁰²

One cluster that rose to prominence was colloquially known as “MP3 blogs,” or sites where users posted albums or individual music files, with or without the blessing of the artist or the studio, along with text and thoughts about the music. These blogs constituted a busy network of traffic and arguments, trading and exchanging that were both instantly accessible to outsiders – any search for a particular samba band may lead you to an unknown site – and simultaneously intimate, bound together by the people who visited it daily to download, comment and share thoughts. The MP3 blogosphere (or ecosystem of blogs) became an archive of knowledge about musical production with whom no label or box set or book could compete.

* * *

¹⁰² The new owners of Internet copy were the users themselves, this narrative informed us. Although not wrong in the literal way, the rise in “citizen journalism”, in retrospect, appears to have only lubricated the way for further corporatization and consolidation of journalism and other media institutions in the late 2000s, not the reverse, as many early writers had mused. See Peterson’s (2008) concept of “loser-generated content” as a commentary on the way content can be commodified by companies.

The reason is not merely some better knowledge by fans that corporate executives do not know; I do not subscribe to this fetish of fandom. Rather, these archives emerged in importance because they lacked the communicative and exchange capabilities of the Internet broadly. Specifically, they benefitted tremendously from the listeners, or downloaders, of these music.

Downloaders, just like the posters, came to be called pirates by music studios. Based on my ethnography of 2010-12, I argue the opposite: they are Trouillot's engaged "witness, actors, and commentators". With these downloaders MP3 blogs no longer became communiques by fans about favorite music, they became archives of Brazilian history, and consequently of cultural, social and racial relations.

Call and response networks

Contrary to fetishized Internet discourse about the cultures of open source software¹⁰³ and the persistent discourse of Internet creation as a "labor of love," Tiziana Terranova presents the digital commodity as "totally immanent to late capitalism, not so much a break as an intensification, and therefore a mutation, of a wide- spread cultural and economic logic" (2000:54). In her opinion,

¹⁰³ Yochai Benkler has called this "folk culture" and believes the Internet (2007:297) "will lead to a greater transparency of culture, and therefore a greater capacity for critical reflection, and it will provide more opportunities for participating in the creation of culture, for interpolating individual glosses on it, and for creating shared variations on common themes". Benkler's vision of Internet folk-ism is culturally prescient but inarticulate about the politics that undergird the conditions of possibility for folk culture, including the policing of what consists of "folk" and what consists of "transgressive."

[T]he digital economy challenges the postmodern assumption that labor disappears while the commodity takes on and dissolves all meaning. In particular, the Internet is about the extraction of value out of continuous, updateable work, and it is extremely labor intensive. It is not enough to produce a good Web site, you need to update it continuously to maintain interest in it and fight off obsolescence. Furthermore, you need updateable equipment (the general intellect is always an assemblage of humans and their machines), in its turn propelled by the intense collective labor of programmers, designers, and workers. It is as if the acceleration of production has pushed to the point where commodities, literally, turn into translucent objects. Commodities do not so much disappear as become more transparent, showing throughout their reliance on the labor that produces and sustains them. (2000:48)

Terranova is correct in her theory: there is always labor present behind the apparent free-ness of much of the web we browse daily. But the sharing and piracy of online products – products that are continuously taken down, then reconstituted in different forums, underscores her point even more sharply.

To accept an antipiracy stance that by sharing, commenting and “liberating data”¹⁰⁴ the original labor is unpaid for is to accept the capital model of the digital economy, that products are infinitely available for duplication as the profit accrues to one central location. This model depends on technologies that centralize distribution and circulation, but more importantly on discourses that mark off legitimate piracy from illegitimate piracy.

¹⁰⁴ This is one of the calls of the PPBr and more technologically aggressive online groups; Google even hosts a Data Liberation Front group dedicated to extracting user data such as email from the private circulation of Gmail into publicly accessible and archivable sources.

As we have seen in previous chapters, legitimate piracy is practiced often, and enforced with power, by those who have the standards to control what constitutes the property of the individual and the property of the collective. This is at the heart of larger battles over the fine distinctions between public domain and copyright: what has been allowed to “return” to a place where all can take from it freely, and what belongs to the rights-holder.

These discourses are often in opposition, and yet used tactically by those who stand to profit; a song may be public domain¹⁰⁵ until somebody writes a similar piece and copyrights it. At this point the new song becomes copyrighted and effectively bars any new interpretations of the song.¹⁰⁶ Conversely, a company can benefit from a song’s copyright expiring and snatch it for royalty-free use across a variety of media, profiting from its reuse without thinking of the original creator.

In this socially-acceptable piracy, intellectual property is meaningless and underscores that the right to property is a temporary, managed and easily withdrawn when appropriate. Similarly, the public “domain” is one pertinent to one kind of public;

¹⁰⁵ This logic reigns most freely in the “world music” community, especially in contemporary world music compilations manufactured for Western audiences, such as Putumayo and Rough Guide. For more on the troubling implications of ownership and authenticity in the formal world music scene, see Feld (2000) and Manuel (2006). Hildebrand??

¹⁰⁶ Particular songs with great global vectors are Leonard Cohen’s *Hallelujah*, originally written in 1984, and the folk Cuban song, likely written in the 1930s, *Guantanamera*. Reinterpreted, monetized, forgotten and revived by different audiences, the peaks and valleys of their popularity reflect the media which presents them. Barthel’s (2007) influential talk blamed the television culture’s dramatic heartaches for the increasing power of the biblical themes in *Hallelujah*, while Manuel (2006) points to the ushering of *Guantanamera* from a “ditty” to a marketable melody as a technological breakthrough that enabled copyright regimes.

despite its cachet, it is controlled and managed, its parameters continuously redrawn as befits those with access to power. The reified, singular public in this scheme is the consumer of whatever has been graciously given up by rights-holders. Conversely, it is the source of all these products, because all original schemes have been thought to emerge from it. Ideologically pure, the public serves as the foundation for the liberal state as the consenting owner of property that nevertheless is comfortable with the accrual of profit to the one with the loudest voice or most legitimate grip on the property.

These copyright schemes of property are not merely enshrined in legal terms. They are also inscribed in our ideologies, including the way we think about the construction of music.¹⁰⁷

While music in the West is often constructed as a performer-audience relationship, the epistemology of many folk and African-descended musics suggest that they exist in a relationship of “call and response.” Where the former’s physical organization¹⁰⁸ affects a passive audience who ostensibly only consumes the music, the latter assumes that the value of the human expression is formed in the relationship between the audience and the artist. The audience in this relationship is presumably as

¹⁰⁷ The labor-value distribution from call and response works in other arenas as well; Collins describes the making of nostalgic cultural heritage in Bahia as a dance between researcher and resident, where the researchers’ understanding of the archive is what dominates. The researchers demand marked-off, “purified” (2012:440) material culture to author the nostalgia. As for the residents, “a positive, sentimental attachment to objects is almost entirely absent” (2012:442) and the exchanges of the everyday carry archival power through the value inculcated by the living Bahian Afro-Brazilian communities.

¹⁰⁸ For an excellent analysis of stage placement in Brazilian music, see Dent (2009), in which he analyzes the spatial dimensions of the singers (*dupla*) as a function of modernity’s claims on the role of gendered labor.

much a producer of the music as the artist herself; without the audience in fact the music would not exist.

This is similar, but not the same, as the remix culture brought to mainstream attention with the hip-hop sampling wars of the early 1990s. Call and response is not quite remix because it does not take a piece of music, reform it and send it back into the world. Call and response presupposes a physical space where the performer is reliant on an audience to provide the critical feedback loop. In this intimate space, physicality is prized but also an attention to both the performer's product (the music) but also her demeanor, her expressions, and the histories of the audience members and the performer themselves.

