

The Changing Geographies of Pirate Transnational Audiovisual Flows

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Breaking with perspectives that merely criminalize audiovisual piracy, this article describes this phenomenon as one of the key elements of an informal economy of communication that shapes unofficial transnational flows. We analyze to what extent the networks of this informal economy have concurred in the changing geographies of global audiovisual flows. We first study under what conditions piracy has fueled the rise of new *contraflows* of non-Western cultural products and then discuss whether these have given form to *counterhegemonic* flows, that is, flows that carry content running counter to the dominant meanings of American programs. At the same time, we explore the ways in which piracy has contributed to an increased global presence of U.S. cultural products.

Keywords: Piracy, informal economy, transnational cultural flows, videocassettes, VCDs, DVDs, online networks

With the advent of digital technologies and the rise of the Internet, piracy has been increasingly identified by the organizations defending the interests of the U.S.-copyright-holding industries as one of the main threats they face. The International Intellectual Property Alliance (IIPA) goes as far as presenting the losses from worldwide piracy as being one of the most “significant challenges” to the U.S. economy as a whole, given the “substantial” contribution of copyright-holding industries to U.S. prosperity (Schlesinger & Metalitz, 2014, p. 1). In this context, the U.S. government and copyright-holding industries have taken multifarious initiatives against piracy on a worldwide scale, including legislative measures, police or judicial operations, and public relations campaigns aiming at framing it as a criminal activity (Mirghani, 2011; Yar, 2005).

Against these views that criminalize the piracy of audiovisual products, we will consider it here as a complex socioeconomic phenomenon. Indeed, in consonance with a growing body of literature on audiovisual piracy in emergent countries (Baumgärtel, 2015; Karaganis, 2011; Liang, 2009; Lobato, 2008, 2012; Mattelart, 2009, 2011; Sundaram, 2010), we will describe this as one of the key elements of an informal economy of communication that gives shape to unofficial transnational flows of cultural products

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and therefore plays a central role in the way people around the world access cultural products and contributes significantly to the processes of cultural globalization.

Against a tendency of the literature on piracy to privilege the study of pirated U.S. entertainment flows, we will analyze here how the networks of this informal economy of communication have contributed to an increased transnational circulation of the products of some cultural industries of non-Western countries. Reviewing the successive waves of research on this subject, we will try to understand how these new transnational flows have concurred in the changing geographies of global audiovisual flows.

We examine first to what extent these informal distribution circuits, by having facilitated (not without limits) the worldwide distribution of the content of some non-Western cultural industries, have contributed, in a certain sense, to fueling the rise of new "contra-flows originating from the erstwhile peripheries of global media industries" (Thussu, 2007, p. 10). And then, we discuss whether these informal networks have given form to "counter-hegemonic" flows (Sakr, 2007), which are flows whose content opposes the dominant meanings conveyed by hegemonic American programs.

Finally, contrary to the view that piracy represents a major menace undermining the power of U.S. cultural industries, we suggest that this phenomenon may have participated to an increased global presence of U.S. cultural products—whose positive effects, from the points of view of U.S. government and industry, are rarely acknowledged in IIPA's reports.

Did Video Piracy Increase the Dependency on U.S. Programs?

To analyze how piracy may have contributed to the emergence of transnational flows of non-Western cultural products or, conversely, to an enhanced global distribution of U.S. programs, it is useful to make a detour through the works that were devoted to videocassette recorders (VCRs), which were a means in the 1980s for pirating audiovisual content.

The few studies that have analyzed the role of "the videocassette recorder in the Third World" emphasize how this technology constituted, during this decade, "a tremendous force for decentralizing and decontrolling 'television'" in those countries (Boyd, Straubhaar, & Lent, 1989, p. 268): It indeed gave consumers one means for "circumvent[ing] systemic or governmental controls on content" (Boyd, Straubhaar, & Lent, 1989, pp. 3-4; O'Regan, 1991). Also, more specifically for ethnic minorities, VCRs played an instrumental role in bringing them television programs or films from their countries of origin that were not provided by the domestic channels of the countries where they lived (Boyd, Straubhaar, & Lent, 1989; Ganley & Ganley, 1987).

Interestingly, these works, carried out in the late 1980s, were written at a time when the media and cultural imperialism theses were increasingly criticized, and they bear the traces of these critiques. Douglas Boyd (1988) in particular condemns the perspectives of the critical political economy of communication for tending, in his opinion, to postulate that Western cultural products are imposed on third world populations: He writes that these perspectives "assume that governments, media systems,

and individual consumers do not want the foreign [mostly U.S.] products—that they are forced for a variety of economic reasons to use them” (p. 152).

