Piracy in the Caribbean: The Political Stakes of Videogame Piracy in Chávez's Venezuela

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ABSTRACT

This paper will examine the role of videogames in global participatory culture. In particular it will explore the role of software piracy in enabling participation from groups that would otherwise be excluded from accessing videogames due to economic factors. This suggests that piracy in the context of videogames – especially *vis-à-vis* their role as proselytizers of participatory culture – can be shifted outside of a criminal regime and into one which is concerned with the ability to participate in a global economy as both a consumer and citizen. This issue will be explored through a case study of the gaming situation in Caracas, Venezuela.

Author Keywords

Global Media, Hugo Chávez, Participatory Culture, Software Piracy, Venezuela, Videogame Industry

INTRODUCTION

These youngsters on the street[s of Caracas], with their Nintendo dreams and Nike shoes, experience life in the larger context of global and transnational processes [28].

In her book *The Street Is My Home*, Patricia Márquez produces a detailed ethnography of street and barrio children in Caracas, Venezuela. She argues that the children in her study construct their identities in relation to various global and local media. The role of traditional media, like Venezuelan music and *telenovelas*, is emphasized, along with the growing importance of transnational media forms, such as gangster rap, and – importantly for the concerns of this paper – videogames. By drawing on fieldwork conducted between March and July of 2005 as a part of a larger project that examines the role that localized situations have on videogame consumption, and reception, this paper's aim is to explore the significance of the 'Nintendo dreams' of Caracas' youth. With this purpose in mind, I will first examine the notion of 'participatory culture'; then I will use this notion to highlight the uneven surface of – and contradictory attitude towards – global participation that is enabled through media piracy, by examining the context of videogame play in Caracas.

PARTICIPATORY CULTURE

Participatory culture is often evoked in order to mark the change from mass media notions of media reception, production and dissemination that is understood to be precipitated by the qualities which are associated with new or digital media [4, 9, 27]. In the following discussion, I would like to highlight a shift in how participatory culture has been conceptualized by contrasting the approach taken by Marsha Kinder in *Playing with Power*, and Henry Jenkins in *Convergence Culture*. In the fifteen years between the two publications the internet became the key object of discussion for scholars of participatory culture. While Kinder's discussion predates the introduction of the term participatory culture, her concern is to examine the new subjectivities that were emerging through children's engagement with interactive media. In this sense Kinder and Jenkins are engaging with the same phenomena, but on a sliding scale of cultural significance. When Kinder published *Playing with Power* in 1991 her discussion of interactivity was effectively ghettoized in videogames (and children's culture), however in Jenkins' work participatory media and participatory cultures have become the paradigm for contemporary media consumption.

Videogames are at the forefront of popular consumption of new media, in that they are both widespread and also have been commercially available for a considerable period of time. Kinder recognizes that the key innovation of videogames is the choices and physical challenges posed by interactivity. This suggests a new form of empowerment, albeit one that is defined by consumption. At the game screen – which is not simply eyes looking at the screen, but also hands and fingers on controls and buttons – the players are constructed as 'consumerist subjects who can more readily assimilate and accommodate whatever objects they encounter' [20]. Thus videogames: 'help prepare young players for full participation in this new age of interactive multimedia – specifically, *by linking interactivity with consumerism*' [my emphasis, 20]. Kinder reads this link at the textual level, her study conducted with the Nintendo Entertainment System (NES) version of *Super Mario Bros: Mario Madness* [37], notes how empowerment – and transformation – within the game is always through

consumption. In addition Kinder reads this trope linking interactivity with consumerism at a meta-level, where she recognizes videogames as heralding a new media aesthetic, that she dubs 'transmedia intertextuality', and an imbricated form of commodification, the 'supersystem'. In this configuration, the consumption of one text leads to directly to another through deliberate intertextual linkages forming a contained media supersystem that crosses many media platforms. *The Matrix* trilogy [30, 31, 32] affords an excellent example of the supersystem, the three films containing deliberate lacunae that are filled in by other The Matrix® products, *The Animatrix* collection of anime [1], *The Matrix Comics* [42], and the videogame *Enter the Matrix* [7]. Space precludes elaborating this supersystem further, an in-depth analysis can be found in *Convergence Culture* [18].

The existence of supersystems is also regarded as evidence of the structuring and over determinism of interactive media. P. David Marshall reiterates the tension between commodification and technological empowerment in *New Media Cultures* [29]. Marshall regards the supersystem as a commercial usurpation and structuring of play that is: 'designed to have a complete system of interaction for the audience with all forms of investment and engagement made possible and realizable' [29]. This closed system of engagement envisioned by Marshall is the antithesis of the creativity and dynamism that is typically associated with 'free play'. In fact, Alexander Galloway in *Gaming: Essays on Algorithmic Culture*, recently argued that the interactivity that is so valorized in discussions on videogames is an allegory for what Deleuze in 'Postscript on Control Society' dubbed 'the control society', a shift from confinement in molds – the fixed spatial structures of Foucault's disciplinary society – to confinement through modulation [5, 10].

