



The Pirate Party and the Politics of Communication

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This article draws on a series of interviews with members of the Pirate Party, a political party focusing on copyright and information politics, in different countries. It discusses the interviewees' visions of democracy and technology and explains that copyright is seen as not only an obstacle to the free consumption of music and movies but a threat to the freedom of speech, the right to privacy, and a thriving public sphere. The first part of this article briefly sketches how the Pirate Party's commitment to the democratic potential of new communication technologies can be interpreted as a defense of a digitally expanded lifeworld against the attempts at colonization by market forces and state bureaucracies. The second part problematizes this assumption by discussing the interactions between the Pirate movement and the tech industry in relation to recent theories on the connection between political agency and social media.

Keywords: piracy, Pirate Party, copyright, social movement

Introduction

In the wake of the Arab Spring, much hope was invested in social media as a means to mobilize popular resistance. New technologies for decentralized popular communication, such as Twitter and Facebook, were celebrated as tools in the struggle against authoritarian regimes. Later in 2011, the U.S. Congress experienced the impact of digital mobilization when the proposed bills of the Stop Online Piracy Act (SOPA) and the Protect Intellectual Property Act (PIPA) were withdrawn due to massive protests. Digital rights activists were alarmed by what was perceived as limitations of free speech, and tech

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companies like Google and Mozilla—which felt threatened by the restrictions and liabilities the legislation could impose on them—joined the protests. In an interview with *The New York Times*, Stephen Dodd, head of the Motion Picture Alliance of America and one of the bills' sponsors, expressed surprise and dismay that pressure from public opinion could outweigh the influence of professional lobbyists:

By Mister Dodd's account, no Washington player can safely assume that a well-wired, heavily financed legislative program is safe from a sudden burst of Web-driven populism. "This is altogether a new effect," Mr. Dodd said, comparing the online movement to the Arab Spring. He could not remember seeing "an effort that was moving with this degree of support change this dramatically" in the last four decades, he added. (Cieply & Wyatt, 2012, section B, p. 1)

Dodd's words capture a vague but widespread sense that some type of mobilization of the so-called netizens is changing the way politics are produced, not only in North Africa and the Middle East but in the United States. In the latter context, the anti-SOPA campaign was a wake-up call, and there were even reports that the phrase "don't get SOPA'd" (meaning "don't get the Internet mad at you") became a watchword in Washington in 2012 (L. Brunner & Z. Adams Green, personal communication, April 2, 2012; Masnick, 2012).

That the object of these U.S. protests was an antipiracy act highlights copyright and information politics as a focal point for this mobilization. However, Cairo is far from Capitol Hill, and the fight against dictatorships in North Africa and the Middle East seems remote from the critique of expanding copyright regimes in Europe and North America. This article focuses on the latter. More specifically, it discusses the politicization of copyright resistance exemplified by the political Pirate parties that have formed in several countries since 2006. The article opens with a brief account of the wider field of research against which this study is undertaken and the methods it employs, followed by a short description of the birth and international spread of the Pirate Party. Then it analyzes the empirical material, consisting of interviews with Pirate Party activists, focusing on the interviewees' visions of how technology enables new modes of popular communication, in relation to Jürgen Habermas's theories on communicative action and the transformation of the lifeworld in a digitized and globalized society. This issue is problematized and contextualized in a discussion about the Pirates' role in the open source economy; the discussion draws on more recent theoretical perspectives on political agency and social media.

Since influential scholars like James Boyle (1996) and Lawrence Lessig (1999) began criticizing copyright expansionism in the late 1990s and early 2000s, many others have followed suit, and today an extensive body of research analyzes the social and political consequences of the current copyright regime. Although some of this research, such as Deborah Halbert's *Resisting Intellectual Property Law* (2005), touches on the resistance that copyright expansionism provokes, it mostly focuses on the law and the ideology it embodies rather than the ideologies that challenge it. Although much has been written about piracy, this work has focused mostly on the economy of piracy and how it affects the media industry. Lately, scholars such as Jonas Andersson Schwarz (2013), Yannis Mylonas (2014), and, not the least, Stefan Larsson (Andersson Schwarz & Larsson, 2014; Svensson & Larsson, 2009) and his colleagues at the research group Cyb norms (www.cybern timer.se) at Lund University, have undertaken more

