



**New World  
Academy**

New World  
Summit

—Reader #3

with International  
Pirate Parties

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# Leaderless Politics

**bak**

basis voor  
actuele kunst

## Colophon

New World Academy Reader #3:  
Leaderless Politics

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# Leaderless Politics

New World Academy Reader #3:

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# Foreword

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**Maria Hlavajova**

It is with great excitement that we present you with *New World Academy Reader #3: Leaderless Politics*, the third reader in the *New World Academy Reader* series committed to the exploration of the role and potential of art within a variety of political struggles across the world. Initiated by the artist Jonas Staal and established in collaboration with BAK, basis voor actuele kunst, *New World Academy (NWA)* is an academy for cultural activism that fosters exchanges between representatives of concrete political organizations, artist, and students, so as to stimulate new critical alliances between the fields of art and progressive politics. Each intensive workshop—and its accompanying assembly of artists, students, activists, thoughts, and artworks—departs from a concrete example of the symbolic and practical efficacy of art in negotiating changes in contemporary politics and society. Following the sessions *Towards a People's Culture* and *Collective Struggle of Refugees: Lost. In Between. Together*, the respective curricula of which have been organized in close collaboration with the cultural workers of the National Democratic Movement of the Philippines and the collective of refugees We Are Here, the session *Leaderless Politics* has been brought to life through a rich dialogue between Staal and the open-source advocates of the international Pirate Parties.

As a supplement to the workshop and series of projects initiated under the title of *Leaderless Politics*, this informal selection of texts offers an introduction to the democratic imperatives of the international Pirate Parties and the implications that their programs hold for the future of art production. As the failures of our political, social, cultural, and economic systems drive us deeper into a state of permanent insecurity—economic and otherwise, combined with rampant inequality and impending ecological disaster—we are, perhaps more urgently than ever before, faced with the crucial task of imagining alternative ways of being, and

acting, together. The leaderless and horizontal structure of the international Pirate Parties offers one such distinct and compelling articulation of the democratic project. Insisting on a variety of critical issues pertaining to the digital age, including but not limited to the desire for free and open circulation of knowledge, direct democracy and participation through liquid feedback, government transparency, freedom of speech, network neutrality, and the demand for users' privacy, the initiatives of the Pirate Parties bring with them a myriad of prospects with far-reaching impact—not only on the world of art, but on the world at large.

I wish to take this opportunity to thank all contributors to this project: the participating artists, students, writers, advocates of open source and leaderless politics, my colleagues at BAK for their enormous efforts to make the realization of this project possible, and our financial partners. Last but not least, I would like to thank the artist Jonas Staal for an inspiring and enriching collaboration through which we all have learned what art can become. Having concluded the last of the three inaugural workshops of *NWA*, I am delighted that the project will continue as a long-term undertaking, finding its temporary home in various corners of the world—and hopefully occasionally returning to its co-establishing base at BAK.

**Maria Hlavajova is artistic director of BAK, basis voor actuele kunst.**

# Introduction

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**Jonas Staal**

The history of the international Pirate Parties can be traced back to the *Piratbyrå* [Pirate Bureau], a Swedish organization that opposed the manner in which open culture platforms like The Pirate Bay were prosecuted by authorities for their opposition toward existing copyright laws. For the Pirate Bureau, the figure and concept of the “pirate” became the *nom de guerre* for a larger political and cultural project that challenges power monopolies in the fields of governance, economy, and more specifically, the Internet.

After the founding of the first Pirate Party in Sweden in 2006, other parties began to appear throughout Europe and followed its defense of open-source technology, culture, and information. Today there are approximately 70 Pirate Parties active worldwide. Each party follows the principles of *The Uppsala Declaration*, defined by European Pirate Parties in 2009, which articulates the three main concerns of the movement: reform of copyright, reform of patent law, and the guarantee of absolute privacy for citizens from state and corporate interests.

The figure of the pirate—a stateless subject—reflects the principles of internationalism, similar to the way that the act of plundering has been redefined in terms of a common culture. The Internet replaces the sea through which the pirate’s vessel navigates: a vast, (potentially) open space, where the acquisition and circulation of knowledge could fulfill its emancipatory potential and replace traditional politics altogether. Through Liquid Democracy, the parties claim that the process of voting could and should become permanent, giving citizens full agency to control and shape government—no longer centralized within a singular parliament, but within the public domain of the Internet itself. As such, the international Pirate Parties are the defenders of a twenty-first century radical direct democracy.

Combining a curious mixture of revolutionary socialist, anarchist, and libertarian principles, the international



Pirate Parties have developed in parallel to a variety of social movements of the twenty-first century. Online, they are accompanied by digital guerilla initiatives such as Anonymous, which famously took down the websites of the United States government and Visa, but also by whistleblower organizations such as WikiLeaks. One even notices strains of the squatter movement's idea of a common culture within the international Pirate Parties' demands, and the hacker might even be considered the online equivalent of the squatter. The Spanish Indignados protests, the worldwide Occupy movement, and the Gezi Park protests in Istanbul also come to mind, and like the international Pirate Parties, they attempt to give agency to large-scale public assemblies, rather than the aristocratic rule of party politics.

One of the most unique characteristics of the international Pirate Parties—and perhaps their greatest point of distinction from other, recent social movements—is their claim to be a *leaderless* movement. The concept of the leader embodies a centralized power structure, and it is precisely this hierarchical model of idolatry that pirates believe lead to corruption. In essence, the movement critiques the concept of power itself by demanding a system capable of continuously questioning its own principles. In a Liquid Democracy, parliament would manifest as the ultimate stateless and limitless space, replacing representative politics as a site for a permanent revolution.

This second reader of *New World Academy (NWA)* explores the concept of a leaderless movement in relation to the concept of open-source culture. *The Uppsala Declaration* lays out the main principles of the European Pirate Parties and Dutch Pirate Party spokesperson Dirk Poot's lecture, *We Have Lost Control of Our Democracies*, examines the emancipatory potential of Liquid Democracy in the face of the so-called War on Terror, which has held severe

consequences for civil liberties worldwide. Matt Mason, who by some is considered to be the historian of the Pirate movement, discusses in *The Pirate's Dilemma* the new definitions of culture, ownership, and radical innovation that have resulted from the open-source movement. Birgitta Jónsdóttir, spokesperson of the Icelandic Pirate Party, cofounder of the Icelandic Modern Media Initiative (IMI), and WikiLeaks collaborator, speaks of her organizations' initiatives in *Lessons from Iceland: the people can have the power*, focusing particularly on the project of collectively rewriting the Icelandic constitution after the country's economic collapse in 2008. Becky Hogge's *The Freedom Cloud* traces the importance of free software in social movements worldwide, including the Arab Spring, and Amsterdam-based design collective Metahaven's *Captives of the Cloud: Part I* examines the impact of cloud computing and international law on privacy and surveillance. Heath Bunting offers a brief exploration of class struggle in the age of mass administration in *The Status Project* and Geert Lovink and Merijn Oudenampsen engage in a discussion with Willem van Weelden on *WikiLeaks as an Editorial Problem*, which touches upon the foundations of the open-source initiatives worldwide. Finally, Dirk Poot's interview, *Liquid Democracy Will Do Away with Parliament*, provides an in-depth account of the Pirate Parties' political programs and structure, focusing specifically on Liquid Democracy and the impact it could have on traditional modes of governing.

On behalf of *NWA*, I want to thank the generosity of the contributors to this reader. It is an honor for *NWA* to host this movement and its political and cultural representatives, all of whom I believe will be able to engage participants to rethink the means through which we define and disseminate culture as part of the internationalist project for direct—*liquid*—democracy.

Last but not least, I would like to thank Maria Hlavajova and her team at BAK—Arjan van Meeuwen, Gwen Parry, Merel Somhorst, and Ivo Verburg—for their incredible commitment in co-establishing *New World Academy*. Special gratitude goes out to BAK's editor, Şeyma Bayram, for her tireless and precise work. When this collaboration first began, BAK posed the question, "What if democracy was not a show?" The demand of the international Pirate Parties to shape the complex space of the Internet as our future, open-source parliament is as daring as it is concrete a proposition. Not a *show*, but a contemporary digital parliament as the people's *theater*. It is my hope that this reader will contribute to the exploration of the role that art and culture will have in this sphere of radical commons.

**Jonas Staal (born 1981) is a Rotterdam-based artist whose works include interventions in public space, exhibitions, lectures, and publications that interrogate the relationship between art, democracy, ideology, politics, and propaganda.**

# The Uppsala Declaration

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European Pirate Parties

## Policy

### Copyright

Copyright is well out of touch with today's cultural landscape. It has evolved into an obstacle to creativity, particularly grassroots creativity. We need at least these changes to copyright law:

#### I. *Copyright is commercial*

Copyright only regulates commercial activity. Local law usually defines "commercial activity" in sufficient detail. Non-commercial activity is never regulated by copyright law.

#### II. *Sharply reduced monopoly term*

Copyright is a limited commercial monopoly that expires well within one generation. The exact term is determined by the local pirate party.

#### III. *No media or hardware levies*

No levies to compensate for copying should be permitted, but we allow for government scholarships and the like, which we do not deem compensatory. This unilateral approach to compensation ensures that the copyright lobby cannot claim the right to accept or reject the free exchange of media and information.

#### IV. *Parliament writes copyright law, not the lobby*

Technical measures that prevent consumers from using culture in ways permitted by law, so-called digital rights management (DRM) technologies, are outlawed.

#### V. *Derivative works always permitted*

Instead of having derivative works normally prohibited except in quite ambiguous fair use exceptions, under our

copyright, derivative works are always permitted, with exceptions to this specifically enumerated in law with minimal room for interpretation—e.g., “direct translations of a book.”

## Patents

The patent system of today has lost touch with its original intentions and has developed into something that is harmful to innovation and economic progress in many areas.

Pharmaceutical patents raise many ethical concerns, not least in relation to people in developing countries. They are also the driving force behind increasing costs for publicly funded health care systems in the member states of the European Union.

We demand an initiative for a European study on the economic impact of pharmaceutical patents, compared to other possible systems for financing drug research, and on alternatives to the current system.

Patents on life, including patents on seeds and on genes, and software patents should not be allowed.

## Civil Rights

The EU and its member states should adhere to the highest standards of democracy. Therefore, such principles as transparent government, speedy and fair trial, and freedom of speech should always be respected. In this day and age it is crucial to preserve the legal protection of citizens from the arbitrary exercise of authority. The EU holds an important responsibility in shedding light on violations against civil rights in member states.

A democratic society needs a transparent state and non-transparent citizens. The citizens should be able to freely gather to formulate and express their opinions with-

out fear of government surveillance. In order to extend this right to an information society, the right to anonymity in communication must be secured. Therefore, secrecy of correspondence should encompass all digital communication.

## Votes Strategy

It is the collective consensus of the gathered European leaders that with the scarce resources of a newly founded contender party, those resources must be focused on a well-identified voter demographic. Statistical data shows that election participation has been on a continual downslope for the past decade and a half for first-time voters, while at the same time, the core support for our issues comes from voters in the 18–30 age range. This data is supported by membership demographics.

Therefore, the key, catalyzing force in our support base has been university students. Previous experience from elections where Pirate Parties have participated demonstrate that we are unusually strong at technical universities—up to 10 times the national average. We need to broaden this scope to all universities. Universities are ideal in that they are a concentrated recruiting ground with people who are generally passionate about the causes in which they partake.

Using Sweden as a template for numbers—presuming that these numbers are similar across other European countries with Pirate Parties—there are approximately 300,000 university students. 100,000 votes are needed for us to enter into the European Parliament. This means that we would need 33 percent of the votes of the university students, which is not a realistic number. Therefore, we must regard universities all across Europe as recruiting grounds for activists and ambassadors, who in turn will recruit additional voters. For example, there are

another 125,000 18-year-olds who have not yet entered university, but who usually have friends at universities. Thus, there are friends, relatives, and social circles from which to draw additional supporters.

In other words, the key is to supply political passion about the issues to young people who might otherwise not vote at all, and encourage them to become recruiting ambassadors in turn. There is no identified difference in the degree of support that each of our different issues receive.

To accomplish this, we need to supply these ambassadors with confidence, rhetoric, and where possible, political materials to distribute. This is a logistical challenge that needs to be met by each individual European Pirate Party.

### **European Parliament Strategy**

In the European Parliament, it is the party groups that are the key in obtaining influence. Once elected, we will discuss our concerns with the groups that might be of interest to our cause, to determine which group is closest to us, and then join that group.

Inside the group, we will do our utmost effort to persuade the other members of the group to join our position on the issues that fall within our political platform. In return, we'll listen to the advice of the group on all other issues, and vote with the group unless we have strong reason not to.

When we are approached by lobbyists and other parties on issues that lie outside of the Pirate platform, we will refer them to the relevant person(s) in our group and encourage them to make their case to him or her. This will allow us to focus on the issues that are of highest priority for us. The decision-making process in the EU is very complex, and in order to stay informed on what is happening, we will need the support of the Internet community. The Pirate

movement is a grassroots movement that builds upon the involvement of many activists who work together and utilize modern information technology. This collective way of working will be a strength that we can use to our benefit once elected.

While working with different issues in the EU, we will keep in mind the principles that we believe should be the guiding stars of the EU itself:

#### *Subsidiarity*

Decisions should be taken as close to the citizens as possible. The EU should only handle issues that cannot be handled by the individual member states themselves.

#### *Transparency*

The decision-making process in the EU today works in a way that makes it very difficult for both media and ordinary citizens to follow what is happening and take part in the debate. This situation has to be improved. We need to work towards more transparency and openness.

#### *Accountability*

The European Parliament is the only institution in Brussels that is directly elected by the voters. The role of parliament should be strengthened, so that power is moved out of the backrooms and brought back out into the open.

[2009]

This declaration was drafted by the European Pirate Parties during a 2009 conference of Pirate Parties International in Uppsala, Sweden. This is a slightly edited version of the original text.

# Lessons from Iceland: the people can have the power

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Birgitta Jónsdóttir

*As early progress since the banking collapse in Iceland demonstrates, the twenty-first century will be the century of the common people, of us.*

The Dutch minister of internal affairs said at a speech during World Free Press Day this year: “lawmaking is like a sausage, no one really wants to know what is put in it.” He was referring to how expensive the Freedom of Information Act (FOIA) is, and suggesting that journalists shouldn’t really be asking for so much governmental information. His words exposed one of the core problems in our democracies: too many people don’t care about what goes into the sausage, not even the so-called lawmakers—the parliamentarians.

If the 99 percent want to reclaim our power, our societies, we have to start somewhere. An important first step is to sever the ties between the corporations and the state by making the process of lawmaking more transparent and accessible for everyone who cares to know or contribute. We have to know what is in that law sausage; the monopoly of the corporate lobbyist has to end, especially when it comes to laws regulating banking and the Internet.

The Icelandic nation consists of only 311,000 souls, so we have a relatively small bureaucratic body and can move quicker than most countries. Many have seen Iceland as the ideal country for experimenting with new solutions during an era of transformation—I agree.

We had the first Revolution after the financial troubles of 2008. Due to a lack of transparency, corruption, and nepotism, Iceland had the third largest financial meltdown in human history, and it shook us profoundly. The Icelandic people realized that everything into which we had placed our trust had failed us. One of the demands during the protests that followed—and that resulted in getting rid of the government, the central bank manager, and the head of the financial authority—was that we would get to rewrite our



constitution. We meaning the 99 percent, not the politicians who had failed us. Another demand was that we should have real democratic tools, such as being able to call directly for a national referendum and a dissolution of parliament.

As an activist, web developer, and poet, I had never dreamt of being a politician, nor had I ever wanted to be part of a political party. That was bound to change during those exceptional times, during which I helped to create a political movement from the various grassroots movements that had sprung in the wake of the crisis. We officially established ourselves eight weeks prior to the elections, and we based our structure on horizontality and consensus. We had no leaders, but rotating spokespeople; we did not define ourselves as left or right but around an agenda based on democratic reform, transparency, and bailing out the people, not the banks. We vowed that no one should remain in parliament longer than eight years and that our movement would dissolve if our goals had not been achieved within eight years. We had no money, no experts; we were just ordinary people who had enough and who needed to have power both within, and outside of, the system. We obtained 7 percent of the vote and the four of us entered into the belly of the beast.

