The Impropriety of Pirates

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ABSTRACT

There are few pirates in the Latin American cultural tradition even though piracy was a fundamental force shaping the trajectory of the colonial and post-colonial Americas. This essay traces the seeming impropriety of piracy in relation to a genealogy in which pirates are themselves figure of the improper, conduits for improper wars and markers of struggles over the proper relationship to property. Readings of a few key texts – Machado de Assis' "Canção de Piratas" (1894), J. L. Borges' "La viuda Ching, pirata" (1935), Alejo Moguillansky's film *El escarabajo de oro* (2014), and Nuruddin Farrah's *Crossbones* (2011) – take the textualizations of piracy as reflections on the carrying capacity of form.

KEYWORDS: Pirates; Machado de Assis; Borges; Moguillansky.

A impropriedade dos piratas

RESUMO

Há poucos piratas na tradição cultural latino-americana, embora a pirataria tenha sido uma força fundamental na formação das Américas coloniais e pós-coloniais. Este ensaio traça essa aparente impropriedade da figura do pirata em relação com uma genealogia mais longa em que os piratas são meios de guerras impróprias e sintomas de uma luta para estabelecer a relação própria com a propriedade. Leituras de alguns textos-chave – "Canção de Piratas" (1894) de Machade de Assis, "La viuda Ching, pirata" (1935) de J. L. Borges, o filme *El escarabajo de oro* (2014) de Alejo Moguillansky, e *Crossbones* (2011) de Nuruddin Farrah – sugere que também podemos ler a figuração do pirata como uma reflexão sobre as capacidades das formas poéticas.

PALAVRAS-CHAVE: Piratas; Machado de Assis; Borges; Moguillansky.

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One does not conduct a war against pirates.
Pirates are only the object of anti-criminal or maritime police actions.
(Carl Schmitt)

One of the strangest figurations of Antonio Conselheiro in the Brazilian archive might be an early piece by Machado de Assis published in the *Gazeta de Notícias* in which the Conselheiro and his followers are likened to the pirates sung by the poets of Romanticism: "Os dois mil homens do Conselheiro … são os piratas dos poetas de 1830." What actions are given to justify such a naming seem to bear no relation to what would later be etched into the historical memory of the conflict of Canudos, a conflict that would in fact be named a war: "se metem pelo sertão, comendo o que arrebatam, acampando em vez de morar, levando moças naturalmente, moças cativas, chorosas e belas". Assis writes "Canção de piratas" in 1894, before Conselheiro had settled in Canudos, before government expeditions were sent out to destroy the community and before the conflict had become a mass-media sensation. He would go on to write several more pieces on Canudos with not a word about pirates. The obvious dissonance staged in his piece might be read with an eye to Machado de Assis' ever-present irony, bearing a possible critique not only of the more condemnatory pieces already circulating in the press about Conselheiro but also of a putative contrary romanticization of him and his followers. Still, the seeming impropriety of pirates as a metaphor for the phenomena at hand raises its own questions. If the pirates seem so out of place it is not only because the setting is the desert-like *sertão* rather than the sea, but also because there are few pirates in the Latin American cultural tradition.[1] I want to take my cue from this curious and underread text by Machado de Assis to read textualizations of piracy in Latin America as freighted with questions of how forms – like pirate tales – travel and when certain ways of narrating become sovereign, designating what counts as reality. My contention is that in the Latin American archive pirates appear as poetic figures of the improper and as a means therefore to think about what is deemed proper.

The word "pirate" comes from classical Greek root "*peirates*", a loose term generally meaning an attempt or attack. Early records show that among several peoples in the ancient Mediterranean there was little or no distinction between what is now parsed out as "normal" trade, piracy, and warfare. Some political communities asserted their right to practice the violent acquisition of persons, property and territory, while others disputed it and tried to establish distinction between legitimate warfare and illegitimate piracy. It was the Roman Empire that turned piracy into a powerful political semiotic machine, a pejorative label to denounce enemies and conjure up universal order. Piracy does not just name theft, therefore. The term's history is entangled with a crisis and dissension around property and jurisdiction that lends it its political charge.

[1] The "Lutheran corsair", however, was a frequent figure in colonial Spanish texts (Policante, 2015, p. 46).

And it was specifically raids, conflicts and property seizure on the seas – a smooth space that was historically harder to enclose, map, fix, striate, turn into property, over which it was harder to claim dominion – that gave piracy its own trajectory and its own name. [2] The naming of piracy is never fully settled therefore and the political question of who or what determines the proper relationship to property continued through its semantic expansion from naming the seizure of boats and goods to designating certain modes of copying and circulating print books, film and music or the siphoning off and redeployment of electricity or water networks by subaltern populations. Piracy – and the charge of piracy – has ever also been a conduit for an improper war such that the pirate sits "centre-stage in all the non-wars fought in humanity's name." (Policante, 2012, p. 257).