extensive studies of what norms and values acts of file sharing can embody and how those who take part in it view their own piratical practices. Often the studies indicate that file sharing is perceived as mundane and everyday acts of media consumption, but it can sometimes also entail ideological under- or overtones. Piracy as a manifest, ideological standpoint is yet largely unexplored. The one major exception is Burkart's *Pirate Politics* (2014), which maps the emergence of the Pirate Party and analyzes it as an organized political response to some of the most fundamental conflicts in contemporary information society, concerning access to knowledge, rights to privacy, and the freedom of the public sphere. Apart from Burkart, a few other scholars such as Spender (2009), Dahlberg (2011), and Erlingsson and Persson (2011) have also written briefly about the Pirate Party.

This article relates to the work of Burkart and others but also contributes empirical findings about piracy and political conflict from a study of Pirate parties in the United States, Europe, and Australia conducted between 2012 and 2015. The material mainly consists of about 30 interviews with Pirate Party members in Sweden, Germany, the United States, the United Kingdom, and Australia and also includes information material such as websites and party programs. All interviews were conducted in person by the author, including one conducted via a long e-mail exchange. Most interviews were conducted individually, with the exception of a few interviews with groups of two or three participants. The interviews were recorded, and all participants agreed to be quoted by name. The interviews were semistructured in the sense that they broadly followed an interview guide that was structured around four thematic clusters: the participant's individual motivations, the organization of the party, the ideology of the party, and the national and international context of the party. The interviews also allowed for individual variations within those themes. The material was analyzed following a qualitative, inductive methodology.

All interviewees play important roles in their local Pirate Party community, but these roles differ significantly due to the heterogeneity of the Pirate parties. Although two of the interviewees are members of the European Parliament, and thus professional politicians, the vast majority are amateurs, dedicating their spare time to party work. These are a heterogeneous group: A few are students, some work with technology or in the creative sector, and others work in a wide range of sectors, such as health care, law, and finance. Most are men: Among the 31 people interviewed for the entire project, only 5 are women. Most informants are between 20 and 40 years old, but a few are closer to 45. Although I approached the interviewees as members of a political party, I was interested in their individual stories, experiences, and motifs for engaging in politics. The views of these individuals are thus not necessarily representative of the Pirate Party, just as the Pirate Party is not representative of a wider digital rights or creative commons movement. The interviews are analyzed as heterogeneity of individual voices speaking from roughly similar positions, which all provide reflections on a set of social and cultural conflicts.

The Pirate Party: New Modes of Popular Communication

The first Pirate Party was formed in Sweden in January 2006, when Rick Falkvinge, an IT engineer without any significant political experience, published a website declaring his intention to found a party dedicated to legalizing file sharing. Even though the party quickly attracted an extraordinarily large number of members, it received only a disappointing 0.63% of the votes in the September 2006 Swedish parliamentary election (Rydell & Sundberg, 2010; Spender, 2009). The breakthrough came with the

party's election to the European Parliament in June 2009, when the party, to everyone's surprise, got 7.1% of the votes, giving the Pirates two seats in the parliament (Erlingsson & Persson, 2011; Fredriksson, 2013).

