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Book Chapter

An Open Source Project for Politics: Visions of Democracy and Citizenship in American Pirate Parties

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Abstract

A political battle is being waged over the use and control of culture and information. While media companies and copyright organisations argue for stricter intellectual property laws, a growing body of citizens and netizens challenge the contemporary Intellectual property-regime. Lately this has resulted in what could be described as a political mobilisation of piracy. This is maybe most evident in the formation of pirate parties that see themselves as a digital civil rights movement defending the public domain and the citizen's right to privacy against copyright expansionism and increased surveillance. Since the first pirate party was formed in Sweden in 2006, similar parties have spread across the world, from USA to Australia.

This presentation draws on a study of the culture and ideology of copyright resistance which involves a series of interviews with representatives of pirate parties in USA and Canada. The study looks into what ideas, ideals and aspirations motivate active pirate party members in North America and how this relates to traditional values of a modern, democratic society such as freedom of speech, respect for private property and the public access to culture and information. This presentation focuses particularly on the role of democracy and citizenship in pirate politics. It discusses how the pirate ideology envisions the relationship between the citizen and society in a time when digital technology rapidly and radically changes the conditions for political and social agency and participation. Does a movement that relies so much on global networking and sees the principles of swarm intelligence and open source collaboration as the future of democracy also convey a relationship between the citizen and the state? How would, in that case, such a pirate citizen be defined and situated, and how does it relate to old conceptions of citizenship and existing political institutions?

Key Words: Piracy, Pirate Parties, Copyright, Intellectual property, Social movements, Democracy.

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Introduction - The Pirate Party

This is the first presentation of the findings from a study of pirate parties in North America that I conducted at Massachusetts Institute of Technology over the fall and spring of 2011 and 2012.[1] The study has two purposes: it is a first attempt to record an oral history of a political movement under formation, but it also aims

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to analyze this movement in relation to some of the social processes that have come to define modern society. The material consists of ten semi-structured interviews: eight with representatives of pirate parties in the USA and two with people from the Canadian party. This paper does not aim to give a complete account of this study but will focus on one of the most protruding themes in the material: how members of the American pirate parties envision the concepts of democracy and citizenship.

The first Pirate Party was founded in Sweden in January 2006 as a reaction against what was perceived as an expansion of copyright at the expense of free speech and access to knowledge. The original agenda focused on three core issues: the protection of personal integrity, the freedom of culture and the abolishment of patents and private monopolies. Even though the party quickly attracted a large body of members, it only got 0,63 % of the votes when it took part in its first election to the Swedish parliament in September 2006.[2] The Pirate Party had nevertheless made a name for itself, and the big breakthrough came with the election to the European Parliament in June 2009 where it got 7,1 % of the votes, giving the pirates two seats in the parliament.[3]

Lately the initiative has been taken over by the German Pirate Party that scored 8,9 % in the regional election in Berlin in November 2011, followed by similar results in other regional elections.[4] The German Pirate Party was formed as early as September 2006, as a part of a first wave of international mobilization of pirate parties that began almost immediately after the Swedish party was announced.[5] The trend intensified after the Swedish party's success in 2009 and similar parties have now been initiated in more than 60 different countries, according to the international assembly of pirate parties, the Pirate Party International.[6] As the party spreads to new parts of the world it also raises the question of how ideas formulated by the Swedish party and largely developed by Europeans translate to other cultural contexts. I will explore this in a wider context in a forthcoming project; this study settles with a brief look at what shape the pirate ideology takes in an American political landscape.

Pirates in America

The American take on pirate politics is heavily influenced by that country's particular problems with low political participation and the political institutions' lack of legitimacy. Andrew Norton, one of my informants who has worked in leading positions within pirate parties not only in the USA but also in UK and EU, claims that the influence of money on politics contributes to a political apathy that goes deeper in USA than in Europe:

> In Europe there is still the 'hope of democracy'. In the US, it's only a
> few idealists that cling to the notion that there is a form of

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     democracy and bother to 'waste our time' getting involved with US
     politics outside the rigid confines of the 'establishment'.

All of the informants described this democratic deficit as a crucial problem, not only for the Pirate Party but for American politics as a whole. It is significant that the American parties put considerable emphasis on issues of democracy and government transparency and many of my informants were more interested in discussing political representation and democratic reforms than file sharing and copyright.