Many great things have occurred in Iceland since our days of shock in 2008. Our constitution has been rewritten by the people, for the people. A constitution is such an important measure of what kind of society people want to live in. It is *the* social agreement par excellence. Once it is passed, our new constitution will bring more power to the people and provide us with the proper tools to restrain those in power.<sup>1</sup> The foundation for the constitution was created by 1,000 randomly-selected people from the

national registry. We then elected 25 people to translate our vision into words. The new constitution is now in the parliament. It will be up to the 99 percent to call for a national vote on it, so that we in the parliament will know exactly what the nation wants and can then follow suit. If the constitution passes, we will have almost achieved everything we set out to do. Our agenda was written on various open platforms; direct democracy is the high north of our political compass in everything we do. Having the tools for direct democracy is not enough, however. We have to find ways to inspire the public to participate in cocreating the reality in which they want to live. This can only be done by making direct democracy more local. Then, the people will feel the direct impact of their efforts. We don't need bigger systems; on the contrary, we need to downsize them so that they can truly serve us and so we can truly shape them.

The capital city of Reykjavík has launched a direct democracy platform, where everyone can submit suggestions into a community forum about things they would like to be done in the city.<sup>2</sup> Every month, the city council is required to note and process the top five suggestions that appear in the forum. The next step is to implement a similar system in the parliament, and the logical step after that is to effectuate the same system in the ministries.

From conversations I have had with people from Occupy London, it is clear that we are all thinking along the same lines. All systems are down—banking, education, health, social, political. The most logical action would be to start a new system based on values other than consumerism, which maximizes profit and self-destruction. We are strong, the power is ours: we are many, they are few. We are living in times of crisis. Let us embrace this time, for it is the only time that real change can be brought about by the masses.

1. The Constitutional Council of Stjórnlagaráð, "A Proposal for a new Constitution for the Republic of Iceland," drafted 24

March 2011, online at: [http://stjornlagarad.is/other\\_files/stjornlagarad/Frumvarpenska.pdf](http://stjornlagarad.is/other_files/stjornlagarad/Frumvarpenska.pdf).

2. For more information regarding the democracy-building initiative, *Betri Rey-*

*kjavík* [Better Reykjavík], please visit the project's website at <https://betrireykjavik.is>.

Birgitta Jónsdóttir (born 1967) is a poetician, activist in the Icelandic Parliament for the Pirate Party, and chairperson of the Icelandic Modern Media Institute, specializing in twenty-first century lawmaking with a focus on direct democracy, freedom of information and expression, and digital privacy. This is an edited version of her article that first appeared in *The Guardian* on 15 November 2011. The article can be accessed online at: <http://www.theguardian.com/commentisfree/2011/nov/15/lessons-from-iceland-people-power> and is reprinted in this reader with the permission of the author.



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# **We Have Lost Control of Our Democracies**

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**Dirk Poot**

I'd like to begin by saying that "party leader" is what I am called because of the Dutch political tradition. But the Pirate Party in fact believes in a leaderless revolution. So, although they have made me their spokesperson for the elections, I am essentially a pirate among many other pirates.

We, the Pirate Party, believe that political leaders are the cause of many of the problems that plague our society today—the lack of democratic substance that we see in society, for instance, and the lack of the rule of law. For this reason, we'd like to do away with the term "political leader" altogether.

As a human society, we have developed many fears and demonstrated many different ways of dealing with those fears. Two days from now we will exorcise all of the demons in our society by lighting fireworks.<sup>1</sup> Buildings like the one we are in today have been used to guard our society from witches, who were weighed here and thrown into the water. If they drowned they were proven innocent.<sup>2</sup>

So, historically we have held many different fears and guarded ourselves against them in many different ways. And the fear of terrorism is not a phenomenon of past ages.

I remember growing up in the 1970s and hearing of trains and schools being hijacked. There was the 1972 attack on the Olympic games in Munich, for example, and there were planes hijacked all over the world. But it's only since the September 11 attacks that we've entered into a global panic about terrorism. And we feel that in the midst of this panic, we have allowed ourselves to be cheated out of many democratic and civil rights.

Since 9/11, we've seen the birth of the Patriot Act in the United States. We've also seen the establishment of the

1. This lecture was delivered two days before the New Year.
2. The second New World Summit took place in De Waag (Weigh House), a seventeenth-century building in Leiden, the Neth-

erlands. "Witch tests" were commonly staged in weigh houses and the test involved weighing the alleged witch against a set weight. If she weighed less than a set weight, she was considered guilty.

European Union's extradition treaty with the US<sup>3</sup>, which makes it easier to move suspects from one country's prison to next. Moreover, we've started heavy monitoring and data retention of everything we do online—everything we see, everybody we talk to—all for the sake of capturing that one terrorist who may or may not be out there.

I am beginning to wonder whether terrorism is really a growing problem, or if we are merely steadily expanding the definition what counts as terrorism.

Consider the US Patriot Act, which has silently been prolonged under the Obama administration. Right now there is somebody who has been sitting in prison, in solitary confinement, for over two years. He's being prosecuted under the Patriot Act—not because he is a terrorist, but because he is accused of exposing US war crimes by providing information to WikiLeaks. I am, of course, talking about Bradley Manning.<sup>4</sup>

The EU extradition treaty has also been used to keep Julian Assange silent for over two years, resulting in him being holed up in the Ecuadorian embassy in London, completely incommunicado.

Internet monitoring and data retention laws were set in place to protect us from terrorists, but now they are even used to establish cases against CIA directors accused of improper sexual relations, which has nothing to do with terrorism.<sup>5</sup>

It seems to me that in order to avoid death by a terrorist's bomb, we have instead chosen for death by a thousand legal cuts to our liberties and rights.

There's a terrible sliding scale within those anti-terrorist laws. Recent years have shown that journalist organiza-

tions and animal rights activists are being targeted by anti-terrorist laws. File sharing websites are raided by anti-terrorist units, and Occupy protesters, too, are being prosecuted through anti-terrorist laws. Since these laws have taken effect, we have witnessed a rapid definitional expansion of whom these laws apply to. We believe that this is very risky process with dangerous consequences.

Recall the Anti-Counterfeiting Trade Agreement (ACTA)<sup>6</sup>, which sparked a massive debate and large online protest. Members of the European Commission even referred to the anti-ACTA protesters as terrorists. And so it seems that anybody can become a terrorist, as long as we don't pay attention.

We feel that the problem lies in the fact that parliaments are not protecting our democratic rights, but rather seem to be abusing the global fear concerning terrorism in order to take away those very rights. So the question is: Do parliaments still serve the people, or do they merely serve the states or state-players? We live in a so-called representative democracy, yet we feel that people have lost contact with, and control of, our representatives. Are we represented by people who act according to what we want, or we are represented by people with their own agendas?

The Pirate Party is striving for a political revolution. In doing so, we feel that we need to step away from the outdated notion of a representative democracy. Representative democracy used to be a necessity, because we are a country of 16 million people who previously didn't have the ability to rapidly communicate with one another. But

3. The Agreement on Extradition between the US and the EU was signed on 25 June 2003.

4. Bradley Manning is a United States Army soldier who was arrested in May 2010

after leaking to the public classified documents regarding the Iraq and Afghan Wars. In July 2013, he was sentenced to 35 years in prison.

5. David Howell Petraeus is a former American military officer and Director of the Central Intelligence Agency (CIA) who was caught in a well-publicized scandal involving an extramarital affair with former military officer Paula Broadwell. Among many issues that were raised by the Petraeus scandal is the pervasive inva-

sion of privacy under the Patriot Act.

6. The Anti-Counterfeiting Trade Agreement (ACTA), signed on 1 October 2011, is a multinational treaty that promotes global intellectual property rights enforcement. It aims to create a new governing body outside of current international law.

because of the Internet, every Dutch person can now easily communicate with every other Dutch person.

We believe that giving people the chance to vote through the Internet—giving them unlimited votes on all of the problems they see arising in their society and to allow them to discuss those problems amongst each other and come up with solutions and laws—will be a much better way of tackling the problems of the twenty-first century, while simultaneously moving us in the direction of a true democracy. The representative democracy that we have had so far has just been an intermediary step, and now we have the technology to make the next step possible.

It would be so much easier for people to come together through an online forum and talk to real experts and to each other. There are 150 parliamentarians in The Hague, and there are parliaments all over the world, but these parliamentarians are not experts: they arrive and hold office for four or eight years and they rely on the established political machinery for their information, for their guidance. They base their decisions on strict party and political lines rather than on what the people need.

We feel that a free Internet, where everybody is able to find their own information and participate in these national parliaments, is critical to a true democracy. It would allow people to trust delegates based not on the fact that he or she has been a party member for 20 years, but on the basis that he or she has researched a subject for a long time—written a thesis about it, for example. That is a much better way of trusting people, of giving people influence.

And Liquid Democracy is a way in which we can either vote ourselves or we can hand over trust to a person who knows the issues well. If a person betrays that trust, we don't have to wait for four more years to vote for a new person. No—we can immediately take away the delegation and hand it over to somebody else. In this way, we can

foster an ongoing national debate with impartial specialists instead of party members behind the party discipline. Moreover, this approach could lead to decisions based on factual information and not stale political dogmas. And so, we believe that a way out of our current democratic vacuum is through liquid feedback.

Liquid Democracy also holds the promise of taking away political power from the old and corrupted power structures. It promises to bring a true democracy to old and new democracies, and it might be the only way to stop governments from criminalizing its citizens with an ever-widening definition of terrorism and persecuting them—or prosecuting them—with an ever-increasing array of legal, semilegal, and even illegal means.

We have lost control of our democracies, and we need to regain control of them. Liquid Democracy feedback might be a way to do this. We should stop making laws against the people, and start making laws by the people.

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# The Freedom Cloud

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**Becky Hogge**

*The tools that help Arab democracy protesters also extend the reach of three United States corporations. The power of Facebook, Google, and Twitter represents an appropriation of the hacker-utopian ideals of the early Internet. The challenge to those who still uphold these ideals is to recover a true path to freedom.*

It's a Tuesday morning in February 2011. From an exhilarated Cairo, a correspondent on BBC radio's flagship news program Today reports on the resignation of Hosni Mubarak. Anwar Swed, a young Libyan expatriate living in London, talks to the co-presenter James Naughtie.<sup>1</sup> BBC and other Western journalists are not yet able to enter Libya from newly liberated Egypt and Tunisia. But Anwar is in contact with her friends and family inside the country, mostly by SMS, and on the basis of their accounts, she says that people in the capital of Tripoli are being shot "left, right, and center."

At the end of the interview, Anwar asks listeners to visit Facebook and search for World Medical Camp for Libya, or to e-mail [wmclibya@gmail.com](mailto:wmclibya@gmail.com) with "anything they can participate with as soon as possible." In an instant, the appeal puts the incipient turmoil in Colonel Gaddafi's Libya into the same context of Internet-driven and technology-supported protests that had in previous weeks been sweeping through its neighboring countries.<sup>2</sup>

The degree of influence of these tools in the popular risings that started in Tunisia and Egypt and have since spread eastward to Jordan, Bahrain, Yemen, and even Syria, remains in dispute. But that many Arabs—often young,

1. Anwar Swed and James Naughtie, "Libyan campaigner warns of 'massacre'," *BBC Radio*, 22 February 2011, online at [http://news.bbc.co.uk/today/hi/today/news-id\\_9404000/9404253.stm](http://news.bbc.co.uk/today/hi/today/news-id_9404000/9404253.stm).
2. For a summary of the state of Libya under

the Gaddafi regime, prior to Libyan Revolution, see Fred Halliday, "Libya's regime at 40: a state of kleptocracy," *Open Democracy*, 7 March 2011, online at: <http://www.opendemocracy.net/article/libya-s-regime-at-40-a-state-of-kleptocracy>.



educated, ambitious, idealistic, and frustrated—have been able to use them to share information and coordinate protests against authoritarian rule is indisputable.

In Tunisia, the self-immolation of a despairing young market-trader in the provincial town of Sidi Bouzid sparked local riots that were brought to national and international attention by the combined use of mobile-shot videos, Facebook, and broadcasters like *Al Jazeera*, as well as the spiking of the hashtag #sidibouزيد on Twitter.<sup>3</sup> In Egypt, the Facebook page “We are all Khaled Said”—named after one of the many torture victims of Egypt’s brutal police—helped galvanize nationwide resistance to a corrupt regime.<sup>4</sup> Wherever there is protest elsewhere in the region, from Iran in the east to Morocco in the west, the new media tools are part of the scene.<sup>5</sup>

In this respect, Anwar Swed’s intervention—a dissident, albeit proxy, voice from inside Libya when broadcasting giants were still stranded at the border—appears as part of a great historical tide.

### Open Door vs. Closing Window

There is no certainty and a lot of debate about just how much the new tools have contributed to the ongoing process of political change in the Middle East and elsewhere. The vacuum of understanding is filled with endless speculation, and the overall effect has been to overstate the role of Twitter, Facebook, and other social networking technologies in the so-called “Arab renaissance.”<sup>6</sup>

Why might this be? In part because such speculation is an entertaining and lucrative business, and moreover, since so many of those speculating in the West—even if our general understanding of the Arab world is a broken patchwork of neoconservative propaganda and *Indiana Jones* pastiche—use Twitter and Facebook every day, they are tempted to inflate the power of our compulsive toys. But also for the more forgivable reason that new technology—like an immigrant stealing into our imaginations—perfectly fulfills the alternating roles of God and scapegoat that humans seem to require in order to explain (or ignore) complex social and political issues.

To explore this intimate ambiguity a little further leads away from the great events across North Africa and the Middle East and towards core political, technical, and commercial arguments about the capacity of these new technologies to advance freedom. The difference of context may be less significant than it appears, and in a larger perspective prove less important than the underlying question faced in each case: whether the most powerful of the current tools are less a door to the future than a window of opportunity that is now closing.

### The New Gatekeepers

“Governments of the Industrial World, you weary giants of flesh and steel, I come from Cyberspace, the new home of Mind. On behalf of the future, I ask you of the past to leave us alone. You are not welcome among us. You have

3. Paul Rogers, “Tunisia and the world: roots of turmoil,” *Open Democracy*, 24 January 2011, online at: <http://www.opendemocracy.net/paul-rogers/tunisia-and-world-roots-of-turmoil>.

4. See Sultan Sooud Al Qassemi, “Egypt: from revolt to change,” *Open Democracy*, 8 February 2011, online at: <http://www>.

[opendemocracy.net/sultan-sooud-al-qassemi/egypt-from-revolt-to-change](http://www.opendemocracy.net/sultan-sooud-al-qassemi/egypt-from-revolt-to-change).

5. See Valentina Bartolucci, “The Moroccan exception, and a king’s speech,” *Open Democracy*, 11 March 2011, online at: <http://www.opendemocracy.net/valentina-bartolucci/moroccan-exception-and-kings-speech>.

6. For two perspectives on the role of social media in the uprisings in Middle East and throughout the Arab world, see Evgeny Morozov, “Internet alone cannot free the Middle East,” *Financial Times*, 27 March 2011, online at: <http://www.ft.com/intl/cms/s/0/6f6f0c3c-58bc-11e0-9b8a->

[00144feab49a.html#axzz2eJxFyEBd](http://www.opendemocracy.net/khaled-hroub/arab-third-way-beyond-dictators-and-islamists.00144feab49a.html#axzz2eJxFyEBd) and Khaled Hroub, “Arab third way: beyond dictators and Islamists,” *Open Democracy*, 9 February 2011, online at: <http://www.opendemocracy.net/khaled-hroub/arab-third-way-beyond-dictators-and-islamists>.

no sovereignty where we gather.”<sup>7</sup> These words, written in 1996 by the scribe of the then-infant worldwide web (and lyricist of the rock band Grateful Dead) John Perry Barlow, are the inspirational banner under which old-school cyber-utopians still march.

