

Leeching Bataille: peer-to-peer potlatch and the acephalic response

Andrew Whelan

Faculty of Arts

University of Wollongong

the *states of excitation* ... the illogical and irresistible impulse to reject material or moral goods that it would have been possible to utilize rationally (in conformity with the balancing of accounts). Connected to the losses that are realized in this way ... is the creation of unproductive values; the most absurd of these values, and the one that makes people the most rapacious, is *glory*. Made complete through degradation, glory, appearing in a sometimes sinister and sometimes brilliant form, has never ceased to dominate social existence; it is impossible to attempt to do anything without it (Bataille 1985: 128-129).

Introduction

There are significant problems with ‘gift economy’ accounts of peer-to-peer (p2p). In what follows this argument is advanced on several grounds. Firstly, empirically: it may have been at one time that p2p operated *like* a gift economy, and it may be now that some elements of the p2p ecology operate *like* gift economies. But certain social and structural facets of ‘free culture’ online generate serious problems for conventional gift economy readings. In addition, there are notorious problems with conceptualising the actual *practice* of gifting and how it can best be understood in relation to reciprocity: the consequences of the ideology of the ‘pure’ gift and so on.

Secondly, then, there are good *theoretical* grounds for questioning the appropriateness of the gift model for p2p. There are inherent features of the theory of the gift and the model of reciprocity involved which tend to “elide inequalities of power” (Osteen 2002: 3). Furthermore, regarding p2p, the gift has often been picked up only partially; with deployments retaining elements of the economism the theory of the gift attempts to overcome. Many references to the anthropology of the gift in relation to p2p dilute significantly both the totality of the gift in the anthropological accounts Mauss drew on, and the enormous importance accorded to the gift and what it stands for in Mauss, Bataille, and numerous others.

Thirdly, the gift economy reading *does not go far enough*. It misconstrues p2p as utopian, positive, progressive, reciprocal, communal. It pretends that the ‘good guys’ (the ‘pirates’) are not (or not *only*) hyperconsumers. It underplays the extent to which downloaders and the monopolistic content producers are locked together in a grotesque embrace. It fails to grasp the consequences of Mauss’s account of the gift (let alone Bataille’s) when it asserts that p2p exchange is assessable as a utilitarian good, a good with calculable benefits, when in fact p2p presents a kind of supereconomics or antieconomics. It misidentifies a naïve and faulty model of the

political in a contested and problematic social and cultural practice. It fails to account satisfactorily for the incredible responses to p2p from state and corporate agencies (for the *violence* of that particular gift). In short, it doesn't work, and it also obscures from view some of the most important aspects of p2p; it artificially isolates p2p from the *total social phenomenon* in which it is embedded: the 'general economy' (Bataille 1988).

The consequences of p2p

P2p, we are informed, has had massive cultural and economic effects.

These effects can no longer be restricted to their online aspect. They have resulted in and continue to produce legislative changes on a global scale: restricting access; consolidating the centralised control and distribution of content; extending the temporal duration of this control; and threatening extraordinary punitive losses to those found to be in violation of this legislation. Indeed, some of this legislation (specifically, ACTA, the Anti-Counterfeiting Trade Agreement) is currently being formulated on an international level, without public consultation. This legislation is seemingly undermining 'the rule of law' insofar as it normalises covert corporate surveillance, mandates disclosure and thereby threatens the privacy of 'pirates' (of internet users and individuals in general), circumvents due process and judicial oversight, and obliges internet service providers (ISPs) to surrender information concerning their subscribers. The extraordinary notion of 'graduated response' (currently being debated in several countries) presumes guilt on the part of copyright violators, and suggests a further unusual business model for ISPs: terminating relations with their consumers at the behest of another industry. Some of these developments involve shifting responsibility for pursuing copyright infringers from content owners to state authorities, altering the priorities of enforcement agencies who presumably have other issues to contend with (terrorism, people smuggling, contraband etc.). These moves are unusual in that the blunt and audacious pressure applied by content producers, and friendly responses from state agencies, render so publicly visible the alliances and priorities of the stakeholders involved in reformulating the cultural, legal, and economic landscape – all as a response to practices emergent from p2p. We should be asking why this is happening from a distance sufficient to provide tenable answers.