But if Machado de Assis reaches for the figure of pirates to say something about the phenomena of Conselheiro it is also because a large and resonant cultural archive had accrued around pirates in the European imagination across different media and genres: newspaper accounts, chapbooks, ballads, plays, opera, novels, poetry, memoires (a phenomenon followed in the twentieth century largely in the Anglophone world by film, television series and video games). When Machado de Assis plays with the comparison of the Conselheiro and his men to pirates it is with the pirates of the literary archive, those conjured up by Gonçalves Dias's "O Pirata", Lord Byron's "The Corsair", and José Espronceda's "Canción del pirata." An axis is drawn between the accounts circulating about the Conselheiro in telegrams and public papers and a new poetic principle in which what is out of place might be deployed anew, just as – he writes – polkas are composed in Rio de Janeiro. The suggestion seems to anticipate the better-known figure of cannibalism so central to Brazilian modernism to designate strategies of appropriation: "I am only concerned with what is not mine," as the *Manifesto Antropófago* puts it. But pirates carry with them questions not about identity, but about who gets to legislate proper relations, when and where something is deemed property, and when violence is called not war but peace.

I.

While there is a vast bibliography on piracy, Amedeo Policante is one of the more astute readers of piracy as a semiotic machine, tracing a Foucauldian-style genealogy of the cultural and political work undertaken through the label of piracy. His account centers the importance of the Roman Empire in turning piracy into this semiotic machine, one that could "be projected onto different subjects of international law with the result of transferring them into an imperial legal system that is global, hierarchical, and thoroughly juridified." (Policante, 2014, p. 8). This process was driven by the growing centrality of maritime commerce in the transition from

[2] Policante cites Deleuze and Guattari to argue that ultimately this is a matter of social construction rather than technological limit: "One of the fundamental tasks of the State is to striate the space over which it reigns, or to utilize smooth spaces as a means of communication in the service of striated space." (2012, p. 136). But I think this misses the historical de-transcendentalization of sea spaces. Even if there is no longer a technological limit to striating the sea, and even if its presentation as smooth space posed no conceptual barrier for integration into projects of domination, nonetheless for a while it did present a technological limit (until it didn't).

the Roman Republic to Empire and the emergence of a political project to constitute a sea-commons on which trade could run smoothly. The deployment of piracy as a resonant pejorative label turned therefore on the difference between dominium and imperium, between particular sovereignty and a more universalist order: "Historians of Rome have shown how the concept of imperium had its earliest and most consistent use in the particular space of commerce and cultural exchange that was the ancient Mediterranean. In this space, subtracted from all forms of dominium, possession and sovereignty, Rome presented itself as a bastion of peace and order, as the enforcer of the Universal law of nations (*ius gentium*) and as a steward: exercising jurisdictional rights in order to prevent abuses of common space, rather than tracing lines of inclusion and exclusion." (Policante, 2012, p. 31)[3]. Pirates were declared not just an enemy but the enemy of all: *hostis communis omnium*. As such, in Cicero's writings, pirates were excluded from the human political community given their presumed lack of respect for the right of others to travel freely and trade on the common space of the Mediterranean. As a non-political subject there could be no political relation to pirates such as that assumed in war. As pests, however, pirates could be subject to forms of violence and policing and freely eliminated in the service of maintaining the peace. Policante wryly observes, "The paradox, which became explicit in the thousands of pirates, slaves, bandits and rebels crucified in the name of the preservation of the *pax romana,* is that of the indistinguishability of war and peace from the point of view of the quantity of violence systematically produced. But while war presents violence as a clash between opposed normative systems, peace can only tolerate violence as either a threat to the dominant normative system or a force imposing it from above." (Policante, 2015, p. 20). The condemnation of piracy therefore carries with it the matrix of a universalist order whose violence is called peacekeeping.

It was this Roman Imperial tradition that was taken up by European colonizers when they resuscitated the figure of the pirate as *hostis humani generis* (this time articulated in a more racialized language as enemies of the category of the human species) in the campaign to eradicate piracy in the 18th century. When Carl Schmitt wrote that the actions against pirates are "not a war in the sense of international law," (p. 168) he is referring to the historical moment after the Treaty of Utrecht (1713).[4] Previously piracy – under the thin legal veneer of privateering – had been a tool of plunder, possession and primitive accumulation by the Protestant European nations in their challenge to the papal dispensation that gave Spain and Portugal the right to colonize and Christianize the Americas.[5] The 1559 Treaty of Cateau-Cambresis between Spain and France

[3] Policante makes the distinction between *dominium* and *imperium* as follows: "Dominium essentially means control and effective occupation of the territory, the setting of firm boundaries, the establishment of a law that regulates the occupation and distribution of the land. Imperium, on the other hand, is not affixed to a territory; it refers rather to a space of circulation that must be kept in motion. The principle of imperium in fact is not the law with its intimate relationship with the boundary, but security in a global space." (2012, p. 32).

[4] According to Policante it is as an anomalous category that the figure of the pirate "was one of Schmitt's favorite points of entry for the study of international law" – revelatory precisely in its exceptionality. (2014).

[5] After the fall of the Roman Empire piracy, the Mediterranean became the site of various religious wars including the Arab-Byzantine wars (7th-11th century) and conflicts between Europe and the Ottoman Empire (1500-1700). Piracy became again a tool of war under the "legalized" version of corsairing. In his study of 16th century corsairs Gonçal López Nadal argues that the only thing that separates piracy from corsairing (violent institutionalized maritime activity) is its "institutional" or "legalistic"

had laid out a division between Europe (regulated by growing edifice of international law and a strictly limited conception of war) vs. a "beyond the line" west of the first meridian. Beyond the line a presumed state of nature reigned and there was neither certainty of property (for the colonized) nor crime (for the colonizers). The sea, according to Schmitt, was understood as impervious to human law and order.

