

## Piracy as counter-hegemony: a Cape Flats case study

### ABSTRACT

Despite several attempts by the Antipiracy Foundation in South Africa, piracy and counterfeiting of movies on DVD is still widespread. This paper explores piracy in Hanover Park, a Cape Flats township, as an expression of a politics of resistance to racism and racial disadvantage, but more specifically as a routine social practice deeply embedded within the lived reality of community members. The research questions were guided by a desire to explore qualitatively the processes by which consumers in this low-income neighbourhood practise and understand their purchase and consumption of pirated goods, particularly films on DVD.

The study found that the consumers of Hanover Park engage in a complicated process of *bricolage*, often recontextualising what they view to communicate new meanings, appropriating African-American and gang films as a form of political cultural resistance. Because of group and familial viewing practices, social networks are solidified and piracy often becomes a form of political *bricolage* against a perception of racial and class marginalisation. We find that both the 'reworking' of community and expression of resistance unfortunately seem to occur primarily in the arena of leisure, where the practice of piracy is routinised as an integral part of the lived experiences of community members. 'Globality' is experienced through a preference for Hollywood and Bollywood blockbusters; and a media-saturated globalised national context meets the unequal purchasing power and economic constraints of the local context, while resulting in little moral concern over the practice of piracy, which lends a political dimension to everyday practice.

## INTRODUCTION

Rafiek<sup>1</sup> is a respectable and rather stern fatherly figure usually dressed in a buttoned-down shirt. His wife carries their young daughter on her hip in the kitchen as she burns my order of ten movies at R10 each. As we wait for the DVDs, my gaze drifts to the framed religious inscriptions that adorn the walls, and out the window of the simply furnished two-bedroom flat down to the courtyard where children play noisily below. I am in Hanover Park, a so-called coloured township on the Cape Flats, often referred to as the 'capital' of gangsterism in the country. It is a fairly normal family setup, except that I am acutely aware of my engaging in an act considered to be a criminal activity, i.e. the theft of intellectual property, the purchase of pirated copies of DVD films, with the movie titles neatly written on the disc with a black marker pen.

Despite several attempts by the Antipiracy Foundation in South Africa, piracy and counterfeiting of movies on DVD are still widespread. As in many other countries, particularly in the developing world, piracy in South Africa is flourishing. Pirated movie sales account for 60% of the DVD market and cost the industry R500 million per year (South African Info, 2006). One of these antipiracy initiatives was the production of fake pirated DVDs, which would start by playing the film but then, after a few minutes, display the following message: "Thank you for buying this DVD. Your R40 has been donated to the Antipiracy Foundation. Piracy is a crime" (South African Info, 2006). A number of similar advertisements have been produced in conjunction with the South African Federation against Copyright Theft (Safact). In 2006, Mzwakhe Mbuli and other local artists spearheaded an antipiracy concert in an effort to draw attention to the impact of music piracy on artists (IIPA, 2007). South Africa, as well as being a member of the World Intellectual Property Organization (WIPO), is a member of the Paris Union and has acceded to the Stockholm Text of the Paris Convention for the Protection of Intellectual Property. In South Africa, most pirated goods are imported from Southeast Asia, particularly Malaysia (IIPA, 2007), and master copies of these discs are then copied by home operators.

This paper explores piracy in Hanover Park as an expression of a politics of resistance to racism and racial disadvantage, but more specifically as a routine social practice deeply embedded within the lived reality of community members. Drawing on de Certeau (1984), the paper argues that the everyday practice of consumption is a cultural practice of non-producers, which makes the pirated texts 'habitable'. The study acknowledges the possibility that certain patterns and practices may link media consumption to a lived global culture. The research questions were guided by a desire to explore qualitatively the processes by which consumers in this low-income neighbourhood practise and understand their purchase and consumption of pirated goods, particularly films on DVD. By selecting one particular neighbourhood as a site for the exploration of these issues, this study seeks to gain an understanding of the nature and the extent of piracy in this community, and the reasons for piracy, and in doing so to contribute towards the broader body of research on piracy in South Africa. More specifically, the research questions were: What kind of pirated goods are most purchased and consumed? Who purchases and consumes pirated goods? Why

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<sup>1</sup> Not his real name

do people consume such pirated goods? How do they consume such goods? How do they make sense of their consumption? How does their consumption reflect broader global concerns?

Hanover Park is a so-called coloured working-class township, located between a large industrial zone to the east, and the middle-class coloured neighbourhood of Lansdowne to the west. The population of the area is approximately 29, 646, with 28, 118 of these being coloured and 154 African. The majority of people (11,015) are between the age of 15-34 with only 1, 709 in possession of a final school-leaving matriculation certificate. A total of 23, 815 of the population are First-language Afrikaans speakers. Most housing comprises blocks of flats, while unemployment exceeds 50% (www.statssa.gov.org ).