The demonstrably gross excessiveness, illogicality, and plain irrationality of these manoeuvres is simultaneously mirrored by the frenzy of exchange and consumption which characterises p2p, and indicative of the necessity of approaches beyond 'copyright'; approaches which link the individual and the social and the psychological and the physical.

Arguments about freedom of speech and fair use etc., although justifiable and compelling, are, in the terms within which this paper is articulated, not necessarily the correct, final grounds with which to account for p2p. The position argued here is in support of p2p and opposed to the draconian approaches to it thus far pursued. The law and common practice are fundamentally divergent, and this is no longer tenable;

in fact it makes further mockery of a system already in the throes of a legitimisation crisis. For Dennis, the current copyright machinations are

the latest and onerous manifestation of ‘low intensity conflict,’ of a cultural guerrilla war that pits a subset of well-heeled and well-positioned Boomers against their children and grandchildren ... The conceptual coherence and persistence of these efforts point to a demographically-defined, and increasingly probable period of Digital Prohibition. The politics of Prohibition are alive and well; the population and objects have changed, but the general game resembles that of 1930s America (2009).

It is this conflict which has seen the Pirate Party’s entry into the European Parliament, a significant gesture on the part of those angered by the Pirate Bay verdict. And in line with Dennis’s perspective, the stance assumed here is one which seeks to contextualise the entire mess in terms of misapprehensions and obfuscations concerning the nature of exchange, the nature of ‘the economy’, and the nature of ‘culture’. These elements are parts of an *ecology* best understood in a holistic way; I hope to gesture towards such an understanding in this paper.

The gift is the form of what we are given by consumer capitalism, and superabundance, p2p gluttony and abject glory (in a variety of subcultural art forms, and a variety of approaches to the ordering and dissemination of information) are the sullied return, the perfect gift back. For Mauss (and Bataille) the gift economy is a *total social phenomenon*, incorporating religious, economic, aesthetic, moral etc. realms (Mauss 1990: 3). It would be ill-advised to solely consider the economic consequences of disruptive technology such as p2p without also taking cognisance of consequences in other domains (domains segmented by economism and other boundaries). The law is the area most usually publicised, for good reason. But there are also significant ramifications for cultural and aesthetic practices.

The anthropology of exchange under capitalism

Durkheim held that “civil religion” would in contemporary societies have to take the place of the old religions (Northcott 1999: 196). Capitalist consumerism is the official civil religion *par excellence* in contemporary Western society. Where consumerism is civil religion, it is the means by which meaningfulness is produced, and exchange without money is this *excessive* consumerism. Ritzer suggests that:

Consumers do not merely engage in social psychological machinations that create illusory meanings for commodities lacking in substance. They also engage in rituals, narratives, and social networks in brand communities that serve as a base for modifying brands and their meanings (2007: 212).

Given the success with which consumer capitalism as a meaning system operates, it is unsurprising that investments of meaning in cultural commodities, and thus their circulation, should exceed the control held over them.

Arguments describing p2p as piracy and theft are moral arguments about *wastefulness* and *excess*, arguments that *things must be monetised*. These arguments obscure the extent to which cultural products are socially and psychologically meaningful for their consumers: “the legalistic regime of copyright is in this sense

bound to fail, in that it tries to shield off a field (everyday culture) which is in itself infinitely wider” (Andersson 2009: 73). This is one of the reasons why there is such conflict about cultural goods; we retain a contradictory moral perspective that cultural goods are also *public* goods. Hence museums, libraries, archives, etc.. But ‘stygmergic’ museums and archives (of which p2p is an example) seem to be intolerable; beyond the pale. Their success and efficiency, compared with the lumbering centralisation of proprietary models, make a paradoxical contribution to their demonisation.