The Swedish Pirate Party originally identified three core issues: the protection of personal integrity, the freedom of culture, and the opposition to patents and private monopolies. These issues were largely a response to three events that contributed strongly to mobilizing public concern for copyright and privacy issues in Sweden at the time. The first issue was the implementation of two European Union (EU) directives that imposed stricter copyright legislation: the Information Society Directive of 2001 (2001/29/EC, implemented 2005), followed by the Intellectual Property Rights Enforcement Directive of 2004 (2004/48/EC, implemented 2009) (Svensson & Larsson, 2009). The second issue was the passing of a set of antiterrorist laws in 2008 that extended the military authorities' right to monitor and intercept digital communication (Erlingsson & Persson, 2011; Rydell & Sundberg, 2010). The third issue was the prosecution and trial of the Pirate Bay file sharing site that was initiated in May 2006 when Swedish police raided its server hall, and culminated in March 2009, when the owners were sentenced to one year in prison and given substantial fines (Burkart, 2014; "Keeping Pirates at Bay," 2009; Rydell & Sundberg, 2010; Spender, 2009). The infamous trial has been described as the tipping point when the criticism of the Pirate Bay raid and the new copyright and antiterrorist laws that had been brewing in digital forums turned into public street protests, and discontent with restrictive property regimes and authoritarian surveillance schemes became a wider and more visible political issue (Kullenberg, 2010). Burkart has described how the initial success of the Swedish Pirate Party as well as its impact in other parts of the world was closely connected to the fate of the Pirate Bay, which had "achieved a mythological status in the technoculture" (Burkart, 2014, p. 8) not only in Sweden but also internationally.

Even though the Swedish Pirates soon lost the traction they had in the EU election, the buzz around the Pirate Bay raid and the Swedish Pirate Party paved the way for international mobilization of Pirate parties that formed almost immediately after the Swedish party was announced. Within a week, similar initiatives had been undertaken in five other countries (Rydell & Sundberg, 2010), and by the end of 2006, an international organization for coordinating and exchanging information (Pirate Parties International) had been initiated. In 2011, the German Pirate Party took over the initiative from the Swedes when the German party received 8.9% of the votes in a regional election in Berlin in November 2011, which was soon followed by similar results in other regional elections across Germany (Bengtsson, 2012). Even though the first Pirate parties were firmly rooted in a European context, the Pirate Party has also played a role in the political development in North Africa—particularly in Tunisia, where the blogger and Pirate Party activist Slim Amamou took the Pirate flag to the barricades. His involvement with the resistance movement got him jailed by the Ben Ali regime and then briefly appointed secretary of state in the new government ("Tunisian Blogger Appointed," 2012; "Who Are Tunisia's," 2012). Although all national Pirate parties acknowledge the original core issues (respect for privacy, freedom of culture, and criticism of the expansion and abuse of intellectual property rights), many have recently been trying to widen their agenda to come across as a credible alternative in national politics (Piratpartiet, 2012a, 2012b). Core values consistently emphasized in the interviews and in the party's information material are democracy, free speech, and freedom of information. The opening lines of the manifesto of the United Kingdom Pirate Party, for instance, define the protection of democracy, rather than just the freedom of

the Internet, as a central goal of the party: "Democracy is in crisis in the United Kingdom. Whether it is online or on the doorstep, people are telling us that they feel alienated, ignored, that they have given up voting as it changes nothing" (Pirate Party UK, 2012, p. 2).

This perceived erosion of democracy underpins almost all of my interviews with Pirate Party members, regardless of nationality. The interviewees seemed to envision two main threats to a free and democratic society: big corporations' political influence and authoritarian tendencies in contemporary politics. Relatedly, in his book *Republic Lost*, Lawrence Lessig (2011) leaves his ordinary focus on copyright to discuss wider issues of democratic representation, which he describes as a consequence of the realities of U.S. politics: "I was driven to this shift when I became aware that the questions I was addressing in the field of copyright and internet policy depended upon resolving the policy questions" (Lessig, 2012, p. xii). The concerns over democracy seem to come as a natural consequence of an interest in copyright both for Lessig and many of the Pirate Party members. Chris Walsh from the Massachusetts Pirate Party agreed with Lessig that "there will be no fixing copyright until you fix the underlying problem with the influence of money on politics" (C. Walsh, personal communication, December 8, 2011) and blamed this on the entertainment industry's business model:

The entertainment industry 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. (C. Walsh, personal communication, December 8, 2011)

Copyright laws offer many examples of a type of corporate influence that is not only criticized from a left wing perspective but opposed by liberal Pirates who see the corporate influence as a violation of free market principles. For example, Christian Engström, minister of European Parliament for the Swedish Pirate Party, has argued that the influence of lobbyists and big corporations is a democratic problem in EU politics, too (C. Engström, personal communication, October 3 2012).