Against these critical perspectives, Douglas Boyd and Joseph Straubhaar describe how audiences, when given, thanks to the VCR, some latitude to choose their content (within the limits of availability), choose American content above all. The uses of VCRs then, note Boyd and Straubhaar, “challenge the concept of a passively receptive Third World audience.” (1985, p. 18) This is “simply” a third world manifestation of “what has long been predicted in communication research; a more active audience” that seeks to “better meet [its] own perceived needs or interests” (Boyd, Straubhaar, & Lent, 1989, p. 18) . . . and that does this through increased consumption of Hollywood programs thanks to the decentralized networks of piracy.

Nevertheless, while criticizing the media and cultural imperialism theses, Boyd and Straubhaar also acknowledge that piracy can be a means of increasing, albeit through unofficial routes, imports of U.S. cultural products in third world countries and, as such, of augmenting the dependency on these products. “The concepts of media dependency on foreign sources and a one-way flow of information may be exacerbated by VCRs” (Boyd & Straubhaar, 1985, p. 19).

Most of the worldwide studies on piracy carried out in the late 1980s document this predominance of U.S. content in pirate markets. “First-run American films and television programming are among the ‘best-sellers,’” state Gladys D. Ganley and Oswald H. Ganley in their assessment of “the first decade of the VCR” (1987, p. 64). Among “the most popular video choices” made by the consumers of the third world figure predominantly “American feature films” or “American TV series,” write Douglas Boyd and Joseph Straubhaar (1985, p. 19; Boyd, Straubhaar, & Lent, 1989).

However, the geographies of transnational pirated audiovisual flows of the late 1980s also comprised minor regional flows. The “trend towards greater regional exchanges” that was found to characterize the official international flows of television programs in the mid-1980s (Varis, 1985, p. 53) had its equivalent in the works analyzing the pirate commerce of videos. In their 1989 book, Douglas Boyd, Joseph Straubhaar, and John Lent note the existence of “specific regional video flows” that are “likely to increase,” as exemplified by the success of the informal distribution of videos of Egyptian series and films in the Arab world or the popularity of the “pirated films from India” in South Asia and among diasporic communities in London (pp. 14, 77, 117; Ganley & Ganley, 1987).

Finally, among the works devoted to the pirating of audiovisual products in the late 1980s are some that, considering that the introduction of the VCR “encourage[s] a re-examination of the concept of media imperialism,” (Ogan, 1988, p. 93) push the critique of the latter one step further, as Christine Ogan does. Studying the uses of the VCR in Turkey in the late 1980s—then considered a developing country—Ogan notes that VCRs, far from being a privileged tool for consuming foreign content, were then mainly used, especially by lower income groups, as a tool for consuming domestic culture. With the “decentralized system” offered by VCRs, “the possibilities for viewers to avoid foreign material . . . may become greater, especially where domestically produced content is available”; as a consequence, this could lead to “a lessened impact of media imperialism” (p. 97).

Nevertheless, owing to the lack of available research, it is nearly impossible to have a clear picture of the geography of pirate flows in the late 1980s or early 1990s. However, one thing is certain: Even in those countries where Hollywood content was, for political reasons, under strict surveillance—like most East European countries in the 1980s and Iran in the early 1990s—it had a nonnegligible share of the extensive “black cultural market[s]” that provided otherwise inaccessible entertainment (Sreberny-Mohammadi & Mohammadi, 1994, p. 179; Mattelart, 1994).

Piracy: An Infrastructure for Distributing Non-Western Cultural Products

Since the 1990s, following the calls of Tapio Varis (1985) for more studies on the regional development of audiovisual exchanges, more attention has been given to the circulation of non-Western flows of cultural products. As Annabelle Sreberny (1991/2006) put it, the 1980s saw the “advent of many new and diverse media actors” who have played an increasing role in the export of television programs or films within what used to be called the third world (p. 607). This led in the 1990s to “a more complex syncopation of voices and a more complicated media environment in which Western media domination has given way to multiple actors and flows of media products,” including those emanating from “nations of the South” (p. 607).

In this new context, in the early and mid-1990s, various researchers underlined the importance of studying the regional dynamics of television transnationalization. Joseph Straubhaar for example, emphasized the important role that such factors as “regional similarities” and “cultural proximity” (Straubhaar, 1991, p. 55) could play in shaping transnational television flows. Similarly, John Sinclair, Elizabeth Jacka, and Stuart Cunningham pleaded in 1996 for giving more consideration to “non-Western systems of regional exchange” and “what they represen[t]” (p. 8). To understand the realities of the “multi-directional flows of television across the globe,” it is necessary to take into account, Sinclair and colleagues argued, the “geolinguistic regions” within which these flows circulate. Being “primarily based on geographical realities and on geographical contiguity,” these regions are also defined “by common cultural, linguistic, and historical connections which transcend physical space.” These regions thus include the diasporic communities that, thanks to videocassettes and satellite televisions, consume the cultural content of their countries of origin (Sinclair, Jacka & Cunningham, 1996, p. 5).