This misrecognition (seemingly made in bad faith) of the social value of cultural commodities is one of the reasons why peer-to-peer is likened to morally and legally sanctionable theft, despite the following point: the ‘gift’ is non-rivalrous (nothing is actually *taken*, instead something is *duplicated*); and a download is *not* equivalent to a lost sale. People download who may buy the release or in some other way remunerate the producer, and also people download the release who otherwise would not hear it at all. In neither of these cases can it be said in a straightforward sense that a ‘theft’ has occurred or that the producer has lost something due to p2p. This is the case also in wholesale, profit-driven reproduction of copyright content in developing economies. The music industry “estimates that it loses about \$4.6 billion every year to physical piracy”; that a third of all CDs sold are counterfeit (Lessing 2004: 63). However, in developing economies the prices of legitimate CDs originating in the West are simply beyond the reach of most consumers: if they do not buy the pirated copy, they won’t hear that release. The content industries thus depict themselves as victims of their own greed and, on the basis of the sympathy this dubious position is supposed to generate, intend to overhaul the framework within which intellectual property is managed – in their favour, and against both the interests of consumers and artists, and the vast potentials of the emergent technological infrastructure.

The principle point, however, is the inviolability of consumerism. This is why the hysterical response arises. Excess is a response to excess. The issue in Bataille terms is not the acquisition of goods and wealth, by ‘amoral’ means or otherwise, it is the expenditure, the *dissipation* of wealth: “human sovereignty is assured not through the accumulation of profit but through the form of consumption that creates no use-value, the consumption of excess, the generation of waste and loss” (Jenks 2003: 101).

For Bataille, as for Mauss, the gratuitous dissipation of value in potlatch is *sacrificial*. It has *religious* properties. The logical extension of the civil religion of consumerism is this excess of which Bataille speaks. The rejection of worldly value is an affirmation of spiritual value. The destruction of the profane affirms the sacred. The Maussian gift cements both social and spiritual relations simultaneously. And it is on these grounds that the endearing gift reading of p2p draws its power. We want to believe that there is something outside of the market holding a solidary ‘we’ together, or that such a thing is at least possible, that we can still imagine a social bond outside of the commodity and pecuniary exchange. The idea that, through our technology, our diligence, our collective knowledge, our standing together against ‘The Man’, and, flatteringly, our *taste*, we might reconstitute the social along lines of reciprocal kindnesses is deeply appealing. That the fantasy is articulated around the online exchange of virtualised mass commodities, by atomised private individuals accruing usually nonfungible cultural capital, perhaps shows how impoverished our field of vision concerning alternatives to the current state of affairs has become.

Empirical issues with the application of the gift model to p2p

References to p2p as a reciprocal gift economy are widespread (Katz 2004, Levine 2001, McGee and Skågeby 2004, Rojek 2005, Vaidhyathan 2004, Wark 2006). In a sequence of papers, Giesler (2006a, 2006b), together also with Pohlmann (2003a, 2003b), has elaborated subtle gift readings of p2p. In this research, the customary Maussian conception of gift economies is attenuated to its limits to account for the following:

First, a [p2p] gift is always a perfect copy of an mp3 file stored on the donor's hard drive. Second, a donor is usually a recipient and a recipient is usually a donor at the same time but not to each other. Third, it is the recipient and not the donor who initiates a gift transaction. Fourth, donor and recipient are anonymous and gift exchange is usually not reciprocal ... Reciprocity in social networks does not necessarily involve total reciprocity between two individuals, but the social obligation to give, accept, and 'repay' – which means to reciprocate within the network (Giesler and Pohlmann 2003b: 2).

This is *metareciprocity*, a generalised, any/many reciprocity order (Giesler 2006b: 33). Giesler and Pohlmann are at pains to point out some of the inherent contradictions around this form of exchange, but this has not diminished the popular interpretation of p2p as progressive, emancipatory, resistant: a “movement ... that publicized the utopian potential of the Internet as subcultural community and bearer of a gift economy” (Kahn and Kellner 2003: 302). Land romanticises p2p as an element of “a wider strategy of guerrilla ‘information warfare’ based in an anarchic form of nomadic resistance to the State control and regulation of cyberspace” (2007: 187). Hall similarly refers to accounts of p2p, “with its large-scale distribution and sharing of copyrighted content ... having the potential to produce a form of digital communism” (2009: 25).