The neighbourhood is well known for gangsterism, and by the late 1970s was home to nearly 20 gangs like the Mongrels, the Vultures, the Genuine School Boys, the Wild Cats, the Nice Time Kids, the New York Yankees and many others, each 'owning' their own small patch of township (Steinberg, 2004). This township community is on the so-called Cape Flats, and is one of the many urban ghettos to which black South Africans were removed during apartheid. The Cape Flats refers to a sandy stretch of land about 50 miles in extent on the outskirts of Cape Town, referred to colloquially as the 'dumping ground of apartheid'. Several townships for black and 'coloured' people still exist within the Cape Flats, and the housing is mostly tenement style with large areas of squatter camps or informal housing. Relocation was accompanied by a host of social problems including an increase in domestic violence and in alcohol and drug abuse stemming from the separation of families and that broke down family and neighbourhood networks. The term *coloured* is an apartheid designation to refer to people of mixed race origin, resulting from slavery at the Cape and reflecting the cultural influences of North Africa, indigenous groups, Malay, Italian, British and Dutch. The designation is controversial, and though some use it with pride, many others use the term either in inverted commas or prefixed by 'so-called', preferring to consider themselves under the broader designation of black. Of South Africa's 43 million, 9% are coloured and are concentrated mostly in the Western Cape region, primarily in Cape Town, capital of the Western Cape and legislative capital of South Africa.

Piracy is not a recent phenomenon: VCR technology allowed for the selection of specific content and niche audiences. In Cape Flats communities, the practice of recording and sharing materials has always been fairly widespread, with people not only recording television programmes onto VCR machines and distributing these among personal networks but also recording music onto cassette tape from popular radio stations, for later 'broadcast' at home parties and social gatherings.

For the purposes of this study, *piracy* is understood to be the "unauthorized copying and distribution (often, though not necessarily, for commercial gain) of copyrighted content" (Yar, 2005). Included in this definition is *counterfeit goods* (DVD movie discs in particular), which infringe copyright but replicate the original product in terms of appearance and can be passed off as authorised copies. However, the definition of piracy is contested and there is no agreed single definition either of the term or of the kinds of practices that fall under the label. Drahos and Braithwaite (2002) further point

out that the term is not simply a piece of legal terminology, but rather a rhetorical device which, by evoking associations with seafaring pirates, is used to moralise copyright infringement as a crime. The definition of piracy is also linked to notions of intellectual property (Verghoot & Schriks, 2007), which is considered to provide authors the exclusive right to reproduce and publicise their work. This study's focus is on end-user piracy, the non-commercial but unauthorised digital copying of DVD films for personal use.

## **1. METHODOLOGY**

The primary methodology of the present study was an ethnography of the chosen site, using participant observation at one private home used as a point for selling discs, and conducted over a three-month period. The researcher purchased discs and interacted with the seller and other purchasers during this process. In addition, 30 in-depth qualitative interviews were conducted with a range of residents in the neighbourhood using a snowball sample, but taking care to include diversity in terms of age and gender. Some interviews were conducted by the primary researcher because of a fair degree of 'racial' homogeneity, but most interviews were conducted by a research assistant who was more familiar with the neighbourhood, and who conducted some of the interviews in Afrikaans. Her homogeneity with the interview subjects often led to their being more comfortable and more willing to reveal their consumption practices and viewing behaviours – even when the primary researcher was also present. Interviews were considered not as records of facts, but as social texts, records of social interaction situated within the context of class relations in the larger society. The interviews were conducted in participants' homes, recorded with their permission and later transcribed. Transcription allowed the identification of key themes in individual interviews and also across interviews, to determine "which parts of the experience are truly part of [my] consciousness and which parts are merely assumed" (Lanigan, 1988 : 10). As Van Maanen (1990: 79 ) points out, transcribing is an important shift from listening to seeing, and is in fact the "act of seeing meaning".

The study depended heavily on using informants and observation to delineate the cultural world of Hanover Park from the 'inside', an approach commonly used in studies of deviancy or anti-social behaviour, particularly among youth. The idea behind this was to validate the experience/point of view of the subjects, giving them agency and empowering their accounts, particularly within the largely negative framing of piracy practices in relevant academic literature. In fact, much of the research on piracy has been located in the fields of law and business, with very little from the social sciences; and even less has come from South Africa – possibly with the exception of theses, course papers and other unpublished research. The present study sought to make connections between lived experience and structural realities, and as such, this was considered to be the most appropriate methodological approach.