In particular, call-and-response thrives on the specific subjects that are involved, and accommodates improvisation, shifts in tone and meaning, mistakes and a building of a canon and a public – however temporary – that call, and rely, upon, all that has come before it while building something new. More importantly, call-and-response music shows the labor and proficiency involved in circulating music, and in the consumption of it. It demonstrates that it does take labor to be a listener, and to talk about music, to know it, to have come to the show already familiar with its parameters is itself a labor that cannot be tied to a particular commodity, but it is just as vital to the music.

I use call and response as an appealing structuring metaphor in opposition to many other ways of looking at networks, because it not only expects the labor in the audience to be explicit – the listener must be responsive, must be available – but grants it agency in the larger “assemblage” that becomes the material product, or construction, of the final product.

In this model, the public does not forfeit immediate access to cultural products to privileged actors because of the demarcation of these products as copyrighted. In call-and-response, the product is called out – and responded to by a public involved in its distribution and circulation. Without both present and locked in intimate movement, nothing is created.

Conclusion

This work has studied two forms of music in contemporary Brazil that survive by some kind of piracy. Through online piracy, old samba is able to spread as an ideology and nostalgia about a Brazil that existed at one time: the grand boulevards of the grand, emerging cities of a modern state.

Conversely, the tecnobrega music of Chapter One speaks of a contemporary Brazil that does not seek a proper moral order, one that does not look backward. The latter genre traffics in sharing, temporary shantytowns, intimate social orders and the understanding that circulation without the structures of capital is the only serious way for its cohabitants to move forward. Tecnobrega piracy does not talk about street corners, it joyously screams of dancing, loves that came and went. It is embedded in its own moment – and therefore untouched by the blogs of above, who view it as unimportant, cheesy or in poor taste.

Thus, when we view the shutdown of the camelô markets and the subsequent dehumanizing of their subjects in Chapters One and Two, or the legal fights around technology and access in the subsequent chapters, we place the musical archivists – and

practitioners of piracy – in the same frame. When content is disembedded from the intimate networks in which it is formed, it is easily annexed to a particular scheme of ownership and those who had access to it before are easily blocked from circulating it.

Brazilian intellectual property and copyright, as well as Internet protocols and the skills of pirating are discussed here, and moral and legal regimes are explored alongside aesthetic and visual considerations of piracy. What kind of genre is piracy? Who are its audiences and what are they expecting? Here I take the piracy portrayed as a fragmented, ostensibly anonymous cold system and reveal it to be anything but: intimate connections, competing reputations and endless debt systems show piracy to be an expert and fundamental engagement with, and critique of, contemporary capitalism.

Conclusion

There are these two young fish swimming along, and they happen to meet an older fish swimming the other way, who nods at them and says, "Morning, boys, how's the water?" And the two young fish swim on for a bit, and then eventually one of them looks over at the other and goes, "What the hell is water?" (Wallace 2005)

Pirate publics and the promise of instability

Popular "technologist" Cory Doctorow has pointed to our era as bearing witness to a coming war on "all-purpose computing" (Doctorow 2012a). By this, Doctorow points to a shift from early computers, which played all kinds of software and allowed the user to do as she wished with her device. Our current era, however, limits the possibilities of our devices not by locking down specific parts of it. Instead, Doctorow sees that devices are built today to be specific to one purpose, and one purpose only. He understands this model to be the "appliance" model. Software, the extension of technology into our daily public spheres, is no longer open-ended and built for experimentation, failing and succeeding. It is built instead to satisfy the purposes of those who built it, these purposes encouraged by the legal apparatuses of copyright, the threat of enforcement by the global forces bound to these copyrights via trade agreements, and the moral certitude of authenticity appended to these copyrights.

Anxieties like these, often present about in professional technologists, think about the open-endedness of publics, and the constraints placed upon them not only by their contents - or who constitutes the public - but by the forms they take. I take the possibilities of publics engendered by stability and the promise of state authenticity, and

ask: what kind of claims do pirate publics make on these statements of an “authentic public”?

There comes a time for every fieldworker when his previous theses are thrown out when confronted with actual ethnographic data. When I first came to Brazil I had intended to study pirated music as an archive that speaks about the Brazilian state, race and history. None of that is gone from this work, but I have come to terms with the inconvenient notion that not all piracy is romantically historical, Indiana Jones-style artifacts directly conversing with one’s ancestors and deploying legible critiques of current economic and social conditions. This was readily apparent as I encountered the movies, counterfeit bags and sundry other items that Brazilians wanted to actually buy and pirate in Rio de Janeiro. These are not the sexy artifactual meat of ethnographic inquiry I expected.

It came to me eventually that it was not always about the specific object, but about objecthood – or materiality – itself. At times, the object’s specific origin or place in history played important roles. At other times it did not. I attend to these specifics in the chapters below. More importantly piracy was able to cast doubts and provide a way to speak about economic terms without explicit, acknowledged expertise. It dramatically informed Brazilians’ self-conceptions culturally, and allowed an outlet for both those in power and those without to speak about connections that could not be expressed otherwise.

Accordingly, this study flirted with the effects materiality has on the public spheres it inhabits. Rather than only thinking about materiality coming out of a set of actors that create it and give it value, I suggest that piracy understands materials, and

cultural products, as actors in their own world. Here I follow recent scholarship recasting the power of objects to create their world (Sansi 2010; Naro, Sansi-Roca, and Treece 2007; Latour 1993; Morley 1995) to argue that pirated objects accrue value to their circulators. This builds upon Warner's (2002) suggestions of a counterpublic brought together by text, adding the practicing of piracy as another level of participation in being part of a public.

In the chapters above, I accorded importance to the way something apparently intangible, like an audio file, a video posted online, or an email listserv possesses power to spread knowledge and worlds. This entailed not just seeing the object – from a fake Nike shoe to a video compilation – as what it *represents* in the world, or the indexical understanding behind it as a symbol. I suggest tracing these objects in the moment of exchange, whether in the market between two physical hands, or online between disparate, but interested persons.

As we can see from the ways we move between material and representation, my work is implicitly about intellectual property piracy, or the appropriation of a created, usually intangible, cultural product without proper payment, credit or other acknowledgment returned to its creator. Just as these different imaginaries bind different actors together, I followed the everyday practices of collapsing various other piracies – such as biopiracy – into one catchall term for the theoretical purposes of thinking about piracy as an abstract entity, grouping individual pirate acts together.

Throughout the work, I intentionally used the word piracy as a reified organic whole, a framing that is inspired by the research even as it may run counter to the individuals caught up in the story. In the ethnography of street pirates, Internet users and government elites in Brazil, piracy is an open-ended practice, both on the Internet and

offline; it allowed many people at different scales and socioeconomic levels to have conversations and interactions about economy, cosmopolitanism and society.

Only a few actively referred to themselves as pirates, or to piracy as a higher force of which they were a part. Likewise, I regret to inform the conspiracy theorists and representatives of the great content creation companies of the world, there is no such thing as one global piracy, a nefarious plot to overthrow the world order. That, I suggest, is perhaps the greatest trick of piracy: that it is able to create a catchall term and marshal a larger set of meanings at a vast scale, of the complex world of individual pirates, in conversation through various media and through the exchanges of the products themselves. Pirates individually contribute to a larger commons, a public sphere that weaves through the loose threads of contemporary rentier capitalism.