However, this utopianism is undercut by empirical detail. As far back as 2000, Adar and Huberman “found that nearly 70% of Gnutella users share no files, and nearly 50% of all responses are returned by the top 1% of sharing hosts” (2000). This is not a gift economy; it is more like a *leeching* free-for-all. Leeching (downloading without uploading) is one of the most significant issues with gift economy accounts of p2p: many downloaders are all too familiar with ‘please seed’ comments on torrent link pages. *Some* p2p programs feature inbuilt features to minimise this free-riding. For instance, some BitTorrent platforms allow for monitoring the share ratio of downloaders, and some slow download speeds for those with poor ratios. These technological attempts at reinforcement demonstrate that the symmetry between self-interest and altruism which p2p ideally instantiates in the (normative) gift economy model is not being achieved. Some older p2p programs allow one to ban leeches. It could be argued that banning is itself a metareciprocal gift, a generalised ‘paying it forward’, insofar as it encourages the leech to share. But it also implies that the banner anticipates at least the *possibility* of exchange: where this is absent, movement shuts down completely. Metareciprocity is *not* generalised to the leech; donors, where they have the option, gift only those from whom they can expect to get something in return. Leeching implies that the gift reading is untenable because of excessive free-riding, and introduces mistrust into the system at the same time that it reinforces selfishness and suspicion on the part of gifters.

Leeching, however, is not the only issue with gift economy readings of p2p. In Mauss, the gift economy is an exchange system where the *status* that accrues to gifters plays a crucial role. The gift is not ‘pure’; it is always understood to be an element in a reciprocal web. This aspect of the theory of the gift is often omitted from accounts of p2p as gifting, which tend to stress utopian and egalitarian elements: the spontaneous emergence of a community of fans taking distributive control into their own hands and so on. The iteration of status on and around p2p is a complex phenomenon, but as regards current purposes, there are two significant issues worth mentioning, both related to *elitism* of different kinds at different points in the system.

At the top of the distributive pyramid of p2p is the *warez scene*, a secretive collection of highly structured, hierarchical groups who compete to be the first to issue pirated releases.¹ In one of a whole sequence of thoroughly symbiotic but plausibly deniable relationships characteristic of p2p and the cultural and economic milieu of which it is a part, the warez scene customarily exhibits complete contempt towards the ‘lamers’ of p2p (AboutTheScene 2008, Cooper and Harrison 2001, Ernesto 2009). Warez groups consider p2p users to be leeches jeopardising their own activity – at the same time that they are dependent on p2p users to spread their name alongside the releases they (re)produce. The sources of much of the content on p2p are actively opposed to the distribution of that content; the warez scene attitude towards p2p is not all that different from that of the RIAA.

The second form of elitism which disrupts the gift reading occurs at a more local, and perhaps therefore more significant level. Online as elsewhere, subcultures and fan cultures are fiercely protective of their independence and of perceived threats by both market incorporation and mass audience dilution. ‘Cybersubcultures’ are frequently exclusionary in effect if not in intent. The subcultures whose emergence and relative popularity is intimately tied to p2p (for the sourcing of raw material, production software and information about how to use it, and the material constituting the genre), are in their guardianship of authenticity relatively ‘closed’ rather than ‘open’. This does not imply that there is something ‘wrong’ with such subcultures; merely that their reluctance to open their boundaries renders gift readings of their social practices inappropriate. These subcultures, largely independent from mass media but circulating within the same p2p channels as mass media artefacts, are some of the most significant sociocultural phenomena to emerge alongside p2p, but their visibility is despite, rather than because, of their subcultural stance. Such is the nature of prestige and subcultural capital on and around p2p that:

Information is the most important thing, but information does not have fixed intrinsic value. The essence of information is secrecy; the utility of information comes from its movement (Eng 2002: 23).

Amongst those heavily involved in musical subcultures online the orientation to knowledge and its dissemination follows that described by Eng in relation to *otaku* cultures. Within niche and specialised genres, the social value of information lies in its *selective* mobility rather than its dispersal. It can be very rewarding, but also difficult and time-consuming, to learn about obscure or niche material. In such subcultures, practitioners exhibit an elitist devotion to arcane, professionally redundant knowledge concerning the ‘canon’; ‘cool’ or ‘insider’ status is demonstrated through elliptical displays of this knowledge. This can be demonstrated by a cursory Google search for the term ‘Pancake Repairman’. This p2p username is indicative: it stands for exceptionally broad yet redundant fan knowledge, and is used

also to derogate such knowledge by those in possession of *even more obscure* knowledge of the same form. The structure of subcultural capital is such as to value the *possession* of such knowledge (alongside an ethic of independent research) rather than its *distribution*; such knowledge and the resources it refers to are not simply *given away*, they must instead be *earned*. Those with the most to gain from subcultural participation must put in the most work, those with the most to lose from subcultural dilution are extremely wary of the further distribution of the resources through which their subcultural capital is constituted.