However, other discussions of participatory culture emphasis the freedoms that it affords, in particular when contrasted with traditional media forms. In *Convergence Culture: Where Old and New Media Collide*, Jenkins situates transmedia intextuality in a radically new form of media culture, which is characterized by the participatory power of the audience precipitated by digital networked technology. Behind this is a global system of co-operation between media industries through conglomeration, partnerships and licensing. Jenkins describe the participatory audience as 'migratory' [18], in the sense that they will: 'seek out new information and make connections among dispersed media content' [18]. Jenkins emphasizes the audiences' productive role and how this shapes and influences narrative arcs and genres by mobilizing their collective power. However, again this can be read in the context of the society of control; what occurs through the internet is a metastable modulation of the audience and the media producers. The productions of fans are imitated by corporations as promotions; the participation is encouraged and organized into channels, and individuals productions

become genres of, and assets within, the supersystem. While Jenkins focuses on the political potential of audience empowerment, I suggest that the significance of the audience and media being in a state of metastable coexistence is the notion that media products are produced through a process of modulation that must simultaneously encapsulate the commercial imperative of the industry, the integrity of the intellectual property being developed, and the audiences' expectation of participation. The process is double-edged and ambivalent, both structured as Marshall and Galloway suggest, but also shifting distributions of power, as Jenkins outlines. Kinder's position which underscores the imbrication of empowerment with consumerism, strikes the delicate balance which other approaches obfuscate.

The imbrication of play and commerce follows Deleuze's argument that in the society of control nothing is ever finished, that there is a breakdown of the discreet activities of the disciplinary society into coexisting unfinished and open, metastable states [5]. I suggest that this means that the subjectivities produced through play, are not solely playful, experimental, or creative, but linked to, and imbricated in, a modulated system of controlled consumption. During my fieldwork in the cyber café Avila, I noticed one man, in his early twenties, whose ragged clothes and homemade tattoos, suggested association with *malandro* – a criminal underclass – subculture playing *Harry Potter and the Chamber of Secrets* [14], several times. Once I was caught by the owner of the café watching this strange figure, slouched down in his chair, gazing intently at the screen where he was guiding Harry Potter through the game with subtle motions of the mouse. The owner remarked – without fear of being overheard because of the headphones the 'malandro' was wearing – 'this guy is crazy, this game is for children'. Although I never spoke with this *Caraqueño*, I don't interpret his actions in this way. The 'Nintendo dreams' of the Caracas youth must be read in the context the breakdown between work and play, and also between the romanticized notion of the free and creative play of childhood and that of the empowerment of interactive consumption. While videogame play performs a liminal role in opening spaces of escape from the pressures of the everyday, it also allows the players to consume media culture on a global level.

Citizenship and Consumption

The key issue that I wish to explore in this paper is the dominantly 'Northern' or 'first-world' – rather than 'global' – understanding of participatory culture. Kinder explicitly underscores the global nature of the videogame phenomena, however, only with reference to Japan. She suggests that the dominance of Nintendo in the USA's videogame industry since the 1985 release of the NES foreshadowed the end of the dominance of US owned companies in the entertainment industry [20]. Jenkins also focuses on the USA [18]. This is a problem, especially when we consider the stakes that Kinder and Jenkins place on participatory

culture. Because if participation is equated with empowerment, then the inability to participate equally dis-empowering. In the gigantic mall of Sambil, in Caracas, the three shops selling videogames were mostly empty, but often outside them children would congregate, to watch the displays endlessly repeating the start sequence of *Super Mario Sunshine* [38], or *FIFA Football 2005* [8]. Reduced to watching an interactive media, these children were – at that moment at least – locked out of participatory culture, readers in a world increasingly defined by the interplay of reading and writing, observers in a media, and media paradigm characterized by action.

New paradigms of knowledge create new forms of global connections, and also new forms of inequalities. As Nestor García Canclini points out, in the contemporary era access to information is the key to being able to act autonomously and creatively [11]. The barriers that already exist have had a significant role in creating a transnational elite that has restructured understandings of national communities. The 'Nintendo Dream' represents an aspiration for participation a global networked culture from which many are effectively excluded.