Their enemy was and still is the *intermediary*, an enduringly important concept in the movement’s vocabulary for its ability to convey the stifling character of those institutions which, so the theory goes, are destined to crumble before the all-powerful yet benign force of the global network. The precise identity of these intermediaries—or *gatekeepers*—will depend on each cyber-utopian group’s preference, but they are bound to include empires of informational power such as governments, corporations, and the “legacy” media (from the emasculated BBC to the rampant Murdoch empire).

The utopians go by another, yet often misunderstood, name: *hacker*. A hacker likes to take things apart, to see how they work. A sub-group of hackers work only for their own interests. But many seek the public good. They act like volunteer building inspectors, trespassing on society’s digital architecture to ensure it is fit for public purposes. They dislike intermediaries, especially ones that keep information from them or stop them from disassembling things to understand how they function. You could say that a hacker wants control, and that might be true of some. But most hackers are driven by a desire for autonomy and self-determination, for the freedom to create; to do more than consume what is offered to them by powerful institutions.<sup>8</sup>

Hackers are an inclusive bunch, and they usually don’t object to extended use of the term. In their own way the dedicated, self-motivated activists that helped seed

Egypt’s revolution are also hackers. This is reflected in the media’s resort to the jargon of the techno-utopian world of the 1990s to describe them: “small pieces loosely joined” in a “network” that is “connected”<sup>9</sup> and whose news and appeals spread “virally” in a way that allows them to act in an “agile” yet “loosely coordinated” way, organizing protests that become “memes”<sup>10</sup> and ultimately even the revolution—a “network effect”<sup>11</sup> in itself.

Yet the promiscuity of language is also a trap, in that the web tools of the Arab renaissance are very far from those of the cyber-utopians. Facebook is a hierarchy, not a network. Twitter is a hierarchy, not a network. Gmail is a hierarchy, not a network. Yes, those of us who use these tools are “networked”: we are, as the utopians would say, loosely joined. But we are also fused to the corporate giants that provide and profit from these tools, through whose buzzing servers our intimate or banal exchanges pass.

Arbor Networks, itself a giant in the world of network security, estimates that about 60 percent of all web traffic terminates at about 150 companies, and 30 percent of all web traffic terminates at about 30 companies, including Google, Facebook, and Twitter.<sup>12</sup> These US corporations are the hypergiants—the new intermediaries or gatekeepers—and they are beginning to dominate the net.

7. John Perry Barlow, “A Declaration of the Independence of Cyberspace,” *Electronic Frontier Foundation*, online at: [https://projects.eff.org/~barlow/Declaration-](https://projects.eff.org/~barlow/Declaration-Final.html)

[Final.html](https://projects.eff.org/~barlow/Declaration-Final.html).

8. See Pekka Himanen, *The Hacker Ethic and the Spirit of the Information Age*, (New York: Random House, 2001).

9. See Kovas Boguta, “Visualizing the New Arab Mind,” [www.kovasboguta.com](http://www.kovasboguta.com), 11 February 2011, online at: <http://www.kovasboguta.com/1/post/2011/02/first-post.html>.

10. Paul Mason, “Twenty reasons why it’s kicking off everywhere,” *BBC News*, 5 February 2011, online at: [http://www.bbc.co.uk/blogs/newsnight/paulmason/2011/02/twenty\\_reasons\\_why\\_its\\_kicking.html](http://www.bbc.co.uk/blogs/newsnight/paulmason/2011/02/twenty_reasons_why_its_kicking.html).

11. Dean Takahashi, “Arab revolts: Another

good week for social media, a bad week for dictators,” *Venture Beat*, 20 February 2011, online at: <http://venturebeat.com/2011/02/20/arab-revolts-another-good-week-for-social-media-a-bad-week-for-dictators/>.

12. See Wade Roush, “Arbor Networks Reports on the Rise of the Internet ‘Hyper Giants,’” *Xconomy*, 20 October 2009, online at: <http://www.xconomy.com/boston/2009/10/20/arbor-networks-reports-on-the-rise-of-the-internet-hyper-giants/>.

## The Dream for Sale

It was not meant to be this way. My first website was hosted in a machine in the basement of a house-share in East London. It served lovingly HTML-coded screeds on the techie issues of the day, screeds that in turn got me my first job in a magazine. The day that a popular blog posted a link to something I'd written, it brought down my home Internet connection, prompting an angry call to my place of work from a housemate who was trying to finish his PhD. They called it "many-to-many communication," and that's exactly what it was.

But much like those back-to-the-land *communards* of the 1960s who gave up farming after one season had proven to them how hard it was, communicatory self-sufficiency turned out to be. . . well, hard. First, the rise of spam drove even those hackers who knew how to set up their own mail client to shelter under the collective protection of e-mail providers like Google and Yahoo. Then, the need of people like me to avoid the ire of studious housemates led us to move to commercial providers as a way of keeping separate the connections that served home and website. The real buzzkill, though, was when the message joined the medium—and that happened when the World Wide Web became Web 2.0.

Web 2.0, like the Third Way of ambitious center-left political leaders of the 1990s, betrayed the early purist ideologues in favor of wooing a mass market. Instead of independent media, it offered social media. Instead of unbounded communicatory possibility, it offered checkboxes and character limits. Instead of full exposure to the perils and pitfalls of human nature, it offered a series of walled gardens, neatly cultivated and weeded of unsavory elements. The new gates to these walled gardens were inscribed with their keepers' names: Twitter, Facebook, Bebo,

Foursquare, and MySpace. They were insanely popular, and in many cases made their deeply relaxed Silicon Valley owners filthy rich.

Prior to 1 December 2010, only 16 days before Mohamed Bouazizi set fire to himself in Sidi Bouzid, the hackers' lament at this "re-intermediation" of the network would have been largely theoretical. But on that day, Amazon responded to political pressure by removing WikiLeaks' website from their servers, thus erasing the whistleblowing project in an instant.

This appeared to be a clear case of extrajudicial censorship on the part of the US, the supposed defender of the First Amendment—the right to free speech. The problem with this view is that Amazon, a commercial company, has every right to choose what travels over their wires, and therefore bears no responsibility to maintain the openness, inclusiveness, or health of public discourse.

## The Point of Control

The Arab awakening that was inspired shortly after Amazon's attack on WikiLeaks wielded its own weapon and is considered by some to be the next major realization of the hacker-utopian ideal. The fact that the vigorous protest movements that have written themselves into the history of North African societies are, in their cyber aspect at least, fuelled by three US corporations may matter less to participants facing an authoritarian power structure of another kind. But as they develop further, the limits of these virtual "pseudo-public spaces" are bound to become more apparent.

It was against the corporate transformation and undermining of public space, detailed by Naomi Klein in her millennial polemic *No Logo*, that John Perry Barlow's "citizens of the future" hoped the net would push.<sup>13</sup> Instead, a tech-

nology that gave citizens the ability to retrieve public space and public discourse from corporate control has turned into something beyond the worst imaginings of Klein's anti-globalization movement: a vehicle of corporate hyper-giants possessing unmatched efficiency in selling back to citizen-consumers their own expressions and desires.

The broader trend is that the "Internet freedom" proclaimed by everyone from US secretary of state Hillary Clinton downwards is becoming a cargo-cult.<sup>14</sup> The response of many non-Western leaders is to seek ways to resist a trend whereby US intermediaries present the US government with a single point of control—and to establish that single point of control for themselves.

As Evgeny Morozov observes, Mahmoud Ahmadinejad has already used the fact that the US state department coordinated with Twitter during Iran's failed "Twitter Revolution" of 2009 to douse revolutionary zeal with anti-American sentiment.<sup>15</sup> Since then, Vladimir Putin has issued a decree that all software used by public bodies in Russia should be open source, in order to guard against real and imagined back doors engineered in proprietary US products like Microsoft Windows at the orders of the US government.<sup>16</sup> China's "national net" is an image of the Internet's possible future: an archipelago of mutually isolated worlds.<sup>17</sup>

## The Reverse Switch

Could there still be another way? Around the same time that Anwar Swed was talking on BBC radio, the legal academic Eben Moglen was telling the New York chapter of the Internet Society about an innovation he calls the "freedom box": a low-power plug-server running free and open source software that every Internet user can install at home.<sup>18</sup> The point of the box is that it is contained within the four walls of the person(s) whose privacy and autonomy it affects. Your social networking profile could be served from the box, and your server logs kept safely encrypted on it. In effect, the freedom box is the equivalent of the server that ran in the basement of my East London houseshare—a recovery of the days when the many-to-many communications network was just that.<sup>19</sup>

For Moglen, the freedom box reverses the "server-client" image that has led networked computing down a wrong path, where it caught up with a politics and geopolitics going in the same direction. To some, the reversal appears an impossibly ambitious hacker-utopian dream. But it might just work. Together with Richard Stallman, Moglen is one of the founders of the free-software movement and one of the long-term custodians of free software's success.

These efforts are making an impact, for today more web servers run the free operating system Linux and the free server client Apache than any other competing products, including Microsoft. Apache serves around 60 percent of the world's busiest websites. Without free software Google, Facebook, and Twitter wouldn't exist; the web wouldn't

13. See Naomi Klein, *No Logo* (New York: Picador, 2000).

14. See Hillary Rodham Clinton, "Remarks on Internet Freedom," transcript and video of 21 January 2010 speech on the US Department of State website, accessible at: <http://www.state.gov/secretary/rm/2010/01/135519.htm>.

15. See Evgeny Morozov, *The Net Delusion: The Dark Side of Internet Freedom*, New York: PublicAffairs, 2011.

16. See J. D. Rucker, "Putin Loves Linux, Orders Government Transition to Open Source," *TECHI*, 27 December 2010, online at: <http://www.techi.com/2010/12/putin-loves-linux-orders-government-transition-to-open-source/>.

17. See Becky Hogge, "The Great Firewall of China," *Open Democracy*, 19 May 2005, online at: [http://www.opendemocracy.net/media-edemocracy/china\\_inter-net\\_2524.jsp](http://www.opendemocracy.net/media-edemocracy/china_inter-net_2524.jsp).

18. Software Freedom Law Center, "Highlights of Eben Moglen's Freedom in the Cloud Talk," *Software Freedom Law Center*, 10 February 2010, commentary and video of talk accessible via: <http://www.softwarefreedom.org/news/2010/feb/10/>

highlights-eben-moglen's-freedom-cloud-talk/.

19. For more information on the freedom box initiative and goals, visit their website at: <http://freedomboxfoundation.org>.

exist without free software. And insofar as social movements owe much of their growth to free software, the Arab renaissance—or at least its web component—might not either. This historical tide may be a quiet one, but it has an honorable place in the struggle everywhere to define what freedom can mean in the twenty-first century.

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# Captives of the Cloud: Part I

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Metahaven

*We are the voluntary prisoners of the cloud; we are being watched over by governments we did not elect.*

Wael Ghonim, Google's Egyptian executive, said: "If you want to liberate a society just give them the internet."<sup>1</sup> But how does one liberate a society that already has the Internet? In a society permanently connected through pervasive broadband networks, the shared Internet is, bit by bit and piece by piece, overshadowed by the "cloud."

### The Coming of the Cloud

The cloud, as a planetary-scale infrastructure, was first made possible by an incremental rise in computing power, server space, and transcontinental fiber-optic connectivity. It is a by-product and parallel iteration of the global (information) economy, enabling a digital (social) marketplace on a worldwide scale. Many of the cloud's most powerful companies no longer use the shared Internet, but build their own dark fiber highways for convenience, resilience, and speed.<sup>2</sup> In the cloud's architecture of power, the early Internet is eclipsed.

A nondescript diagram in a 1997 MIT research paper, titled "The Self-governing Internet: Coordination by Design," showed a "cloud" of networks situated between routers linked up by Internet Protocol (IP).<sup>3</sup> This was the first reported usage of the term "cloud" in relation to the Internet. The paper discussed a "confederation" of networks governed by common protocol. A 2001 *New York Times* article reported that Microsoft's .NET software programs did not

1. Wael Ghonim quoted in Rebecca MacKinnon, *Consent of the Networked: The Worldwide Struggle for Internet Freedom* (New York: Basic Books, 2012), xx.
2. Brandon Teddler, "To The Cloud!," *Ezine-Mark*, 16 February 2012, online at: <http://ezinemark.com/a/to-the-cloud/>.
3. Sharon Gillett and Mitchell Kapur, "The Self-governing Internet: Coordination by Design," in *Coordinating the Internet*, ed. Brian Kahin and James H. Keller (Cambridge: MIT Press, 1997), p. 11.

reside on any one computer, “but instead exist in the ‘cloud’ of computers that make up the internet.”<sup>4</sup> But it wasn’t until 2004 that the notion of “cloud computing” was defined by Google CEO Eric Schmidt:

I don’t think people have really understood how big this opportunity really is. It starts with the premise that the data services and architecture should be on servers. We call it cloud computing—they should be in a “cloud” somewhere. And that if you have the right kind of browser or the right kind of access, it doesn’t matter whether you have a PC or a Mac or a mobile phone or a BlackBerry or what have you—or new devices still to be developed—you can get access to the cloud. There are a number of companies that have benefited from that. Obviously, Google, Yahoo!, eBay, Amazon come to mind. The computation and the data and so forth are in the servers.<sup>5</sup>

The Internet can be compared to a patchwork of city-states, or an archipelago of islands. User data and content materials are dispersed over different servers, domains, and jurisdictions (i.e., different sovereign countries). The cloud is more like Bismarck’s unification of Germany, sweeping up formerly distinct elements and bringing them under a central government. As with most technology, there is a sense of abstraction from prior experiences; in the cloud the user no longer needs to understand how a software program works or where his or her data really is. The important thing is that it works.

In the early 1990s, a user would operate a “personal home page,” hosted by an Internet Service Provider (ISP) usually located in the country in which the user lived. In the early 2000s, free online services like Blogspot and video sites like YouTube came to equal and surpass the services of local providers. Instead of using a paid-for local e-mail account, users began to switch to services like Gmail. In the late 2000s and the early 2010s this was complemented, if not replaced, by Facebook and other social media, which integrate e-mail, instant messaging, FTP (File Transfer Protocol), financial services, and other social interaction software within their clouds. Cloud-based book sales, shopping, and e-reading have brought about the global dominance of Amazon, the world’s biggest cloud storage provider and the “Walmart of the Web.”<sup>6</sup> By 2015, combined spending for public and private cloud storage will be \$22.6 billion worldwide.<sup>7</sup> Given this transition, it is no exaggeration to proclaim an exodus from the Internet to the cloud. The Internet’s dispersed architecture gives way to the cloud’s central model of data storage and management, handled and owned by a handful of corporations.

The coming of the cloud is spelled out by Aaron Levie, founder and CEO of Box, one of Silicon Valley’s fastest growing cloud storage providers. As Levie states, the biggest driver of the cloud is the ever-expanding spectrum of mobile devices—iPhones, iPads, Androids, and such—from which users tap into the cloud and flock around its server spine:

If you think about the market that we’re in, and more broadly just the enterprise software market, the kind of transition that’s happening now from legacy systems to

4. John Markoff, “An Internet Critic Who Is Not Shy About Ruffling the Big Names in High,” *The New York Times*, 9 April 2001, online at: <http://www.nytimes.com/2001/04/09/technology/09HAIL.html?ex=1230872400&en=5d156fc75d409335&ei=5070>.

5. Eric Schmidt, “Conversation with Eric Schmidt Hosted by Danny Sullivan,” interview by Danny Sullivan from the Search Engine Strategies Conference on 9 August 2006, transcript of the interview online at: <http://www.google.com/press/podium/ses2006.html>.

6. See “Amazon: The Walmart of the Web,” *The Economist*, 1 October 2011, online at: <http://www.economist.com/node/21530980>.