When we consider the broader context within which p2p operates, other problems with the gift reading become evident. Perhaps most significant among these is the shift to direct download link sites (DDL), such as Rapidshare and Megaupload. These are hosting services where archived albums etc. can be stored, and a hyperlink then posted pointing to where the album can be downloaded: client-server rather than p2p architecture. DDL now accounts for up to 30% of all HTTP traffic (Anderson 2008), and the ascendance of DDL has some notable implications. Firstly, DDL is emphatically *not* a gift economy, it entails no return. Secondly, DDL services are very popular on mp3 blogs, which sometimes post multiple albums daily. These mp3 blogs, and the comparative ease and reliability of DDL for the blog users, can also be understood as responses to p2p superabundance. Mp3 blogs are effectively *new gatekeepers*, filtering content the quality, relevance and value of which can on p2p be difficult to determine. Mp3 blogs post at least some ‘metadata’ concerning the releases they link to; on p2p it can be difficult to sort, categorise, or prioritise the vast amount of unfamiliar material. The rise of DDL can be attributed variously to the prevalence of leeching on BitTorrent, copyright issues around p2p, and the throttling of p2p by ISPs. Ever diminishing storage, hosting and bandwidth costs play a further role. DDL arises at the point where superabundance, attention deficit, consumer fatigue, and technological development make p2p an inconvenience for the retrieval of material rather than a solution to artificial monopolistic market restrictions.

Thirdly then, and perhaps most importantly, one of the things we often lose sight of in the p2p debates is that the current political and cultural situation (and our aspirations for it) is strongly associated with the level of technological development. The shift to DDL is notable, because it is increasingly doing the work that *used* to be done by p2p. It is tempting to speculate, therefore, that the popularity of p2p is due to its efficiency and success *at a certain level of technological development*. The consequence is that the social and cultural practices around p2p may be, like those around other naturalised technologies (vinyl, the QWERTY keyboard, the internal combustion engine and so on), artefacts of the level of development, or, to frame it from the other end: “the prime conceptual models through which we understand the world in a given era can be derived from the machinic metaphors of that era” (Andersson 2009: 97n10).

If we consider the ideological and theoretical underpinnings of the gift economy reading of p2p, there are further empirical features which cast doubt upon that reading. It is important to bear in mind the inferential features of the gift economy model, what it implies rather than explicitly states. Positive valuations of file-sharing as gifting suggest that it counters the monopolistic control of distribution by multinational conglomerates, that it empowers consumers and fans in terms of an increased array of choices, that it reconstitutes fan communities online which may otherwise be dispersed and atomised, and that it is a means for consumers to signal to

each other their aesthetic choices, and thus a democratisation of the dominant regimes of taste. This is a description of a noble and valuable social practice: “filesharing exposes people to new music that they won’t hear anywhere else” (Rodman and Vanderdonck 2006: 2598). Furthermore, p2p “not only threatens the commercial viability of large homogenous record companies, but it also clears space for the distribution of indigenously created forms of music” (Ritzer 2007: 208). But the sort of material actually circulating on p2p does not lend credence to this description. 80% of the music transfers on p2p consist of 5% of the available material – the ‘mainstream’ material. The other 95% of rare or niche material constitutes only 20% of transfers (Page and Garland 2009: 3). P2p, then, is principally used for the exchange of material which is already ubiquitous. On the one hand, this somewhat undermines the argument that p2p is impacting on the income of struggling independent artists. On the other, it indicates that p2p is not having a particularly significant impact on the hegemony of the culture industry and the content it produces.

Is p2p subversive?