Piracy, as we will demonstrate here, has contributed to these dynamics, by offering an “infrastructure” (Larkin, 2004; Liang, 2009) for the transnational distribution of the products of some non-Western image industries within their respective geolinguistic regions and beyond.

The export of Japanese television drama in Asia in the 1990s exemplifies this process. Indeed, as the writings of Koichi Iwabuchi (1998) have shown, Japanese cultural producers were not “keen to export Japanese products” (p. 170). Japan being “no doubt the most important market” in Asia, its producers were not willing to “sacrifice it to visit other profitable markets” (p. 174). In this context, the export of Japanese products in Asian markets was then largely promoted not by Japanese industries, but by “local industries of other parts of Asia” (p. 165), which were a large portion of the informal economy.

The Japanese TV industry being in the 1990s "passive, even sometimes reluctant" to join overseas Asian markets, the networks of the informal economy, operating from the centers of Hong Kong and Taiwan, were indeed one of the main forces behind the distribution of Japanese dramas on pirate video compact discs (VCDs) in East and Southeast Asia: They satisfied what Hu has characterized as "the craze for Japanese dramas" (Hu, 2004, p. 206) in this region and beyond (see also Davis & Yeh, 2004). Recorded from Japanese television, the latest dramas "were reproduced to include Chinese subtitles and recorded onto VCDs, either in Taiwan or Hong Kong" (Hu, 2004, p. 211) before being distributed in East and Southeast Asia and even more globally, "especially in various countries' Chinatowns" (Davis & Yeh, 2004, p. 233).

One of the key reasons for the success of these Japanese dramas on pirated VCDs lay, for their younger viewers, according to Koichi Iwabuchi, in the "cultural proximity" between these programs and their Asian audiences (1998, p. 179; 2010), despite the legacies of Japanese military expansionism in the region. These programs were described as being for their consumers "more attractive and easier to relate to than American dramas because of cultural and bodily similarity and textual subtlety" (Iwabuchi, 1998, p. 179).

The success of Japanese drama in Asian countries resides also in the fact that it has "incorporated the globally circulated consumer culture" (Lee, 2004, p. 252): Japanese producers of TV dramas have indeed given an Asian flavor to this consumer culture and offered their Asian publics programs with which they could, in this respect too, better identify (Lee, 2004).

Interestingly, the pirated Japanese drama received in South Korea served as a source of inspiration for the building of an important industry of South Korean television dramas. Being banned from broadcast on domestic television, the Japanese television dramas were introduced in South Korea through the networks of the informal economy, where video copies of these programs circulated. It is thanks to these copies that the "transnational influence of Japanese television culture has rapidly grown" (Lee, 2004, p. 251) in South Korea during the 1990s. "Via informal route of mimicry," Japanese television dramas have in this way contributed to the emergence of a new South Korean "form of television drama genre called 'trendy drama'" (Lee, 2004, p. 252). One significant element for its success has been its ability to "follow the Japanese drama that had, with its own audiovisual imagery, first mediated globalized consumer lifestyle in an Asian context" (Lee, 2004, p. 254).

The same informal networks that contributed to the distribution of Japanese television dramas in South Korea and provided there a source of inspiration for the emergence of a domestic drama industry also participated in the export of South Korean drama in Asia: the famous Korean Wave (*Hallyu*). Piracy has indeed played a key role in the early transnational distribution of this Korean Wave, whose products have circulated across Asia or within the global East and South Asian diasporic networks, and even beyond, under the form of counterfeit VCDs and DVDs (Thévenet, 2011).

Another paradigmatic example of the power of informal distribution networks is the Indian movie industry. Adrian Athique (2008) has documented "the nexus" existing between the Indian film industry and the "black economy" in the 1970s and 1980s and how, during this period, "obscure small

businessmen and well-known pirate became film producers in their own right" (pp. 700–701). Beyond that, he shows how, with the rise of the VCR technology in the late 1970s, "pirates" were able to "develop a system of informal distribution which touched the remote corners of the globe" (p. 705). Thanks to these informal routes, Indian films became ubiquitous both in the "niche markets" of South Asian migrants in developed countries and in "the bazaars of the 'developing world,'" (p. 705) especially in Africa, Asia and the Middle East, where they enjoyed a nonnegligible popularity. "Without the pirates," concludes Athique, "it would have been difficult to have adequately developed these export markets in the first place" (2008, p. 705).