7. Nathan Eddy, “Cloud Computing to Drive

Storage Growth: IDC Report,” *eWeek*, 21 October 2011, online at: <http://www.eweek.com/c/a/Cloud-Computing/Cloud-Computing-to-Drive-Storage-Growth-IDC-Report-193712/>.



the cloud is literally, by definition, a once-in-a-lifetime opportunity. This is probably going to happen at a larger scale than any other technology transition we've seen in the enterprise. Larger than client servers. Larger than mainframes.<sup>8</sup>

Google, one of the world's seven largest cloud companies, has recently compared itself to a bank.<sup>9</sup> That comparison is apt. If data in the cloud is like money in the bank, what happens to it while it resides "conveniently" in the cloud?

### Cloud Surveillance

The various technical components that enable global communication—server, network, and client—all lend themselves to surveillance. *Access Controlled*, an MIT Press handbook on Internet surveillance and censorship, states that "the quest for information control is now beyond denial."<sup>10</sup> It describes the so-called "security first" norm, by which the combined threats of terrorism and child pornography create a mandate for the state to police the net without restriction. As the authors assert in their conclusion, "[t]he security-first norm around internet governance can be seen, therefore, as but another manifestation of these wider developments. Internet censorship and surveillance—once largely confined to authoritarian regimes—is now fast becoming the global norm."<sup>11</sup> Indeed,

if a lawsuit brought by the Electronic Frontier Foundation (EFF) against AT&T is any indication, the United States government seems determined to expand its access to electronic communication. The EFF's star witness in the case was Mark Klein, a former AT&T technician who claimed to have seen, in 2002, the creation and ongoing use of a dedicated private room where the National Security Agency (NSA) had "set up a system that vacuumed up internet and phone-call data from ordinary Americans with the cooperation of AT&T."<sup>12</sup> Klein said the system allowed the government full surveillance not just of the AT&T customer base, but of 16 other companies as well.<sup>13</sup> The US government dismissed the case against the telecommunications provider, asserting the privilege of state secrets. The government has also dismissed cases against itself and other telecom companies that assisted with similar endeavors, including Sprint, Nextel, and Verizon.<sup>14</sup> If the allegations are true, according to *Access Controlled*, "they show that the United States maintains the most sophisticated internet surveillance regime."<sup>15</sup>

As technologies expand, the governance, legislation, and legalities of surveillance become increasingly complicated. In May 2012, *CNET* reported that the general counsel of the FBI had drafted a proposed law that would require social-networking sites, e-mail, and voice-over-IP (VoIP) providers, as well as instant messaging platforms, to provide a backdoor for surveillance—a demand from the US government for cloud companies to "alter their code to ensure their products are wiretap-friendly."<sup>16</sup> In

8. Nick Bilton, "Data storage server, and founder, move quickly," *International Herald Tribune*, 28 August 2012.

9. See Barb Darrow, "Amazon Is No. 1. Who's Next in Cloud Computing?," *GigaOM*, 14 March 2012, online at: <http://gigaom.com/2012/03/14/amazon-is-no-1-whos-next-in-cloud-computing/> and Cade Metz, "Google: 'We're Like a Bank for Your Data,'" *Wired*, 29 May

2012, online at: <http://www.wired.com/wiredenterprise/?p=20996>.

10. Ronald Deibert and Rafal Rohozinski, "1. Beyond Denial: Introducing Next-Generation Information Access Controls," in *Access Controlled: The Shaping of Power, Rights, and Rule in Cyberspace*, ed. Ronald Deibert, John Palfrey, Rafal Rohozinski, and Jonathan Zittrain (Cambridge: MIT Press, 2010), p. 6.

11. *Ibid.*, p. 11

12. Ellen Nakashima, "A Story of Surveillance," *The Washington Post*, 7 November 2007, online at: <http://www.washingtonpost.com/wp-dyn/content/article/2007/11/07/AR2007110700006.html>.

13. *Ibid.*

14. Dan Levine, "US Court Upholds Telecom

Immunity for Surveillance," *Thomson Reuters*, 29 December 2011, online at: <http://info.legalsolutions.thomsonreuters.com/westlawnext/about/awareness/practitioner-insights/default.aspx>.

15. Ronald Deibert et al., *Access Controlled*, p. 381.

2012, the government of the United Kingdom announced the installation—in collaboration with telecom companies and ISPs—of so-called “black boxes” which would retrieve and decrypt communications from Gmail and other cloud services, and store the non-content data from these communications.<sup>17</sup> But the cloud is nothing like a national telephone network. Whenever the cloud is “wiretapped,” authorities listen into a global telecommunications oracle; the data of everyone using that cloud, regardless of where and who they are, and regardless of whether or not they are the suspect of a crime is—at least in principle—at the disposal of law enforcement.

Most journalism routinely criticizes (or praises) the US government for its ability to spy on “Americans.” But something essential is not mentioned here—the practical ability of the US government to spy on everybody else. The potential impact of surveillance of the US cloud is as vast as the impact of its services—which have already profoundly transformed the world. An FBI representative told *CNET* about the gap the agency perceives between the phone network and advanced cloud communications for which it does not presently have sufficiently intrusive technical capacity—the risk of surveillance “going dark.” The representative mentioned “national security” to demonstrate how badly it needs such cloud wiretapping, inadvertently revealing that the state secrets privilege—once a legal anomaly, now a routine—will likely be invoked to shield such extensive and increased surveillance powers from public scrutiny. Users’ concerns about Internet surveillance increased with the proposed Stop Online Piracy Act (SOPA), which was introduced into the US House of

Representatives in late 2011. How the government would police SOPA became a real concern, with the suspicion that the enforcement method of choice would be standardized deep packet inspections (DPI) deployed through users’ Internet service providers—a process by which the “packets” of data in the network are unpacked and inspected.<sup>18</sup> Through DPI, law enforcement would detect and identify illegal downloads. In 2010, before SOPA was even on the table, the Obama administration sought to enact federal laws that would force communications providers offering encryption (including e-mail and instant messaging) to provide access by law enforcement to unencrypted data.<sup>19</sup> It is, however, worth noting that encryption is still protected as “free speech” by the First Amendment of the US Constitution—further complicating, but not likely deterring, attempts to break the code. One way of doing so consists of surrounding encryption with the insinuation of illegality. The FBI in 2012 distributed flyers to internet cafe business owners requesting them to be wary of “suspicious behavior” by guests, including the “use of anonymizers, portals or other means to shield IP address” and “encryption or use of software to hide encrypted data.” In small print, the FBI added that each of these “indicators” by themselves, however, constituted lawful conduct.<sup>20</sup>

### The Cloud as a Political Space

The increasing prominence that cloud-based internet services, social media, and VoIP technologies now enjoy over legacy tools of communication is demonstrated in how

16. Declan McCullagh, “FBI: We Need Wiretap-Ready Web Sites – Now,” *CNET*, 4 May 2012, online at: [http://news.cnet.com/8301-1009\\_3-57428067-83/fbi-we-need-wiretap-ready-web-sites-now/](http://news.cnet.com/8301-1009_3-57428067-83/fbi-we-need-wiretap-ready-web-sites-now/).

17. Geoff White, “‘Black Boxes’ to Monitor All Internet and Phone Data,” *Channel 4*, 29 June 2012, online at: <http://www.channel4.com/news/black-boxes-to-monitor-all-internet-and-phone-data>.

18. Alex Wawro, “What Is Deep Packet Inspection?,” *PC World*, 1 February 2012, online at: [http://www.pcworld.com/article/249137/what\\_is\\_deep\\_packet\\_inspection\\_.html](http://www.pcworld.com/article/249137/what_is_deep_packet_inspection_.html).

19. Declan McCullagh, “Report: Feds to Push

for Net Encryption Backdoors,” *CNET*, 27 September 2010, online at: [http://news.cnet.com/8301-31921\\_3-20017671-281.html](http://news.cnet.com/8301-31921_3-20017671-281.html).

20. See <http://publicintelligence.net/fbi-suspicious-activity-reporting-flyers/>.

they enable new, virtually cost-free forms of organization. For social movements relying on collective action, this factor has proven to be key. Unsurprisingly, when social media platforms are suddenly “switched off,” their ability to organize can be severely affected. In the wake of nationwide anti-austerity protests in the UK in February 2011, Facebook deleted the profiles of dozens of political groups who were preparing to take part in further protests. In doing so, Facebook effectively disabled lawful political activism, which had, for obvious reasons, moved their coordinates to the cloud. The reason for the purge is still not known and likely never will be. All that the social networking behemoth could utter to justify its behavior was cryptic technospeak: profiles had “not been registered correctly,” as a Facebook spokeswoman explained.<sup>21</sup> In 2010, UK Prime Minister David Cameron and other conservative politicians met in London with Facebook founder Mark Zuckerberg. Their admiration for one another was mutual.<sup>22</sup>

In her book *Consent of the Networked*, former CNN reporter and cofounder of the citizen media network Global Voices Rebecca MacKinnon asserts that “we cannot understand how the internet is used unless we first understand the ways in which the internet itself has become a highly contested political space.”<sup>23</sup> This applies equally—and just as urgently—to the cloud.

The combined rights to a free flow of information, freedom of expression, and freedom from censorship, have been described as a compound right to “Internet freedom.” Indeed, as Google’s Wael Ghonim suggests, unhindered access to, and use of, the Internet enables the liberation of a society.

Here, the free flow of information is blocked by clearly identifiable authoritarian despots. To not have Internet freedom, one must be under the oppression of a shameless tyrant, or be living in a “closed society” where the free flow of information is not yet sufficiently appreciated. On 21 January 2010, US Secretary of State Hillary Clinton delivered a speech on US foreign policy and Internet freedom, highlighting exactly this view. Clinton assured her audience in Washington, DC that: “As I speak to you today, government censors are working furiously to erase my words from the records of history.”<sup>24</sup> Evgeny Morozov, a US-based, Belarusian-born Internet scholar rightly criticized Clinton’s “anachronistic view of authoritarianism.” As Morozov explained, “I didn’t hear anything about the evolving nature of internet control (e.g., that controlling the internet now includes many other activities—propaganda, DDoS attacks, physical intimidation of selected critics/activists). If we keep framing this discussion only as a censorship issue, we are unlikely to solve it.” He went on to criticize the double standards the State Department advertised with regard to online anonymity:

On the one hand, they want to crack down on intellectual property theft and terrorists; on the other hand, they want to protect Iranian and the Chinese dissidents. Well, let me break the hard news: You can’t have it both ways and the sooner you get on with “anonymity for everyone” rhetoric, the more you’ll accomplish. I am very pessimistic on the future of online anonymity in general—I think there is a good chance it will be eliminated by 2015—and this hesitance by the State Department does not make me feel any more optimistic.<sup>25</sup>

21. Shiv Malik, “Facebook Accused of Removing Activists’ Pages,” *The Guardian*, 29 April 2012, online at: <http://www.theguardian.com/technology/2011/apr/29/facebook-accused-removing-activists-pages>.

22. Tim Bradshaw, “Mark Zuckerberg Friends

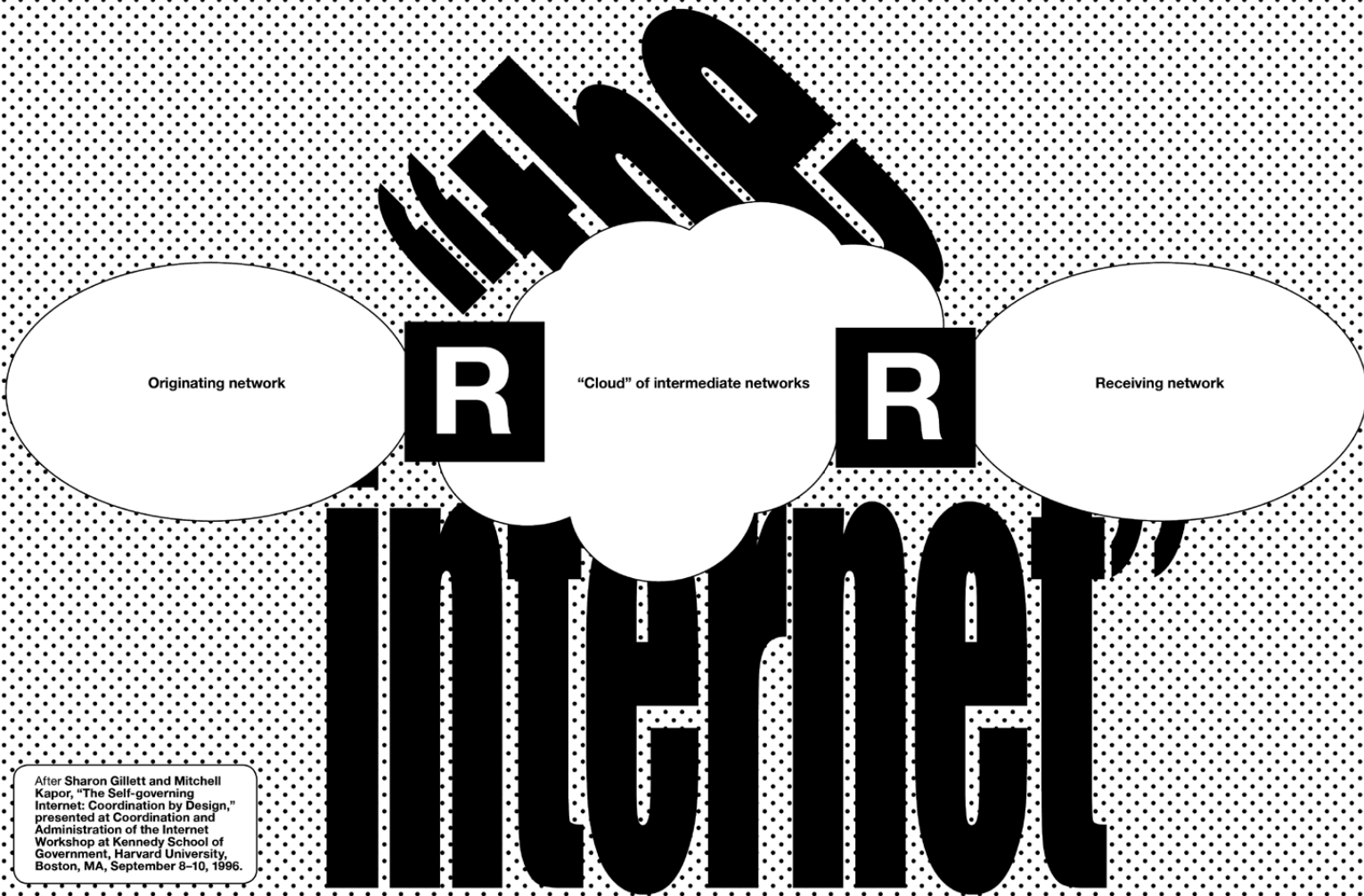
David Cameron,” *Financial Times*, 21 June 2012, online at: <http://blogs.ft.com/tech-blog/2010/06/mark-zuckerberg-friends-david-cameron/?Authorised=false>.

23. MacKinnon, *Consent of the Networked*, xxii.

24. See Hillary Rodham Clinton, “Remarks on Internet Freedom,” transcript and video of 21 January 2010 speech on the US

Department of State website, accessible at: <http://www.state.gov/secretary/rm/2010/01/135519.htm>.

The Internet  
1996



After Sharon Gillett and Mitchell Kapor, "The Self-governing Internet: Coordination by Design," presented at Coordination and Administration of the Internet Workshop at Kennedy School of Government, Harvard University, Boston, MA, September 8-10, 1996.

The first mention of the notion of the "cloud" was in a 1996 diagram in an MIT research paper, redrawn here.