The second threat to democracy (government control) is strongly related to the war on terrorism, a constantly recurring subject in almost all of the interviews. There was a general concern among the interviewees that some of the means applied in law enforcement and counterterrorism after 9/11 violate citizens' privacy and potentially threaten democracy and civil liberties. Reflecting on the authoritarian history of his own country of birth, Germany, Markus Kesler described how his work with the Oklahoma Pirate Party was largely 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 a time, become something completely different. That's kind of what I'm always worried might happen here. (M. Kesler, personal communication, March 10, 2012)

Such concerns over democracy and civil rights are shared by most contemporary democracy movements. More characteristic of the Pirate Party members is how strongly they envision democracy and civil liberties as being intertwined with information technology. A deputy leader of the Canadian Pirate Party once declared: "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" (T. McCrea, personal communication, March 2, 2012). The fundamental role of technology is apparent when Zacqary Adams Green of the New York Pirate Party reflected on the role of technology in the party program:

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 it's only technology. Technology is society basically. (L. Brunner & Z. Adams Green, personal communication, April 2, 2012)

After trying to avoid what appeared to be a narrow focus on technology, Adams Green finally took an opposite position and admitted that the party focused strongly on technology but also discarded the idea of technology as a single issue. Adams Green's view on the relation between technology and society is close to Manuel Castells's 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" (Castells, 1996, p. 5).

Technology is not only a tool to improve democracy through the self-education of the people, it also provides the platform where a democratic dialogue takes place and is thus a fundamental infrastructure for democracy. Many envision the Internet as a new and more freely accessible public sphere that provides freedom of expression and access to knowledge that widely surpasses any previous medium. Many of the interviewees talked about the Internet as a medium of enlightenment and defended file sharing—not primarily as a source of entertainment but as a way of sharing and distributing knowledge. Jay Emerson from the New York Pirate Party described this vividly when he talked about how he, while in college, suddenly realized that not only film and music but academic literature could be distributed and accessed through sites such as 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. (J. Emerson, personal communication, April 21, 2012)

The Internet in general and peer-to-peer networks in particular are seen as the ultimate means for fulfilling the ideal of a free culture and open access to knowledge.

Many of the Pirate Party members see themselves as part of a much larger global democratic movement that includes Occupy protesters, Arab Spring activists, and many more. The party members talked about how the Internet could connect people from different parts of the world by offering equal access to common cultural resources and forums to exchange ideas across national borders. Emerson

pointed out that “the more we realize that we are not different, the more peaceful we can be in the future, when our generation is coming up,” and described how he tried to help Slim Amamou when he was incarcerated by the Tunisian regime, since “a friend, despite their location, is still a friend” (J. Emerson, personal communication, April 21, 2012). This also reflects the common notion that social movements today tend to be based more on personal relations than on collective ideologies and identities, something that is particularly dominant in transnational movements and the Twitter-based networks that formed within the Arab diaspora in relation to the Arab Spring (Poell & Darmoni, 2012).

New technology is thus seen as providing the potentials for a truly popular communication, where people can communicate directly with one another on a global scale, individually or en masse, without mediations from corporations or authorities. This new state of connectedness is, however, threatened by censorship imposed by not only more or less authoritarian governments but copyright regimes. Apart from prohibiting the sharing of culture in general, copyright is also, according to Adams Green, a threat to the free dissemination of politically progressive ideas:

These ideas spread in unpredictable manners and show up in unpredictable ways, which is why we are advocating a lack of intellectual property, because it's a barrier to ideas spreading and changing and mutating and morphing, and when you allow them to do that, wonderful things happen. (L. Brunner & Z. Adams Green, personal communication, April 2, 2012)

The free development of information technology is a prerequisite for social and political progress, which explains why the question of digital freedom is so central to Pirate ideology. Jay Emerson described the freedom on the Internet as crucial for the future of humankind: “To let government regulate it [the Internet]—more censorship basically—is allowing them to take away the future of humanity” (J. Emerson, personal communication, April 21, 2012). Many Pirates expressed the idea that society is at a crossroads where new technology can give rise to a more democratic and enlightened world characterized by global solidarity and free sharing of knowledge and culture, but that the attempts to privatize and censor the Internet threaten to undo this brighter “future of humanity.”