If media piracy has been considered an informal infrastructure for distributing cultural content, it has also been described in certain contexts—especially in those countries where there is an "absence of either private [legal] or state investment" in the audiovisual sector—as "an infrastructure for cultural production," as exemplified by the Nigerian video industry (Liang, 2009, pp. 3–4).

As Brian Larkin has demonstrated, the Nigerian "new video industry" was built by "entrepreneurs precisely involved in the distribution of pirate material"—including Western and Indian films—who switched in the 1990s to the production of their content. In this case, media piracy "brought about the capital and professional expertise that facilitated the rise of a local film industry" (Larkin, 2004, p. 290). Informality is still one of the main features of this video industry: Its main executive producers continue to have "a background in electronic sales in Nigeria's open air markets" (Miller, 2012, p. 119), which provide a base for their operations.

Thanks to this informality, Nigerian videos have been able to circulate globally. Through a variety of decentralized networks of unauthorized distribution, these films have been marketed throughout Sub-Saharan Africa and the African diaspora. These "alternative global circuits," writes Jade Miller, have connected "Lagos to markets from Dar-es-Salaam to East London to St Lucia in the Caribbean" (2012, p. 125) and have spread Nigerian videos "much further than they ever could have been had they been distributed with centralized top-down distribution networks" (p. 126; see also Adejunmobi, 2007).

Pirated Catalogs Are Fraught with Power Relations

Jade Miller describes the "informal global circuits" of distribution of Nigerian videos as running "counter to and under the radar of dominant global networks." (2012, p. 118) This raises the question of the ability of these pirate transnational cultural flows from non-Western countries to offer an alternative to the dominant Western flows. In other words, to what extent are these informal distribution networks of non-Western cultural products symptomatic of the rise of the "contra-flows" of "non-Western media" (Thussu, 2007, p. 10) through the means of pirate infrastructures?

For evaluating the ability of these pirate cultural flows from non-Western countries to offer an alternative to the dominant Western flows, it is first necessary to underline the fact that the map of worldwide piracy flows we have sketched so far is incomplete. Indeed, we have focused on Japan, which is far from being "a peripheral nation in the world audiovisual trade," (Sinclair, Jacka, & Cunningham, 1996, p. 28) and on a handful of non-Western regional cultural powers—South Korea, India, Nigeria—which are,

in many respects, important “centers of audiovisual production” of their respective “geolinguistic region[s]” (Sinclair, Jacka, & Cunningham, 1996, p. 8). By focusing exclusively on these regional cultural powers, we run the risk of overstating the importance of non-Western flows of pirated content and of neglecting the continuing significance of U.S. flows of pirated content.

Furthermore, we should be cautious when considering the cultural proximity factor, which was presented above as having facilitated the transnational circulation of the pirated content of various non-Western countries’ cultural industries in their geolinguistic regions. By overemphasizing this factor, we would risk downplaying the importance of other key factors, including economic ones, which structure the geography of either legal or pirated flows and which favor U.S. exports. Pirated Hollywood content—which benefits from the major production budgets, the world famous stars, and the global marketing campaigns of its legal counterpart—is indeed quite competitive in regional pirate markets, “despite [its] lack of cultural proximity” (Lozano, 2007, p. 109).

The problem is that there are no reliable statistics on the global flows of piracy and that, consequently, it is difficult to measure the relative importance in this field of non-Western “subaltern flows” (Thussu, 2007) compared to Western dominant ones. However, various sources lead us to think that Hollywood films and series are far from constituting a minor portion of the audiovisual content pirated globally.

Some of the reports produced by the organizations defending the interests of U.S. copyright-holding industries, despite being fraught with many significant methodological biases (Karaganis, 2011), suggest that U.S. content is dominant in worldwide piracy markets. A report prepared by the international LEK consulting firm for the Motion Picture Association (MPA) evaluated the 2005 losses of the major U.S. motion picture studios suffered due to global piracy at \$6.1 billion, compared to the losses of the “worldwide motion picture industry,” calculated at \$18.2 billion (LEK, 2006, p. 4). If these statistics are to be believed, they tend to indicate that the share of U.S. pirated content in the global market for pirated movies is quite significant.

That U.S. content constitutes an important share of pirated content in the world is also what studies of local markets of piracy tend to show. Even in Afghanistan, under the rule of the Taliban in 2000 and 2001, despite “Bollywood’s substantial importance” in this country’s film culture, the most popular movie in Kabul’s black market was not Indian but American: James Cameron’s *Titanic*. Despite the fact that the Taliban regime explicitly outlawed cinema and, even more, American movies, Kabulis were able to benefit, thanks to the networks of the “contraband cinema,” from this “global cinematic phenomenon,” provoking a “*Titanic* fever” in Kabul that lasted two years (Klinger, 2010).