An ethnographic approach sees media as an intrinsic part of people's search for meaning, one that is able to uncover the dialectical relationship between local, national and global forces (Algan, 2009). One good example is the work that links media piracy and the broader infrastructure of reproduction, revealing the economic and cultural organisation of Nigerian society (Larkin, 2004).

The said study takes note of the shift in the 1970s from an emphasis on participant observation to the “observation of participation”, and to concerns with power and praxis and the epistemological doubt associated with the crisis of representation (Denzin & Lincoln, 2000). Morley and Geertz (in Murphy, 1999: 208) assert that the value in ethnographic methods “lies precisely in their ability to help us ‘make things out’ in the context of their occurrence – in helping to understand ... media consumption practices as they are embedded in the context of everyday life”. Ethnography sets aside the notion that behaviour is rule governed or motivated by shared values and expectations, and maintains that social structures are locally produced, sustained and experienced (Holstein & Gubrium, 1999 ). The use of this methodology helps to fill gaps in existing academic literature, where broad trends are usually obtained by mainstream qualitative or quantitative data-collection methods – without much in-depth focus or understanding of specific behaviours.

Observations were another key source of data. Observation notes were taken after each field trip. These field notes were based on the format outlined by Spradley (1979), who recommends three different types of field notes: the condensed account (verbatim), the expanded account recorded after each field session, and a fieldwork journal that contains experiences, ideas, fears, mistakes, problems and breakthroughs that arise during fieldwork. In other words, notes fell into two categories: a section strictly for observations and direct quotes and a section that recorded reflections, passing thoughts and first impressions and responses. Entries differentiated between categories of data, e.g. what people literally said, descriptions of social contexts and the researcher’s hypotheses about the situation (Agar, 1986). The notes were particularly useful to cross-reference material obtained later in interview situations.

## **2. DISCUSSION**

The research and literature on piracy and counterfeiting tends to focus on its economic, legal and technological aspects; however, this study has been more concerned with the associated consumption and demand issues related to piracy, with an interest specifically in the sociological and psychological dynamics (drawing on Bryce & Rutter, 2005). This article thus approaches piracy as a widespread, situated and everyday or lived practice, and draws on ethnographic qualitative data to explore the frequency, nature and motivations for the purchase and consumption of pirated movies in Hanover Park, a township on the Cape Flats in the city of Cape Town. Moreover, the site should be seen not merely as a place, site or space to pin down and capture, but as a point of reference through which to engage the emergent dimensions of piracy within the globalised network (borrowing from Tufte, 2009).

The section that follows presents and engages with the major themes and issues revealed by the observations and interviews. More specifically, the following key themes will be discussed: the social networks of piracy and an exploration of who pirates; the ways in which consumers negotiate and experience ‘globality’ and identity through their consumption; communal viewing practices and the emergence of ‘gift economies’; and an exploration of the reasons driving the consumption of pirated goods; and how one might begin to make sense of these consumption practices.

## 2.1 Experiencing 'globality' and negotiating identity through consumption

Globally, audiences are turning away from the consumption of domestic media products, demonstrating a preference for Hollywood blockbusters. This seemed no different in this particular case study, with all those interviewed indicating that they had already seen most of the top-selling American films weeks or months before those films arrived on circuit in South Africa. Media consumption is one of the "defining activities of the global-local nexus as it is perhaps the most immediate, consistent and pervasive ways which 'globality' is experienced" (Murphy, 1999).

The popularity of the Oscar-winning South African movie *Tsotsi*, made it the most pirated DVD film in the country (South African Info, 2006). This film and the more recent film *Jerusalema* were the two South African films that all the respondents mentioned when asked about local movies. Other local products mentioned were DVD copies of local theatre productions, e.g. Joe Barber and Marc Lottering – both local comedians. However, there seemed to be a degree of reluctance in respondents' purchase of these products in their pirated forms. One 20-year-old male car mechanic said:

*I believe that local things, Capetonian things are cool, they understand our roots so I'd rather support them so either go to the show or buy the original DVD because it's not that expensive (interview 19/02/2009).*

In fact, the prices of local films and theatre productions are on a par with the prices of foreign-produced films, and this particular respondent had not in fact attempted to purchase any such local DVDs. However, this response indicates a slight shift in terms of the morality around piracy, indicating a certain implicit understanding of the potential costs to artists, and reflecting a different attitude towards foreign products.

There have not been many feature-length South African films in recent years, and one might assume this to be the reason why only *Tsotsi* and *Jerusalema* were mentioned when respondents were asked about South African films, particularly as most of them were also viewers of local television, most listing *Generations* and *7de Laan* as their favourite programmes. However, despite this, many seemed to share a view that local products were somehow 'inferior' to American films. As one respondent, a 42-year-old cabinet-maker put it:

*Jerusalema – that one I enjoyed but you can see it's foreign producers, the action was like an African-American movie (interview, 20/02/2009).*

Interestingly enough, interview respondents did not reflect this in their answers, but sellers indicated local Afrikaans slapstick comedies like *Vaatjie sien sy gat* and *Poena is Koning*. These films, by Willie Esterhuizen, caricature a type of unsophisticated South African and are filled with racial stereotypes.