If capitalism is as its core about extracting an object from the labor that created it and circulating this object without particular regard for it, its origin or destination, piracy entails the exact opposite episteme of exchange: piracy is principally concerned with the origin and destination of a precise created cultural project. Put another way, nothing is pirated until it has bypassed “proper” channels and circulated between two specifically interested parties. The object has actually accrued labor in the exchange, in effect ripping it from a “higher level” of capitalist circulation (the labor of the creation of the object accruing to the circulator) to an interested interaction between two parties. The product remains in focus the whole time – it is desired by the destination and there is a desire to give it from the origin, or “pirate” – but it does so only among a nexus of objects.

Specifically, this work explores piracy as a four types of public constitutive of a transnational constellation working outside and inside state margins:

1. Piracy as a unifying set of practices. This theme, explored in the first chapter, underscored that pirating and consuming pirated goods comprises a large part of extra-market relations in Brazil. Through pirating, vendors occupy city space and provide citizens of the city with vital media about city life.
2. Piracy as a global discourse about social values, explored in Chapter Two, linking transnational forces to local ones in a modernity predicated on ramping up policing of public spaces outside well-defined consumptive spheres.
3. Piracy as a discourse about elite expertise. In Chapter Three, I unraveled how different actors use the specters of piracy to discuss what makes up a Brazilian, which Brazilians – and curate – various aspects of “Brazilianness” through legal regimes.
4. Piracy as an investigation into what belongs inside a commons, and what remains outside. In Chapter Four, I explored a group of people who use local and international frames in combination to create a pirate commons, thinking this as a contemporary solution to a disjunctured set of legal and social norms they see as a suffocating ideology.
5. Piracy as an exploration of nostalgia and ownership. Through music and technology, I suggested piracy allows different actors breathing room to speak about their surroundings, and their histories, that is disallowed – or hypermanaged – by the state in other ways.

Today’s piracy is a technologically advanced, cosmopolitan thorn in the side of transnational publics, just as it was in the seventeenth century when British nobles spoke

angrily about unauthorized publications, and just as it was for the Portuguese financiers who complained about loss of property in the eighteenth century due to pirate ships. Whereas those earlier centuries endured Marx's primitive capital accumulation, or capitalist forays into the enclosure of public spheres, however, today's piracy operates in a newer phase of post-industrial accumulation – rentier capitalism, or the stream of rents by which an elite governing class can accrue value. Keith Hart (2011) has described this as a moment where “the emphasis of political economy has tipped away from industrial production (in the broadest sense, not just manufacturing) towards rents derived from political privilege rather than adding value”.

International in scope, piracy has a distinctly Brazilian inflection. From historical measures against the reigning powers of the Atlantic world and until today, Brazil has always been kind of a pirated country. It has been a place where the owner, the individual, was rent apart and rebuilt in the faux-multicultural image of the country through a remixed idea of belonging. The fact that, through cultural and legal shifts, piracy has today become antithetical to being Brazilian speaks volumes about the way 21st-century society polices our understanding of identity and belonging.

A Rising Tide Raises All Pirate Boats

It is quite interesting that very little research has been done on intellectual property and piracy in South America broadly,¹⁰⁹ and in Brazil specifically. Such piracy has been studied mostly in the legal context or as historical artifact, part of a general construction of Brazilian social norms. The few studies that exist, such as Hertzman (2009) have also noted this dearth and pointed toward Brazil's formidable transnational streams as sources of illicit copying in the form of 'heritage' or 'homage'. In my work with the Pirate Party of Brazil, I tried to interrogate how difficult it is to frame such debates about piracy, and in thinking about how expertise in technical languages has led to indigenous and difficult wrestling with these legal concepts.

As I mentioned in the introduction, I do not argue that piracy is the decentralized haven of equality many proponents idealize. But as a practice it is invaluable in disrupting the naturalized capital divisions of producer and consumer, owner and robber, which contemporary capitalist states demand. These hegemonic categories, articulated or

¹⁰⁹ I follow scholars of copyright (e.g. Reddy 2006; Chander and Sunder 2004; Barsh 1999; Brown et al. 1998) in seeing international copyright law as a historical force with salient political and cultural asymmetries. As these and other authors point out, creative output such as books, movies, songs and musical rights, have long been stolen from developing countries in the name of 'copyright', and international agreements like the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) and the upcoming Anti-Counterfeiting Trade Agreement (ACTA)¹⁰⁹ have been deployed as regulatory instruments that favor western European ideas of ownership and patent law at the expense of Global South freedom and history.

unarticulated, are what Pierre Bourdieu calls “what is essential [that] goes without saying because it comes without saying”.

By valuing not the labor of the owner, but the myriad other ways value can be imbued in an object – be they reputation, demand, histories and identity, cultural symbolism, or another property – piracy as practice points a big middle finger, in lay terms, at the reigning registers of global capitalism. Like the pirates of the Atlantic Ocean, themselves value escaped from the bloody colonial system of circulation, contemporary pirates bring anxiety to the normal “order of things” by suggesting that humans interact with objects and consequently their value in more than one way, a way that cannot be controlled. It can be managed, criminalized, persecuted, but it cannot be restrained and made subject to protocol. As an informal practice, immediate and transient, piracy relies on informal systems to regulate market relations.

Viewed in these terms it is no surprise that the forceful intervention in Uruguaiana, described at the beginning of the work, would represent an important media coup for the Rio de Janeiro police at a time when the city was being gutted, cleaned and prepared for the upcoming World Cup and Olympic games in 2014 and 2016, respectively. Trumpeting the temporary closing of a market which would soon be replenished of its pirate goods probably did not dramatically alter anybody’s life, nor really change the playing fields between the cops and robbers. Rather, it was an invocation of power that could be understood in a tactile spatial sense. Identifying piracy with the invasion of a particular public sphere, as the police operation accomplished, was part of a broader campaign to criminalize this alternative social imaginary of pirates, where practical – if small-scale – assaults gnawed at the shimmering image of Rio as the “marvelous city” and

Brazil more broadly as safe harbor to international capital in these years before the big international sporting events.

Framing piracy not as mere theft but as interrogating public sphere and state theory also opens up its analysis to other, more socially interesting tropes such as race and class which are normally silenced in academic discussions about media and technology. Although it was incredibly difficult to get Brazilians to speak frankly about race, for example, given the country's notoriously hegemonic "racial democracy" (*democracia racial*) ideology, it was much easier to speak about class. The same economic growth that made Goldman Sachs pant with excitement provided a forum for ordinary Brazilians to speak eloquently about who truly benefitted from the country's BRIC status, and the release of the WikiLeaks cables in 2011 only confirmed their suspicions, as I discuss in more detail below.

Framing piracy thus also sidesteps another major trap, one that Adrian Johns' work on piracy and similar endeavors often reproduce.

Whereas Johns does an impressive job detailing his history and proving that social and cultural debts figured prominently in defining the legal regimes of intellectual piracy, the book infrequently discusses the consumers, or readers, who pirated. Because these people are usually anonymous, information about them is hard to find, and perhaps make rather boring subjects. But a greater invisibility is at work here, a broader elision of the full circle of consumption that I keep circling around: the user or consumer. Even as one writes a beautiful critique of the underlying ideologies of production, one misses an opportunity not merely to deconstruct, but to shift toward newer models of production that would involve the consumer not just as an end, but as a means to creating. My work

therefore included the buyer of piracy in the same frame as its seller; the remixer in the same space as the creator.