The Digitized Lifeworld

The trust in digital technology to revitalize and globally expand a democratic dialogue can be conceptualized with the help of Habermas's theories on the public sphere and communicative action. The Pirate Party appears to cherish the idea of a digital public sphere that has not yet deteriorated under the pressure of market forces and state bureaucracies in the way that Habermas's bourgeois public sphere did in the 20th century (Burkart, 2014; Habermas, 1962/2003). In the words of Birgitta Jónsdóttir, a Pirate Party representative in the Icelandic parliament, the Internet expresses an emerging ideal state that can revitalize democracy and the public sphere if its integrity is protected from the powers of the off-line world:

The online world of the Internet employs many features that we would like to see in the offline world, and this is why we fight to keep it free from the walls that politicians and corporations have erected. But this world is under attack. The industrialization of the Internet is in full swing as those in power begin to put the same reigns and harnesses on it as are in place in the real world. (Jónsdóttir, 2013, p. xiv)

Burkart (2014) points out that the Pirate Party can be seen as a response to the system's colonization of the lifeworld: a process in which people's everyday lives are subsumed by the logics of state bureaucracy and market forces. In this process, communicative rationality—characterized by an open and inclusive exchange of ideas aiming at mutual enlightenment, acknowledging communication and debate as a means to its own end—is being pushed aside by instrumental rationality, where communication serves only to promote the goals of government or market actors. Habermas has argued that, "in modern societies, economic and bureaucratic spheres emerge in which social relations are regulated via money and power" rather than through commonly shared norms, values, and identities (Habermas, 1981/1987, p. 154). This process has permeated most realms of social existence over the course of modernization, but the Internet is still perceived as a forum that allows for free flow of communicative rationality. The Pirate Party has taken upon itself to guard this free, communicative sphere of the Internet against politicians, legislators, and corporations' attempts to control it (Burkart, 2014). It is significant that the threats to an open and democratic society that the Pirate parties most strongly oppose (the influence of corporations that protect their intellectual property rights and juridical regimes that violate privacy in the name of fighting terrorism) are direct expressions of the two processes that Habermas identifies as the driving forces behind the colonization of the lifeworld: commodification and juridification. The idea that this new communicative, public sphere is internationally inclusive also reflects how the lifeworld in late modernity has grown into what Johan Fornäs describes as a global and "decentered network of interlacing life forms"; a multitude of local and international communities that are interconnected through the processes of globalization and digitization (Fornäs, 1995, p. 68).

These changing modes of communication also breed new forms of organizations. The organizational ideals of the Pirate Party resemble what Milan (2013b) calls "cloud protesting," a term she uses to describe "a type of social organizing for collective action with individuals and their needs, preferences, bodies, and individualities at its core" (p. 198). The term refers to digital communication technologies that let individuals tailor their participation according to their own private motifs and values and take part in fluid local and global constellations without compromising their personal agendas. The cloud is "composed of blogs, social networking and microblogging platforms, and other tools such as digital storytelling websites" (Milan, 2013b, p. 200) that coordinate a wide range of heterogeneous efforts at social change. This corresponds well with how some Pirate Party members envision their own social organization as open, egalitarian, and swarm-like. The strength of such an organizational philosophy is that it prevents isolationism and enables increased solidarity with a wider range of movements and causes across the world. This trust in technology, however, also raises a number of dilemmas to be discussed in the last part of this article, which focuses on the potential interactions between parts of the Pirate movement and the tech industry, and the risks of co-optation that this involves.