In respect of genre, there was fairly wide divergence in terms of consumers' preferences, with younger women often indicating a preference for romantic comedies and teen movies (e.g. *High School Musical*); and younger males indicating a preference for action films. Older respondents also indicated a preference for action films and dramas. During one visit to the observation site, I asked Rafiek what kinds of film were most popular, and he responded that most people in the community generally prefer what he describes as "nigga, gangster movies", and that this is his top selling genre. Based on observations at the field site, it seemed that a large number of pornographic films and DVDs of Christian gospel music videos were also sold, yet there was little corroborating evidence from the interview process to support this. This might merely be a case of interviewees' unwillingness to admit to these viewing practices (at least in the case of porn), particularly as there was not a high degree of homogeneity between the interviewer and the interviewee. A large number of interviewees also indicated that they often viewed pirated DVDs of stand-up comedy sets, usually by African-American comedians such as Dave Chapelle or Chris Rock.

Street-gang life in Hanover Park has always been organised around the cinema, with the gang, The Sicilians, having been inspired by *The Godfather*, the Dobermans taking their name from a French gangster film, and gang members going into street battles shouting out lines from *The Gladiators*. Steinberg (2004: 130-131) explains that cinema was hugely popular among the coloured inner-city communities, and that on the Cape Flats in the 1960s and 1970s, "cinema was about gangsterism and gangsterism was about cinema". Cinemas were often owned and controlled by the gangs and, as one of Steinberg's respondents recalls, "the fighting in the film was preparation for the fighting in the streets".

During one of our trips to his house, Rafiek casually sold us a spindle of 120 independent foreign (European) films, many of them still on circuit at the *Cinema Nouveau* cinemas. The selling price was R120, amounting to only R1 per movie. The impression created by Rafiek was that he had not been able to sell these films, and wanted to get rid of them. These were all counterfeit discs, and were high-quality preview screeners, complete with previews before the main feature. One might thus assume that so-called 'art' films are not popular in this community. When respondents were asked whether they viewed 'foreign' films, an overwhelming number of them indicated that they enjoyed watching Bollywood films. Given the widespread global appeal of Bollywood to African audiences (Larkin, 2002), this is not surprising.

Certainly, interviewees often named African-American actors, and seemed to link their preferences for such movies to a similar preference for hip-hop music. Created in urban black ghettos in the United States, this style of music has since become a point of identification within the black diaspora (Barker, 2000 ). Hip hop emerged on the Cape Flats in the early 1980s as one of many responses to apartheid. It was particularly powerful in Cape Town, where it functioned as a vehicle to work through the tensions of being racially marginalised from local domains of power (Watkins, 2001). Local hip-hop musicians in Cape Town have a large following in Cape Town's townships, and have used rap and hip hop in the development of their communities. Apart from addressing social problems in their lyrics, members of

the hip-hop scene were also active in the struggle against apartheid. Hip hop was used in workshops, introducing youth to issues of self-respect and the history of apartheid. Prophets of the City (POC) songs were played to encourage people to vote during the first elections in 1994 (Gesthuizen, 2003; Haupt, 2004). The group Black Noise organises rap and break-dance workshops and the yearly African Hip-Hop Indaba that aims to present youth with an alternative to gangsterism. Furthermore, there is a fairly widespread perception that hip-hop music in South Africa is primarily popular among the so-called coloured population, with hip hop playing a particular role in coloured youth identity construction (Yarwood, 2006).

The experiences of African-American actors undoubtedly seemed to resonate with some of the younger consumers, with many explicitly stating this connection. One young male respondent stated:

*Because black actors, they were also oppressed in their day and they're probably also struggling now, a lot of the times their jokes, like Chris Rock for example, their jokes were aimed at racists, and right wing Americans, and hillbillies, and I can relate to that because our country went through a similar thing (interview, 02/2009).*

What is evident here is the capacity of audiences to negotiate global messages locally. Here the global and ideological elements of mediated messages become fixed to or acquire class, regional and community characteristics. The viewers do not blindly consume the foreign American cultural products, but often engage in quite sophisticated negotiation of the cultural terrain, acutely aware of racial dynamics and politics, and able to draw parallels with the South African situation. There was only one instance where a young woman indicated that she watched American films to get a sense of what kind of sneakers were popular and what kind of clothes to wear – but this was not a majority view.