The American pirate partists seemed to envision two main threats to a free and democratic society: the big corporation's political influence and the authoritarian tendencies in contemporary politics. Brad Hall from the Florida Pirate Party stated that "The Pirate Party isn't just about file sharing, it's about grading the government and making it more for the people than what it is now, it's become for the corporations", and all informants agreed that big business' influence on politics is a core issue. This realization seems to come naturally from the party's focus on copyright law, which has often been dictated by the interests of the entertainment industry.[7] Chris Walsh, former IP-litigator and member of the Massachusetts Pirate Party, describes this as a direct consequence of the entertainment industry's business model:

     …the entertainment has this huge library of legal rights and they
     can get a great return by lobbying to increase the value of those
     legal rights so it's sort of a big part of their business model to
     spend money on lobbying to make your rights more valuable.

The second issue – government control – is strongly related to the war on terrorism which is a constantly reoccurring subject in almost all of my interviews. Marcus Kesler, head of the Oklahoma Pirate Party, points out that since 9/11, terrorists have taken over after the communists as the standard excuse for increased surveillance and restrictions of the citizens' freedom. Reflecting on the authoritarian history of his own country of birth, Germany, Kesler describes how his engagement with the Pirate Party is motivated by a fear of authoritarianism:

     I can see how a peaceful nation that just wants to do good can
     very easily one step at the time become something completely
     different. That's kind of what I'm always worried might happen
     here… […]I would like us to be a watch dog

Marcus' words reflect a general concern among the pirate partists that the means applied in law enforcement in general and counter terrorism in particular threaten democracy and civil liberties. This refers not only to regulations of the

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Internet but also to off-line phenomena such as video surveillance of public places and body scans on airports.

The focus on the erosion of the rights of citizenship, fuelled by two parallel processes – the corporative influence in politics and the war on terrorism – is also reflected in the anthology *No Safe Harbour* that the party produced in 2011. That the book opens with a section of chapters about "Government and Corporate Transparency and Accountability", focusing on issues such as on the violations of constitutional rights post 9/11, before it gets to the issue if intellectual property is, according to Andrew Norton, a deliberate statement of priority.[8]

Technology, Democracy and Communication

These perspectives are far from unique to the Pirate Party; most contemporary democracy movements share similar concerns. What is more characteristic for the Pirate Party is how strongly they envision democracy and civil liberties as intertwined with information technology. Travis McCrea, deputy leader of the Canadian Pirate Party, declares: "People always call us a technology party. I always say that we're a civil liberties party, and through civil liberties our technology is protected…". When I ask the New York pirate partist Zacqary Adams Green if the pirate party's agenda is all about technology, he takes a minute to consider the question before he finally replies:

> …actually, when I come to think of it…. it really may be all technology , because the crackdowns on civil liberties are related to the new powers that people have from new technologies. There are other things at play of course, but… all of human civilization stems from technological events so I guess in a way yes I would say that its only technology. Technology is society basically.

So while he admits that the party has a strong focus on technology, he dismisses the idea that technology is a clearly distinguishable sector or phenomenon and defines it as something that embodies the whole social order. Zacqary's view on the relations between technology and society has a distinct resemblance to Manuel Castells' position in the prologue to *The Network Society*: "Indeed, the dilemma of technological determinism is probably a false problem, since technology *is* society and society cannot be understood or represented without its technological tools".[9] Even though none of my informants refer directly to Castells or similar sociologists, the pirate movement clearly seems to embody much of the social organization of the network society.

The Internet is also explicitly envisioned as a new public sphere that provides unsurpassed freedom of expression and access to knowledge. In this regard many

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of my informants tend to talk about the Internet as a medium of enlightenment, and file sharing is not so much regarded as a source of entertainment but a way of sharing and spreading knowledge. Jay Emerson, Occupy Wall Street activist and former member of the US Pirate Party, describes this very vividly when he talks about how he, while in college, suddenly realized that not only film and music but also academic literature could be distributed and accessed through sites like the Pirate Bay:

> I wasn't thinking outside of the box at that time. I was thinking music and movies. But then when the books came into it, that was a different moment. Then I was thinking to myself. These books…. The whole purpose of the university back in the days was to send your kids off to it because that's where they had the libraries, the education, the expertise. That is no longer the case […] everybody should have access to the education and the knowledge of all those books […] it's a humanitarian effort to get that out there

In this regard the Internet in general and peer-to-peer networks in particular are seen as a technological means to fulfill an ideal of a free and open access to culture and knowledge.

The media scholar Patrick Burkart points out that the Pirate Party can be seen as a response to what Habermas has called the system world's colonization of the life world in the sense that the pirate movement tries to counter the attempts from politicians, legislators and corporations to domesticate the free, communicative sphere of the Internet.[10] It is significant that the processes that the informants most strongly oppose – the influence of corporations that guard their monopolies on culture and knowledge at the expense of free speech and the public sphere, and juridical regimes that violate privacy in the name of fighting crime and terrorism – are direct expressions of the two processes that Habermas identify as the driving forces behind the growth of the system world: commodification and juridification.

