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Piracy and Social Change— Revisiting Piracy Cultures

Editorial Introduction

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This article introduces the contributions to this special section of the journal, frames the scope of contemporary digital piracy research in the social sciences and humanities, and relates the research project to neighboring fields in communication and media studies.

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For this special section, the guest editors took every opportunity to collect submissions from around the world on the topic of "piracy and social change." This special section extends and enriches a special issue on the same theme from a filial journal, *Popular Communication: The International Journal of Media and Culture*, under the auspices of which we made the original call for papers (Andersson Schwarz and Burkart, 2015). It also consolidates and advances some ongoing research on piracy cultures inaugurated in 2012 by Castells and Cardoso (2012), by returning to their question "What do piracy cultures tell us about ourselves as actors in a network society?" (p. 831).

The blending of the domains characteristic of the "bad subject" (in Althusser's term) of the digital pirate with the socially sanctioned and "legitimate" activities of media industries, political parties, and even religious institutions has required a rethinking of social studies of piracy. Communication scholarship initially poked at the topic area with caution, at first adopting an orthodox law and policy perspective to render the bad subjects more manageable. By individuating pirates in juridical analyses and often focusing on their rationales, normative and ethical perceptions, and sharing habits, it became possible to file away

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the piracy topic under established discourses about deviance, harms and remedies, and youth cultures. Today, it is refreshing to find examples of piracy studies that shift the focus from the bad subject to new textual or paratextual subjects, new political sensibilities, and different standpoints taken with respect to cultural reproduction.

What this particular collection of essays on social change reflects, as a distinctive contribution to research on piracy, is a general effort to provide counterpoints to research focused on activism and advocacy. First, the variety of local and historical examples our contributors have provided reflects the secular trend of the normalization of digital piracy, perhaps continuing tendencies of rationalization observable on the Internet and in media industries. Rationalization undermines the arguments regarding civic empowerment through technology, showing them to be perhaps in the worst cases "deluded" (Morozov, 2012), or at best overly optimistic. It is but "small solace" (Zittrain, 2009) that some knowledgeable techno-elites are able to unlock or elude the increasingly controlled, centralized, and corporatized Internet technologies—personally avoiding, in other words, the most problematic developments toward greater authoritarianism but leaving the rest of us behind. Second, these contributions are examples of research that reinforces an impression that digital piracy escaped the exclusive provenance of the technoculture long ago, merging with mainstream media consumption norms sometime between 10 and 20 years ago. Third, the collection reflects a broad-based and ad hoc research program on piracy that is not systematic, but instead sensitive to the fact that piracy is involved in the creation and maintenance of local and global mediascapes and contributes in complex ways to the reproduction of audiovisual culture in popular communication.

Rationalization and the historical reimagination of piracy. Rationalization of the Internet has required digital piracy in certain respects. Prior to 9-11, the launch of the Apple iTunes store, and the Napster watershed, it was thought that digital piracy contained radically disruptive and even revolutionary force as an expression of the power of the multitudes. This perspective was shared broadly by cultural historians and industry executives alike, and the entertainment industry expended an enormous amount of money and political capital to ensure that pirates could be pursued and punished internationally and that media systems could be "wired shut" (Gillespie, 2009). What Winston (1998) refers to as a "suppression of radical potential" (p. 13) of new communication media by historical conjunctures, incumbent interests, and the weight of cultural tradition is detectable in the demonstrated continuity of pirate practices within or adjoining the media and entertainment industries. While piracy suppression remains a strategy advocated and sometimes also implemented by mainstream actors, digital piracy has demonstrated a remarkable durability. Perhaps the best way to consider the macro development is to approach it dialectically: Some peripheral piracy is allowed, as long as it does not threaten to overtake the core, such that a tolerable degree of piracy might even act to reinforce the influence of cultural industries, for example, by maintaining public interest in its products.[1] At the same time, some permissiveness shown

[1] A more detailed summary of the alleged economic impacts of file sharing is found in Andersson Schwarz (2013), including a discussion of the now uncontroversial observation that avid file sharers tend also to be avid consumers of culture in general. File sharing might, for example, stimulate a higher exposure to music, thereby increasing demand (Andersen & Frenz, 2007; Liebowitz, 2006). Studies aiming to prove or

by the industry—allowing small groups of knowledgeable elites to access, modify, and copy its products—can serve to reinforce a cultural hegemony through apparent openness. The piracy battle between consumers and copyright holders appears beside struggles between infrastructural industries (ISPs, technology companies and platform providers such as Google and Amazon, hardware producers such as Apple, distributors such as Netflix) and copyright industries; and between digital activists and market-makers on the Internet.