Stop SOPA and Open Source Capitalism

During the SOPA protests, the international digital rights movement and global corporations such as Google were momentarily united in what appeared to be a common defense of the lifeworld. Several large tech companies supported the protests, because the bill threatened their opportunities to exploit user-generated content. Chris Walsh of the Massachusetts Pirate Party pointed out that the entertainment and tech industries have largely opposing business strategies: "The high-tech industry spends money on making new products, innovation and new services, while the entertainment . . . can get a great return by lobbying to increase the value of those legal rights" (C. Walsh, personal communication, December 8, 2011). In the European context, Christian Engström has argued along the same lines when he claims that outdated intellectual property industries set the agenda in Brussels while emerging businesses are excluded:

The interests of the lobbyists rule, which are to support old business, which always happens at the expense of the new . . . so EU represents an economic conservatism and a hostility towards the market which is harmful for the economy. (C. Engström, personal communication, October 3, 2012)

The interests of the tech industry seem to align with those of the Pirate Party. Even Hollywood's chief lobbyist, Christopher Dodd, regarded the battle of SOPA as a conflict between the media and the tech industry and issued "calls for Hollywood and Silicon Valley to meet" (Cieply & Wyatt, 2012).

Thus, while the SOPA protests were indeed a successful manifestation of public outrage against biased information politics and corrupt processes of legislation, they can also be seen as an example of a strategic alliance in which companies like Google team up with the digital rights movement to protect their own interests against the copyright industry. Some Pirate Party members see a potential ally in Google, and members of the New York Pirate Party were even invited to present on behalf of the party at Google's offices in New York. Similar to other Pirates, they felt that Google shares their basic values and perspectives:

They're all in the hacker culture . . . for all the mistakes and less than ideal things they have done, they have been very devoted to the open source culture. Android is entirely an open source project, and again a little bit flawed because Google in necessity has to cooperate with carriers. They're a lot more controlled than a lot of people would like, but Google gets it, fundamentally. (Z. Adams Green & L. Brunner, personal communication, April 2, 2012)

Even one of the most anarchist Pirate activists declared that Google is probably sincere in its motto "Don't be evil."

But they're in the same kind of paradox that even the Pirate Party finds itself in, fearing that they are co-opted and in bed with the establishment that wishes to censor them. But at the same time truly wanting open source material, open information. . . . I consider them confused like us. (J. Emerson, personal communication, April 21, 2012)

In these quotes, Google comes across as the good guy in a bad world—still more part of the hacker culture than the establishment with which it occasionally has to negotiate. Other party members are more skeptical toward the possible alliance with the technology industry and see the SOPA protests as having been co-opted by the tech industry (B. Molloy, personal communication, November 24, 2013). The people quoted above also articulate more critical positions toward Google in other parts of the interviews, so their quotes here do not give a complete picture of their position. I have chosen to highlight those particular quotes not as a way to compromise the party or its members but because they capture a much wider ambiguity that is at play in the relation between the digital rights movement and the technology industry.

These discussions about Google indicate that the Pirate Party is forced to relate to overlaps of interest between the Pirates and the tech companies, reflecting an inherent kinship between the Pirate movement and what Jakobsson called the “openness industry.” The term is a response to the widely used copyright industry and refers to a new kind of business model that has emerged around the commercial exploitation of open source programming and user-generated content. It is a model that relies on openness rather than enclosure as a media industrial logic (Jakobsson, 2012). Jakobsson and Stiernstedt (2012) have pointed to the tech industry’s ambiguous relation to the cyberliberties movement:

The business practices and ideology of the digital media industry make it sometimes seem like its values are the same as those of the critics of the second enclosure movement and that the digital media industry hence partake in the (radical) critique of the copyright industries. (p. 50)

Jakobsson’s point, however, is that the openness industry is not a countermovement to the neoliberal process of commodification that the copyright industry represents, but instead is a parallel business practice that explores other ways to exploit resources commercially that are not commodified as intellectual property.