Engaging and Enclosing Archives

Elizabeth Povinelli, in a recent talk spurred by engagement with aboriginal communities in rural Queensland, Australia, argued convincingly that the archive as scholars understand it must be tied to the underlying sensibilities of public-hood evinced by that sociality. That is, for Povinelli, a Western archive, depending on openness and other genealogical antecedents connected to the liberal subject, will differ dramatically from the archive engendered by different socialities. Her ethnographic work focused on this communities' development of a library that closed to the public – it required communal knowledge, orally transmitted, to access the library. Each reference to knowledge in this model hinged on the user's previous knowledge of the reference: an intellectually rigorous, complicated structure closed to the nonnative. This model of a library is anathema to our US understandings of libraries as wide open, indexical to any degree, accessed by the scientifically refined Dewey Decimal System. The US library system presumes a blank slate as a user: this Aboriginal library presumes an embedded subject with no need for the library except as another culturally rich web of sharing knowledge.

These are two different conceptions of the archive, then: the latter, Aboriginal model is awkward, almost shaming in its questions and demands, whereas the former, liberal model proclaims a gentle openness – anyone can be part of it.

I follow Povinelli's move in suggesting that to think about the archive is to think about sociality, and vice versa. If the Internet can serve as a kind of archive, the anthropologist can work at the social worlds that allow for its conditions, and think about what kind of social worlds it – as a social construct and lived reality – allows for. In a traditional tack, the scholar would be facing these individual charges, responding that political economy does exist online (currency trading in *Second Life*), spatial commitment is indeed understood as spatial commitment (discussions over the tearing of ocean-floor cables in 2008, for instance) and human contact is a vital one (Internet dating sites).

However, I want to argue more broadly for the Internet as a public, a sociality whose own archive differs dramatically from that of other conceptualized publics – whether states or liberal-democratic institutions. The contours of the archive, and therefore its corresponding sociality and object, are enlarged dramatically and incorporate the Internet's virtuality (or defined differently, its ghostliness), and its constant self-recomposition.

This social space did at one point represent a kind of Wild West to its users, a place where policing was rare and smuggling, piracy and handshake deals were sufficient to be a major figure. Within these spaces, commentary on the nation-state and the commons it owns are in constant flux; the digitalization of these commons and the ability to share them proves even greater anxiety among the elites.¹¹⁰

¹¹⁰ Ken Maclean has commented on this ability of copied digital objects to contest official historical accounts of Sino-Vietnamese borders, provoking anxieties and threats from the both states to international activists. He argues that rather than one archive of the Vietnamese state, “dozens of digital archives of significance have emerged” that serve

With its own historical wrestling with the legality of the commons, Brazil was not immune to these tensions between the commons and the appropriate enclosure thereof, interventions toward enclosure that will lead to a kind of “feudalized space” (Meinrath, Losey, and Pickard 2011:426) with limited access to an all-purpose public sphere. The efforts the country made, however, seemed to have put it on a course toward articulating a different enclosure. One that, perhaps, granted access to a wide host of seas without needing to sail through one canal.

Over my time in Brazil, however, I saw these efforts change and veer even more off course during the writing of this work. As 2011 came to a close and 2012 began, for instance, Internet activists and cultural rights activists who were stunned by the developments of the de Hollanda MinC began to push back against her efforts, turning to her relationship with the ECAD industry group I introduced in Chapter Three. I investigate these recent developments in **Appendix A**, below.

* * * *

Any work dealing with archival sources from the Internet and other electronically distributed data is already undertaking a difficult task. The Internet’s “data” is notoriously

“their constituents” (2008:873). The pirating of one account of the state, its modification, and its return to circulation only fueled a greater proliferation of public domains, and after a while swamped the state’s own account.

fickle, subject to the ephemeral technical and political demands¹¹¹ of server space, traffic and popularity, and often disappears without a trace, leaving only a partial or cached version in its wake. I have touched on some of this in Chapter Five on music – for example, lamentations about the withdrawal of music to a private organization in the form of a “reissue” but 2012 proved even more problematic for these questions with the massive shutdowns of popular Internet sites in the name of piracy.

On January 19, 2012, the US government “seized” the extremely popular file-hosting “locker” (of the type I detailed in Chapter Five) and accused the leader, Kim Dotcom, of the intent to “willfully reproduce and distribute many millions of infringing copies of copyrighted works” and froze the proprietor, Kim Dotcom’s assets. According to the indictment document, the site held at its height over 25 petabytes¹¹² of data and was accessed by over 50 million users per day (Grand Jury 2012). New Zealand police simultaneously arrested Dotcom at the request of the FBI, who have since unsuccessfully attempted to extradite him.¹¹³

¹¹¹ Not unlike the silences of the archive in the traditional sense (Derrida 1998; Stoler 2002) which must be read as social facts just as its construction.

¹¹² One petabyte is equivalent to one million gigabytes– in short, an immense amount of data.

¹¹³ Similarly, recently the New Zealand Prime Minister has admitted to illegal wiretapping (Masnick 2012) and released more and more of Dotcom’s money to him as the court case sits in standstill.



Figure 24: Megaupload shutdown notice, now seen whenever visiting megaupload.com. Author’s screenshot taken from site on January 20, 2012.

The outcry over Dotcom was unexpected, as he was supposed to just be an Internet figure. His arrest, however, came as many of the public were concerned about the dissolution of apparent Internet freedoms – SOPA was in the news, as was Julian Assange of Wikileaks. Soon after, another popular site came down. On February 15 an international book publishing alliance shut down Library.nu (Allen 2012), also known as *gigipedia*, which was forwarded to me by one of the PPBr members who was trying to launch his own similar site:

They just took down the excellent library.nu, a “virtual library” that was an important source of bibliographical references for researchers that work in the global periphery, far from the grand libraries of developed countries.

On Ernesto's TorrentFreak website, the comments from saddened and outraged former users of library.nu were numerous (Ernesto 2012):

The thing that is unique about this is that library.nu offered access to books that were nearly inaccessible through any other means (such as out of print) or were copies of scholarly works that cost hundreds of dollars to purchase through legal avenues.

In a way this is like losing the Library of Alexandria all over again because many of these works will once again be seen by only a handful of people who either have fortunate access to them or the money to buy them... That's why this, above all the recent file sharing losses, is the one that hurts the most. Great research will now linger in a moldy corner of some publisher's archive with a \$100 price tag attached to it. The information inside will hardly be seen which hurts the author and the end consumer (Dan Harlow).

In response, the comments were thoughtful:

Well put. As a doctoral candidate struggling to pay rent, I depended heavily on library.nu to advance my research. And I'm in the well-to-do first world with relatively easy access to materials.

The real tragedy is that the greatest beneficiaries of library.nu were those in developing nations - entire university curricula were built around texts accessible through library.nu. Imagine trying to study particle physics in an area of the world where an up-to-date textbook costs the equivalent of an entire month's salary... (Ernst)

What kind of impacts did these shutdowns have on my Brazilian friends and colleagues in Brazil? Soon after the Megaupload bust, Anonymous Brasil took down a few Internet sites, which was a treat to many would-be hackers. The more interesting development for our inquiry was the extent to which these sites served as archives, technically and emotionally. Many who stored files on Megaupload were legitimate

Internet users – but the US police have no intention of restoring these files, if they even still have them technically saved.¹¹⁴

In October 2012, at least two of my favorite “pirate practicing” bloggers, Flabbergasted Vibes, and UmQueTenha, reported suspicious blocking issues with their posted files. Without any notice or copyright complaint, both experienced downtimes and outright file errors. As “Fulano Sicrano” (2012) posted on October 10th:

We’ve never heard of such measure by the server, which is trivial on other servers like Mediafire and 4Shared, for example. In the case of UQT, it is a stab in the heart, because, simply, there is no way to keep alive the blog in the form of sharing that is used today. There were many times we were “encouraged to give up” and refused to give in, but this time it’s more serious. Perhaps the model is overcome, let’s think about this.