Still, the definition of Internet freedom remains relatively opaque. One example of this vagueness is provided by *www.InternetFreedom.org*, a global consortium which aims to “inform, connect, and empower the people in closed societies with information on a free internet.”<sup>26</sup> *www.SaveTheInternet.com*, a project of Free Press, breaks down Internet freedom into somewhat more clearly defined categories: “net neutrality (wired and wireless), strong protections for mobile phone users, public use of the public airwaves and universal access to high-speed internet.”<sup>27</sup> The notion of net neutrality is as relevant to Internet freedom as it is to the structure of the cloud, since the network’s management is in the hands of a patchwork of government agencies and private enterprises who may or may not hold a bias toward certain information on the network or one another. Coined by the legal scholar Tim Wu in 2003, “network neutrality” was originally meant to benchmark and promote the open nature of the Internet for the sake of innovation—an “end-to-end” infrastructure unbiased towards its content. As Wu stated: “A communications network like the internet can be seen as a platform for a competition among application developers. E-mail, the web, and streaming applications are in a battle for the attention and interest of end-users. It is therefore important that the platform be neutral to ensure the competition remains meritocratic.”<sup>28</sup> Network neutrality applies to a decentralized architecture, with clearly divided roles between ISPs, broadband service providers, content providers, and services and applications on the network. It justifies a *de facto* gentlemen’s agreement through a joint economic interest in innovation and fair competition. Indeed, even political speech can be considered part of a competition—

one of the ideas on how to (not) govern ourselves. Venture capitalist Joichi Ito expressed this view in 2003, when he wrote that such a competition of ideas “requires freedom of speech and the ability to criticize those in power without fear of retribution.”<sup>29</sup>

Insofar as the cloud’s software services use the shared Internet, they can be considered applications running on the network. To this end, network neutrality applies to the cloud; for example, the cloud is expected to consume more and more bandwidth in the network, possibly at the cost of other applications and services. The concept of network neutrality is more difficult to apply *in* the cloud, since some of the nominal conditions to institute neutrality are absorbed by the cloud’s combination of hosting and software services within a single black box. In the cloud, there is no more principled separation between the hosting of data, software, and client-side tools through which the data is handled and experienced. Indeed, the enormous success of the cloud is that it provides for all of these things at once.<sup>30</sup>

The Terms of Service of any cloud-based provider are a far cry from a binding agreement to net neutrality: they allow plenty of space for “cloudy bias.” For example, in August 2012, Apple banned “Drones+” from its App Store. This app, developed by NYU student Josh Begley, provides aggregated news on US drone strikes in Pakistan, Yemen, and Somalia and it includes a Google map on which the strikes are marked. The app also alerts the user whenever a new drone strike has occurred, and cites how many casualties it has produced. Crucially, the information aggregated by the app is already completely public and freely available through various other sources includ-

25. Evgeny Morozov, “Is Hillary Clinton launching a cyber Cold War?” *Foreign Policy Net.Effect*, 21 January 2010, online at: <http://neteffect.foreignpolicy.com/>

posts/2010/01/21/cyber\_cold\_war.

26. See <http://www.internetfreedom.org>.

27. See <http://www.savetheinternet.com/sti-home>.

28. Tim Wu, “Network Neutrality, Broadband Discrimination.” *Journal of Telecommunications and High Technology Law*, vol. 2 (2003), available for download at: <http://papers.ssrn.com/sol3/papers>.

[cfm?abstract\\_id=388863](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=388863).

29. Joichi Ito, “Weblogs and Emergent Democracy,” [joi.ito.com](http://joi.ito.com), online at: <http://joi.ito.com/static/emergentdemocracy.html>.

ing *The Guardian's* iPhone app. Apple demonstrated its cloudy parody of network neutrality in the ever-changing reasons it gave for rejecting Drones+. Apple had problems with the Google logo appearing on the Google map. In July 2012, the company stated in an e-mail that “[t]he features and/or content of your app were not useful or entertaining enough, or your app did not appeal to a broad enough audience.” By August, Apple changed its mind. The app contained “content that many audiences would find objectionable, which is not in compliance with the App Store Review Guidelines.” Indeed, the company eventually concluded that Drones+, which does not show users any images of actual drone-related bloodshed, was “objectionable and crude.”<sup>31</sup> *The New York Times* wondered how on earth it could be that “the material Apple deemed objectionable from Mr. Begley was nearly identical to the material available through *The Guardian's* iPhone app. It’s unclear whether Apple is treating the two parties differently because *The Guardian* is a well-known media organization and Mr. Begley is not, or whether the problem is that Mr. Begley chose to focus his app only on drone strikes.”<sup>32</sup>

One can endlessly ponder why Apple banned Drones+ from its cloud but admitted *The Guardian*, and one will never be finished weighing the arguments. The point is that if its cloud had operated under something that even

remotely resembled network neutrality, Apple could not have reasonably rejected the app. The case also brings to mind Evgeny Morozov’s earlier mentioned warning that government censorship of the network is nowadays more sophisticated than a crude Mubarak Internet kill switch. As Rebecca MacKinnon writes,

[C]itizens are. . . vulnerable to abuse of their rights to speech and assembly not only from government but also from private actors. In democracies, it follows that citizens must guard against violations of their digital rights by governments and corporations—or both acting in concert—regardless of whether the company involved is censoring and discriminating on its own initiative or acting under pressure from authorities.<sup>33</sup>

It is highly unlikely that Drones+ was banned after direct government interference. But it isn’t difficult to imagine an informal, unstated, and rather intuitive constellation of interests between Apple—universally praised by US politicians on both sides of the aisle—and the US government. Shared interests and informal ties between private enterprise and government, based on mutual forms of “Like,” rather than strict separations by Law, may account for de facto forms of censorship in the cloud, without the explicit order to enact it or the explicit obligation to justify it. In December 2010, Apple removed a WikiLeaks iPhone app from its store, citing its developer guidelines: “Any app that is defamatory, offensive, mean-spirited, or likely to place the targeted individual or group in harms [sic] way will be rejected.”<sup>34</sup> Simultaneous to the WikiLeaks app being banned, other US cloud companies, including Amazon and PayPal, stopped providing services to WikiLeaks.

30. On a related note, cyberlaw professor Jonathan Zittrain in 2008 wrote *The Future Of The Internet—And How To Stop It*, a book focusing on the rise of the web’s “tethered appliances,” which, like North Korean radio sets, can be attuned to exclude or disregard certain content, and are designed not to be tinkered with by their users. Zittrain argued that such closed service appliances—emphatically including design icons like iPods and iPhones,

for example—would in fact contribute to stifle the generative and innovative capacity of the web. See Jonathan Zittrain, *The Future Of The Internet—And How To Stop It* (New Haven and London: Yale University Press, 2008).

31. Christina Bonnington and Spencer Ackerman, “Apple Rejects App That Tracks U.S. Drone Strikes,” *Wired*, 30 August 2012, online at: <http://www.wired.com/dangerroom/2012/08/drone-app/>.

32. Nick Wingfield, “Apple Rejects App Tracking Drone Strikes,” *The New York Times Blog*, 30 August 2012, online at: <http://bits.blogs.nytimes.com/2012/08/30/ap->

[ple-rejects-app-tracking-drone-strikes/](http://bits.blogs.nytimes.com/2012/08/30/ap-ple-rejects-app-tracking-drone-strikes/).  
33. MacKinnon, *Consent of the Networked*, p. 119.



Apple, Inc.  
Net neutrality in the cloud, 2012

“apple.gw”

The political, legal, and jurisdictional consequences of the cloud are slowly becoming apparent—right at the time when we are unlikely to withdraw from it. The cloud is just too good. We won't stop using our iPhones, iPads, Androids, and Kindles. Paypal is still our frenemy. Happily the captives of the cloud, we will tweet our critiques of it, and Facebook-broadcast our outcries over its government backdoors. But the story is not over yet. Will the anarcho-libertarian roots of the Internet kick back at the cloud's centralized architecture—or are they forever overrun by it? Has the cloud assumed its final form, or is there still a time and a place for surprises?

Metahaven is an Amsterdam-based research and design collective on the cutting blade between politics and aesthetics. Founded by Vinca Kruk and Daniel van der Velden, Metahaven's work—both commissioned and self-directed—reflects political and social issues in provocative graphic design objects and has been published and shown worldwide. This is an edited excerpt of the full essay which first appeared as Metahaven, "Captives of the Cloud: Part I" *e-flux journal* no. 37 (September 2012), online at: <http://www.e-flux.com/journal/captives-of-the-cloud-part-i/>. For the second installment of this essay, please see Metahaven, "Captives of the Cloud: Part II," *e-flux journal* no. 38 (October 2012), online at: <http://www.e-flux.com/journal/captives-of-the-cloud-part-ii/>. Parts I and II, as well as the previously unpublished Part III of "Captives of the Cloud" are forthcoming in Metahaven, *Black Transparency* (New York and Berlin: Sternberg Press, 2013). The essay is reprinted here with the permission of the authors.

34. Gregg Keizer, "Apple boots WikiLeaks app from iPhone store." *Computerworld*, 21 December 2010, online at: <http://www.computerworld.com/s/article/9201920/>

[computerworld.com/s/article/9201920/](http://www.computerworld.com/s/article/9201920/)  
Apple\_boots\_WikiLeaks\_app\_from\_iPhone\_store.





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# The Status Project

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Heath Bunting

Our identity is constructed as human beings, who can possess one or more natural persons and control one or more artificial persons (corporations).

Lower-class human beings possess one severely reduced natural person and no control of an artificial person (corporation).

Middle-class human beings possess one natural person and perhaps control one artificial person (corporation).

Upper-class human beings possess multiple natural persons and control numerous artificial persons (corporations) with skillful separation and interplay.

**Heath Bunting (1966)** is a Bristol-based artist and cofounder of both **Net.art** and **sport-art** movements.



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# The Pirate's Dilemma: How Youth Culture is Reinventing Capitalism

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**Matt Mason**

Each story in this book is about boundaries coming down. Punk democratized the means of production. Pirates ignored old restrictions on new ideas. We have seen how useful the remix can be, and how graffiti artists reclaim public spaces from private interests. All of these ideas are about sharing and using information in new ways.

But each story has another side to it. As quickly as society figures out new ways to share ideas that advance the common good, private interests move in to stop this from happening, to maintain the old systems that benefit only the elite. This has happened throughout history. As Machiavelli once said, "It must be remembered that there is nothing more difficult to plan, more doubtful of success, nor more dangerous to management than the creation of a new system. For the initiator has the enmity of all who would profit by the preservation of the old institution and merely lukewarm defenders in those who gain by the new ones."<sup>1</sup>

This new system being created from the ground up is a new kind of open society. As we have observed, the powers that be are resisting the Pirate's Dilemma in many cases, but the truth is that new ways of sharing can benefit the old systems, too.

More recently than Machiavelli, a tumultuous renaissance has taken place in the music business, thanks to file sharing. The story of the record industry's response to file sharing is relevant to every other business, because the communities and technologies that changed music could affect every area of the economy. As new economic systems underpinned by sharing begin to outcompete markets, understanding the Pirate's Dilemma will become a priority for nations, organizations, and individuals alike.

1. See Nicolo Machiavelli, *The Prince*, trans. W. K. Marriott (1906; Project Gutenberg,

2006), [http://www.gutenberg.org/catalog/world/readfile?fk\\_files=3274404](http://www.gutenberg.org/catalog/world/readfile?fk_files=3274404).

## Less Fences = Better Neighbors

The open-society disco dreamed about is a space with fewer fences. There will always be a need for gardens with good fences and gated communities, but boundaries can be damaging, and we live in a world where this is becoming increasingly obvious. Our nineteenth-century intellectual property laws suited the past, but they are not quite right for the future, and today they often stifle creativity rather than encourage it. Sometimes progress happens only when pirates jump fences, going on garden runs over unreasonable licenses and patents to get us to a better place.

Good fences make good neighbors, but take the fence away and you have a bigger lawn. Get a few more neighbors involved and soon you've got a park.

The birth of dance music was based on the idea of sharing, channeled through David Mancuso, influenced by Sister Alicia and 1960s youth culture. But electronic dance music was not the only unforeseen side effect of flower power. Another was the birth of the personal computer. The PC, as we shall now see, also was designed to be a social machine—a way of sharing information that offered new freedoms and possibilities while posing a serious threat to some oppressive systems of the past. It has since birthed what is known as the open-source movement, which started out as a way to build computer operating systems but is fast becoming a design for life.

## (Disco's) Revenge of the Nerds

Youth culture built the personal computer. The ideas that shaped it came together at Stanford University's campus in Palo Alto, California, during the 1950s and 1960s. There a handful of young tech students, who were involved with

both the anti-war and the hippie movements, fed their psychedelic social ideas into the development of the computer. Many scientists working on similar projects at nearby R&D facility Xerox PARC also were influenced by flower power. Some were hippies themselves. According to John Markoff, author of *What the Dormouse Said: How 60s Counterculture Shaped the Personal Computer*, "there was this very interesting parallel between the way they worked with psychedelics—which was about augmenting human potential—and the works of a man named Doug Engelbart, a pioneer of human-computer interaction, who, among other things, invented the mouse, who was attempting to build a machine that he thought would augment the human mind."<sup>2</sup>

The pioneers of Palo Alto had the same D.I.Y. attitude that energized punk. Their ideas for a new social machine were a reaction to the war machine and the establishment in general. Computers weren't invented by narrow-minded number crunchers; they were the combined efforts of a group of anarchic radical left-wing activists, who had a desire to expand science, technology, and our collective consciousness, which they began to realize in the research lab. As Markoff tells it, "[t]he great transformative technology of our lifetime was more than just a triumph of engineering and finance. It was, just as compellingly, the result of a concerted effort by a group of visionaries—fueled by progressive values, artistic sensibilities, and the occasional mind altering drug—to define the idea of what a computer could be: a liberating tool to expand and enrich human potential.

Computers became social tools rather than mere giant calculators as a direct result of the influence of 1960s youth culture. In 1972, *Rolling Stone* magazine ran an

2. See John Markoff, *What the Dormouse Said: How 60s Counterculture Shaped the*

*Personal Computer* (New York: Penguin, 2006).

article about the link between psychedelic drugs and computers returning power to the people. The piece upset Xerox so much that they shut down their Palo Alto research facility. In doing so, they lost out on their early lead in developing the PC and word processing—and squandered one of the greatest business opportunities of the twentieth century.

Instead of being controlled by Xerox, the next stage in the personal computer's development was overseen by a D.I.Y. activist named Fred Moore. Moore was a radical pacifist known for protesting throughout the late fifties and sixties. He saw money as the root of all human problems but thought computers might offer us some new solutions.<sup>3</sup>

In 1975 a company called Altair released the first home computer kit, which was to whiz kids such as Moore what the turntable was to DJs. Fred Moore and fellow programmer Gordon French founded the Homebrew Computer Club in the same year. . . . Its membership was a left-leaning mix of hackers and activists who also grew up under flower power's influence. They met in the garage of French's home in San Mateo County, California, to ponder the future of computing, using new technology such as the Altair kit. Here the idea that became the personal computer was formulated.

The club's members included a college dropout who occasionally dropped acid, named Steve Jobs, and his future Apple cofounder, Steve Wozniak. They remixed early programs, fixing and debugging them, and published their findings in a regular newsletter, recruiting more members along the way. Like disco, computer software was something of a loose-knit, collaborative effort with an open social structure. And like disco, it would change completely once it went commercial.

In 1976, a 21-year-old programmer (another college dropout rumored to have dabbled with LSD) wrote the Homebrew Computer Club an angry letter, stating that the club could no longer use his software, a program called BASIC, without paying for it. "Who can afford to do professional work for nothing?" the letter asked the club, which had formed to do exactly that. "What hobbyist can put three man-years into programming, finding all bugs, documenting his product and distribute for free?" he asked, even though hackers, researchers, and companies such as IBM had been treating software as a public good since the 1950s. This young programmer was brilliant, but he had a different point of view to that of our sharing, inclusive Homebrew Computer Club. He was not doing this for nothing: his software was not a public good—it was intellectual property he had created to make a profit. He had a point: Why shouldn't he be paid for his time?

The letter-writing geek managed to turn the tide of opinion, and by the early 1980s software was widely considered private property. He ended up scratching a good living from his software, too. The letter-writer was Bill Gates, founder of the Studio 54 of personal computing, Microsoft Software, which had previously been as free to use as a public park but was becoming a gated community. Gates became the richest man in the world.