A Pirate Citizen?
At a more fundamental level, some of my informants also regard open source as the rationale for a new, less centralized and more democratic way to organize social movements. By keeping the organization open and not locating power to individual representatives or institutions, the movement becomes more vital and democratic. This kind of fluid, rhizomatic organizational structure is not unique for the pirates: they share it with other contemporary movements such as the Occupy movement and some of them even see it as the new form for political organization in the 21st century. Or as Zacqary describes it: "It's gonna be more like running an

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open source project, but for politics.... And I feel like that's the future for organizations in general".

As Zacqary implies, this view on technology and politics is heavily influence by a heritage from the hacker and the open source movement. The anthropologist Gabriella Coleman argues that the open source philosophy has become an organizational standard for many other social movements and the pirate party is an excellent example of how the open source movement has a "legal and collaborative methodology" that is "*semiotically* and *materially transposable*, and has thus historically served as a pragmatic template by which many other social groups have modeled and directed their endeavors".[11] Coleman claims that the morals of the hacker culture strongly relate to a liberal tradition of thought. Like liberalism, the hacker movement is not homogenous or consistent and she shows how different and sometimes conflicting aspects of the liberal tradition are explicitly articulated in different fractions of the hacker movement. It is obvious that the pirate movement has inherited much of this liberal pathos from the hacker movement and Coleman's description of how "hackers challenge one sacred realm of liberal jurisprudence – intellectual property – by drawing on and reformulating ideals from another one – free speech"[12] is equally applicable on the pirate party.

Coleman draws parallels between the hacker movement and early French and American radical liberals and many of the American pirate partists also make references to the United States' political history.[13] When I ask Lindsay and Zacqary whether the Pirate Party's democratic ideals are radically new or a revival of old ideas they attest that it is rather the latter and Zacqary evokes the radicalism of the United States' founding fathers:

> We should stop worrying about what the founding fathers wanted and start doing what the founding fathers did… They were very good people because they rejected systems that no longer worked. So let's do the same thing, let's reject the system that no longer works and replace it with one that works.

With all its claims to civil liberties and individual freedom, the Pirate Party could be regarded as something of a traditionalist movement whose main goal is to protect, safeguard and fulfil old liberal values in a digital age. Or as Marcus Kesler puts it:

> Making sure old constitutional laws that were written at a time when they didn't have a socket in the wall for electricity somehow still applies in our technological world – that for me is the main focus of why personally I am a pirate.

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These pirate partists tend to articulate goals and values that largely resemble early democratic ideals from the 18th and 19th century: freedom and personal liberty, a respect for the public sphere and a belief in cultural and intellectual enlightenment. These ideals are however reinforced by new information technology with the potentials to create an extended sphere for communicative action that enables and empowers a new global political subject.

Behind the façade of technologically utopianism emerges a vision of democracy that can be traced back to the origins of modern democracy. In *Multitude* Michael Hardt and Antonio Negri argue that democracy had a much more literal meaning to eighteenth century radicals than it has today:

> Eighteenth century revolutionaries in Europe and the United States understood democracy in clear and simple terms: the rule of everyone by everyone. The first great innovation on the ancient concept of democracy, in fact, is this universal character, this absolute extension to everyone.[14]

At this historical stage the idea of political representation was the immediate opposite to an absolute democracy, and representative democracy was thus adopted by moderate reform movements to counter the disruptive potentials of a radical democracy. Over the course of the nineteenth century representative democracy would however be established as the dominant form of semi-democratic governance

Hardt and Negri see democracy as a partly unfulfilled project that is currently being pursued by a multitude of new social movements. Drawing on Hardt's and Negri's historiography of democracy, the American pirate partists' invocations of a democratic legacy from the past can be regarded as an adoption of an early modern, utopian vision of democracy and citizenship. In this context political representation has not only failed; it is essentially an obstacle to be overcome, and technology can provide means to achieve this. This becomes evident in the pirate's widespread enthusiasm for e-democracy, and particularly for the German Pirate Party's experiments with what they call liquid democracy: a mixture of direct and indirect democracy which lets people either vote on particular issues or distribute their right to vote among their peers.[15] Andrew Morton in the Washington Pirate Party is working on a similar digital platform for the American pirate parties and his colleague Jeffrey Tallada envisioned a future democracy where such technology could let every citizen directly instruct her elected representatives on how to vote on different issues, making the representative a kind of "robot" that literally distributes the will of the people. Technology could thus provide a tool to short cut parliamentarism and enact direct democracy within the existing structures of representative politics.