So, sadly, Fulano Sicrano is in a coma caused by a failure in the mechanisms of maintenance of the blog, and the chances of survival are close to zero. But, who knows? Does anyone out there believe in reincarnation?

Of the over 200 comments, not one envisioned the blog as anything but a conversation about the conceptions of Brazil through its music:

Não fala portogues [sic], but I hope you understand English. I was in Switzerland when I discovered Um que tenha and loved all this wonderful [sic] Brazilian music to discover. Luckily I downloaded a whole lot and have a treasure, thanks to you! I wrote you a comment, asking also why lronix had disappeared. Now they block you as well!

¹¹⁴ Speaking as a relatively savvy computer user, the author doubts the US government still maintains 25 petabytes of data on hand in a searchable, annexable manner.

I hope you'll find way to go on with your blog soon, but imagine the immense amount of work it will cause (rob van wely)

One commenter particularly annexed the shutdowns to larger systems:

A huge loss, miserable, part of the system that makes money, the most powerful that has been invented by humans. Capitalism is preoccupied because it hasn't been able to control cyberspace like yours, Fulano.... On the contrary, people like you that are motivated by a pure desire to promote humanity in all its creative potential produce work so necessary and edifying should be encouraged ... You're in a coma, would you like some of my blood - 'disgusted' [as it is] by such mediocrity? (nedelka)

The Possibilities of Pirate Publics

Nowadays, it is quite fashionable to talk about how "technologies" (in both the Foucauldian and colloquial understanding) are shaping are world and how technology has influenced the family, culture and other structuring logics of everyday life. But it is impossible to talk about technology without talking about the materials that make up technologies, and it is impossible, moreover, to discuss technology without thinking about the circulation of this material and how much of that is subject, consequently, to control and intervention. Piracy, then, becomes yet another way to talk about control and intervention, about circulation, and technological conceptions.

In my examination of Brazil and Rio de Janeiro in 2010-12, I have tried to show that thinking seriously about piracy, from the camelôs toiling in the heat of Rua Uruguaiana to the tecnobrega DVD copiers and online music sharers, invites us to also analyze David Foster Wallace's invocation of water. The government officials of the MinC, working alternately with and against international and local communities and Pirate Party

members who seek to carve out an alternative space where their expertise means something about the technologies that structure our lives: these are all actors bound up in promoting Brazilian social discussions of the commons.

Aside from the real or imagined damages that accompany the pirate act and the pirated commodity, we must also see piracy as a set of ideologies that work in concert with contemporary commodity relations. Piracy, or the practice of piracy, is particularly important to study now, for as capitalism continues to insist on weaving the previously non-commoditized into its weave – via technologies and intellectual property regimes – pirates work within and outside these spheres to use commodities in a different way. Sometimes these ways involve a very real theft of property, to be sure. Most of the other times, they do not; instead, they are used as fodder for creating moral panics about the threat of an item floating outside the value regimes of commoditization.

The question we must ask ourselves is not only that of wealth and property itself, but of its distribution.

* * * *

Recently, the famous, longest-running bittorrent site, the Pirate Bay (TPB), which ultimately birthed the PPI and is responsible for publicizing and popularizing Internet piracy as we know it in today's terms, opened a part of its site to offer free downloads of digital 3D "maps". Partnered with 3D printers, the TPB claims, these flattened maps will (WinstonQ2038 2012) revolutionize the world's labor politics:

Evolution: New category.

We're always trying to foresee the future a bit here at TPB. One of the things that we really know is that we as a society will always share. Digital communication has made that a lot easier and will continue to do so. And after the Internets [sp] evolutionized [sp] data to go from analog to digital, it's time for the next step.

Today most data is born digitally. It's not about the transition from analog to digital anymore. We don't talk about how to rip anything without losing quality since we make perfect 1 to 1 digital copies of things. Music, movies, books, all come from the digital sphere. But we're physical people and we need objects to touch sometimes as well!

We believe that the next step in copying will be made from digital form into physical form. It will be physical objects. Or as we decided to call them: Physibles. Data objects that are able (and feasible) to become physical. We believe that things like three dimensional printers, scanners and such are just the first step. We believe that in the nearby future you will print your spare parts for your vehicles. You will download your sneakers within 20 years.

The benefit to society is huge. No more shipping huge amount of products around the world. No more shipping the broken products back. No more child labour. We'll be able to print food for hungry people. We'll be able to share not only a recipe, but the full meal. We'll be able to actually copy that floppy, if we needed one.

We believe that the future of sharing is about physibile [sic] data. We're thinking of temporarily renaming ourselves to The Product Bay - but we had no graphical artist around to make a logo. In the future, we'll download one.

One can only imagine the kinds of intellectual property challenges that lie ahead in these endeavors, but one need not imagine knowing that pirates will be there, laboring present, ready to investigate these kinds of claims on the world.

Epilogue – Recent Developments in Brazilian Internet Pushback

Swing, but don't fall

During the writing of this work, I monitored ongoing Brazilian anger and activism that occurred after my direct ethnography. From the confines of a writing space in New York, the anger and pushback from online groups was intense. It was difficult, however, to understand how these efforts touched “on the ground” in Rio and other fieldsites, outside the self-selecting networks of online activists.

Nevertheless, I reproduce some of the timeline below as a coda to the stories I tell above.

As de Hollanda continued to institute contra-piracy reforms in political spheres, Brazilian anger against the corrupted artist¹¹⁵ amplified in the face of her stubbornness:

Ana [de] Holanda [sic] swings, but doesn't fall.¹¹⁶ Enter 'Ana de Hollanda' in the Google search bar and the autocomplete suggestions include “fall, reform, fired” ... But under intense scrutiny from businesses, intellectual and artistic critics, she hasn't just remained in the MinC, but survived 12 (!) ministerial changes in Dilma Rousseff's cabinet. (Barbosa 2012)

¹¹⁵ This corruption of a Brazilian artist loomed large, if only remained in subtext. The Buarque family is well-loved as a piece of Brazilian commons, perhaps exacerbated by de Hollanda's animated steps in enclosing these commons.

¹¹⁶ This phrase, “Balança, mas não cai” is famous in Brazil from samba to movies, signifying the sly *malandro*, or trickster who manages to succeed a trouble in a corrupt, if ultimately not immoral, way.

Consequently in early 2012, activists succeeded in mounting a congressional investigation (*Comissão Parlamentar de Inquérito*, or CPI) into the “irregularities” of ECAD’s relationship to the MinC under de Hollanda’s reign in the famously clubby Câmara. The Congressional committee found a “lack of transparency and internal democracy” (Mugnatto 2011) in the groups handling of royalty money. In its final report, the CPI found that

In 1973, ECAD represented a grand accomplishment for Brazilian artists. But in the 40 years of its existence, ECAD has degenerated. From an organization purely devoted to distribution and collection, it has turned into a powerful institution that challenges some basic principles of a democratic state... ECAD has transformed into a cartel, pernicious to the Brazilian economy, and very distant from championing the artistic classes, instead responsible for many deviation and illicit acts. (Farias, Nogueira, and Rodrigues 2012:222)

One activist suggested that the investigation would lead to

profound changes in the model of royalty process of *diretos autorais*. The end of the investigation marked the beginning of an offensive against a private organization that abused its mission and showed that money should reach the hands of Brazilian artists. (Izabelle Torres 2012).