Similar to the copyright industry, the openness industry has developed its own lobbying organizations, such as the Computer and Communications Industries Association, which oppose the copyright lobbyists and promote open source technologies and more liberal copyright laws (Jakobsson, 2012). According to Jakobsson, this approach is not ideologically motivated, but rather is an expedient business strategy to better exploit the free labor and content that prosumers and open source enthusiasts provide: “A more open policy in regards to intellectual property also means that the emerging intellectual commons on the internet can be merged into the market and exploited by new and alternative business models” (Jakobsson & Stiernstedt, 2012, p. 53).

The openness industry makes up the core of what Jodi Dean (2009) called “communicative capitalism”—a political economy relying on the ideological assumption that “‘more’ communication always means ‘more’ democracy” (Jakobsson, 2012, p. 170). Dean argued that the fetishization of communication technologies creates a “fantasy of abundance” that “emphasize[s] the wealth of information available on the Internet and the inclusion of millions upon millions of voices or points of view into ‘the conversation’ or

'public sphere'" (Dean, 2009, p. 26). This fantasy relies on the false assumption that digital communication is egalitarian and free. It presumes that communication in itself is a democratic goal and focuses on keeping the public conversation going rather than formulating a consistent critique that the existing powers must respond to. Communicative capitalism is characterized by an ongoing buzz of conversations that masquerades as democratic participation but actually pacifies any attempts at actual political agency: "Networked communication turns efforts of political engagements into contributions to the circulation of content" (Dean, 2009, p. 31). This is particularly evident in relation to file-sharing technologies:

Napster is a technological fetish onto which all sorts of fantasies of political actions were projected. . . . The technological fetish covers over and sustains a lack on the part of the subject. It protects the fantasy of an active, engaged subject by acting in the subject's stead. The technological fetish "is political" for us, enabling us to . . . remain politically passive. (Dean, 2009, p. 37)

Dean mentioned Napster, but this effect might be even more evident with the notorious politicization of the Pirate Bay, which resulted in the rapid mobilization of the Pirate Party. The Pirate Party's strong focus on communication technologies, where free debate is often envisioned as the ultimate goal, could be interpreted as a perfect example of how the fantasy of abundance works in communicative capitalism.

Jakobsson's and Dean's critical perspectives on the openness industry and communicative capitalism actualized the risks for a political movement of making too close alliances with the tech industry. This becomes critical in relation to privacy issues, because companies such as Google and Facebook are infamous for sourcing and selling user data. The relation to Google emphasizes how the Pirate Party's two core values—access to knowledge and protection of privacy—can collide as the boundaries between public and private are being increasingly blurred (cf. Burkart & Andersson Schwarz, 2013). Although companies like Google oppose the enclosure of the cultural commons through the expansion of intellectual property, they also contribute to what Mark Andrejevic calls a "digital enclosure"—a process in which users are increasingly fenced in, and their modes and habits of consumption are controlled and monitored by the digital platforms they use and the networks they connect to. Thus, instead of enclosing the cultural commons through the commodification of cultural works, the openness industry commodifies user data and patterns of consumption (Andrejevic, 2007; Jakobsson, 2012).

The widespread implementation of streamed media and cloud storage, where content is increasingly hosted on central servers rather than on the users' private devices, is also a strategy for tech companies to maintain control over the use and distribution of media and information (Lametti, 2012). David Lametti argued that the cloud not only violates users' privacy by mining and selling their user data but reinforces a centralized use of technology because it "prevents users from participating in the Internet as creators, collaborators and sharers." He called this "Enclosure 3.0"—a technological shift with "the potential to disempower Internet users and conversely empower a very small group of gatekeepers" (Lametti, 2012, p. 197). This mode of control actually surpasses the enclosure enforced through

intellectual property rights, because “the structure of the Cloud makes control over content possible to a degree unmatched by these various legal measures” (Lametti, 2012, p. 225). Rasmus Fleisher, academic and activist, saw the cloud as part of an authoritarian counterrevolution that might make content easily available but enforces a passive kind of consumption under the control of a few major companies. It is also symptomatic that this development is not driven by the content industry but by powerful tech companies such as Amazon, Apple, Google, Spotify, and Twitter (Fleischer, 2013).