The selection of items to be viewed was also an area of interest. In a few cases, people watched previews of films, noted down the names of those they found interesting, and then later asked their seller for the specific films they wanted. However, in the majority of cases, people watched films based on the recommendations of others, usually the seller. In all cases, the sellers usually kept the latest movies or movie sleeves in a CD case, through which potential buyers could browse for the titles they wanted. In this way, people like Rafiek become opinion shapers and gatekeepers, deciding which films would circulate in the neighbourhood, and determining the popularity of such films. The advice given by sellers is often personalised, with regular buyers being given advice on which films they are most likely to enjoy, based on their previous purchasing patterns. Sellers create the impression that they have viewed all the films they have available for sale, and when questioned about any particular title, they are very rarely unable to give potential buyers a brief synopsis and movie review. One woman explained this:

*I don't choose movies, they come onto me. Someone will say, do you want to see this movie or have you seen this movie; and I will say yes, let me see. People even come to my door with movies. Here you can buy anything (interview February 2009).*

Regardless of genre, timeliness was considered the most important factor, with all respondents indicating that their selection of films was always based on being able to see the latest films. Here they defined 'latest' as a film that had not yet been released onto circuit in South Africa, and which they could view before the general populace had access to it. Being able to view films concurrently with their release to the US market seemed to make consumers feel part of the global entertainment community. In China, Warner's 'short window' strategy, designed to deal with this problem, means that it releases films on DVD before pirates have the chance to copy them, and then sells its discs in shops that primarily sell pirated discs (Guilford, 2007).

The quality of pirated discs can vary widely, and low-quality discs might be nothing more than a recording from a hand-held camcorder in a theatre, complete with the sounds of audience reactions. In all cases respondents indicated that quality was not a major factor, perhaps principally because the quality of the pirated discs is usually very high. Often the only indication that the disc has been pirated is the absence of subtitles and the occasional on-screen title indicating that the film is a screener not for sale. Respondents indicated that the high costs of authentic discs and cinema entrance fees cancelled any possible concerns with quality of pirated discs, and that they were often willing to view low-quality discs because of the low cost of these discs.

## ***2.2 The social networks of piracy***

Increasingly, the literature on piracy is beginning to shift more towards audiences and their motivations for consuming or distributing copyrighted material – with quite a few studies focusing specifically on the culture of 'audio pirates' and their motivations for downloading. Leyshon (2003) groups audio pirates into three categories: leech, trader and citizen, with the latter being the most respected role structure in the audio-piracy community. Someone who exchanges files in citizen mode is willing to give files away in order to benefit the community, sometimes leeching, sometimes providing things for the leechers to consume. The role of 'leech' is the most common role for committed members of the audio-piracy subculture.

In this context (and as further discussed below), it was found that most people followed the patterns of audio piracy in their dissemination of pirated movies, i.e. most people were 'leeches' – in other words merely purchasing and consuming what was offered to them, though a few assumed the role of trader – trading their discs with others, and sometimes even burning discs for others free of charge.

Similar to Rutter and Bryce's findings (2008) in the UK, this study found the purchase and consumption of counterfeit movies to be common across a broader variety of age, gender and socio-economic categories than is often assumed. One might assume that those who purchase pirated films are predominantly young males; this was however without doubt not the case in Hanover Park. Certainly, the practice of piracy was widespread, with everyone we talked to in the community indicating links to the network of piracy, mostly as a consumer. Many of the studies on piracy usually focus on young people – generally students – as the

group who practise piracy most frequently. Yet it seemed that middle-aged men formed the majority of buyers at the field site, possibly because of the profile of the seller as a middle-aged man himself. One might also speculate that it is usually the men who purchase because they are employed and can afford to buy, but that they purchase for other family members, often their children. In several instances, buyers would engage in telephone conversations in which they would discuss and ask for advice on what titles to purchase. The indication from the field site was also that buyers were neighbourhood residents, with very few buyers from other neighbourhoods. In some ways then, those who purchase were gatekeepers, since their decisions about which titles would be most appropriate for their families, largely determined viewing practices.

Gopa and Sanders (1997) found that females, older individuals and ethical-minded individuals pirated less. Similarly, Green (2007) found that female students had more respect for copyright laws than did their male counterparts when it came to downloading music from the Internet, while Kini, Ramakrishna and Vijayaramen (2003) concluded that females' moral intensity in respect of piracy was lower than that of males. Again, however, interviews with consumers found this not necessarily to be the case in this instance. Female interviewees showed little regard for piracy as a crime, and a few even said that the practice should be legalised. This idea of social networks or pyramids of piracy is further developed in the section on communal viewing practices below.