The Homebrew Computer Club's revenge on Microsoft was the open-source movement. While many agreed with Gates and saw software as intellectual property, others didn't and continued to develop their own free software. In 1983, a hacker and activist named Richard Stallman founded the Free Software Foundation, writing a new operating system that was as open as possible, arguing, "[f]ree software is a matter of liberty, not price. To understand the concept, you should think of 'free' as in 'free speech,' not as in 'free beer'."<sup>4</sup> Hackers who weren't ready to drink Gates's

3. In 1971 Moore unwillingly had \$20,000 of seed money bestowed on him, which

freaked him out so much that he buried it in his backyard.

pricey Kool-Aid instead started chugging Stallman's free beer, and a range of new code was created, code that would revolutionize society.

The idea behind open-source software is to let others copy, share, change, and redistribute your software, as long as they agree to do the same with the new software they create in the process. . . The Internet was founded on free software such as Usenet and UNIX, which is why no one can own it but everyone can use it. Usenet is a public good free for the rest of us to build upon. It was the early 1990s when Tim Berners-Lee, a British researcher working at the Swiss particle physics center CERN, designed the Web on top of such open-source software as a social experiment rather than a technical one. Free software was officially rebranded as open-source software in 1998 by the company Netscape, which then rebranded itself as Mozilla, and created the hugely popular open-source Internet browser Firefox. As the Web spread its tentacles around the world, it became clear that open source was a way to maintain a wealth of new public goods and promote private enterprise. In the words of Linus Torvalds, founder of open-source software company Linux, "the future is open-source everything."

## Open for Business

The open-source movement has created new business models. Open source isn't just a case of letting others use your work; it's also about allowing your work to be trans-

formative, so that both you and others can benefit from it. Some businesses use the open-source model as it was intended by the hackers who created it, while others just play with the basic idea of options as opposed to rules, thus enabling a community to build on their brands—though without giving up any copyrights to those brands.

The open-source model is also known as a "wiki," which is defined by Wikipedia as "practices in production and development that promote access to the end product's source materials—typically, their source code. Some consider it as a philosophy, and others consider it as a pragmatic methodology." Wikipedia is a great example of an open-source model. It is an online encyclopedia—the largest encyclopedia in the world—which can be added to, updated, and edited by anyone. Before Wikipedia, encyclopedias were painstakingly constructed by scholars, but Wikipedia is built entirely by amateurs. Instead of authority, Wikipedia embraces a new, decentralized way of working. By 2008, Wikipedia had 75,000 contributors, 5.3 million articles, and was available in more than 100 languages. Every day thousands of new entries are added, and thousands more are edited and improved upon.

Wikipedia's open-source nature does leave it open to tampering and inaccuracy. In the United States, TV comedian Stephen Colbert has encouraged viewers to change Wikipedia entries during his show on more than one occasion, which they did as he spoke. In the United Kingdom, two BBC Radio 1 DJs defaced each other's pages live on air. In 2007 both the US government and Microsoft were caught by Wikipedia editors as they tampered with their own entries (editing your own page is a practice frowned on by Wikipedia users). A 2005 study by the science journal *Nature* compared 42 science entries in Wikipedia and the *Encyclopaedia Britannica*. They found an average of four errors per entry in Wikipedia and three errors per

4. Open-source culture has since developed free beer, too. A group of students and artists in Copenhagen created *Vores øl* [Our Beer], the world's first open-source beer, to demonstrate how open source can be applied outside of the digital world. Released under a Creative Commons license,

anyone can use the *Vores øl* recipe to brew and remix their own beer, and as long as they publish their recipe under the same license, they are free to make money from it and use *Vores øl*'s open-source design and branding.

entry in *Britannica*. But as Chris Anderson notes in *The Long Tail*, “shortly after the report came out, the Wikipedia entries were corrected, while Britannica will have to wait for its next reprinting.”<sup>5</sup>

I asked Jimmy Wales, the founder of Wikipedia, to define the wiki/open-source business model personally. “A wiki is a website that anyone can edit,” he says. “It’s a place where people can edit and share information. It has tools where people can monitor the quality and revert to older versions if anyone has done something bad.”<sup>6</sup>

Making money was not rocket science to Wales, who made a fortune in the 1990s as an options and futures trader in Chicago, and then decided to pursue his passion:

I’d seen the growth of open-source software coming together online. I recognized that the free-license model gave us a new social paradigm, a way for people to share their work. People are able to use the software for commercial and noncommercial stuff. It’s not about nonprofit versus profit—it’s about proprietary versus closed. If I share my code, I’ll share it under a license that says you can use it for anything you like, but you have to share your changes as well. And that provides a level playing field—we’re all agreeing to share our knowledge. It struck me that this kind of social structure and social agreement could be used much broader than just software. One of the things that came to mind was an encyclopedia.

Wildly successful Net-based businesses such as eBay, Amazon, and MySpace are based on the strength of their communities and the content their users contribute for free. The technology these businesses are based on—the

code that powers the Net—is also free. If there was a huge cost involved with adding pages to the Internet, or using it, none of these businesses would be able to function in the same way.

Many businesses that give content away for free are making money and growing fast. The open-source Linux software set up by Linus Torvalds as a hobby in 1991 is today used by Google, in Motorola cell phones, TiVos, and BMWs. Many companies, including Intel and IBM, have programmers working full-time to develop new free software for Linux. By distributing their core software for free, Linux now powers 43 million personal computers worldwide. By selling customized software that runs on top of the free open-source software, it’s predicted the market for Linux products will be worth \$35 billion by 2008. To paraphrase Stewart Brand, author and founder of the *Whole Earth Catalog*, information wants to be free, but customized information wants to be really expensive. Linux is a great example of a company that follows this dictum.

The value of openness is something most of us are only just coming to grips with. Harvard Business School published a report in 2006 that surveyed a range of businesses and concluded that introducing problems to outsiders was the best way to find effective solutions. A European Union report released in 2007 specifically endorsed open-source software, claiming that in “almost all” cases, long-term costs could be reduced by switching from proprietary software to open-source systems such as Linux. The study also claimed that the number of existing open-source programs already available would have cost firms €12 billion (£8 billion) to build, and estimated that the programs available represent the equivalent of 131,000 programmer years, or “at least 800 million Euros (£525

5. Chris Anderson, *The Long Tail: Why the Future of Business is Selling Less of More* (New York: Hyperion, 2006), p. 69.

6. Jimmy Wales, interview by the author, 14

November, 2006. All other quotes from Wales that appear throughout this text are taken from the same interview. Eds.

7. “Open source gets European boost,” *BBC News*, 17 January 2007, online at:

<http://news.bbc.co.uk/2/hi/6270657.stm>.



million) in voluntary contributions from programmers alone each year.”<sup>7</sup>

Systems based on sharing expand the way information is used, and in doing so, expand the market for that information. As this dawns on more of us, the question will not be “How do we stop this happening,” but “How do we facilitate it?” The challenge of successful social networks in the twenty-first century will be to figure out how to create a dedicated community and how to keep people contributing to open-source projects and social networks, devoting their time and expertise the way they did at the Homebrew Computer Club.

### 3-D.I.Y. Part 2: The New Batch

Adrian Bowyer and his team are developing an open-source 3-D printer that can print a 3-D printer called the Replicating Rapid Prototyper, or RepRap for short. “I realized that it ought to be possible to design a 3-D printing machine that could make almost all its own parts,” Bowyer explains. “You’d have to put the machine together yourself. But it would effectively be reproducing [itself], albeit with help from a person. . . . The best definition of biology is that it’s the study of things that reproduce. My proposed machine would reproduce, and so a lot of biological laws would automatically apply to it, the most obvious one being Darwin’s law of evolution.”<sup>8</sup> Not only will the RepRap reproduce faster than a wet gremlin eating chicken after midnight, it will be able to improve itself and evolve.

“It has the potential to create wealth like nothing that has gone before,” he envisions of the RepRap, “[b]ut immediately this leads to a paradox: the RepRap machine itself, and the idea of it, are both worthless.” Bowyer continues:

“The reason is that nobody can sell a machine that copies itself, because one is all they would ever sell. The machine’s cost has got to drop to the price of its raw materials plus the labor cost of assembling it—it kills the whole idea of added value.” Bowyer and his team are on a mission to subvert the status quo. Using open-source licenses that do not allow anyone to patent the technology, the RepRap’s design will be free to download, kicking down the last barrier to the world stage once and for all. “We all know that, if it were not for trade restrictions imposed by the rich, the poor would be growing all the world’s food,” he says. “They would thereby cease to be so poor. My primary aim is that RepRap will turn manufacturing into agriculture, and that the poor—who will have the most competitive labor cost of assembly—will thereby be able to use it to elevate themselves.”

### Perfect Information

Open-source culture has the potential to turn the 3-D printer, or any other object or idea, into a living organism. And this radical idea based on sharing and D.I.Y. is making some profound changes in the way we live.

A concept exists in economic theory known as perfect information, which describes a state of complete knowledge about the actions of others, instantaneously updated as new information comes to light. It is a purely theoretical, impossible construct, but in a world where Wikipedia is growing exponentially, the Gawker Stalker map gives you exact coordinates of a person in real time, and you can spend hours Googling a stranger that you met last Thursday, we may be edging a little bit closer to it.

Schools and colleges have always shared the hackers’ sentiment that information wants to be free, and many are freeing theirs. Educational resources are being made available to the public all over the world. Free, open-source

8. Adrian Bowyer, interview by the author, 10 June 2006. All other quotes from Bowyer

that appear throughout this text are taken from the same interview. Eds.

educational tools and podcast lectures from some of the world's finest institutions, such as MIT's OpenCourseWare, are now available to people who would previously have been denied access to academia. Free education for billions of people would have a profound, positive effect on the planet. Mark Twain once said that he never let schooling interfere with his education; now getting into a school doesn't have to be a barrier against entry for anyone who wants to learn.

Sharing information in new ways is affecting who is educated, but also *how* they are educated. Blogging assignments, educational podcasts, and class wikis are becoming increasingly popular as school 2.0 becomes a reality. Education has never been as exciting as other content on offer to kids, such as video games, but it would appear that that is changing. "Never in twenty-five years of teaching have I seen a more powerful motivator for writing than blogs," teacher Mark Ahlness told *The Seattle Times*, "and that's because of the audience. Writing is not just taped on the refrigerator and then put in the recycle bin. It's out there for the world to see. Kids realize other people are reading what they write."<sup>9</sup> Many open-source collaborations are educating even the smartest of us. The Human Genome Project is a great example of this. The project was the result of some of the best and brightest scientists from academia and several huge pharmaceutical companies getting together to collaborate and create a public good: a map of our DNA—the human operating system, a living Linux. Because so much information is being shared so widely, knowledge and power are being distributed farther than ever before in history. The stock of human knowledge is doubling every five years. "The walls dividing institu-

tions will crumble," predict Anthony D. Williams and Don Tapscott in their book *Wikinomics*, "and open scientific networks will emerge in their place. . . . All of the world's scientific data and research will at last be available to every single researcher—gratis—without prejudice or burden."<sup>10</sup> The open society forming around us is utilizing resources to achieve greater efficiencies than markets alone can. It's also creating some new killer applications, tackling some of our biggest questions.

A great example of this is community computing. Community computing is a way to create vast amounts of decentralized computer power by connecting home computers together like Voltron, using their spare disk space to do massive calculations and process vast swathes of data that no single supercomputer could handle. By signing up online to services such as SETI@home, which processes radio frequencies from outer space (SETI stands for the Search for Extra-Terrestrial Intelligence), your laptop joins more than five million other PCs linked together to search for flying saucers whenever you're not using it.<sup>11</sup>

Community computing uses distributed networks of PCs, Macs, and laptops to work on potential cures and medicines for cancer and AIDS, render digital animation for movies, predict the weather, and crunch huge numbers so we can better understand global warming. By sharing disk space, distributed computer networks are faster than our most powerful supercomputers if there are enough

9. Stephanie Dunnewind, "Teachers are reaching out to students with a new class of blogs," *The Seattle Times*, 14 October

2006, online at: [http://seattletimes.com/html/education/2003303937\\_teachblog14.html](http://seattletimes.com/html/education/2003303937_teachblog14.html)

10. Don Tapscott and Anthony D. Williams, *Wikinomics: How Mass Collaboration Changes Everything* (New York: Portfolio, 2006), p. 157

11. Perhaps SETI should look in the museum at Fort Eustis, Virginia, or the Smithsonian Air and Space Museum in Maryland, where there still exist two prototype flying saucers that were built by the US Army and US Air Force between 1958 and

1959. The saucers, known as "Avrocar," were originally developed by a Canadian company in 1954 and bought by the US military. The project was abandoned after more than \$10 million had been sunk into the secretive operation and the highly unstable craft could only make it three feet off the ground. It's clear that the flying saucer business should have gone open source a long time ago.

PCs in the chain. Stanford University had signed up 15,000 PlayStation 3 users by April 2007, who donated their console's spare processing power to biological research. This distributed computing network of PlayStation 3s is faster than the fastest supercomputer in the world.

People are figuring out new ways to share knowledge that have serious implications for many industries, most of them positive. *www.JDunderground.com* is attempting to democratize the legal process, using law students and volunteer lawyers to pool their knowledge and provide free access to legal information in the form of a wiki, which generates legal advice based on the questions one asks. Doctors are using a Google search of more than three billion medical articles to help them diagnose patients; a study carried out in 2006 showed that 58 percent of the time, Google made the right diagnosis. Several projects, such as the Science Commons, are making scientific knowledge and findings more accessible to the general public. Systems are creating free substitutes for all kinds of basic processes and services that used to be based on sharing are things you had to pay for, so that advice from doctors, lawyers, and teachers becomes as easily downloadable as music. Indeed, the customized information that lawyers, doctors, and teachers provide will still be expensive—this isn't about undermining their ability to earn money. What's actually being undermined is the very idea of why we work.

### When Work Stops Working

The success of open-source initiatives proves that money isn't the only thing making the world go 'round. As Pekka Himanen observes in *The Hacker Ethic*, capitalism is based on the notion that it is our duty to work.<sup>12</sup> The nature of

the work doesn't matter; it's just about doing it. This notion, first suggested by a sixth century abbot named St. Benedict, evolved into the Western work ethic, where the work we do doesn't always matter to us, but is for money rather than the monastery. This work ethic has never been perfect—even for Benedict, as some of his monks tried to poison him—but it is increasingly coming unstuck.

Historically, societies have always been more successful when they boast a wealth of public goods on which free enterprise can be founded. Open-source social networks and other systems based on sharing are about a still unimaginable wealth of new public goods on which even more unimaginable new business ideas will be established. It's about new industries creating new value. The Internet was built on UNIX; free code, a public good. On top of that, millions of new community-based private enterprises have been built, from the new media giants such as Google and Yahoo to millions of niche and special-interest businesses. The music industry is being replaced by a new middle class, but this isn't just a class of musicians, it's also a new democracy that offers businesses and citizens more opportunities, which is redefining our economic system.

Based on a \$9 million research project into open-source culture, authors Don Tapscott and Anthony D. Williams published their 2007 book *Wikinomics*, which concluded that "smart firms can harness collective capability and genius to spur innovation, growth and success," but to fully realize the potential of an open-source future world require "deep changes in the structure and modus operandi of the corporation and our economy."<sup>13</sup>

The changes that need to be made are largely in our perception. Many think that open-source models are about giving everything away and not making any money. While this is true of some, it's a choice. They are about sharing

12. See Pekka Himanen, Manuel Castells, and Linus Torvalds, *The Hacker Ethic: A Radi-*

*cal Approach to the Philosophy of Business* (New York: Random House, 2002).

13. Tapscott and Williams, *Wikinomics*, p. 3.

information, but it is possible to manage what you share so it's a win-win situation for you and others.

### **Weaker Boundaries = Stronger Foundations**

Some critics argue that open source will completely destroy free enterprise, but what it is actually threatening to do is facilitate free enterprise on a truly democratic basis. The huge disparities of income that exist in the world could be significantly eroded by the free distribution of all kinds of knowledge and information, and if the 3-D printer succeeds, the free distribution of physical goods, too. Open source isn't going to end free enterprise on a global scale; rather, it's going to make it fair.