The sea began to lose this exceptional status with the Treaty of Utrecht in 1713 when it was "integrated into the nascent state- based international system and made functional to its order." (Policante, 2014, p. 3). Slavery and the production of commodities had become more profitable than plunder such that Britain and other European powers no longer needed piracy as a tool of imperial accumulation. A series of laws beginning in 1698 with "An Act for the more effectual Suppression of Piracy" led to the criminalization of pirates as the enemy of mankind in general (rather than the enemy of one particular state); as such, pirates could legally be hunted down, tried and/or killed by all.[6] The agreements to ensure the security of trade formed the basis of international law today. Indeed, Policante and others have argued that the legal category of the pirate constructed at the time "anticipated and served many of the same functions that are today explained through the ubiquitous concept of the "terrorist," which reflects and legitimizes a form of undeclared, asymmetrical warfare without borders" (2013, p. 64) between a global police force and those accused of endangering humankind.

The beginning of the campaign to eradicate piracy coincided with the so-called golden age of piracy, a moment the enterprise was taken up by "the common men of the deep" – ex-slaves, disgruntled mariners and others – creating a crisis in trade in the Atlantic World (Reddiker, 2005, p. 41). During this time piracy also took on counter-cultural resonances connected to the imagining of new and better worlds that emerged in the age of revolutions. Marcus Reddiker, who seizes on piracy's more revolutionary manifestations, famously figures eighteenth century Atlantic piracy in *The Many Headed Hydra* (2000) as a subterranean hydra whose various heads pop up here and there in the recognizable outbreaks we pin down to our timelines. This piracy was connected to notions of freedom and to alternative social constructions (and not just property seizure). The pirate Bartholomew Roberts is said to have said:

> In an honest Service, there is thin Commons, low Wages, and hard Labour; in this Plenty and satiety, Pleasure and Ease, Liberty and Power; and who would not balance Creditor on this Side, when

nature. One is legal, the other is not; "[o]therwise the two phenomena were practically identical." (p. 125). López Nadal groups corsairing under forms of alternative methods of commerce, including smuggling and trade in neutral vessels. In conditions of economic decline, marginalization, or inter-state fighting and competition as happened in Mediterranean after the 16th century (with the center of gravity of trade moving outwards to the Atlantic Ocean and the Indian Ocean), it was the easiest and most routine form of trade particularly for what he terms second-rate ports (such as Mallorca) or more marginalized areas (North African states) (p. 129). The first tier-cities who dominated "normal" commerce were those who had most to lose from corsairing: Valencia, Barcelona, Genoa and Venice, for example. Likewise, piracy was the primary tactic used by those left out of access to the new world (England, France, Netherlands) to seize the riches being plundered from the colonies. But it was called privateering. My point is that piracy lies in the naming of it. Colonization writ large could be said to be piracy under another name.

[6] Colonial expansion and violence was now conducted not through pirates but through the criminalization of pirates: Malay communities resisting European commercial penetration as well as the Barbary cities of Northern Africa were labeled "pirate states", a move that denied them political legitimacy, characterizing them as a group motivated by plunder and potentially at war with the entire world.

> all the Hazard that is run for it, at worst, is only a sour Look or two at choking. No, a merry Life and a short one, shall be my Motto (Poier, 2009, p. 43).

Not only liberty and pleasure, that is, but also something other than a "thin commons." The significant number of Afro-descendant peoples among the pirate ships of the colonial Caribbean have led some historians to link pirate ships to maroon communities, as land-based and sea-based sides of the same coin: "Conservative estimates suggest that black and mulatto sailors comprised at least one-quarter of all pirates in the 17th and 18th centuries." (Curtis, 2011, p. 154). While the campaign to suppress piracy was largely successful, they became resonant if ambivalent figures in the European cultural archive, carrying both the connotations of extra-legal conquest and a line of flight from unjust order.

Robert Louis Stevenson's *Treasure Island* – written in 1883 after the largely successful eradication of Atlantic pirates, when they had become fodder for tales of boyhood and adventure – famously stages British ambivalence with piracy as the form of primitive accumulation of its imperial power. This is clear from the outset of the novel insofar as the villagers are both terrified by the old pirate lodging at Jim's father's inn but also secretly call him a "true sea dog", saying "there was the sort of man that made England terrible at sea." The novel is wrought throughout with a tension between the difference of pirates (gentlemen of fortune) and the ways in which the differences between them and the gentlemen by birth or shopkeepers threatens to collapse as everyone in the expedition for the treasure turns pirate in a way. In contrast, as Nina Gerassi-Navarro points out in her study of four nineteenth century Hispanic American novels about piracy, Spaniards saw piracy as a brutal force aimed at uprooting Spain's empire. When Spanish American writers looked back into their past to inscribe their national heritage, the pirate did not evoke "escapist ideals of heroism and grandeur" but instead, given "provocative images of both terror and freedom" "came to embody the difficulties many nations experienced in their quest for national formation." (Gerassi-Navarro, 1999, p. 3).

II.