Similarly, in his study conducted with several tens of video stores, and stall owners, and “video show” owners in southern Malawi—a country that “has next to no domestic film or television production” and that is in that respect very different from countries with “developed production cores” such as India—Jonathan Gray (2011) notes that American series and films figure prominently among the pirated products on offer (pp. 109–110). While comprising “West African soaps and action films,” the catalogues of video

shops and stalls and of video shows concentrated largely on Chinese and Hong Kong martial arts films and American movies featuring action stars (p. 107).

Regarded by Hollywood as a public that is "too poor to bother with" (Gray, 2011, p. 101), Malawians depend for their favorite shows on the choices made first instance by Chinese entrepreneurs who sell their pirated content to their intermediaries in South Africa, who in turn furnish these to their Malawian resellers in Blantyre, the commercial capital, for redistribution within the country. "Hollywood may be prevalent in Malawi," concludes Gray, "but it has come by way of China, Johannesburg, and then Blantyre" (p. 111).

Another local informal market where pirated American content seems to be prevalent is the Tepito market in Mexico City. "Much of what is available is the Hollywood fare, with bootlegs of the latest blockbusters hitting the streets within days of the film's official release (or sometimes beforehand). This accounts for the largest part of the market" (Lobato, 2012, p. 87).

Online Informal Flows of Non-Western Audiovisual Content

Our discussion of the transnational flows of non-Western cultural content has so far concentrated on the physical piracy of audiovisual products—that of videocassettes, VCDs, DVDs—which remains an important phenomenon in many countries where high-speed Internet connections are expensive or relatively rare. However, we also need to take into account the ways in which multiple Web platforms increasingly contribute to the transnational informal circulation of these products.

There are, as Tom O'Regan explains, "many continuities" between the informal modes of distribution of online content on the one hand and those of the videocassettes, VCDs, and DVDs on the other. But there are also some ruptures: "What is new today is the qualitative retching up of timeliness for cultural materials, particularly feature films . . . and television products" (O'Regan, 2012, p. 390) and the global scale at which these materials are potentially available.

Online technologies have, in particular, given the opportunity to various informal actors—some with and others without commercial objectives—to respond to "dispersed and niche audiences' needs . . . in overseas markets" (Wang, 2014, p. 109) that are not fulfilled by official distributors. Filling this gap, these informal actors have used digital technologies to provide these audiences and others a variety of non-Western cultural content.

The example of the fansubbers who have played an instrumental role in translating, subtitling, and distributing Japanese anime programs in the United States and beyond illustrates this process: It underlines both the continuities and the ruptures that exist in this field between the analog and the digital era. As Jordan Hatcher (2005) observes, predating "BitTorrent, broadband . . . and even the World Wide Web," (p. 518) the first fansubbers in the late 1980s "used expensive specialized equipment to insert subtitles" (p. 519) on VHS tapes, and after having done that, in the absence of "any major distributors of anime in the US market," (p. 519) circulated, often noncommercially, or "traded the finished videocassettes to others" (p. 519; Leonard, 2004) but at a limited scale. The use of digital technologies

and of the Web have, since the mid-1990s, enabled fansubbers to escape the “technological limits of analog cassettes,” facilitated the connections with other fans “from around the world” (Hatcher, 2005, p. 520) and expanded the informal circulation of this content.

Online fan communities have also had a nonnegligible role in the transnational circulation of Japanese TV dramas in Asia. Kelly Hu (2005) shows how, in parallel to the informal commerce of VCDs and DVDs, some peer-to-peer networks using the transfer protocol of BitTorrent and providing “Chinese subtitled Japanese TV drama made by Chinese fans” (p. 178) became in the early 2000s, for many other “Chinese fans,” an “alternative way” of accessing these programs in Hong Kong, Taiwan, and mainland China. “Thanks to the convergence of digital technologies—VCD, CD-R/DVD-R burners, PC and the Internet—” (p. 180) the fans of Japanese TV dramas have built an online informal distribution system that combats, as the commerce of pirate VCDs did before, “the ineffectiveness of the Japanese distribution system in Southeast Asian countries” (Hu, 2005, p. 172).

Diverse online networks have also contributed to the informal transnational distribution of the Korean Wave. After having circulated across Asia or within the global East and South Asian diasporas and beyond under the form of pirated VCDs or DVDs, the transnational distribution of Hallyu’s products experienced a significant shift in the late 2000s with the rise of new material modes of expansion under the form of “user-generated content websites [and] peer-to-peer networks,” which “play a central role in [these products’] global circulation” (Jin, 2012, p. 6; 2016).