Ronaldo Lemos, international Brazilian techno-superstar whom I introduced in Chapter Three, called the investigation a “historic moment in Brazil” in his affirmation of the role of the public good over ECAD’s private interests (Tércio Ribas Torres 2012). Still other online informants were not so sanguine, and were shocked at de Hollanda’s subsequent defense of ECAD (Freitas 2012), which constituted “an aggressive [discourse] in the name of the interests of capital and against the Brazilian *povo*.”

After the ECAD debacle, Minister Nazareno Fonteles immediately proposed a new law dedicated to reform copyright law and “update it for the digital age” (Hage 2012). Fonteles’ proposed law would allow a “fair-use” type scenario, including duplication and transmission for educational, research or similar purposes. Unlike the Azeredo Bill, Fonteles’ law would permit libraries or movie theaters to make copies for the public.

On June 10th, the Brazilian Senate was to vote on the MarcoCivil, after much pushing from many of the organizations described in Chapter Three. At the last moment, the vote was delayed due to unspecified ministers’ objections. The very next day, it was reintroduced by a minister from Rio de Janeiro, Alessandro Molon, who argued that (De Luca 2012) “we won’t let these objections work against the neutrality of the Internet.” June 12th was a banner day for Twitter, where many conversations about the MarcoCivil took place.

Molon and the MarcoCivil’s own Twitter – in a sense, the one owned by the government – retweeted almost everything sources said about it in an effort to circulate public opinion. The tweets speak to much more than a law; they are essential to understanding these Brazilians’ intimate connection to the Internet as a site of public culture.

We need to guarantee net neutrality in the #MarcoCivil in order to protect Brazilian innovators (Vecchiatti 2012).

I learned to program with videos and websites, without access restrictions, this was fundamental to my history (marcogomes 2012)

The MarcoCivil should guarantee that the user can access all sites of his choice, without packet inspection¹⁷ (eduardoparajo 2012)

After Molon's reintroduction of the modified bill, the vote was yet again delayed until August 8th, even as a bill premised on fighting on the Azeredo Bill, the Deickmann Bill, was sped up and voted upon (Caribé 2012) only symbolically. As can be imagined, people who had been fighting for it were risible:

We have to organize protests so grand and effective against the coup the MarcoCivil suffered so that [the delayers] will learn who commands the people! (Trezentos 2012a)

The same "invisible hand" that promoted the lightning fast vote on the Dickmann Law and the almost-vote on the AI-5 Digital, now wants to "gum up" the MarcoCivil. (Trezentos 2012b)

On that day, Brazilians invested in this Internet fight woke to once again find the bill had been postponed indefinitely.

2012 was the also year that the Anonymous group of Internet "hackers" came to prominence. Like many popular news constellations about Anonymous the stories about this nimble assembly of hackers (some of whom are in the PPBr) ranged from the hysteric to the sober. Anonymous, who claimed they were influenced by the US-based work around SOPA, took down the US embassy sites, the Câmara and the Bank of Brazil. On Anonymous Brasil's Facebook page, they noted the takedowns as a response to the *Dia de Basta* (day of enough) against Brazilian corruption (Anonymous 2012a). On February 1,

¹⁷ Packet inspection is a deeply technical way of reading the guts of Internet data regardless of the protocol by which it is transmitted. In this case, however, like in other places in the Internet activist world, it is used as shorthand for censorship.

the group took down the Bradesco system. On February 2nd, Anonymous was going to alert the Brazilian public about latest developments from the government (@AnonBRNews 2012):

Our objective is to alert the population to what is happening in [our] country and how it can do something to change the situation. This is to be Anonymous.

On February 7, 2012, Anonymous Brazil took down governmental sites in Rio de Janeiro city and state as part of their “week of action.” The tweet recognized solidarity with the “Brazilian worker” (AntiSecBrTeam 2012a):

TANGO DOWN: *.rj.gov.br ALL the sites of [Rio de Janeiro] are OFFLINE in solidarity with the Brazilian worker!

By February 9th, just after the Polícia Militar declared a strike in Rio de Janeiro over worker’s rights, Anonymous had taken down even more government sites:

TANGO DOWN: 90% of the sites at *.rj.gov.br are dancing in solidarity with the carioca worker! CARNAVAL FOR WHOM? (AntiSecBrTeam 2012b).

International Pirate Efforts

2012 was also a significant year on the international front. As most of these efforts come from the United States, I feel they are important to lay out here.

First, the Stop Online Piracy Act (SOPA) was introduced by Lamar Smith, in 2012 a US Representative from Texas, as a way to fight online trafficking in pirated goods. SOPA purported to harmonize disparate law enforcement arms by placing the burden of copyright enforcement on the Internet service provider (ISP) providing access to the

offending party, thereby centralizing the response efforts and in effect turning the ISP, ostensibly simply a technology provider, into a law enforcement vehicle. Rights holders were further allowed to contact the offender's financial institution, give greater power to immediately shut down offending sites without the time for review as afforded by the Digital Millennium Copyright Act's (DMCA) "take-down notice" procedure.

The response online was tremendous; Google, Yahoo!, YouTube allied as the Internet giants against the bill, as well as minor Internet activists and big organizations like the Electronic Frontier Foundation and Creative Commons. Online forums were filled with outrage at the bill, where people especially saw its efforts as Internet censorship by allowing quick and easy removal of information, without oversight, from much of the Internet.

On January 18, 2012, the popular online encyclopedia Wikipedia, the immense social-collaboration site Reddit, and almost 7,000 other sites joined in an "Internet Blackout" day, where a user visiting these sites would see a black screen with a plead to call her representatives and vote against SOPA, which was coming to the House on January 20th. On the 20th, the House Judiciary Committee postponed action on drafting SOPA as a bill, with the statement that

The committee remains committed to finding a solution to the problem of online piracy that protects American intellectual property and innovation ... The House Judiciary Committee will postpone consideration of the legislation until there is wider agreement on a solution. (Smith 2012)

The Anti-Counterfeiting Trade Agreement (ACTA), a massive international trade agreement on piracy and copyright was also defeated in 2012. The bill was nominally

intended at “enforcing and harmonising [sic] IPR provisions in existing trade agreements (in WTO TRIPS and bilateral agreements) within a wider group of countries” (Floridi 2012) but generated enormous outrage all over the Internet. Sites like Fight for the Future and La Quadrature du Net channeled online anger into various petitions. One site, KillActa (2012c), also used the discourse of international vs. national frames into fighting against the proposed trade agreement:

ACTA locks countries into obsolete copyright and patent laws. If a democracy decides on less restrictive laws that reflect the reality of the Internet, ACTA will prevent that.

ACTA criminalizes users by making noncommercial, harmless remixes into crimes if "on a commercial scale" (art 2.14.1). Many amateur works achieve a commercial scale on sites like Youtube. ACTA, like SOPA, could mean jail time for the Justin Biebers of the world.

ACTA Criminalizes legitimate websites, making them responsible for user behavior by "aiding and abetting". (art 2.14.4). Like SOPA, the founders of your favorite sites could be sued or (worse) thrown in jail for copyright infringement by their users.

ACTA will let rightsholders use laughably inflated claims of damages (based on the disproven idea that every download or stream is a lost sale) to sue people. As if suing amazing artists, video makers and websites for millions wasn't hard enough!

ACTA Permanently bypasses democracy by giving the "ACTA Committee" the power to "propose amendments to [ACTA]" (art 6.4). In other words, voting for ACTA writes a blank check to an unelected committee. These closed-door proceedings will be a playground for SOPA-supporters like the MPAA.

In Brazil, even as early as 2010 supporters had been trying to rally attention against the law, lamenting that even as they fight against their own Lei Azeredo (discussed in

Chapter Three), they also had to remain vigilant against this potential new treaty (Caribé 2010):

There are various movements arising in reaction to ACTA, but as it concerns the whole world, everyone should fight against it, especially now that the worldwide media is wanting us to believe that ACTA is a meek lamb, when it is actually a ferocious wolf.