The prevalence of the gift economy ideal is the consequence of a conjuncture of perceived social and cultural phenomena around p2p. Chief among these are the clouding, as it were, of p2p activity by fandom and subcultural engagement, and the (mis)reading of p2p as a form of political action. These perspectives are linked but can be disambiguated. On both counts, the normative account of p2p as a gift economy can be shown to be associated with aspects of the cultural and political environment in which p2p arises which, under closer inspection, tend to undermine the positive valorisation of p2p. And on both counts this positive valorisation can be shown to be linked to a broader anxiety about the collapse of the social and the political, and a subsequent search for reconstructed meaning emerging through the “loss amidst monumental abundance” which characterises contemporary hyperconsumerism (Ritzer 2007: 195). Let us consider each count in turn.

Regarding subculture, the significance of active fandom practices in the constitution and articulation of subjectivity and sociality is well documented (see, for example, Baym 2000, Cova et al. 2007, DeNora 2000, Gray et al. 2007). However, emphasis on fandom is indicative also of the reductive redefinition of agency under neoliberalism as consumer sovereignty *only*. Where people are defined by their engagements with cultural artefacts, they are defined by their engagement with *commodities*. The gift reading of p2p depicts the tables turning in this scenario by picturing consumers seizing control of the means of distribution. As Giesler and Pohlmann put it, p2p users:

seek to consume music in ideological opposition to the well established principles of a functionally differentiated system of modern music production and consumption in the triangle of commodification, copyright and corporations and against the ongoing de-sacrilization of music into the profane sphere of capitalist markets throughout the past 130 years (2003a: 4).

People want to be affirmed in their affective investment in and ownership of the culture they love. One way of doing so is by re-enchanting commodities as gifts, *re-sacralising* content through redistributing it ‘beyond’ the market. The commodity

system is refigured as amoral, and simultaneously bypassed by a moralistic discourse of anonymous gift exchange. Hence p2p participation is said to produce a *warm glow* (Levine 2000: 29-30). This affective mechanism emerges in part as a response to the sense of ‘nothingness’ Ritzer describes (2007). Yet p2p is still really an “island of consumption” within commodity culture (Halnon 2004: 748), albeit a ‘piratical’ one. It is a set of consumption practices usually used for consuming mass commodities; parasitic upon the industry and market mechanism it ostensibly undermines. Every island of consumption, of course, inescapably involves consumption (Ritzer 2005: 190). The implication for p2p users, in Adorno’s words, is that “their revolts against fetishism only entangle them more deeply in it” (1991: 46).

The conception of p2p as a form of resistant political action arises at least in part from the draconian responses to it and the feedback loop this produces. Hence a political manifesto is now articulated around p2p. However, it is important to question the flowthrough here from self-interested and isolated individual action to (the political manipulation of) the unintended collective consequences of such action:

these p2p-based technologies are seen *as aggregated totalities* (this is what they are usually referred to as in debates on the phenomenon) embodying altruism, community or even resistance, [but] individual user intention arguably only plays a parenthetical role (Andersson 2009: 86).

‘Resistance by association’ does not necessarily ramp up into concerted collective political action, although, as is customary in democracies, certain actors may exploit such behaviour and perceptions of it so as to advance their own agendas. Leeching suggests at least that the vast majority of p2p users engage with the technology because it is convenient to do so, not because they espouse some radical political agenda. Why should downloading *X-Men Origins: Wolverine* for nothing be considered a form of political activism?

Technology has no inbuilt social, cultural or moral meaning, that meaning is emergent from its use. Similarly, the history of radio piracy (Johns 2009), and indeed the history of piracy on the high seas (Land 2007) demonstrate that there is no unitary (let alone progressive) political coherence around the notion of ‘piracy’. P2p can be construed as libertarian, anarchist, leftist, neoliberal etc. (Hall 2009: 25-26). The history of innovative media technology is simultaneously a history of ‘piracy’, and of the social struggle about it (Lessig 2004: 53-61). P2p activity is perhaps better thought of as an inchoate *gesture* extending capitalist distribution in a disruptive way, rather than a form of political dissent. As Liu suggests of ‘cool’ (and p2p is *definitely* cool):

Cool is the protest of our contemporary ‘society without politics.’ It is the *gesture* that has no voice of its own and can only protest equivocally within the very voice of the new rationalization. It is the incest of information that secretly ‘nixes’ the exchange of information (2004: 294).