These online social networks have indeed contributed to the success of South Korean television drama well beyond Asia and Asian diasporic communities. Discussing how virtual fan communities participated to the success of Korean television drama in Israel, Irina Lyan and Alon Levkowitz go as far as stressing “the power of technology and social media to create new maps of Hallyu distribution” (2015, p. 212), far beyond the supposed geolinguistic region of these cultural products.

Interestingly, the success of Korean audiovisual products, be it through formal or informal means, in countries as diverse as Israel, the Czech Republic, Romania, and the United States, points to the limits of the cultural proximity argument put forth for explaining the exports of the cultural content (pirated or not) of various non-Western producers. As Crystal S. Anderson states, the popularity of Korean movies and TV dramas “in European and Latin American countries as well as in the United States challenges the notion that cultures need to be similar in order for such cultural exchange to take place” (Anderson, 2014, p. 125).

Like the informal commerce of videocassettes, VCDs, and DVDs before them, informal online networks have also provided useful technological platforms to diasporic publics for consuming audiovisual content from their countries or regions of origin. In their study on media piracy in India, Lawrence Liang and Ravi Sundaram (2011) demonstrate, for example, that Indian diasporic publics make nonnegligible use of Indian peer-to-peer sites using BitTorrent protocols to access their favorite entertainment. Around 20% of the traffic generated by the Indian sites DesiTorrents and DCTorrent was calculated as coming from the United States, the United Kingdom, “and other migration hubs” (p. 357).

Beyond the variety of online platforms that have already been referred to, the informal “online economy of film [and TV program] distribution” (Lobato, 2012, p. 96) also comprises, as Ramon Lobato has put in evidence, a “complex ecology of intermediary services—linking sites, videostreaming services, and cyberlockers—which connect Internet users” (p. 96) with multiple audiovisual products, be they American, South-Korean, Indian, or Nigerian, but “outside the channels laid out by” the TV and film industries that produced them (p. 96).

All Infringing Files Are Not Equal

By compiling the scattered anecdotal evidence of the existence of informal transnational online flows of non-Western entertainment without being able to evaluate each piece’s relative importance with any degree of accuracy because of a lack of reliable statistics, we run the risk of overemphasizing their importance and thus of “giving a false impression that the world communication has become [thanks to these informal networks] more diverse” (Thussu, 2007, p. 25).

Some accounts of these global pirate flows tend in this respect to sketch geographies of online piracy in which the power relations that organize the legal flows of audiovisual products seem to have vanished. Considering “illegal file sharing as a global enterprise,” Abigail De Kosnik writes:

TV pirates in the U.S. can download episodes of *Project Runway Canada*, Australia’s *Next Top Model*, the UK’s *The X-Factor*, Indian game shows, German soap operas, and Colombian telenovelas soon after they air in their home countries. TV pirates in France, South Korea, or Nigeria may download episodes of *24*, *American Idol*, and *Burn Notice* without having to wait months for the shows to be sold on non-Region 1 DVDs or broadcast by their countries’ television networks. (2010, p. 10)

However, it may be assumed that the global distribution of these online pirate flows of TV programs is fraught with the same kind of inequalities as those characterizing offline pirate flows. A study commissioned by NBCUniversal and published in January 2011 by the research firm Envisional is worth considering in this respect (Envisional, 2011). Estimating the “Infringing use of the [global] Internet,” the study puts into relief the fact that the consumption of “infringing files” (estimated as accounting for almost 24% of the “use of global Internet bandwidth”¹) (p. 2)—movies, TV shows, music, games—is highly concentrated around a very limited number of files. Analyzing the content of what was then the largest and most-used BitTorrent tracker worldwide, PublicBT, the report states that “a very small overall proportion of content attracted large numbers of downloads, representing a large proportion of all connected users” (Envisional, 2011, p. 9).²

¹ This percentage “excludes all pornography, the infringing status of which can be difficult to discern” (Envisional, 2011, p. 2).

² Of the 2.72 million torrents managed by the tracker the day chosen for the study, 0.2% had 100 or more downloads, 2.6% had from 10 to 99 downloads, 51.9% had from 1 to 9 downloads, and 45.2% had no active downloads (Envisional, 2011, p. 9).

In other words, in the ocean of infringing files consumed thanks to this tracker, all the files are not equal. Some attract many more downloads than others, suggesting, but not proving, that thanks to the large budgets invested for its production and legal distribution, 24 must be able to easily supplant, on many Web platforms, the Colombian telenovelas and the Indian game shows.

In addition, it is important to point out that the same kind of digital technologies that enable online fansubbing communities to translate, subtitle, and distribute non-Western programs are also used by other communities to make U.S. programs available where they would not be otherwise. The Brazilian case exemplifies this process. In this country, the production of telenovelas provoked, in certain segments of program schedules, "an overall decline in imported U.S. programming" (Straubhaar, 2007, p. 179). A variety of downloading sites, of social networking sites, and of fansubbing communities have nevertheless given rise to an informal system of importing and distributing U.S. TV shows in Brazil. And this informal system provides a broader spectrum of content, at a higher speed and at a better price, than that offered by the legal distribution system (Mendes Moreira de Sa, 2015; Vandresen, 2012).