### **2.3 Communal viewing practices and gift economies**

Piracy assumes several forms in this neighbourhood, the most common form being the purchase of pirated feature films from a seller, usually for between R5 and R10. Other forms of piracy include the purchase of counterfeit films, the renting of pirated films from sellers, the selling and purchasing of pirated films between consumers, and providing a seller with a blank disc for the copying of films. In most cases, consumers are connected via an intricate web, with only a few 'gatekeepers' in direct contact with the sellers. The majority of buyers thus access their pirated films via a member of their network, usually a family member, but sometimes also a close friend, who provides them with such access. In the case of the observed site, the researcher had to be accompanied by an informant for several visits before she could go there on her own. Without this kind of assistance regarding access, the seller, Rafiek, usually does not answer his door, or potential buyers are turned away from his door and told that he is not at home. The first few visits to his house were unsuccessful, and it was only after approximately a month that he suddenly became more available and was found 'in' when the researcher went searching for films.

In middle-class communities, the viewing of movies and other entertainment often exists as a form of privatised pleasure, where films, particularly pirated products, are most often viewed privately on laptops, iPods and through headphones. Students who view pirated products, for example, almost always view these alone, and on personal media (McQueen, 2008). Working-class subcultures are usually clearly articulated collective structures, while middle-

class counter-cultures are diffuse, less group centred and more individualised (Clarke & Hall, 1993 ). Certainly, in this particular case, the viewing practices were overwhelmingly centred on groups and a notion of family or community, with all consumers interviewed indicating that they always watched products with a family member or group of family members or friends. One 48-year-old seamstress explained:

*What I normally do is I invite my mother down for a nice cup of coffee, then I put her on the bed – she’s an elderly lady – and I say to her, you like Bollywood movies, and I put on a Bollywood movie. And all of us, we’re 7 children, we all come together and talk about that afterwards (interview, 19/02/2009).*

Here we see that the practice of viewing pirated films is not centred primarily around the consumption of the product itself, but rather is an act that facilitates group participation and fosters a sense of community. This allows for the transformation of the film text into a space that can be ‘borrowed’ by the transient viewers to reappropriate meaning (De Certeau, 1984).

Participants generally indicated that they enjoyed viewing films with others, and that a big part of the experience was talking about their personal viewing experiences afterwards. One 22-year-old young woman justified her experience by explaining that not only was this her only source of entertainment and diversion, but that it was a practice in which everyone in her family could participate.

*We can’t afford it, the only enjoyment is either I become a gangster or I do something. Now I get the movie and I sit in the house and my mommy is happy. And everybody can watch the movie. It’s not illegal because the police see me with the CD [and] they don’t stop me (interview, 02/2009).*

This, together with the observation of the profile of most buyers, can be taken as an indication that many parents purchase pirated movies as an inexpensive way of keeping their children safely at home. In a neighbourhood overrun by gangs and drugs, one might understand parents’ need to keep their children at home, where the possibility of surveillance is more likely. These shared viewing practices become an informal community of practice, with people getting together to watch films as a form of knowledge management or of developing social capital. The viewing practices in Hanover Park may be understood as a group of individuals participating in a communal activity and both experiencing and continuously creating their shared identity through engaging in and contributing to the discussions that follow viewing sessions. As people connect with each other they share their expertise in decoding films or obtaining the discs, thus creating a community of circumstance (Marsh, 1999). The social network within the community is thus a complex web of complex relationships with many weak ties. There are several pyramids of piracy in the community – the sellers are at the top, offering selected titles to consumers based on their (the sellers’) assumptions of what will be popular; the buyers (often male heads of households) occupy the next rung, choosing from these pickings the titles they believe to be most appropriate for their families; the rest of the

consumers occupy the space in the rest of the pyramid – with those having more access to higher-quality discs occupying the spaces higher up.

In some instances, buyers resold their pirated discs to other buyers in order to raise the money to buy more films. Yet this emerged in only two cases. Most others created a series of gift economies by giving the products away. Here we see that Leyshon's categorisation (2003) means that most people in the community are 'leeches', only purchasing discs; a few are 'citizens' as they have the highest status with the highest access to the latest discs and sell these; even fewer are 'traders', trading their purchased goods for more or reselling them to others within the network.

Once people had consumed the pirated discs there was usually little interest in holding on to the product. Consumers indicated that the cost of the disc was low enough to allow others to take it for free, particularly as most of them indicated that they often only viewed a disc once or twice. A smaller number of individuals in the community – not well linked to any of these pyramids – would then merely wait for these discs to view them free of charge – neither taking any proactive stance in terms of themselves obtaining the discs or of purchasing them from sellers, nor interested in viewing the 'latest' discs, but merely obtaining them in a process of 'filtering down', much like the late adopters of any innovation.