In June of 2012, activists in Europe achieved what their colleagues in the US only dreamed of: street protests around an obscure trade-related bill. Under the rallying cry of the bill's life in secret, newspapers documented thousands in the familiar "Anonymous" masks in Germany, Poland, the Netherlands and in the UK (Lee 2012; Anonymous 2012d)

On July 3rd, in a shift from previous actions, the US Trade Representative introduced new exceptions and limitations to proposed copyright trade policy. Pointing out the 'balances' needed for a binding agreements, he wrote

An important part of the copyright ecosystem is the limitations or exceptions placed on the exercise of exclusive rights in certain circumstances. In the United States, for example, consumers and businesses rely on a range of exceptions and limitations, such as fair use, in their businesses and daily lives.

It was an impressive statement, one that could have come out of the PPBr's own mouth. The reason soon became clear: On July 4th, ACTA, the international law linking local criminal justice systems with worldwide intellectual property enforcement, was defeated in the European parliament. As Harold Feld (2012), an online "copyright reform" activist, summed up,

Europeans and others who thought copyright maximalism was a uniquely American disease suddenly took an interest in what their own governments were doing and experienced a collective freak out. Critically, folks got quite upset that ACTA would

apparently require them to change their copyright laws in ways they regarded as inimical to recognized limitations and exceptions and that therefore violated fundamental human rights principles. The usual blandishments and arrogant dismissals of these criticisms by ACTA supporters as ill-informed, driven by pirates and profiteers such as Google, and necessary to protect poor starving artists failed to soothe the opposition. To the contrary, it only aroused further fury. As a result, the EU vote rejecting ACTA was one of the most lopsided votes in its history (478-39).

On October 18, 2012, the US Center for Copyright Information announced its new “six-strikes” rule would go into effect in late Fall, shifting responsibility for copyright enforcement onto the major ISPs.¹¹⁸ The latter – many of whom own, or are connected to, the media companies whose content is pirated – would provide “education” about the “importance of copyright” (Farivar 2012). Those accused of infringement would be able to appeal cases to the ISPs’ centralized body for US \$35.

Finally, in 2012 Japan extended its copyright law into what an online activist (Doctorow 2012b) termed a “shockingly bad copyright law ... which provides for 10-year prison sentences for people who upload copyrighted works without permission; under the new law, downloading a copyrighted work without permission also carries up to two years in prison.” Japan’s endeavor boldly competed with Panama, which passed the “worst copyright law in history” (Guadamuz 2012), the latter’s particularly angering provision awarding copyright fines to salaried employees of the Panamanian government, not the rights holders themselves.

¹¹⁸ At time of writing, these included AT&T, Cablevision, Comcast, Time Warner Cable, and Verizon.

The drafting of both laws, according to various people I spoke to online and in chat, were aided by international trade alliances. The Panamanian law was specifically written in response to the Panama–United States Trade Promotion Agreement of 2011, signed into law by President Barack Obama.

Appendix A – Pirate Party of Brasil Documents

November 2010 Charter of Principles (*Carta do Princípios*)

The Pirate Party of Brasil (PPBr) published the following charter several weeks after their first annual meeting in November of 2010, which is detailed in above in Chapter Five. Below I have reproduced the original charter in Portuguese in the right column, with my translation in the left.

Introduction

We are a collective whose mission is to defend freedom and democratic access to culture, information and knowledge. Our charter of principles is the product of consensus of all those who built our history, and all our members' actions and attitudes should be guided by it. Our principles are built collaboratively, and are always open to discussion and revision in order to follow people's independent experiences, in order to

Introdução

Somos um coletivo cuja missão é defender a liberdade e a democratização do acesso a cultura, informação e conhecimento. Nossa carta de princípios é fruto do consenso de todos aqueles que constroem nossa história, e todas ações e posicionamentos de nossos membros devem ser guiados por ela. Nossos princípios são construídos de maneira colaborativa, e estão sempre abertos a discussão e constante reconstrução, a fim de acompanhar as transformações pelas

encompass everything that we believe is necessary for the viability of an existence that is free, fair, sustainable and collaborative.

quais passam as pessoas e seu meio, abrangendo tudo que acreditamos ser necessário para a viabilidade de uma existência livre, justa, sustentável e colaborativa.

The fight for free culture

Brazil's current copyright is one of the worst in the world with regard to the scope and duration of protection (70 years after the death of the author, higher than the deadline set by the Berne Convention), freedom of accessibility and the freedom to share and transfer knowledge and culture. Our law does not have the [legal] definition of fair use, and the exceptions and limitations are very narrow and no longer fit the everyday reality of its population - it does not allow, for example, non-commercial private

Lutar por uma cultura livre

O atual sistema de direito autoral brasileiro é um dos piores no mundo no que diz respeito ao escopo e duração da proteção (no caso, 70 anos após a morte do autor, sendo maior até que o prazo estipulado pela Convenção de Berna), às liberdades de acesso e uso e à liberdade para compartilhar e transferir cultura e conhecimento. Nossa lei vigente não possui o mecanismo de fair use, e as exceções e limitações são bastante restritas, não se enquadrando à realidade de sua população – já que não permite, por exemplo, cópia privada sem fins comerciais de obras raras e

copying of rare and out-of-print books. In addition, the law is obsolete, dating back to 1998, and does not reflect the technological changes of the last decades.

esgotadas. Além disso, a lei é obsoleta, datando de 1998, e não abrange as mudanças trazidas na sociedade contemporânea pelas inovações tecnológicas das últimas décadas.

We ask, therefore, for a copyright system more suited to Brazilian reality; that is more balanced, and allows access to the democratization of culture, information, and knowledge. Accordingly, we propose to decrease the duration of copyright to five years after the publication of the work - long enough for the author to exploit it commercially after that and allow it to be appropriate by the public. We also believe that every culture and knowledge builds on what has been already been created: no one innovates from zero and restricting access to these

Nós queremos, portanto, que o sistema de direito autoral seja mais condizente com a realidade brasileira, mais balanceado, e que permita a democratização do acesso à cultura, informação, e conhecimento. Para isso, propomos a diminuição da duração do direito autoral para 5 anos após a publicação da obra – tempo suficiente para o autor explorá-la comercialmente e permitir que após isso ela seja apropriada pelo público. Acreditamos que toda construção de cultura e conhecimento se dá sobre aquilo que já foi criado: ninguém parte do zero para criar inovações de qualquer caráter; por isso, restringir o

sources limits human creativity. We believe in open access to scientific literature, the production of open educational resources and, moreover, the licensing of public domain or free to anything financed with public funds.

acesso a essas fontes significa limitar a criatividade humana. Acreditamos no acesso aberto à literatura científica, na produção de recursos educacionais abertos e ainda na colocação em domínio público ou sob licença livre a produção financiada com recursos públicos.

We also seek to limit the existence of unnecessary patents and monopolies that are harmful to society, since they are commonly used practices in the market to reduce competition (and some will not even be put into practice) and inhibit innovation. We encourage the emergence of new business models that take into account the user's expertise, so that everyone benefits from the creation of knowledge, the opportunities offered by new technologies, thereby ending the destructive influence exerted by the intermediary of culture in the

Também queremos limitar a existência de patentes e monopólios desnecessários e prejudiciais para a sociedade, uma vez que são práticas frequentemente utilizadas no âmbito do mercado para diminuir a concorrência (sendo que algumas nem chegam a ser postas em prática), restringindo a inovação. Incentivamos a emergência de novos modelos de negócio que aproximem o autor do usuário, para que ambos se beneficiem do conhecimento criado, das oportunidades oferecidas pelas novas tecnologias e acabem assim com a influência maléfica exercida

democratization of access. We also want to break the monopoly on the commercial exploitation of works and exclusive contracts, to adjust the quality and prices of all forms of media so all strata of society will enjoy equal access.