Debating the Counterhegemonic Character of Pirate Contraflows

The fact that it is so difficult to evaluate the scope of these offline and online informal transnational flows of non-Western audiovisual content raises a serious problem for their being characterized *contraflows*. As Naomi Sakr (2007, p. 105) has stated, "for the contra-flow concept to have explanatory value," it needs to refer to something more important than just "superficial changes in the geography of media flows": It has "to refer to changing power relations in the production and the dissemination of media messages" (p. 105). Given the scarce statistical evidence of the importance of this non-Western transnational cultural content compared to Western content, it is difficult to say if it represent mere "superficial changes in the geography of media flows" (p. 105) or if it symbolizes, on the contrary, significant transformations of the power relations structuring the circulation of audiovisual programs in the world.

But it is not just a matter of quantitatively evaluating the capacity of these informal transnational audiovisual flows of non-Western content of being able to offer an alternative to Western flows. Beyond that, it is also necessary to question the nature of these flows. Indeed, as Naomi Sakr (2007) put it, to really be "contra-flows", these flows need to be "counter-hegemonic". In other words, they need to carry content running counter to the dominant meanings with which hegemonic American programs are encoded.

Are the offline or online pirate contraflows discussed above counterhegemonic? Some authors answer positively. Darrell Williams Davis and Emilie Yueh-yu Yeh (2004) consider, for example, the pirated VCDs of audiovisual content in Asia as being a kind of "Third World guerrilla technology" (p. 237) that offers its users "a counter-hegemonic technology against the dictates of multinational consumer electronic enterprises" (p. 242).

Kelly Hu (2005) uses similar terms to describe the activities of online Chinese fans to access Japanese TV drama through informal networks, presenting these fans as "guerrilla fighters in the politics

of autonomy, network and low-cost digital technology; they are attempting to break down time-space constraints and the official distribution hierarchy" (p. 171).

However, as was made evident in the discussion of the commerce of pirated VCDs in Asia, the audiovisual content—be it American or Asian—distributed through the networks of the informal economy is no less embedded in a commodified culture than its legal counterpart. Having incorporated, as we have seen, "the codes of global consumer culture" (Lee, 2004, p. 253), Japanese and Korean dramas could be, in some respects, considered to carry the same hegemonic content as its American equivalent.

That is at least what Laikwan Pang (2006) suggests. Discussing not the pirating of Japanese or South Korean drama but "movie piracy in China," she notes that this form of piracy "is far from [being] a romantic form of guerilla warfare to fight hegemony." "The popular commercial films being pirated," both the "commercial Hong Kong [and] Hollywood films," are indeed both "hegemonic in their own discursive practice" (Pang, 2006, p. 109).

This is not to say that pirated commercial programs should be considered to give shape to hegemonic flows of cultural content. As Virginia Crisp (2015) puts it, we need to "investigate piracy as a social and cultural activity," (p. 99) and not as a mere process of consuming cheap hegemonic media content. But this is to say that pirated commercial audiovisual content cannot so easily be considered to constitute a counterhegemonic force.

Another very important dimension prompting us to relativize the capacities of piracy to contribute to the rise of contraflows is the fact that, if piracy has been recently described as an infrastructure for producing cultural products in some countries of the Global South, it has also long been recognized as a serious problem for the survival of domestic cultural industries in these countries. In 1989, in their study of the VCRs in the third world, Douglas Boyd, Joseph Straubhaar, and John Lent emphasized the danger posed by counterfeit videos: In several Third World countries, such as Brazil, Egypt, Hong Kong, India, and Mexico, "piracy via VCRs threatens" the national film or television industries "that produce entertainment" (p. 19).

Even in Nigeria—the country that, as we have seen, is often presented as illustrating the potential of media piracy as "an infrastructure for cultural production" (Liang, 2009, p. 3)—piracy is considered an ambivalent phenomenon: "It is widely feared by indigenous film and music makers as destructive of the small profits they make by way of intellectual property and seen as contributing "substantially to the erosion of the industry as a whole" (Larkin, 2004, p. 297). Consequently, in this country where "informality has been central" to the creation of a video industry, some important professionals in this video sector try today to formalize this pirate economy: "Informality is being recast," explains Ramon Lobato, "as a threat to long-term sustainability" (Lobato, 2012, p. 56).

All these factors lead us to relativize the counterhegemonic character of the flows of non-Western entertainment circulating through the networks of this informal economy.