Escaping the technoculture. The contributors' empirical research supports a modest and conditional thesis about social change, suggesting a mainstreaming of pirate practices amid new political fluctuations around increased antipiracy penalties. We can put the thesis in the sociological language of critical systems theory. Piracy's relationship to social change is in boundary maintenance between informational codes, such as demarcating the *legal* from the *illegal* in terms of intellectual property rights law, the *sanctioned* and the *unsanctioned* in terms of media marketing and distribution, and the *resolved* and the *unresolved* in terms of social complexities owing to pirate practices.

While in their politically energized states, pirates have cultivated adversarial relationships with institutional authorities, the ordinariness and quiescence of file sharing—all else being equal—is the overriding message from our contributors. However, there is disagreement about how much social conflict to ascribe to identifiable practices of digital piracy. For example, the alliances made among 1980s PC game crackers in Europe were struck as expressions of in-group solidarity among rivalrous "gangs" competing for elite status as programmers (Reunanen et al.). Any conflicts expressed in cracker piracy in those days were still prepolitical. The case studies by Kiriya and Sherstoboeva and by Moreira de Sa portray everyday sharing practices occurring in the background of daily life, being contingent on prevailing authoritarianism (in the case of Russia) and geographical distance from mainstream media flows (in the case of Brazil), rather than being driven by relative deprivation, class conflict, postmaterialist ideology, anomie, or something else. Nor do these examples express anything like a global pirate ideology, although in a theoretical piece Beyer and McKelvey ascribe an inherently antisystemic and antistatist ideology to pirate practices in ways reminiscent of Strangelove's (2005) analysis of the "empire of mind." Further, Bodó argues that the case of Tor—a proxy network for anonymous Internet communication—provides evidence of potential conflicts between those who seek to maximize privacy and those who seek to promote more leniency toward digital file sharing. Due to the dual-use nature of privacy enhancing technologies such as Tor and other encryption measures, pirates can effectively "hide" among Tor users whose acts enjoy more public legitimacy than their own.

Although strident antipiracy public relations campaigns have become a permanent feature of media urbanism, the ordinariness of everyday file sharing as portrayed by some of our contributors suggests that many latent social conflicts over digital piracy remain suppressed, or else postponed or evaded by media companies, as a matter of expediency. There is ample evidence to suggest that, formally speaking, the royalties industries move systematically to increase infringement penalties and facilitate enforcement internationally (Burkart, 2014). However, the many commercial efforts to develop

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disprove sectorial impacts often have very little to say about what economists call "externalities" or "welfare effects" with impacts across sectors and systems.

"infomediaries" (Morris, 2015), and the transgressive start-up histories for such significant archives as Spotify (Palmås, Andersson Schwarz, & Larsson, 2014), reveal that the absolutist claims about copyright infringement by royalties industries' PR campaigns are much more indistinct in practice. The Google Books archive, which was largely assembled prior to negotiating royalties for all titles, and Spotify's precommercial debut as a "rogue index" (Andersson Schwarz, 2013, p. 149), illustrate some of the analytical difficulties with purportedly transgressive technology practices that are disclosed in the history of Internet normalization.

Accelerating the fusion of mediascapes. Software stands as a ready example of cultural production and reproduction in the many digital creations of pirates and for pirate audiences. Bodó provides functional specifications of the PirateBrowser and Tor bundle software distributed as privacy-enhancing browsing software and evaluates the prospect of mass anonymization of file-sharing traffic under different use case scenarios. Reunanen and colleagues perform a content analysis and develop a design history for the graffiti-like, visual tags appended to cracked video game software by video game pirates in the 1980s, analyzing many examples of these paratexts that have been preserved in software archives by gamer geeks.

Pirate self-representations have joined the orthodox portrayals of piracy in popular communication and political discourse. A number of contributors address pirate self-representations in political discourse, ethics, and rhetoric: Fredriksson (on the political theory of the Swedish Pirate Party), Jääsaari and Hildén (on the European Pirate Party's agenda), Beyer and McKelvey (on pirate anarchisms), and High (on pirates and comic relief). Their contributions describe and theorize a range of symbolic and technical contests in industry and in civil society that are related to the disposition of intellectual property in the information economy and regulated by the informational state (Braman, 2009). The contributors here all in some way explore the broader cultural "copyfight" (e.g., Thierer & Crews, 2002) as spillovers from private play spaces and activist enterprises in civil society into the economic, political, legal, and cultural domains. While Jääsaari and Hildén offer a realistic assessment of the European Pirates' political fortunes in a postmortem analysis of a number of campaigns from 2014, Fredriksson analyzes pirate politics as collective, symbolic action oriented to global civil society and communicating generally coherent, if faint, messages about digital rights in cyberspace. High, like Fredriksson, considers the reparative work pirates can do with language, and particularly the ludic and humorous uses of language accompanying the ascendancy of the pirate movement.

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