The fact that the major part of the social media platforms are still controlled by the new media industry challenges the idea that social media offers a more genuinely popular mode of communication between equal peers, which has often been assumed by the informants of this study. The criticisms against cloud storage also question Milan’s choice of the term *cloud protesting* to characterize a new generation of digital-based activism. Although Milan and Dean appeared to take directly opposing views on the issue of digital protesting, they nevertheless addressed the same fundamental question. Despite skepticism regarding the political potential of new media, Dean acknowledged that political change depends on those very technologies:

Valued as the key to political inclusion and democratic participation, new media technologies strengthen the hold of neoliberalism and the privilege of the top 1 percent of people on the planet. At the same time, globally networked communications remain the very tools and terrains of struggle, making political change more difficult—and more necessary—than ever before. (Dean, 2009, pp. 47–48)

In *Social Movements and Their Technologies*, Stefania Milan (2013a) started from the same point as she also assumed that digital media platforms are controlled by corporate interests, but she went one step further and explored the emergence of what she called emancipatory communication practices—attempts to create alternative channels of communication and bypass the politics of enclosure enforced by corporations and authorities. Although communication technologies might not be liberating as such, they can be liberated to serve the purpose of social change (Milan, 2013a).

Conclusion

Dean and Milan offer two different perspectives on the Pirate Party’s visions of technology as a means of promoting access to knowledge and free speech. This vision can be interpreted as an expression of technological fetishism that undermines real political agency but can also be seen as an organized attempt to promote emancipatory communication practices within the constraints of contemporary communicative capitalism. The very act of forming a political party could be regarded as a strategy for moving beyond the self-affirmativity of communication and enable concrete political agency by bridging the gap between cyberactivism and the executive political sphere. The Pirate Party would, in that case, be an attempt to perpetuate and institutionalize the potential agency that arose as the Pirate Bay trial motivated dissatisfied netizens take to the streets and translate that temporary mobilization into political influence within the frames of representative democracy.

Most Pirate Party members are aware of the risks of associating with the open source industry but are left to work with the means available to them. The Pirate parties' reluctant reliance on the most established social media forums is an excellent example of this ambiguity. Although the Pirates protest against big corporations' monopolistic attempts and disregard of users' privacy, they still actively use Facebook and Google+ to recruit supporters, communicate with members, and organize events. This is, of course, a pragmatic concession to the fact that, although those companies may belong to the party's political opponents, they still provide the most efficient platforms to reach large numbers of people. At the same time, they also provide easy and convenient tools to organize the movement.

This ambivalence reflects the double tie between corporate powers and social change that Milan and Dean theorized, and that finds a practical example in the fundamental dilemma of co-optation that threatens the Pirate Party as it is both drawn to and appalled by its capitalist anima. Dismantling the idealization of the open source economy is thus not a reason to discard digital rights activism on the vague grounds of guilt by association; instead, it is an example of the complexities and paradoxes involved in formulating a position on information politics in an age when information platforms are controlled by the very actors one tries to oppose.

The ambiguity that the term *cloud protesting* embodies is thus particularly fitting in this context, because it captures the inner contradiction in the digital rights movement, and perhaps in all contemporary attempts to formulate resistance against the economic and social hegemony of the cognitive capitalism with the use of the tools offered by that very same system. Cloud protesting in particular captures the confusion that arises as the dividing lines in the conflicts over enclosure and the commons are being redrawn. The Pirate Party's initial agenda was formed by the copyright wars and the threats of enclosure posed by the copyright industry, and in light of that, it makes perfect sense to form alliances with all actors who promote open access to culture and information. As recent research indicates, the conflicts over enclosure currently taking form are about not only users' unlimited access to content but content providers' unlimited access to users' personal information and habits of consumption. Here the digital rights movement faces new conflicts that are, in some ways, different from those of 2006. Thus, the Pirate Party's grappling with its relation to the tech industry is not a sign of co-optation but instead a sign of the times; an expression of current attempts to renegotiate the party's position as the frontiers in information politics are being redrawn.

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