Is Piracy a Major Menace Undermining the Power of U.S. Cultural Industries?

Finally, we need to relativize the widely held idea that piracy is a major menace undermining the power of U.S. cultural industries. This argument is repeatedly put forward by the organizations defending the interests of major Hollywood companies. As the report by the LEK (2006) consulting firm states: "Piracy is the biggest threat to the U.S. motion picture industry" (p. 3).

Piracy has also been hailed by some critical scholars as another kind of menace to Hollywood. In his book *The Empire of Mind*, in which he studies the liberating potential of digital piracy, Michael Strangelove considers that "in many areas of the world, piracy"—under the form of "the consumption of vast quantities of pirated digital products in the off-line marketplaces"—represents a form of "resistance to American economic domination" (Strangelove, 2005, p. 74).

What if, instead of being either a threat to Hollywood or a resistance to it, piracy was an opportunity to increase its domination? Piracy has indeed contributed, albeit illegally, to the expanded global reach of American films and series. It has created, as Toby Miller and colleagues (2005) note in their book *Global Hollywood 2*, "audiences and demand for [the] media products of Hollywood." (p. 226) Moreover, the distribution networks of the informal economy offer—as I have already argued for some media industries of the Global South—an infrastructure that has helped Hollywood "to extend [its] markets into places where it has traditionally been a minority culture—markets that encompass almost half of the globe" (p. 256).

Nothing captures that better than the already mentioned success of *Titanic* in Afghanistan under the rule of the Taliban. "Without piracy," Barbara Klinger (2010) comments about that example, "Hollywood's products would not have the presence in global markets—some well beyond the pale of motion picture theaters—that they currently enjoy" (p. 108). Piracy can then be viewed, in many respects, as paving the way for the future legal introduction of Hollywood products to these markets (Mattelart, 2011, 2012).

All the more so that Hollywood has worked hard to transform pirated markets into legal markets for its products. Together with other U.S. copyright-holding industries and the U.S. government, the major studios have launched an important offensive against piracy aiming not only to protect their rights but also to "expan[d] [their] market power" (Bettig, 1996, p. 2) and increase, on a worldwide scale, their market domination.

Susan K. Sell has shown in *Private Power, Public Law*, how, as early as the 1980s, various U.S. copyright-holding industries, among which the Motion Picture Association of America (MPAA) figured prominently, worked to convince the U.S. government to give high priority to the defense of intellectual property rights and the fight against piracy. She also describes that, under the pressure of this lobbying, the U.S. government added provisions to trade acts in 1984 and 1988 giving it the unilateral right to take retaliatory measures against the countries that infringed the intellectual property rights of American companies (Sell, 2003).

In parallel, some of the main U.S. copyright-holding industries, with other intellectual-property-rights-holding industries and some of their Japanese and European counterparts, campaigned in favor of a stricter and stronger international regulatory framework for intellectual property rights. With the support of the U.S. government, these private companies played a “unprecedented . . . central role” (May & Sell, 2005, p. 154) in drafting the agreement that implemented a much more severe global regime of intellectual property rights, which was finally signed in 1994 at the World Trade Organization meeting on trade-related aspects of intellectual property rights.

Today, the global defense of U.S. companies’ copyrights is still a common cause for both private and public U.S. interests. In addition to its “multilateral efforts,” Washington’s strategy “to eradicate piracy in foreign markets” comprises, as Toby Miller and colleagues explain, various kinds of bilateral negotiations: “Trade-leveraging against countries where piracy [is] rampant; free trade agreements with selected partners that incorporate intellectual property protection into their frameworks” (Miller et al., 2005, p. 241).

Interestingly, the U.S. government and major U.S. copyright-holding industries link their common struggle, waged on a global scale, against piracy to the promotion of the free flow of U.S. products: Both are viewed as aiming to expand the reach of American cultural products. As Michael Schlesinger and Steven J. Metalitz of the International Intellectual Property Alliance make clear: “Since 1984, IIPA and its associate members . . . have worked in partnership with the U.S. government to improve copyright protection and provide fairer and more equitable access in foreign markets” (Schlesinger & Metalitz, 2014, p. 1).

The commerce of pirated products, then, cannot easily be considered a form of resistance to American economic domination. Rather, this commerce has to be seen as structured in many ways by some of the same power relations that govern the legal trade of audiovisual programs. If the pirate infrastructures offered by the informal economy of communication have contributed to an increased transnational circulation of the content of some of the major centers of audiovisual production of non-Western countries, they have also given U.S. global communication companies the opportunity to extend their products’ distribution, making these available where they were not. The domination U.S. cultural products exert on worldwide legal markets has thus been transposed, at least in part, within the realm of the global informal economy of communication.

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