"I think that we are in for some really radical changes in a lot of social structures, because of the ability to flatten things out and have really open sharing of information," says Wales. "How it's going to play out in a lot of fields, I have no idea. But there are huge opportunities for people who come to things with a new perspective."

Resources are being made available that could decentralize power in unimaginable ways. Giving resources away, exploiting others less, and relinquishing control have been defining the most progressive and innovative businesses, movements, and ideas since the 1970s. The mass market isn't going out of business, but it's learning to do business in a new way.

The new democracy in the music industry gave us more choice, but for the old industry machine it means less dominance for marketing-led manufactured music and more opportunity for organically grown niche acts. We find ourselves with a unique opportunity to share anything that can be transmitted electronically the same way we share music, and all industries could face the same changes. The

future depends on whether we fight these changes, or see them for the opportunities they are.

We still need boundaries. But our boundaries now need to be porous. In many areas, ideas of collaboration and collective intelligence are met with fear and contempt. But others are proving that if you let your users add their two cents' worth, soon you have a pile of money.

Some think that open source is digital communism, but it's exactly the opposite. We are laying the public foundations for new ecosystems of private enterprise that will reinvigorate competition and break inefficient monopolies. The anti-authoritarian ideals of youth culture are becoming something nobody saw coming: a new, more extreme, invigorated, and equitable strain of the free market—the decentralized future of capitalism.

**Matt Mason is a writer and currently serves as Executive Director of Marketing at BitTorrent. This is an edited excerpt from the chapter titled "5. Boundaries: Disco Nuns, the Death of the Record Industry, and Our Open-Source Future" in his book, *The Pirate's Dilemma: How Youth Culture is Reinventing Capitalism* (New York: Free Press, 2008). It is reprinted here with the author's permission.**

# **Wikileaks as an Editorial Problem: A Conversation with Geert Lovink and Merijn Oudenampsen**

**Willem van Weelden**

*In the wake of the developments around WikiLeaks, the time is ripe to take a closer look at the current information landscape. Willem van Weelden, researcher and publicist specializing in media and culture, speaks with political sociologist Merijn Oudenampsen and media theorist Geert Lovink on how WikiLeaks can effect social and political change and contribute to making power more transparent.*

Questions of censorship, information filtering, and ideologically colored news services seem to have entered a new phase: Facebook filters data flows generated by the Arab Spring in order to prevent existing regimes from misusing information; the United States censors regular media as a result of the WikiLeaks revelations; extreme sanctions are being imposed by the Chinese government against internal dissident voices; growing populism in Europe is urging greater state control over the media and a more transparent policy; and recall the illegal wiretapping practices of Rupert Murdoch's bungling media empire, which became the victim of overplaying its own hand.

These almost arbitrary examples point to a general change of climate in news coverage and pose the question of what the term "media ecology" could still mean. Or, to reformulate the question in a cybernetic and thus almost politically neutral fashion: What is the connecting pattern that emerges in this hybrid constellation of mutually influencing factors? The answer can only be discovered through a network analysis and a politico-aesthetic analysis of ideology and editing, (informational) power, and spheres of influence. We can then perhaps say that the first lesson that WikiLeaks has thoroughly impressed upon the world reintroduces what in principle is an old fact: namely, that exposing the way in which data and information is handled is more revealing than the potentially compromising

content of the “hard data” itself. The ultimate consequence of this conclusion goes much further than the seemingly pathetic battles Julian Assange believes he must wage in order to preserve “the truth.” In that respect, let us above all not forget that “truth” is a produced media effect! With its cleverly directed, media-savvy campaigns, WikiLeaks seems to be following the same logic that lies at the bottom of the escapades of the distressed Murdoch empire.

Assange’s media logic became almost palpable when he stated in a conversation with reporter Amy Goodman and the philosopher Slavoj Žižek on the American radio show *Democracy Now* that he was amazed by the fact that the populist and nationalistic Fox News program had shown more images of the shocking *Collateral Murder* video than had CNN, which at the first hail of bullets had broadcasted a blank screen under the pretext that it wanted to spare the families of the victims.<sup>1</sup> Assange assumed that despite the fact that Fox had condemned WikiLeaks’s publication of the video images and treated the material in a biased and tendentious manner, the truth was more served by Fox than by the prudish CNN. Assange’s “truth” appears to be a videographic truth, an almost transparent ideology of media penetration. It is precisely this aspect of the Assange doctrine that has evoked the requisite restraint and reserve in a camp that one would normally expect to have supported him—the leftist-activist camp.

How can we arrive at a correct assessment of all the different levels and scales of importance connected to WikiLeaks and subsequently construct a truly productive framework of action? With this splintering of perspectives, what is necessary in order to find an answer that not only unites but also spurs democratic action and offers a counterbal-

ance to the imminent threats created by the exponential increase of control over historiography, access to information, freedom of speech, freedom of movement, freedom of dissidence, and freedom of questioning? What does WikiLeaks have to offer within this subversive framework?

The leftist camp is divided on WikiLeaks as an activist phenomenon and has difficulty properly interpreting its effects. On the one hand, there is mistrust of front man Julian Assange, who according to some has emerged as a dictatorial leader and self-styled celebrity who has piloted WikiLeaks into populist waters. On the other hand, with the publication of hundreds of thousands of documents, the WikiLeaks motto, “[n]o power without accountability,” has unleashed an undeniable force and caused an inspiring chaos in geopolitical relations. At the same time, WikiLeaks’s impact on the regular news media can hardly be underestimated.

In any case, WikiLeaks always knows how to take advantage of a momentum and capture global attention with new revelations, as witnessed not only by the shocking images of *Collateral Murder*, but also by the publication of a tremendous amount of documents on the wars in Iraq and Afghanistan, the 779 documents on the American detention camp at Guantánamo Bay, the hundreds of files on the crisis areas of Honduras and Pakistan, and of course the very extensive collection of diplomatic documents—the “cable files.” Time and again, WikiLeaks has caused consternation and desperation on the side of the people, parties, and institutions compromised by the revelations.

Yet these revelations, no matter how shocking and historically important, do not seem to be the only merit of WikiLeaks: it has above all demonstrated that an anarchistic way of dealing with reporting is a public good and can generate democratic effects. In order to effectuate this, WikiLeaks has moreover installed a “custom-made” infra-

1. Julian Assange and Slavoj Žižek in conversation with Amy Goodman, *Democracy Now!*, broadcast interview, 58:05 min, 2 July 2011, video and transcript of the

program available online at: [http://www.democracynow.org/2011/7/5/exclusive\\_julian\\_assange\\_of\\_wikileaks\\_philosopher](http://www.democracynow.org/2011/7/5/exclusive_julian_assange_of_wikileaks_philosopher).

structure. In short, WikiLeaks is only the beginning of a promise. To quote the conservative thinker Oliver Wendell Holmes, “[t]he mind, once expanded to the dimensions of larger ideas, never returns to its original size.”

### What To Do?

So far, the fiercest reaction to WikiLeaks has been in the US, which is not strange when one considers that the platform appears to be waging an emphatic information war against the goings-on of what still may be regarded as one of the most powerful countries in the world. That its power is at stake due to the revelations made by WikiLeaks is evidenced by the reactions, which have varied from calls for legal action and the freezing of WikiLeaks’s assets, to repeated exhortations for Assange’s sentencing and execution.

WikiLeaks has received support, in itself not surprising, from the hacktivist collective Anonymous, which reacted with DDoS (Distributed Denial of Service) attacks on credit card companies that had frozen WikiLeaks’s assets (Maestro and PayPal) and additionally devoted themselves to “Operation Crowdleaks”—an attempt with the help of volunteers to translate collective information provided by WikiLeaks for a larger audience. The tactic behind this form of mass journalism is to publish cables that thus far have had little or no attention in the media. In the meantime, WikiLeaks and Assange have received various awards, including the Amnesty International UK Media Award. Slavoj Žižek has expressed positive sentiments about WikiLeaks and Assange’s fight; while Daniel Ellsberg, whose Pentagon Papers leaked information in the 1970s on the war in Vietnam, has meanwhile been exerting himself on countless forums to draw parallels between how he was once assailed as a whistle-blower and the way

in which Assange has been thwarted and prosecuted in America by both the government and corporations.

Perhaps less obvious is the support that WikiLeaks has received from the art world. Less obvious because, as the account of former WikiLeaks coworker Daniel Domscheit-Berg demonstrates, Assange’s attitude towards art is, to put it mildly, rather reserved.<sup>2</sup> The question of the extent to which WikiLeaks could benefit from art, or vice versa, is closely connected to the general question of how the WikiLeaks strategy relates to global developments and power relations, and how it can contribute to the rediscovery of a perspective for social and cultural action and emancipation.

In the following conversation with Geert Lovink, media theorist and founder of the Institute of Network Cultures, and Merijn Oudenampsen, political scientist and sociologist, both of whom are allied with different generations of hackers and activists, the dilemmas outlined above come to the fore in varying contexts. Lovink and Oudenampsen contributed greatly to a public discussion conducted both online and offline about WikiLeaks, sometimes upholding seemingly different standpoints. In December 2010, Lovink coauthored with Patrice Riemens a polemic piece about WikiLeaks, titled “Twelve Theses on WikiLeaks,” which appeared in various European papers and online forums. It was published in the Dutch newspaper *NRC Handelsblad* under the heading “Voor WikiLeaks telt alleen de banaliteit van het spektakel” [“All That Counts for WikiLeaks is the Banality of the Spectacle”].<sup>3</sup> Oudenampsen reacted fiercely to this piece through the *Nettime* mailing list with the article “12 stellingen, 13 ongelukken” [“12 Theses, 13 Disasters”].<sup>4</sup>

2. See Daniel Domscheit-Berg, *Inside Wikileaks: My Time with Julian Assange at*

*the World’s Most Dangerous Website* (New York: Crown Publishers, 2011).



This conversation modifies their differences of opinion somewhat and contains no incontrovertible statements or detailed solutions. Departing from the phenomenon of WikiLeaks, the conversation explores where there is room for social and political change and where there are perspectives that can contribute to greater transparency of the workings of power.

**Willem van Weelden:** In his article “Transparency and Exodus: On Political Process in the Mediated Democracies,” the cultural critic Brian Holmes quotes Félix Guattari: “What is it that separates the left from the right? . . . Fundamentally, it is nothing but a processual calling, a processual passion.”<sup>5</sup> Holmes draws a parallel between certain forms of activism and experimental art: both are said to have a processual character in that they resist stereotyping, pigeonholing, and unequivocal left-right divisions of the political power arena. But what about the left-wing’s passion with respect to WikiLeaks? In the discussions on WikiLeaks, the two of you initially seem to be diametrically opposed when it comes to a critical interpretation. All the same, the content and process of WikiLeaks has been less in the news lately. The media’s attention skips from an item on Assange’s behavior to the next scandal about the peripheral symptoms

of the phenomenon. This raises the question of the extent to which the alternative camp is still capable of not only putting Holmes’s celebrated processual passion on the agenda concerning WikiLeaks, but also successfully implementing it.

Merijn Oudenampsen: I think WikiLeaks gives visibility to the filtering process in the traditional media, and that there has been a strategy, if not a tactic, of publicizing the WikiLeaks narrative in a particular manner. By focusing on the personage of Assange, the spectacle, the stories about Gaddafi’s bodyguard, the character of Sarkozy, or—as happened in the Dutch paper *NRC Handelsblad*—by discussing the literary qualities of the cables, it was possible to avoid dealing with the more fundamental issues in terms of content. On the one hand, this would seem to point to lazy journalism, as is often the case in the Netherlands. On the other, it could also have been the result of a conscious strategy, such as with *The New York Times*, whose editors met with bureaucrats from Washington in order to decide what to publish and what not to. Afterward, a cable downplaying the threat of the Iranian rocket program was purposely not published, while an article with an opposite slant was printed. This sort of case is a typical illustration of Noam Chomsky’s classical position on the functioning of Western media as a mouthpiece of the established order. That is certainly true for the US, but in the Netherlands you don’t immediately expect it.

**WvW:** At the time, you criticized the publication of Patrice Riemens and Geert Lovink’s text in *NRC*. Was the choice of *NRC* as a platform the most important point of criticism for you? After all, this paper took a rather conservative stance on WikiLeaks.

3. See Geert Lovink and Patricia Riemens, “Twelve Theses on Wikileaks,” *Eurozine*, 12 July 2010, online at: <http://www.eurozine.com/articles/2010-12-07-lovinkriemens-en.html>. For the Dutch version of the text that appeared in the *NRC*, see Geert Lovink and Patricia Riemens, “Voor WikiLeaks telt alleen de banaliteit van het spektakel,” *NRC Handelsblad*, 11 December 2010, online at: [http://digitaleeditie.nrc.nl/los-severkoop/NH/2010/11/20101211\\_\\_/2\\_01/article1.html](http://digitaleeditie.nrc.nl/los-severkoop/NH/2010/11/20101211__/2_01/article1.html)
4. See Merijn Oudenampsen, “12 stellingen, 13 ongelukken,” *Nettime*, 13 December 2010, online at: [www.nettime.org/Lists-Archives/nettime-nl-1012/msg00020.html](http://www.nettime.org/Lists-Archives/nettime-nl-1012/msg00020.html).
5. Félix Guattari quoted in Brian Holmes, “Transparency and Exodus: On Political Process in the Mediated Democracies,” *Open: Cahier on Art and the Public Domain*, no. 8 (2005), p. 49 (Guattari’s italics).

**MO:** In the first instance I was shocked by the headline, “All That Counts for WikiLeaks is the Banality of the Spectacle.” However, that turned out to be formulated by the paper itself, not written by Geert and Patrice. I was indeed concerned about the context in which the piece appeared: in the Dutch media, including in the *NRC*, WikiLeaks was attacked as being irresponsible and Assange was cast as an eccentric figure with megalomania. Of all places, the article appeared in this context, and then written by people whom you would expect to stand up for WikiLeaks, but that didn’t happen. At least, that’s the impression it gave, moreover because the *NRC* had omitted Lovink and Riemens’s first thesis—the zero thesis: “WikiLeaks is a good thing.” Geert and Patrice had originally written the text for the online mailing list *Nettime* with the intention of it being a critical piece. In the context of the *NRC*, it did not have that effect. This is why I thought it would be good to thoroughly examine precisely this point in the discussion that unfolded on *Nettime*. Judging from the reactions I received, there actually turned out to be little sympathy. I think that’s strange. After all, *Nettime* is part of a world that ought to have sympathy for something like WikiLeaks. Where was it? I absolutely cannot explain that. But after all, I’m from a different generation.

Geert Lovink: I have indeed moved beyond Chomsky’s criticism from the early 1980s, although it has lost nothing of its validity. In working with activists and artists, it is good to repeat that criticism from time to time, but it no longer generates any new strategies. So I don’t have a problem with its veracity, but with its effect on the creativity of collective subversion. It curtails the many possibilities that there are. Very concretely, the filtering of information always makes me think

of processes that take place at the *NRC* or *The New York Times*, which are clear to me. But a book has just come out by Eli Pariser that discusses new forms of power generated by very fine filtering processes that offer personalized information to users of Google, Facebook, and other information distributors without their really being aware of it.<sup>6</sup> These are developments that could truly lead to new insights into how the media powers of the twenty-first century work. They no longer work by manipulation from the top down, but by giving people the feeling that they are being served and can develop themselves, that they are being taken seriously and that their subject is being addressed. With information filtering, I see new workings of power, and I am extremely curious about this because I think that new activist strategies should above all focus on that. We’ve known for a while now that the *NRC* and other old media manipulate and have a certain agenda.