#### ***2.4 Exploring the reasons driving consumption***

Yar (2003 ) attributes the global rise of piracy to several external factors: an increase in the demand for consumer goods; the fall in the price of domestic home-entertainment systems and the resultant expansion of the market for the domestic consumption of movies; and the global dispersion of American cultural ideologies, which creates an appetite for media representations that reflect those values.

Yar (2003 ) further suggests that consumers generally turn to cheaper pirate copies because the search for profits has led copyright industries to price their goods beyond the reach of the average consumer. Generally, the highest levels of piracy are found in the poorest countries (Choi, 1999). This is in line with global trends where parallel 'illicit' economies develop in reaction to the fact that 'legitimate' world trade is increasingly configured around multiple networks of flows in goods and services (Castells, 1996; Yar, 2003 ). The concept of net economic benefits and affordability recurs in studies of software, video and music piracy (Van Belle, Macdonald & Wilson, 2007). In Nigeria, for example, Larking (2003) demonstrated how a parallel economy emerged as a result of pirated media and technology. Similarly, in the neighbourhood here under scrutiny, the piracy industry is well developed, with sellers operating from home, selling DVDs throughout the day and working at this as their only source of income (particularly as they are often the sole 'employee' in their business, sometimes with the assistance of family members).

Similarly, Husted (2000) in his study of software piracy also found software piracy to correlate significantly with GNP per capita, income inequality and individualism. In fact, most studies

exploring piracy behaviour include some measure of economic saving (Van Belle et al., 2007), although Huang (2005) disregards the economic factors and develops a model based on morality, expertise and social networking

In Hanover Park there was certainly a degree of social networking. Individuals who engaged in piracy did not consume their goods in private spaces, but purchased them for groups of family and friends to view. Piracy created strong networks across families and communities, with discs being widely circulated, sometimes even outside the neighbourhood, and in one mentioned instance, even outside the city.

All the respondents interviewed indicated that they enjoyed visiting the cinema, but that this was an infrequent practice in that costs were prohibitive:

*There's no better place than in the cinema but you don't always have that amount of cash with you and some Sundays you're very bored (interview, February 2009).*

*I don't know when last I went to the cinema because you can get the movie the month before the time; it's a nice relaxing experience, if I take my son and myself it's going to cost 60 Rand whereas I can buy six movies at R10 each (interview, February 2009).*

Working-class leisure time is constrained by cultural and structural determinants – the relationship between the working class and leisure being constrained by cash relations (Clarke, 1993). Thus piracy is a fact of life in Hanover Park where a media-saturated globalised national context meets the unequal purchasing power and economic constraints of the local context. Here the tactics of consumption “lend a political dimension to everyday practices” (De Certeau, 1984: xvii). Van Belle et al. (2007) found attitudes towards piracy to be a key factor in influencing the individual's intention to pirate, with environmental factors impacting on attitudes towards piracy. All the interviewees, regardless of gender or age, believed their piracy habits to be legitimated by their current economic conditions.

*I know piracy is a crime, but we will go for it because we're a less fortunate people, irrespective of whether it's a crime, just to give us comforts, so we can say I am also part of the crowd, I also watched that movie (interview, February 2009).*

*The morality doesn't really play a big factor because in America they don't feel that R80 that they're losing from me because they can afford it, they all live in big fancy mansions whereas I live in a flat here in Hanover Park and so it doesn't really matter to me what they think about me being a pirate because my circumstances are different from them. It's more economical to get that pirated DVD. No I don't think piracy is a crime (interview, February 2009).*

Piracy in Hanover Park is more than an isolated act of illegality or resistance: it reflects the broader agendas of globalisation. In this small Cape Flats community, the latest American films compete with local productions like *Vaatjie sien sy gat*, and the consumer moves seamlessly between their consumption of these films and American films and soap operas.

The spread of piracy is also often attributed to the rapid growth of technology worldwide, where both the reduced costs of copying and the availability of software allow this (Andres, 2006). Technical advancements have increased the availability of goods on world markets, thus reducing the costs of the technology used to copy these products (Pietz & Waelbroeck, 2006). Increasingly, people in small communities have more access to computer technologies than ever before, which allows the copying and distribution of pirated discs, and whereby the diffusion of such technologies in the community is increased.

### **2.5 Making sense of consumption**

The practice of piracy is usually constructed (in popular and academic discourse) as 'other' or 'deviant'. In Hanover Park, the practice of piracy is constructed as normal and everyday. The pirated movies are referred to just as 'movies', or sometimes as 'kwaai (good) movies', without prefixing the loaded epithet 'pirated'. In some cases, respondents did not understand the concept of piracy, and the researchers had to explain the term 'pirated' as meaning a disc that is not original. During the interviews, a few respondents asked what we meant by 'piracy'. Here the consumption of pirated DVD films is consistent with other forms of routine consumption practices and situated within routine social contexts.