The counter-colonial resonances of piracy are at the heart of the romantic archive referred to by Machado de Assis. While Byron, Espronceda, and Gonçalves Dias are named, the main reference is Victor Hugo's "Chanson de Pirates" (Pirate's Song). As a rhetorical figure, piracy appears divested of real threat and conjures up instead a roving alterity: "Os partidários do Conselheiro lembraram-se dos piratas românticos, sacudiram as sandálias à porta da civilização e saíram à vida livre." As a poetic principle of fugitivity they are explicitly staged by Machado de Assis in opposition to a criminalization that bespeaks a petty order, an order of straightened, registered and qualified minds: "Jornais e telegramas dizem dos clavinoteiros e dos sequazes do Conselheiro que são criminosos; nem outra palavra pode sair de cérebros alinhados, registrados, qualificados, cérebros eleitores e contribuintes." Machado de Assis's short piece then is obviously not an exercise in attempted mimesis, not the kind of journalistic account or testimonial that spread once the conflict proper was underway and whose most iconic text was Euclides da

Cunha's *Os Sertões*. Instead, Machado de Assis, with usual irony, turns to a literary trope from an archive that was not entirely proper to Brazil (the exception being Gonçalves Dias) to signal a principle of negativity, the disruption to what is here state sovereignty rather than imperial sovereignty. While this threat roves across a landed expanse that is not the ocean, it shares the quality of not being fully territorialized.[7] Not unlike the Roman Empire, and then the British Empire, the Brazilian state would come down upon the community of Canudos three years later as an outlaw community, a den of criminals. Machado de Assis captures some of this logic in his recourse to an improper name. He also captures the asymmetry in play: as pirates their violence doesn't represent "a clash between opposed normative systems" (their "vida erratica" can't quite be called a "regimen") but a "threat to the dominant normative system" called peace, the banal order of the ordered, registered brains of citizens: "tudo o que obriga, alinha e apruma."

Although the pirates are translated into figures of freedom, an opposition to calendar, clock and taxes, they also evoke modes of rhetorical capture. A certain incongruity is built into Machado de Assis's use of citation. The Victor Hugo poem that reappears in three references and that gives the title to Assis's piece tells in fact the story of two captivities. The first is that of a nun who is forcibly turned into the bride of a Sultan, taken away from a Christian rubric to the Orientalist other shores of the Mediterranean, in what is both a line of flight and a capture. The second captivity refers to that of the crew of eighty men who move the ship with their rowing, who voice the eponymous pirate's song and who return to close each stanza. In other words, Assis cites a presumably authoritative text, grounding his writing in knowledge of European cultural references, but the story told in the poem does not back up the use to which it is supposedly put. Additionally, Assis writes that wives of the Conselheiro are captured in verse, a statement followed immediately by a fragment from Hugo's poem:

> As esposas do Conselheiro, essas são raptadas em verso, naturalmente:
> *Sa Hautesse aime les primeurs,*
> *Nous vous ferons mahométane…*

This suggests both that the image of captured women is a purely poetic one and not in fact taking place in the sertão, but also leaves open a reading in which the poetic archive itself becomes a place of capture. The dissonance between authoritative citation and vernacular reality, between freedom and capture, may be part of the point since the reference is in the service of producing – says Assis – "versos extraordinários e rimas inauditas." To see pirates in the desert is to rhyme "o Atlântico com o Pacífico, a via-láctea com as arejas do mar", a work of montage that follows in the wake of colonial heterogeneities: "tudo ao som das polcas que temos visto compor, vender e dançar só no Rio de Janeiro." If the polka has effectively traveled and put down roots in Rio, why not the pirate? But perhaps it is precisely in so far as they are considered *only* pirates – a threat to

[7] The community was also to be called one of the last "quilombos" by at least one Bahian historian, suggesting some relation to the run-away slave communities that are the counterpart to piracy for some historians. José Calasans makes this argument based on documents like a letter sent to a local landowner in which it is written that "[t]here, the masses that are generating a revolt are the very same Conselheiro and his followers, including soldiers and deserters from various states and the people of May 13, which is the largest part; indeed, there are few whites there." (p. 84).

normativity rather than an alternative normativity – that they are called upon to renovate poetic form. The impulse to generate new improper poetic forms takes place, that is, in relation to a dominant code (or a codified dominance) that remains in place.

III.

If the pirate-metaphor seems fecund for Machado de Assis, for J. L. Borges some forty years later in "La viuda Ching, pirata" (1935) it appears under the risk of a tired, well-worn theatrical trope: "La palabra *corsarias* corre el albur de despertar un recuerdo que es vagamente incómodo: el de una ya descolorida zarzuela, con su teoría de evidentes mucamas, que hacían de piratas coreográficas en mares de notable cartón." (p. 41). This is not a Latin American pirate but a Chinese one, Cheng I Sao (1775-1844), the female leader of a pirate confederation that included an estimated 40,000-60,000 pirates around 1805 and who eventually secured a favorable settlement with the Chinese government. According to various historians, Cheng I Sao received only minimal attention in Chinese accounts and historiography but became a figure of fascination in European ones, based on a translation of an unofficial Chinese text and a captivity narrative by a British seafarer (See Dian Murray). As the story of a famous female pirate – often concatenated to the story of Mary Read[8] – the tale of Cheng I Sao is not a representation, as Edward Said might have said, but part of "Europe's collective day-dream of the Orient." (p. 52). Even as Borges' story participates in Orientalist fantasy it is also – like that of Machado de Assis – the occasion for a self-conscious meta-comment on form; more specifically, on a semiotic machine that has been overdetermined and overused but that houses an anxiety about the capacity of such forms, of naming, to establish reality. Borges' tale is a lesson, at a distance, about how genres codify the world.