We seek a balanced copyright system that regulates only commercial culture, and leaves all other culture free to be shared, appropriated and developed by all.

The fight for democracy and liberty

We believe that the pirates can innovate and act more dynamic than the current actors in Brazilian

pelos intermediários da cultura na democratização do acesso. Também queremos o fim do monopólio de exploração comercial da obra e dos contratos de exclusividade, com o intuito de diversificar a qualidade e os preços para que todas as camadas sociais tenham acesso às obras em suas mais diversas formas e suportes.

Buscamos um sistema de direito autoral equilibrado que regule apenas a cultura comercial, e deixe a cultura não comercial livre para ser compartilhada, apropriada e desenvolvida por todos os indivíduos.

Lutar pela democracia e pela liberdade

Consideramos que os piratas podem inovar e agir de modo mais dinâmico do que os atuais players da democracia

democracy. There are several areas ripe for action: not only the legislative but also the executive bodies of public administration are in a strategic position for a critical dialogue on transparency, electronic government [software] and privacy policies. The academy may also allow an effective political development of a party pirate. Participation in all spheres of society is indispensable in introducing innovative issues. Furthermore, we know that future generations will be more familiar with pirate ideals. For this reason, we must act strategically to include these new actors in the spheres we operate.

Democracy is a collective activity that adapts to its time. We believe that the digital revolution has opened doors in updating modes of political engagement and according

brasileira. Há diversos espaços para atuação: não somente o legislativo, mas também os órgãos executivos de gestão pública apresentam ambientes estratégicos para o diálogo crítico sobre transparência, governo eletrônico e definição de políticas de privacidade. O ambiente acadêmico também possibilita interação efetiva para o desenvolvimento político do partido pirata. Participar de todas as esferas da sociedade é indispensável para introduzirmos questões inovadoras. Além disso, sabemos que as próximas gerações estarão mais familiarizada com os ideais piratas. Por essa razão, devemos agir estrategicamente para a recepção desses novos atores nas esferas onde atuamos.

Democracia é uma atividade coletiva que se adapta aos tempos. Nós acreditamos que a revolução digital abriu portas para atualizarmos os modos de

rights, so that the protection of civil rights, in contemporary times, should involve the revision of laws and practices in defense of privacy. We find, therefore, that privacy depends not only on laws but also on the instruments that assure [these laws]. Politicizing this debate is important, but it is critical to politicize in an innovative way. Therefore, we must explore and discover tools for collective decision. If we propose ways of engaging citizens in electronic democracy, we also must propose mechanisms for mutual dialogue. The dictatorship of the majority is a failure of democratic institutions. Instead, we prefer to build a deliberative democracy, which allows the real participation of citizens in public issues that interest them.

Free software and e-governance

engajamento político e de conquista dos direitos a ele associados, de modo que a proteção dos direitos civis, no atual ponteiro da história, passa pela revisão de leis e práticas em defesa da privacidade. Constatamos, portanto, que a privacidade não depende apenas das leis, mas também de instrumentos que a assegurem. Politizar esse debate é importante, mas politizar de modo inovador é fundamental. Por isso, devemos explorar e descobrir ferramentas para a decisão coletiva. Se nós propomos meios para envolver os cidadãos na democracia eletrônica, devemos também propor mecanismos para o diálogo mútuo. A ditadura da maioria é uma falha das instituições democráticas. Em vez disso, nós preferimos construir uma democracia deliberativa, que possibilite a participação real dos cidadãos em questões públicas do seu interesse.

Os softwares livres e os sistemas de

systems bring us libertarian ideals and opportunities for cost reduction, generation of intelligence and accountability. We must build on existing movements in these areas, always keeping in mind that these solutions must consider digital access, privacy, anonymity, neutrality of the Internet and the democratization of the media: the values we stand for uncompromising way.

The fight for inclusion

We believe that individuals have the right to access and take ownership of all means of communication in an equitable manner, to promote and develop their own needs and their collective needs. We believe the importance of digital inclusion goes beyond mere access: you must also promote the instruction needed to

governança eletrônica nos trazem ideais libertários e oportunidades para redução de custos, geração de inteligência e accountability. Devemos aproveitar as movimentações já existentes nessa direção, considerando que tais soluções devem caminhar junto com a inclusão digital, a privacidade, o anonimato, a neutralidade da Internet e democratização da mídia: valores que defendemos de maneira irredutível.

Lutar pela inclusão

Acreditamos que os indivíduos tem direito de acessar e se apropriar de todos os meios de comunicação de maneira igualitária, para a promoção e desenvolvimento de suas necessidades e em prol de benefícios coletivos. Acreditamos que a importância da inclusão digital vai além do acesso: deve-se possibilitar também a instrução necessária para que se

properly use these resources.

utilize esses meios de maneira adequada.

The Internet should be understood as a fundamental right. Therefore, we support investment in local technological innovation that to reduce prices, as well as to encourage information technology companies to promote digital inclusions in their actions. We are in favor of national and regional plans to promote greater inclusion of individuals in the networked information economy, in a broad and sustainable.

A Internet deve ser entendida como direito fundamental. Por isso, apoiamos o investimento em inovação tecnológica local que cause a diminuição do preço das ferramentas tecnológicas, assim como incentivamos as empresas de tecnologia da informação a incorporarem estímulos sociais de inclusão digital em suas ações. Somos a favor de planos nacionais e regionais que promovam maior inclusão dos indivíduos na economia interconectada da informação, de maneira ampla e sustentável.

We support digital inclusion as a political priority; additionally, we argue that the promotion of digital inclusion move alongside collaborative production and open standards, allowing individuals the appropriation

Defendemos a inclusão digital como prioridade política; igualmente, defendemos que a promoção da inclusão digital caminhe também na direção da produção colaborativa e dos padrões

of culture, knowledge and information.

abertos, possibilitando aos indivíduos a apropriação de cultura, conhecimento e informações.

Fighting for the decriminalization of piracy

Brazil has the tendency to criminalize street piracy, which ends up supporting the criminalization of poverty. We believe that vendors are agents of cultural diffusion and that we can think of alternative business models that benefit the actors involved – such as the creator and the camelô – in order to legalize the entire production chain and promote the access of lower income culture and knowledge. We are also in favor of legalizing file sharing and free dissemination of culture, knowledge and information. We are opposed to threats to the Internet and culture, such

Lutar pela descriminalização da pirataria

Existe no Brasil uma tendência à criminalização da pirataria de rua, que acaba recaindo em uma criminalização da pobreza. Acreditamos que ambulantes são agentes de difusão cultural e que podemos pensar em modelos alternativos de negócios que beneficiem os atores envolvidos, como a aproximação do autor e do vendedor ambulante, para que haja a legalização da cadeia produtiva e a promoção do acesso das camadas de baixa renda à cultura e ao conhecimento. Também somos favoráveis à legalização do compartilhamento de arquivos e da livre difusão da cultura, do conhecimento e da informação. Somos contrários às ameaças contra a Internet e a

as graduated response¹¹⁹ and the use of
DRM (Digital Rights Management) to
block access to works.

cultura, como a resposta graduada e o uso
de DRM (Digital Rights Management) para
bloquear o acesso às obras.

¹¹⁹ See HADOPI comments in chapter five

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