‘Subversion’ does not undermine capitalism; it markets it. ‘Rebellion’ is intimately associated with the emergence of contemporary capitalist consumerism. Symbolic resistance is just that: symbolic. Heath and Potter present

a quick list of things that, in the past fifty years, have been considered extremely subversive: smoking, long hair for men, short hair for women, beards, miniskirts, bikinis, heroin, jazz music, rock music, punk music, reggae music, rap music, tattoos, underarm hair, graffiti, surfing, scooters, piercings, skinny ties, not wearing a bra, homosexuality, marijuana, torn clothing, hair gel, mohawks, afros, birth control, postmodernism, plaid pants, organic

vegetables, army boots, interracial sex. Nowadays, you can find every item on this list in a typical Britney Spears video (with the possible exception of underarm hair and organic vegetables) (2004: 149).

The crucial difference with p2p is that the content industry is reluctant to market what it perceives to be its own obsolescence, and has not (*yet*) determined how to properly monetise p2p, tending to favour instead the acephalic mechanisms we are familiar with: technological impediments, threats and intimidation, and the legal extension of proprietary control.² It is ironic that the apolitical self-interest of music fans should finally appear to exceed the parameters of cool-as-(marketable)-transgression so familiar to the mass music market (Barbrook 2007). What we are witness to with p2p is then the customary engine of competitive capitalist consumerism; *creative destruction* in full effect.

The glory of the gift

These aspects render a return to Bataille (as opposed to simplistic applications of the Maussian model) apposite. Bataille extends the theory of the gift derived from classical anthropology by placing novel emphasis on potlatch, sacrifice and their relations as models of gifting. He does so to articulate a critique of bourgeois society, a critique describing a miserly acephalic order, which has repressed and ‘lost’ its desire to reconstitute and revitalize the social order through the ritual destruction of value (it has ‘forgotten’ that this is the basis of sociality). In Bataille’s vision, the fundamentally baseless and irrational *faith* in utility and economic rationality under capitalism has led to a situation where “any social revival is now transitory, limited to moments of violation. Violation and recognition serve no higher purpose: they institute a headless oscillation between a violence which is not far from love and a recuperation of order which incites its own transgression” (Ramp 2003: 129). The Bataillean gift of potlatch serves well to account for the ambivalence, contradiction, and incoherence which permeate both sides of the p2p debate.

For Bataille, potlatch

is at once the essence of the gift and the opposite of the principle of reciprocity (understood as equilibrium or equivalence); it is the very form of the *unreturnable* gift, and as such institutes the possibility of transgression of any material or symbolic economy. Instead of reciprocity there is waste, loss; whatever breaks the closure of a system of balanced exchanges. The non-productive expenditure (*dépense*) of potlatch is the figure of antieconomic and antiutilitarian excess ... ‘a sacrifice without return and without reserves’ (Frow 2003: 32).

Thus Bataille’s psychology also has something to offer in terms of accounting for the hypocritical, illogical, have-you-cake-and-eat-it glee with which p2p users diligently download all the cultural commodities the mass market offers, while asserting that through doing so they will ‘kill’ (sacrifice) ‘the industry’. Through this ritualistic sacrament a sense of the social is brought back to a sort of half-life; glory and power accrue to the participants of potlatch, simultaneously affirming and denying the contradictory values of our culture. Ambivalence is constitutive. For these reasons, it seems that p2p follows Bataille’s potlatch rather than Mauss’s gift, and that p2p and the culture and politics around it might best be considered *revolting* rather than *revolutionary*.

¹ The ritualistic nature of this competition is evinced by ‘.nfo wars’, the stylised vituperation presented in text documents distributed with releases (Whelan 2008: 69-71). The intensity of the competition is evident from the idea of ‘0day’ (‘zero day’), which refers to the public dissemination of an unofficial version of the release on the day it officially comes out (references are also made to ‘0hour’). Of course, there is also much cachet in distributing releases *before* they officially come out.

² *Acéphalité* in Bataille refers variously to ‘the chiefless crowd’, the tribe which sacrifices its own leader; and to the loss of sovereignty and existential security associated with the death of God (Pefanis 1991: 138n26).

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