While the simple narrative is a parable about the re-establishment of sovereignty (following Cheng I Sao's historical settlement with the Chinese government), the story unfolds through three marked scenes of writing and reading. All are "official" pronouncements, uttered by an instance of power. The first comprises the rules of the pirate fleet under the rule of the "widow Ching". The form rather than the content is noted first: the rules are "de una inapelable severidad, y su estilo justo y lacónico prescinde de las desfallecidas flores retóricas que prestan una majestad más bien irrisoria a la manera china oficial, de la que ofreceremos después algunos alarmantes ejemplos." (p. 45). Imperative statements evince the power implicit in the address:

> Todos los bienes transbordados de naves enemigas pasarán a un depósito y serán allí registrados. Una quinta parte de lo aportado por cada pirata le será entregada después; el resto quedará en el depósito. La violación de esta ordenanza es la muerte (p. 45).

[8] There are many accounts in newspapers, pamphlets and proclamations of Anne Bonny Mary Read, but the most well-known is found in Captain Charles Johnsons' *A General History of the Pyrates* (1724), a compilation written at the tail-end of the campaign to suppress piracy and the main source for the most recognized and repeated stories of pirates in the colonial Caribbean.

This is followed by an imperial decree in which the efforts to demonize the pirates is marred by an excess in rhetoric that betrays weakness. Many 'criticized its style' we are told:

> En barcos averiados y deleznables afrontan noche y día la tempestad. Su objeto no es benévolo: no son ni fueron nunca los verdaderos amigos del navegante. Lejos de prestarle ayuda, lo acometen con ferocísimo impulso y lo convidan a la ruina, a la mutilación o a la muerte. Violan así las leyes naturales del Universo, de suerte que los ríos se desbordan, las riberas se anegan, los hijos se vuelven contra los padres y los principios de humedad y sequía son alterados (p. 46).

The empire's effort to conjure up a reality, to turn the descriptive into the prescriptive, is tagged a failure. If we are notified that "[l]a referencia incidental a las embarcaciones averiadas era, naturalmente, falsa. Su fin era levantar el coraje de la expedición de Kvo-Lang" this is partly because the empire's discourse has failed to establish itself as true; the enunciation fails at the attempt to be credited with realism. It uses language badly and its authority is shown to be empty, falling into mere propaganda. In a sense the pirates have truly caused the principles of wetness and dryness to exchange places, founding or establishing an alternate order through a legal code that functions as such, where an imperative is effectively an imperative. Returning to Policante's point about the difference between war and imperial peace, Borges in fact stages an initial moment we might call a war wrought by a "clash between opposed normative systems."

Nonetheless, imperial sovereignty is reasserted by the end of the story. The principle of piracy both emerges and then recedes through a third message addressed by the empire to the widow Ching through characters written on kites and flown in the sky. This third moment is more explicitly staged as a scene of reading: "La Viuda examinó con ansiedad esos regulares meteoros y leyó en ellos la lenta y confusa fábula de un dragón, que siempre había protegido a una zorra, a pesar de sus largas ingratitudes y constantes delitos." (p. 49). We are not given the content of this last message except to know that it is transmitted in the form of a fable. The tale of the vixen and the dragon is fiction rather than order, injunction or exhortative message. It also seems simultaneously pure metaphor and abstraction and, as such, leaves the "reading" and "decision" up to the widow. While it isn't any more a distortion than the imperial claim that the pirate's vessels are crippled, this form of writing is proposed as ultimately effective. Characterized as restrained and minimalist, in contrast to the previous imperial proclamation it doesn't overuse or overburden the medium. The widow Ching accepts the representation of her fleet as a pirate fleet characterized by "ingratitude" and "crimes" and surrenders. To be clear, there's no explicit reason given for why this should be so. Instead, what lingers is a suspension of sovereignty, textualized in the waxing and waning of the moon for an unspecified number of nights as the widow reads the tale written through the kites and contemplates what to do. Sovereignty is not assured, does not precede the form of its proclamation, exists only in the acceptance – or not – of a way of reading.

IV.

As we recall, Gerassi-Navarro affirms that for Spanish American writers the pirate "came to embody the difficulties many nations experienced in their quest for national formation." (1999,

p. 3). In different ways, in both pirate tales we've seen so far, piracy names the violence of a non-war, what disrupts the project of sovereignty – whether of the nation state or an empire – that wants to be the way of the world. In Assis the dominant normative system is summed up in logistical media which tracks but also regulates time (clocks and calendars). It is a world of repetition and regularity rendered in the image of the State: "Não podem crer que o mundo seja uma secretaria de Estado, com o seu livro do ponto, hora de entrada e de saída, e desconto por faltas. O próprio amor é regulado por lei." In Borges, the empire claims the pirates violate not a human order constructed through technology or government but the natural laws of the universe, changing the very place of water. While this is first a lie, it is rendered truth when order is restored. Both writers knit together a thinking of this figure of disruption with a reading of the pirate as a semiotic machine in a European archive and as a carrier of forms. While Assis suggests that the chimera of the Conselheirista-pirates might open up new forms of poetry, Borges stages a writing that reestablishes sovereignty and the capacity to name reality.