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In this regard the pirates attempt to fulfill an old radical democratic ideal through the construction of a new political subject in the form of the digital citizen. Technology is utilized to empower the citizens as political agents in two regards: the increased access to knowledge and information helps enlighten the citizen while technology also provides more efficient democratic tools that rout around the obstacles of parliamentary representation and give the new, enlightened subjects direct access to and influence over the political institutions.

So out of the blurry landscape of piratical technoutopianism emerges a fairly comprehensive, though not necessarily consistent, ideological worldview with a rich political heritage. It is a movement that both contests and confirms the existing order of capitalism and representative, liberal democracy. Even though the pirates included in this study question the political influence of corporations, the vast majority of them do not reject capitalism altogether but rather seek forms to enable a less restricted circulation of knowledge and immaterial goods within an existing market economy. Furthermore, while the pirate party questions the political establishment it does not seek to overthrow parliamentarism. The aim is rather to improve it by enabling a higher level of popular participation thought the use of technologies of direct democracy that are still incorporated within existing structures of representative democracy. It however remains to be seen if the decentralized structure that the pirate party applies in the internal decision making processes can be translated into actual political influence within the structures of institutionalized politics, as well as to what extent culture and information can circulate freely within a capitalist system of exchange whose ultimate goal is the commodification of such immaterial resources.

Notes

[2] Anders Rydell and Sam Sundberg, *Piraterna: Historien om The Pirate Bay, Piratpartiet och Piratbyrån* (Stockholm: Ordfront, 2010), 115 pp; Lynne Spender, "Digital Culture, Copyright Maximalism and the Challenge to Copyright Law" (PHD Diss., University of Western Sydney, 2009), 24 pp.

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[3] Gissur Erlingsson and Mikael Persson, "The Swedish Pirate Party and the 2009 European Parliament Election: Protest or Issue Voting?", *Politics* 31:3 (2011).

[4] Håkan A. Bengtson, "Piraternas återkomst", *Dagens Arena*, 13 May 2012, Viewed on 9 March 2013: http://www.dagensarena.se/ledare/piraternas-aterkomst/; Michel Bauwens, "A German Pirate Party could bring a European Coalition", *Al Jazeera*, 19 April 2012, viwed on 9 March 2013: http://www.aljazeera.com/indepth/opinion/2012/04/2012416102253184145.html.

[5] Rydell & Sundberg, *Piraterna*, 160

[6] "Pirate Party International" last modified on 15 January 2013, viewed on March 9 2013, http://pp-international.net/

[7] The Sonny Bono Copyright Term Extension act of 1998 – also known as the Mickey Mouse Act – and the recently rejected SOPA are only two of several infamous examples that have been widely criticized by academics and activists alike.

[8] United States Pirate Party, ed., *No Safe Harbour: Essays About Pirate Politics* (2011), viewed 9 March 2013: http://www.nosafeharbor.com/; Interview 7.

[9] Manuel Castells, *The Information Age: Economy Society and Culture, Vol 1 – The Rise of the Network Society*, (Malden, Mass.: Blackwell, 1996), 5.

[10] Patrick Burkart, *Pirate Politics* (Cambridge, Mass.: MIT Press, forthcoming).

[11] Gabriella Coleman, "The Social Construction of Freedom in Free and Open Source Software: Hackers Ethics and the Liberal Tradition" (PhD diss., University of Chicago, 2005), xxviii.

[12] Coleman, "The Social Construction of Freedom", xiii.

[13] Gabriella Coleman and Alex Golub, "Hacker Practice: Moral Genres and the Cultural Articulation of Liberalism", *Anthropological Theory* 8 (2008): 260.

[14] Michael Hardt & Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin, 2004), 240.

[15] "Piratenpartei: Liquid Democracy" last modified on 3 November 2012, viewed on March 9 2013: https://wiki.piratenpartei.de/Liquid_Democracy#Was_ist_Liquid_Democracy; Interviews 4, 8, 9, 10.

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Interview 2, with James O'Keefe, Cambridge, MA., December 10, 2011

Interview 3, with Travis McCrea, Vancouver, March 2, 2012

Interview 4, with Jeffrey Talada, Michael Jensen and Andrew Morton, Seattle, March 4, 2012

Interview 5, with Marcus Kesler, Oklahoma City, March 10, 2012

Interview 6, with Brad Hall, Jacksonville, March 14, 2012

Interview 7, with Andrew Norton, Marietta, March 17, 2012

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Interview 8, with Lindsay-Anne Brunner and Zacquary Adams Green, New York, April 2, 2012

Interview 9, with Jay Emerson, New York, April 21, 2012

Interview 10, with Stéphane Bakhos, Montreal, April 23, 2012

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