GLOBAL VIDEOGAMES INDUSTRY

In order to explore the unevenness of participatory culture globally I will now examine the state of the videogame industry. In *Digital|Play: The Interaction of Technology, Culture, and Marketing* (2003), Stephen Kline, Nick Dyer-Witheford, and Greg de Peuter locate a specific inequality, which they describe as being a contradiction between 'enclosure and access' in the global patterns of consumption of videogames [21]. This problem is manifest in three areas of the industry:

- The uneven global labor practices that locate the software industry in the 'North' – primarily Canada, Japan and the U.S.A., even Europe is relatively periphery –while the videogame consoles are generally produced in the *maquiladoras* of the 'South' [6, 19, 21, 24, 39]. In contrast, both the software and hardware are generally consumed in the 'North'. The global industry is exclusionary in practice because *hard*ware is *material*: videogames require expensive hardware, and potentially – for many contemporary games – a high-speed internet connection [17].
- The orthodox production cycle of commercial videogames mobilizes the audience in the production process, through beta testing, 'patches', and open source releases of game development tools [6, 15, 19, 21, 24]. This breakdown between play and work, and the proprietary and legal issues that it raises have become something of a refrain in videogame scholarship. I suggest that this is an example of industry practices that are adjusting to

capture the migratory audience, and harness their creative and productive power.

- This breakdown between consumer and producer is linked with the conflict between the software industry and pirates. Kline et. al. state that: 'piracy is the shadow aspect of the interactive play industry's own labor practices' [21]. A substantial proportion of the global videogame piracy industry involves the black market software economy in countries of the 'South' that is a *tactical response* to global inequalities [6, 36].

Deleuze points out that piracy is one of the few remaining dangers that remains to the control society, so the existence of a global media culture of pirated videogame play potentially challenges the global smoothness of that notion. In addition piracy plays an important role in equalizing global variances in the ability to take part in the consumerist empowerment of participatory culture.

In the Venezuelan context at least, the ability to produce a local games industry has been extensively explored, and dismissed as impossible due to the state of the global industry [26]. However, the global flow of videogames has permeated the Venezuelan mediascape through piracy, along the same cultural conduits that redistribute Latin American cultural products across the region from North American nodes like Los Angeles and Miami [43].

PIRACY IN VENEZUELA

Piracy was ubiquitously evident in my ethnographic research. On the streets, stalls selling pirated software, DVDs, playstation one games, and music CDs – not to mention bootleg publications of popular books – were common, especially in Libertador the municipal district of Caracas in which I made my investigation, which has a large area of *barrios* (shanty towns) and a predominantly *chavista* (supporters of President Chávez) local government. But even away from the streets, piracy was common. The videogames stores, empty of customers, kept a few dusty originals in glass cases, but my inquiries about games were met by the clerk producing either a folder or file of pirated games that were available from behind the counter, which if desired could be brought in from the back room. The clerks of the stores where I tried to buy pirated games were bemused and vague at the question of the location of the games origins: *Chino* or *Asia* was the standard reply. Only console games were available this way, computer games were so easily copied and cracked across 'warez' networks, that the transnational black market could gain no toehold in Venezuela.

The street-sellers – the homegrown entrepreneurial 'hackers' – of Caracas uniformly confessed to obtaining their games using file trading protocols. These networks operated transnationally, either with strangers or in many

cases acquaintances: relatives, friends, or partners – members of the post-Chávez middle-class diaspora that support folks back home by sending them software. Some businesses used a publish-to-order system, for example the innovative street hackers *tu pana* (Australian translation: your mate), running a business from home, downloading software, films and music to order, and delivering them anywhere in Caracas by motorbike. These combined methods were efficient, a new game being available readily on the street within 48 hours of its North American release was a standard that I witnessed many times, especially with much anticipated high profile releases like *The Sims 2* [35].

Interview subjects described to me how they would watch the game sellers carefully while they were walking on the street, in order to see if there was anything new which sparked their interest.

> Kermit: I find out by watching the pirate sellers to see when they will start to sell the first copies of a new game. Sometimes I ask them if they have anything new right now [note: all interview subjects are referred to by pseudonyms to preserve their anonymity].

With a cost of just 6000 Bolivars (4$ AUS) for most games, people were very aware that the pirates' prices were more accessible.

> Gabrielle: You can find very close to my house stalls selling cheap copies of computer games. But if you go to the mall, the same copied games are being sold for three times the price.

Other players noted that buying copies was a good way to avoid being disappointed by lackluster games, which failed to live up to the expectations that their promotional hype promised to deliver.

> Ajax: You can find a very expensive original game that is a bad game, but you can find a very cheap one with the street sellers, which is very good.