At this point it is important to underscore that the availability of pirates as poetic form for Machado de Assis and Borges speaks to a moment after the supposed eradication of piracy, where the passage of piracy into fiction and into metaphor is symptomatic of the settling of a new imperial discourse. The phenomenon of piracy sediments into the figure of individual pirates, protagonists/antagonists marked by a series of reiterated personal characteristics (often maimed bodies, violence, excess, freedom). If the tavern goers in *Treasure Island* could listen to pirate tales and shiver with delicious horror in Jim's father's inn, it was largely because they had seemed to become the stuff of fiction and legend, leading to the paper cut out figures on cardboard seas – cut off from context – that Borges could cite. To emphasize this point I want to briefly consider Nuruddin Farah's novel *Crossbones* (2012) as a counterexample to the (sparse) use of the cultural figure of the piracy in the Latin American canon as one that rides on the assumption that pirates are long gone. *Crossbones* does not reach for a spatially and temporally distant literary figure but starts from Somali disruption of trade passing by the Horn of Africa beginning in the early 2000s. Rather than theft, Somali piracy took the form of seizing cargo ships moving past Somali coasts and holding them for ransom: an act of interrupting dominant capital flow that has been compared to workings of the Barbary fleets of North Africa understood as a coastguard imposing a tax on passing ships. The response to such seizures, the condemnation of such acts as piracy, carried with it a certain element of surprise. Articles titled "Why Pirates are Back" pointed to the phenomenon as the return of a repressed thought long-gone, a phenomenon that had already passed into fiction or been displaced into bloodless forms of media piracy, cited by entities like The Pirate Bay on the internet (another smooth space that troubles jurisdiction), but no longer materially carried out by people on ships.[9] Indeed, according to Salvatore Power, the semantic extension of piracy to copyright infringers in the early 18th century was a media move by legitimized printers that rode on the back of the campaigns to

[9] See Shannon Lee Dawdy's announcement that "At the dawn of the twenty-first century, we are witnessing the birth of a new pirate age both in international waters, where fights over oil and fish extraction echo colonial wars over silver and slaves, and in the "high seas" of a global information society." (p. 361).

suppress sea-piracy: "The memory of pirates – who were almost completely eradicated after 1726 – and their allegedly horrible actions were still vivid. Pirates were a rhetorically effective image to be evoked in order to focus the public attention on a problem which was a great economic advantage for most of the people (cheaper books for everybody) but an economic disadvantage for a small part of the population (London's printers)" (p. 45)[10]. Somali piracy presents a disconnect with the romanticized version of piracy that had accrued in literature and film, often condensed and exemplified in singular individuals, as if the recognizable pirate tale couldn't carry the story of Somali piracy. There is no "romantic image" of Somali piracy, as one of the interviewees in the documentary *Stolen Seas* (Thymaya Payne, 2013) tells us. Instead, the Somali pirate, like the "terrorist", for a variety of reasons which undoubtedly includes anti-Blackness and a demonization of Islam, takes on the tones of the *hostis humani generis*. Rather than calling upon sedimented fictions of piracy, Farrah's *Crossbones* therefore pushes back on the widespread condemnation of Somali actors as pirates. One character notes that: "These pirates are not like the pirates of old, who got to keep a portion of their booty and share the loot among themselves – democratically! I am not in fact sure you can call the Somali pirates." (p. 88). As becomes clearer further in the novel, the point made here, with the reference to equal share of wealth and community associated with the golden age piracy (a trope also cited in the Borges story), is that the pirates stopping the ships are only the small visible part of a long global unofficial or criminal network, that includes agents in insurance companies. As such, the visible pirates are not equal-sharers in the profits ultimately made through the ransom of the ships, but receive only a minimal share. They are the disposable workers making profits for others further up the chain. The novel explores the figure of the pirate as a cut-out cardboard figure that functions rhetorically only to the extent that it is cut off from adjacent or overlapping phenomena (mutiny, run-away slave communities, war, primitive accumulation, capitalist exploitation), as improper figurations for larger and more nebulous processes. Farrah thus builds on a counter-narrative which calls attention to the violence that is the non-war of imperial peace.[11] "Often condemned as a strategic discourse meant to justify pirate crimes, it … attempted to displace the exceptional character of pirate violence, making it instead the visible part of a much wider, invisible system of violence." (Policante, 2013, p. 67). *Crossbones* stages a crisis and breakdown in form as the novel unravels, an unraveling of literary form that echoes the failing of state-form in postcolonial Somalia. While the pirate label is shown to be improper and insufficient, the novel ultimately claims the crossbones of the pirate flag to signify people who are already dead in the name of the law, outside the rights and protections of a state,

[10] Poier notes that it was after the statute of Anne (1709) that the protection of copyright was granted by the state to the author of books and first printers who bought the right to print from the author. Those who illegitimately printed and sold books were called pirates. The use of piracy thus "catalyzed the creation of a new juridical object: intellectual property." (p. 44-45). Larkin adds: "In his exhaustive study of the rise of print, the historian Adrian Johns argues that piracy, rather than being an aberration of an 'original' mode of text production, is central to the way print operates and spreads over time and space. The qualities we now associate with print – its fixity, guarantee of authorship and commodity form – were not inherent in the technology but the result of a social compact, the institution of a technological order of reality. Johns is instructive in remind us that, in many parts of the word, media piracy is not a pathology of the circulation of media forms but its prerequisite." (p. 240).