This study challenges the idea that cultural flows from the North necessarily leads to cultural hegemonisation and homogenisation in the South. Instead, it suggests that the meanings that these cultural forms assume in this non-western context are shaped by specific local histories and cultural practices.

The buyers interviewed indirectly expressed often quite sophisticated understandings of new media and new technology, in several instances describing technical terms like DivX and other encoding software to explain how many films can sometimes be copied to just one optical disc. Consumers were quite aware of what types of discs to purchase for their type of DVD player; and, in several instances, consumers indicated that they often viewed films on a PC (especially when the disc could not be viewed on their DVD player). Rafiek's five-year-old daughter often navigates her way through several dialogue boxes on his PC, assisting him with the burning process as he gets orders ready for customers. And in many cases, consumers often indicated that they used computers only for viewing movies, and not for any other kinds of applications. In none of the instances were any of these computers used for viewing films connected to the Internet. In this context, piracy increases access to technology, knowledge and new media practices.

The consumers of these films are thus sophisticated viewers who have learned the 'codes' embedded within the texts, and have learned to play with these codes, interpreting the stories through their own, grounded aesthetic.

Counterfeiting has a history of being used as a political tool, for example, during times of war it has been used to devalue an enemy's currency by flooding the country with fake coinage or notes (Rutter & Bryce, 2008). To some extent, one might argue that piracy in Hanover Park follows a similar pattern. During apartheid, civil disobedience was a weapon of resistance and people would often subvert the system economically by purchasing goods and services via the so-called 'backdoor'. The goods were often stolen by factory workers as a way of reacting to their low status and pay; similarly, employees in service industries would offer their services (e.g. as mechanics) directly to customers at a lower price. In this way, piracy can be interpreted as a form of symbolic violence with the consumption of pirated goods being perceived not as theft but rather as taking ownership of what the consumer believes should be in the public domain. Several of the younger interviewees indicated that their consumption of pirated films allowed them to engage in discussions about these films with people living outside the community. In doing so, they seemed to feel a greater sense of interconnectedness with a broader community, and often with a social, economic and cultural milieu usually beyond their reach.

Nearly all the consumers indicated that they did not regard piracy as a crime, and that they openly purchased and distributed pirated films because the local police were also consumers. This was confirmed by a discussion with Rafiek, who indicated that he in fact supplied several police stations with pirated films. He explained that he was once arrested by the piracy unit, but that the magistrate dismissed his case and publicly said that it was a 'waste of time' as there were more serious crimes in the neighbourhood that needed to be followed up. Since then Rafiek has however kept a low profile, and says that local police are not aware that he is selling from his current location.

There is increasing evidence of links between piracy and other organised crimes, with the South African Police Service often conducting raids on organised groups regarding money laundering, production of counterfeit bank notes, human trafficking, production of fake ID documents, etc. and also discovering large quantities of counterfeit or fake DVD movies and music (IIPA, 2007). This study though was not able to find any evidence to this effect. It did however establish that piracy in the area operates as part of a much broader and wider web of illegal activity. A few interviewees hinted at this, and during one site visit we heard that a seller had lost all his equipment and stock because of a fire in his flat during the night. By the next morning, he was running his business as though the fire had never occurred, with a whole new suite of brand new computers and copying equipment. Certainly one might speculate that a small seller of pirated discs would not be able to achieve this without the financial backing of a much bigger organisation or group of affluent individuals. This could be one of the reasons why none of the pirates we approached were willing to be interviewed or to participate in this study.

### 3. CONCLUSION

Using an ethnographic approach triangulated with in-depth interviews, this study has attempted to portray consumption practices regarding pirated DVD films in the small Cape Town community of Hanover Park. In the process, we established that it is mostly DVD films of American origin that are being watched, with a few local-comedy or theatre-production discs circulating. To some extent, the individuals who consume these DVDs use the films as a representation of their symbolic protest against the real conditions of their existence, using the films not only for escape and diversion, but also to feel a greater sense of connectedness with groups of people beyond their own socio-economic and their own, immediate geographic community. The consumers of Hanover Park engage in a complicated process of bricolage, often recontextualising what they view to communicate new meanings, for example, appropriating African-American and gang films as a form of political cultural resistance. As a result of their group and familial viewing practices, these consumers solidify social networks and piracy often becomes a form of political resistance against perceived racial and class marginalisation. We find that the 'reworking' of community and expression of resistance unfortunately seem to occur primarily in the arena of leisure, where the practice of piracy is routinised as an integral part of the lived experiences of community members. 'Globality' is experienced through a preference for Hollywood and Bollywood blockbusters; and a media-saturated globalised national context meets the unequal purchasing power and economic constraints of the local context, this resulting in little moral concern over the practice of piracy.

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