The use of copied games was thus not solely a matter of participation, but also enabled the exploration of a variety of games. Players described how they would buy their own copies of the game even if they did not have a computer at home, so that they could ensure they could play a game that interested them. Taking it to the cyber café themselves and giving free copies to staff, to make sure that it ended up on the computers there. This flexibility in purchase thus transferred across the community of gamers', allowing them to sample many new and obscure games in the cyber cafés.

On the second or third day of my fieldwork, a café employee copied all of the games I had brought with me, all of which were historic strategy games in English that I had with me for a project I was working on. He then installed several of the games *Medieval: Total War* [33], *Victoria:*

An Empire Under the Sun [41], and *Civilization II: Test of Time* [3], all of which were played sporadically by customers over the next five months. Other games would be installed and then just as quickly removed, as the café strove to keep up with consumer interest.

Mass Media In Venezuela

The media industries in Venezuela have been adversely affected, and are deeply critical of the lack of official response to the endemic piracy. The most critical anti-Chávez media outlets accuse the President of adopting a 'bread and circuses' approach to the poor masses in Caracas' many *barrios*. Since Chávez's election in 1998, the media has become a key site of contestation between the President and his opponents. In the opinion of many commentators the private media has in fact become Chávez's *de facto* opposition [12, 25]. This proactive stance against the President was evident by local private television channels' role in the temporary coup of April 2002 [12, 13]. Their refused to broadcast Chávez's message to the people of Venezuela during the Presidential crisis, was followed by severe penalties from the government in the wake of the crisis [12, 16]. After his victory in the recall referendum of 2004, Chávez was able to convince the national assembly to pass stricter laws to regulate the media [12].

This means that the content of local Venezuelan media has become focused on political issues, most commonly anti-chavista; but also in the state-owned media, pro-chavista. As a consequence, this also means that the production of media itself within Venezuela has become an increasingly political act, which is subject to intense regulations and scrutiny by the government; primarily because the privately owned media is perceived as having global business concerns which compromise their coverage of the *Revolucion Bolivariana* [12]. This has been the key motivation for the development of Telesur, a Pan-Latino network with links to al-Jeezera, widely perceived in the USA as being a propaganda tool for Chávez, and which will be used to export the *Revolucion Bolivariana* across Latin America [40]. This was the also motivation behind the government's recent refusal to renew the license for Radio Caracas Television that expired March 2007 [2].

Since Chávez's re-election on December 4, 2006, international reports have focused on the win increased and consolidated the President's constitutional powers, and the impact that this has on political plurality in Venezuela [22]. As a part of his program to introduce the *Revolucion Bolivariana*, Chávez announced on Monday 8 January, 2007, that the telecommunications industry in Venezuela would be nationalized [23]. By that evening there had been a 14% drop in share value for Compania Anonima Nacional Telefonos de Venezuela (CANTV), which had been privatized in 1991 [23]. Connected with the massive deflation of CANTV's share value was a 20% fall in the value of the Venezuela's currency, the Bolivar, against US

Dollars in black market trading [34]. The exact ramifications of Chávez's plan are unclear; what is certain is that they will have a great impact on the telecommunications industry in Venezuela, and on the provision of mobile services, as CANTV's subsidiary Movilnet has a 40% share of the local cellular phone market. The regulation of the telecommunications by the state potentially threatens unfettered access to the internet both in private homes, and in public cafés.

CONCLUSION

This ideological conflict with the perceived USA-dominated global media and Chávez's desire to make life easier for Venezuela's millions of jobless *barrio*-dwellers has created a situation where piracy of global entertainment media is almost universally ignored, while media covering local issues are under severe restrictions. I suggest then that that stakes of videogame play in the context of participatory culture in Venezuela are dual:

1. That videogames key area in which consumers are allowed to participate in a new and global media culture through piracy;
2. That videogames are a key area of the media that is outside the control and regulation of the state in Venezuela.

Thus I will conclude by suggesting that the Nintendo dreams of the 'children; of Venezuela have a political subtext that extends beyond the new form of empowered consumerism outlined by Kinder and Jenkins. Compared to other situations, the stakes of playing videogames are also significantly higher. Furthermore, videogame play in this part of the globe is *precarious* in that it is caught between the global regulation of intellectual property and the local regulation of global media.

This combination of high stakes, and precarious access has grave implications for cultural diversity in the region, and equally for the diversity of the 'network culture' of globalization. By examining the unevenness of access to the medium of videogames it is apparent that media piracy cannot simply be understood in a proprietary manner. In a global economy based on knowledge and networks, exclusion equals poverty. Piracy in this context enables inclusion in the economy, rather than the reproduction of poverty. The notion that the videogame as a purely entertainment medium is suspect in the era of the society of control where work and play are collapsing into one another. Thus the Nintendo dream is not simply a dream of the consumption of a luxury, but also an aspiration to participate in a global knowledge economy.

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