[11] As Shannon Dawdy points out, Somali pirates presented themselves as coastguards and defenders of the Somali people from foreign criminal activities such as illegal fishing and the dumping of toxic waste off the coast of Somalia (p. 368).

without a state. Even if there are no "real" pirates in Somalia, their out-law status is extended to all the people living in Somalia during civil war, a "flea-bitten nation lying dead by a roadside," as in the dream of one of the characters (Farrah, p. 111).

V.

The semantic expansion of piracy in the 19th century as a way to drum up support for intellectual property rights paralleled its expansion into a poetic figure. The exceptionality of Somali piracy marks the hard edge of contemporary disruptions of property rights which also include practices of counterfeiting, copying, unbranding, the 'graymarket' or local commodity, as well as the siphoning off of technological infrastructures (water, electricity) in urban zones. In his study of such practices in India, Ravi Sundaram makes the point that: "[a]s a strategy of deliberate porosity and ambiguity, pirate modernity evades issues of the liberal commons, while offering new routes to subaltern populations in emerging powers to access the legal city. If the liberal commons promotes normative visibility, pirate modernity has preferred techniques of in-visibility." (p. 6). Sundaram consequently theorizes "pirate modernities" as a mode of incorporation that is non-ideological, something other than a self-conscious opposition to capitalism. Commenting his work, Brian Larkin notes that the formulation "pirate modernity" "nicely captures the ambivalence of piracy, refusing the simple equation that piracy is an alternative or oppositional modernity (though there are elements of this in justifications made to the effect that pirate goods redress economic inequalities between developed and undeveloped countries). Piracy is also nonideological in that it does not represent a self-conscious political project in opposition to capitalism." (p. 226). The logic of piracy within the infrastructures of capitalism becomes hard to track precisely because it is improper – not its own, but borrowed or stolen, or re-routed from elsewhere.

When Argentine filmmaker Alejo Moguillansky made a film about the dependency of Latin American filmmaking on financial entities in the global north he recurs to the figure of piracy through an intertext with Stevenson's *Treasure Island* and Edgar Allan Poe's "The Gold Bug": *El escarabajo de oro*/*The Gold Bug* (2014). The film was the result of an initiative of a Danish Film Festival CPH:DOX which proposed to bring together two directors (one European, one non-European) to co-direct a film in what has been described as simultaneously an experiment and charity. Moguillansky was paired with the Swedish director Fia-Stina Sandlund and the film we see – the film they decided to make together – is a fictional documentary about the film they're supposed to make. The movie engages in a politics of citation and archive, replacing the European suicide (Victoria Benedictson) that Fia-Stina Sandlund originally wanted to film (and where Buenos Aires would have merely served as a cheap location to film) with an Argentine one (the nineteenth century political figure Leandro Alem) as worthy of an international venture. The plot of much of the film is the charade the Argentines play for the European co-director pretending to make a film about Alem even as they go about trying to decipher maps and cryptograms that will lead them to a treasure supposedly located in Alem, Misiones.

The film describes itself in the initial intertitles as based on Edgar Allan Poe's short story "The Gold Bug" and Robert Louis Stevenson's *Treasure Island* but told from the perspective of the pirates – a reframing which echoes the replacement of a European referent (Benedictson) with an Argentine one (Alem). But the film eschews the figuration of pirates as characters and follows instead the hunt for treasure once the pirates are gone. The intertext with Poe is the more obvious one. The title and the basic elements of the plot – stumbling upon the clues to a hidden treasure, an encoded message, the use of a skull in a tree through which they have to drop a thread in order to find the location of the treasure – are all borrowed from Poe's story. The intertext with *Treasure Island*, on the other hand, is not to be found in the plot so much as in the tone and perspective: *Treasure Island*, as noted earlier, is tied up with fantasies of boyhood and play and with the ultimate indistinction between pirates and non-pirates. At some level, everyone in *Treasure Island* begins to turn pirate-like, trying to outplay each other, in the hunt for the treasure left behind by Captain Flint. It is this pursuit of treasure – along with the elaborate games, full of feints and double-crosses – that is carried forward in Moguillansky's film. While the last remaining pirates are brought back momentarily in *Treasure Island* as the subject of representation (Long John Silver), in Moguillansky's film it is instead a question of a purported space of enunciation and structural position (a pirate point of view) which is otherwise empty of content. That is, there are no improper pirates here because it is the space of impropriety itself that is claimed and inhabited. Piracy is also doubled into material and immaterial variants: a search for buried treasure is simultaneously a re-routing of sanctioned forms of financial circulation as the film's financing is funneled into another purpose. Piracy in Moguillansky's film thus includes both the original seizure of and contest over New World wealth as well as the later semantic expansion of piracy as a means to stake claims on more immaterial property-rights.

Both *Treasure Island* and *The Gold Bug* take place after piracy has (largely) passed and the treasure stolen and buried. The hunt for this secondary accumulation is cut off therefore from the original violence (although *Treasure Island* famously reiterates – in small form – some of that violence).[12] The burial in *Treasure Island* effectively "launders it", as one critic points out: "while the treasure in its diversity emblematizes the reach of European empire, its burial on a desert island also launders it. As pirate's plunder it is in effect untitled; the treasure hunters can claim it guiltlessly." (Loman, p. 16). In the stories by Stevenson and Poe, despite the almost non-existent history of its accumulation and circulation, once found, the treasure is notable for its materiality: Jim expresses weariness, his "back ached with stooping", after counting the immense hoard characterized by a "diversity of coinage" that indexes the global dimensions of the looting. In Moguillansky's film, on the other hand, the trajectory of the treasure becomes a vehicle to tell not simply a local history (the nationalist story of Argentina that Leandro Alem seems to represent) but all the *clichés* of the entangled histories of Argentina, Paraguay and

[12] In *Treasure Island* Jim writes: "That was Flint's treasure that we had come so far to seek and that had cost already the lives of seventeen men from the *Hispaniola*. How many it had cost in the amassing, what blood and sorrow, what good ships scuttled on the deep, what brave men walking the plank blindfold, what shot of cannon, what shame and lies and cruelty, perhaps no man alive could tell."

Brazil. The improper story of piracy becomes a vehicle to skip back to the colonial moment beneath nationalist foundation stories and to gesture at the circuitries of accumulation that made them possible. The story begins in Brazil where a local landowner (and proto-independentist) wants to get rid of his foreman, João Bandeirante, and persuades him to attack the stagecoach carrying the 'royal fifth', the taxes paid to the Portuguese Crown, thinking that he'll fail. He succeeds, however, and flees with the captured gold, crossing the Uruguay River into Argentina where he befriends a Jesuit missionary after having hidden the gold behind a waterfall. On his deathbed he confides in his friend, another Jesuit missionary, who decides to leave the gold where it is but redraw the map, splitting it into two maps which need to be read together. The Jesuits are expelled from colonial America but the missionary stays on until the troops of Dr. Francia, *El Supremo*, invade missionary territory, killing all in their path. The maps, along with other Jesuit papers, languish in Paraguay until they are found by a Stroessner supporter who, in his old age, sells the secret to an Argentine-Paraguayan co-production for a film based on the Paraguay War. This entangled collection of *clichés* brings the colonial moment into contact with the new colonialism of globalization, just as the final scene in *El escarabajo de oro* traces a line from the broken world of the Jesuits and the ruins that continue to inhabit the landscape of Misiones to the towers of Manhattan where Fia-Stina Sandlund lives.

Meanwhile, as the men attempt to locate the lost colonial gold, the two women who accompany the men on the shoot (one as actress, one as casting director) discover the plot and – in feminist solidarity – reach out to Sandlund and disclose the real reason the film's production has been relocated. The women plot to double-cross the men, mislead them and find the treasure themselves. Ultimately, Sandlund defrauds/swindles the two women and relying on a Swedish immigrant to Misiones, removes the treasure to New York (where she lives) before the Argentine women get there, replacing it with toy gold coins. Hence the film's subtitle: Victoria's Revenge. What appears to be a feminist revenge against a male hijacking of a woman's project turns out to be another version of "oro por baratijas," the untraceable looting that generated such hidden deposits of treasure in the first place. The Latin American pirates don't have the success of the main characters in Stevenson's and Poe's stories; they occupy the losing place of enunciation of pirates, chasing for a gold that is already elsewhere, just as, perhaps, Moguillansky pursued the elusive financing for another film he wanted to make and ended up with this film instead. The gold that is discovered in Poe and Stevenson's stories, recounted in great detail and with great fascination for its material variety and sheen is present in Moguillansky's only in ghostly form, never seen, but always elsewhere, just as Sandlund herself is always heard (by phone, in voice-over) but never on screen, always off screen: a paper promise (the map) that is not backed up but figures the world of finance-capitalism.

There is here no line of flight, no alternate order, no threat to imperial peace or "self-conscious political project in opposition to capitalism," (Larkin, p. 226) but a fiction that re-routes legitimized financial streams that have long been shorn of connections to plunder. It is a bloodless game that reveals the non-war at the heart of capitalism, that reveals structures of financing as a game. In an interview Moguillansky states the inevitability of "cheating":

> most of my films, from the point of view of a producer, are cheating. … It's acting like a cheater, putting yourself in an illegal place where you use the money that they give you for another purpose. It's the definition of corruption, but perhaps the production system produces that kind of corruption. It is needed to make films that avoid what is expected from them. This search for freedom is connected with crime. The artist is a necessary criminal (Moguillansky).

Moguillansky doesn't cannibalize pirate tales from the Anglo-American archive – incorporating or subsuming them. Instead, he pirates them. The logic is one of property rather than identity. The stories can be doubled, made to carry another point of view, so long as the intertextual relation, and impropriety, remains visible. The pirate strategy doubles and upends more systematized forms of counterfeit: to have staged the story of Benedictson in Argentina, as in the presumed original proposal, would have meant using Buenos Aires as a cheap backdrop, the difference between Europe and Latin America invisible on screen, but present in the financial differentials of film production. The incongruity of Benedictson in Buenos Aires would never have appeared like the incongruity of a harlequin Atlantic-Pacific rhyme or the transplanting of cultural forms like the "polcas que temos visto compor, vender e dançar só no Rio de Janeiro." Moguillansky's *El escarabajo de oro* is a fiction about the real abstraction that is money. In pirating what has been accumulated elsewhere – an archive of literary forms, an archive of wealth – Moguillansky keeps visible both the claim to sovereignty of the purported original and its impropriety: "Fia es propietaria del 51 por ciento de la película. Yo soy el dueño de un 49 por ciento de la película. ¿Por qué? Porque ella es europea." (Walsh).

CONFLICT OF INTEREST

The author has no conflicts of interest to declare.

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