### **Engaged Art and the Journey Out of the Reservation**

**WvW:** It is striking that it is above all artists who are reacting to WikiLeaks in an interesting manner, while this is much less the case with regular activists. Merijn, you have expressed rather critical views on engaged art, for example in your reaction to the essay by the artist Jonas Staal, *Post-propaganda*.<sup>7</sup> To what extent do you feel that the art world’s support of WikiLeaks is interesting or important for the further propagation of the transparency agenda? As-

6. Eli Pariser, *The Filter Bubble: What the Internet is Hiding from You* (New York: The Penguin, 2011).

7. Jonas Staal, *Post-propaganda* (Amsterdam: Fonds BKVB, 2009).

**sange himself seems to have a tremendous disdain for art, according to Daniel Domscheit-Berg.**

**MO:** My criticism of Jonas Staal arose from the discussion about the so-called “new engaged art” in the Netherlands. This new engagement surprises me because it doesn’t take any position at all. Jonas Staal, whose art is considered part of this movement, is someone who represents social contradictions in his work, but does not take a position himself. And that’s called the new engagement. The old engagement was about intellectuals and writers taking a position, like Zola’s “J’Accuse” concerning the Dreyfus affair. With Sartre, the existential notion of engagement involved a moral responsibility whereby it was impossible not to take a position, because aloofness is also a position.<sup>8</sup> And now you end up with a form of new engagement that in fact means interaction—it’s about art that engages with the public. This notion of engagement as interactive art was pushed forward under Tony Blair as the spearhead of the cultural policy of New Labour, a vision that was later supported by Richard Florida in his book on the creative industry.<sup>9</sup> If that’s the new engagement, then the old notion of the term utterly escapes me. My criticism of Staal was formulated on the basis of this difference, because in the Netherlands there is hardly any engaged art at all! For the rest, specific identities like artist and activist don’t interest me that much. I think more in terms of a series of skills, a repertoire of competencies that enable people to examine a social reality in a totally different manner, to undermine existing perspectives, to stimulate people

into a new kind of reflexivity. . . . Activism is often more aimed at effect, at presentation on the streets, at making a claim based on a certain identity, while art can actually question such claims. I think that examining and questioning is very interesting at the moment, because in the case of WikiLeaks, it’s not possible to make a very clear claim.

**WvW:** But was Brian Holmes right in saying that there are parallels between activism and art, and that they now are very obviously visible? Or are the conditions such that we can no longer identify a phenomenon such as WikiLeaks and its spectacular actions as activism?

**MO:** It is most certainly activism, and I think that there are also parallels with art—but not in the Netherlands. The Netherlands has a very strong tradition of depoliticization and of what Jacques Rancière calls the logic of “police”: compartmentalization, or pigeonholing.<sup>10</sup> You’re in the literary world, or you’re in the new media world, et cetera. Everybody has their own sandbox to play in. The point of all art that is engaged is to “get out of the reservation,” as the philosopher and writer Jacq Vogelaar says. That’s just been put on the agenda again.

**GL:** That’s because the reservations are being dismantled!

**MO:** Yes, the zoos are being torn down, the gates thrown open, and they’re not feeding the animals anymore! But from an international point of view, there is certainly a question of convergence. I think this is

8. See Jean-Paul Sartre, *Being and Nothingness: A Phenomenological Essay on Ontology*, trans. Hazel E. Barnes (London: Taylor and Francis, 1956).

9. See Richard Florida, *The Rise of the Creative Class* (Cambridge, MA: Basic Books, 2002).

10. See Jacques Rancière, *Disagreement: Politics and Philosophy*, trans. Julie Rose

(Minneapolis: University of Minnesota Press, 1999).

because the activist identity, the certitude of being a worker or a squatter, for example, no longer exists. Such identity frameworks have disappeared. So, many activists have acquired the same investigative attitude as artists. They understand one another much better now.

**GL:** The problem is that the process of political awakening is no longer occurring gradually. Everywhere, “waking up” is taking the form of gigantic eruptions. Revolts, uprisings, resistance, or whatever you want to call them, are no longer the consequence of political organization per se. At the most, you could say that a political organization comes forth from it. That may also be true of what is happening right now in the Middle East. And that’s also why we are so focused on the so-called “Facebook Revolutions”, not because those uprisings are the result of Facebook, but because we do not understand how such political eruptions come about. For it is abundantly clear that they no longer are the result of a cumulative growth of political organization.

You could also question the extent to which these eruptions are the result of alienation, of great despair, such as was the case in Spain and Greece, or with the smaller eruptions in Italy. With change, I primarily think of that effect, whereby the logic of being shut away in a reservation of your own is radically shattered.

**WvW:** Does the tearing down of those old pigeon-holes and reservations produce an effect of transparency? The Arab Spring became famous because social media supposedly had a corrective effect on dictatorial power, and so forth, but at the same time it must be said that those very media also made it much easier to pick up dissidents. Could you say that, in

parallel to the transparency movement, WikiLeaks has maneuvered itself into the position of an international tribunal of abuses and faulty practices? And that in doing so, they place themselves outside the legal frameworks?

**MO:** I don’t think it’s anywhere near that bad. What WikiLeaks has released doesn’t even fall under the category of “top secret.” But Ellsberg’s Pentagon Papers, which revealed the cynical politics behind the Vietnam War, were top secret at one time. Ellsberg is the man who so many years later is seen as a great model and defender of democracy, certainly within the Democratic Party. It is remarkable to see that WikiLeaks, on the basis of releasing much less important documents, is now branded as a semi-terrorist organization. That says a lot about the spirit of the times. The democrats also don’t have any regard for WikiLeaks, while the newspapers that once published the Pentagon Papers are now spoon-fed by Washington. For that matter, WikiLeaks plays a modest role that we must not exaggerate. I find Assange’s claim that WikiLeaks made the uprisings in the Middle East possible rather arrogant.

**GL:** The release of the Pentagon Papers took place at the height of the antiwar movement and very many other movements in the late 1960s and early 1970s. It’s almost impossible to see those things separately from one another. At this moment in time, in what social context should we place WikiLeaks? Looking back, I would think that WikiLeaks is connected not so much to social movements, but to the major events that occurred during the period of the financial crisis of 2008–2009, which caused the erosion of capitalist legitimacy.

**WvW:** So, then, do you also agree with Assange, as he cites in the *e-flux* interview with Hans-Ulrich Obrist, that power is increasingly located outside governmental circles and can be found in patronage, the lobbies of the banks, the stock market, and the big corporations, and that the most important decisions are made there?<sup>11</sup> Do you share his analysis that this constellation cannot be controlled within the traditional frameworks and that it should be made transparent in an alternative manner?

**GL:** Yes, but I think that WikiLeaks is only a start at making those lobbying and consultation structures transparent. I think it would be good if things developed more in that direction. In the Netherlands, the construction fraud whistle-blower is still undertaking legal action in order to gain recognition for what he did.<sup>12</sup> So here, too, we are only at the beginning of the process of making power transparent. WikiLeaks and comparable initiatives play a big role in this. An important question is what we could do to facilitate that process.

### Transparency and Media Strategy

**MO:** That's a fascinating point. The spectacle that Geert refers to in "Twelve Theses on Wikileaks" seems to form an inherent part of getting into newspapers like

*The New York Times*, *Der Spiegel*, *The Guardian*, and so forth. Within the American publicity world, a great deal is known about what goes on behind the closed doors of Goldman Sachs, the relation between Goldman Sachs and the political-financial elite, or other abuses within the financial world, but in one way or another, the news coverage on this is never mainstream. I find that contradiction interesting: the spectacle or the personalization is precisely what makes it possible for WikiLeaks to get through to the mainstream.

**GL:** That's also a difficulty. On the one hand, I see the efforts of WikiLeaks from the perspective of hackers, and how they have become a productive part of facilitating openness, and on the other, from the perspective of the crisis of investigative and quality journalism in general. Can we indeed gamble that if you have quality in that area, it will also lead to a political reversal? It turns out that personalization is one of the crucial facilitating factors. I have problems with that, because if you bet on celebrity strategy instead of the quality of the work, of diligently seeking out the precise workings of power and describing them, then a lot gets lost. That's the dilemma we're facing right now.

**WvW:** Assange is rather ambiguous in that regard: on the one hand he argues that WikiLeaks should be seen as a storm troop that forswears the ego; on the other, it seems like an almost populist program, considering the choice of what is publicized.

**GL:** Yes, but there has also been a reversal in that regard, which took place in early 2010. Before that, celebrity status was not an issue. The question is, exactly what motivated that reversal? The obvious

11. Julian Assange, "In Conversation with Julian Assange, Part I," interview by Hans-Ulrich Obrist, *e-flux journal*, no. 25 (May 2011), online at: <http://www.e-flux.com/journal/in-conversation-with-julian-assange-part-i/>. For the continuation of the conversation, see Julian Assange, "In Conversation with Julian Assange, Part II," interview by Hans-Ulrich Obrist,

*e-flux journal*, no. 26 (June 2011), online at: <http://www.e-flux.com/journal/in-conversation-with-julian-assange-part-ii/>.

12. Ad Bos is a Dutch contractor who is primarily known as the whistle-blower in the so-called building fraud affair. In 1998, he discovered duplicate accounts held by his employer, the Koop Tjuchem construction firm, and made them public.

answer is to relate this to the decision Assange made at that time to work with regular newspapers and to cease utilizing his own organizational capacity of the Internet culture.

**WvW:** In an interview, you inferred that the Internet has entered a new phase.<sup>13</sup> Through the greater use of social media, people are actually being drawn away from the open Internet, and more and more exchanges are taking place within private, controlled environments. On the other hand, there is an increasing amount of control, commercialization, and regulation on the open Internet. Do you believe there is a connection with the problematic of WikiLeaks here?

**GL:** Yes, a direct connection, because this touches upon the agenda of all hackers. That agenda is about openness, and currently also about the issue of net neutrality. There is a long list of militant issues. WikiLeaks is part of the hacker agenda. Its entire rhetoric comes from there, even though Assange himself has now more or less drifted in the direction of mainstream media.

**WvW:** But at the same time you might also wonder, with all the databases that are being put online, what kind of emancipatory function WikiLeaks can still have for public opinion. The cables, for example, were briefly in the news; a bit of trivia was debated and a few jokes were made about world leaders. But as far as placing the topics that are hidden within them on the agenda goes, or bringing transparency to the

**foreign policy of the US, publicizing them has had only a relative and mainly media effect.**

**GL:** I think that it has had, and will continue to have, a very big influence. With its Cablegate, WikiLeaks has by now become a circus travelling from country to country. If you don't follow it, you wouldn't know that all sorts of things happened last month in Pakistan in which WikiLeaks was involved, and that very many things are going on in Honduras right now because of WikiLeaks. You could indeed have the impression that it is already over, yet these are things that will have consequences in the world in the long term. I see it more as a cultural change that goes much further than today's headlines.

**WvW:** In any case, there is a problem with the freedom and independence of the regular media, which are censored from above, or in some instances censor themselves. Then again, you see transparency movements such as WikiLeaks that come from the tradition of hackerdom and try to find their way to openness by means of the Internet. A gap seems to be arising between vital, important information published on the Internet and the degree to which that information attracts public attention. I think that only a few people are up to date on the role of WikiLeaks in Pakistan and Honduras.

**MO:** The point is that the spectacle and the banality are precisely what make it possible to break into the traditional media. I think that selective groups of informed people and networks will increasingly be better able to do something with the less visible or sensational information and spread it further—think of diplomats or jour-

13. Geert Lovink, "WikiLeaks moet zich niet met de inhoud bemoeien," interview by Maurits Martijn, *Vrij Nederland*, 16 February 2011, online at: <http://www.vn.nl/>

Archief/Media/Artikel-Media/Internetdenker-Geert-Lovink-WikiLeaks-moet-zich-niet-met-de-inhoud-bemoeien..htm.



nalists, for instance. What makes WikiLeaks possible, among other things because of the cables, is a database that can be referred to, accessed, and studied every day. The huge volume of the leaks also makes that possible: every time a political crisis occurs, the database can be searched on the basis of a certain theme, and new things can be brought out. That won't change for a while. There are all sorts of attacks on the infrastructure of WikiLeaks, but this is a practice that can also increasingly develop at the local level. That way, beyond the spectacular aspect, translations and edited versions of the leaks can end up in the mainstream media.

**WvW:** WikiLeaks has anticipated situations very well by putting out certain information at precisely the right moment, so that the revelations could have their maximum effect. Can we learn something from that?

**MO:** I think that the way in which the Afghanistan war logs were presented is illustrative. The press conference, how it was published in the papers. . . I don't know how all of that was prepared, but a great deal can indeed be learned from it, if only because of the incredible amount of information, which was presented in a very accessible manner. On the basis of that information, people can make projections with Google Maps, and designers can also open it up with graphics. The great challenge is to deal with that enormous data flow of information and to translate it into a digestible form that can be published in a newspaper. That way, a tipping point can be induced. WikiLeaks has done this superbly. And the whole problematic aspect of spectacle and personalization has played an important role in this.

**GL:** We should of course see this in the perspective of the neutralization and parallelization of the antiwar movement by the Obama administration. That's the strange thing about this medium of hacktivism: it has an odd relation with the political reality of the protest movements. I don't believe in the thesis that there has been a "virtualization or paralyzation of protest," that the libidinous energy of the street is moving to the space online. The events in Egypt have shown that this is obviously not the case. But there's still the question of how these things actually do relate to one another. The relations have been lost, there is no longer any organic connection. Maybe it's because so very many processes are taking place at the same time. That makes it difficult to follow. Maybe one should determine that paralyzation and politicization are occurring simultaneously, as totally contradictory movements. This would indicate that the concepts we use are no longer valid, or that in very many places there is an acceleration of processes going on that might indeed be occurring simultaneously but that are not directly related to one another.

**MO:** As far as protest goes, I think that the crisis actually has had a stabilizing effect on the challenging of power, and resignation is setting in. With the cutbacks, there is a reactive movement, to be sure, but the vast majority of the population thinks: "We mustn't complain, we'll just have to tighten our belts." You can see that there is less room for criticism. That also was demonstrated in the 1930s: the threat of a crisis incites a proclivity for authority rather than resistance.

**WvW:** But couldn't it also be that, as Geert argues, different social and political processes are taking

place simultaneously nowadays? That the reactions are conservative, but that this conservatism is simultaneously the germ of an unprecedentedly strong protest?

**MO:** If you look at the Middle East, you see a completely different constellation than in the West. It might be connected with the global system economically, but culturally and politically it is an entirely different situation, of course. In Greece and Spain, various movements are trying to politicize the present crisis, but there is no perspective whatsoever for action. So I'm rather cynical about it. In Europe, people are again seeing that something like politics exists, that there is something like ideology. That is new, but I do not see a way out, no line of escape.

**GL:** The question is whether you should seek those lines of escape within the given frameworks of "capitalistic realism," as the writer and theorist Mark Fisher describes it, for example.<sup>14</sup> Those frameworks are fairly hopeless, so if it has to be about a perspective of action, the question is whether to place it inside or outside of those frameworks. Without becoming nationalistic, you would have to get much more into local initiatives, which are separate from the global infrastructure in which the Netherlands is so fervently participating. The dismantling of the global infrastructure: that might be a good place to start.

Geert Lovink (born 1959) is an Amsterdam-based media theorist and Internet critic, founder and researcher at the Institute of Network Cultures, Amsterdam, and author of *Zero Comments: Blogging and Critical Culture* (London and New York: Routledge, 2007) and *Networks Without a Cause* (Cambridge and Malden: Polity, 2012). Merijn Oudenburg (born 1979) is an Amsterdam-based sociologist and political theorist. Willem van Weelden is a writer and researcher specializing in new media and culture. This is an edited version of the conversation that took place on 29 June 2011 and first appeared in *Open: Cahier on Art and the Public Domain*, no. 22 (2011), pp. 60–73, copyright: SKOR | Foundation for Art and Public Domain and NAi Publishers, 2011. Reprinted here with permission of the authors and SKOR.

14. Mark Fisher, *Capitalist Realism: Is There No Alternative?* (Winchester, UK: Zero Books, 2009).





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# Liquid Democracy Will Do Away With Parliament

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**Dirk Poot**  
Interviewed by Jonas Staal

Jonas Staal: Could you briefly explain the history of the Pirate movement and the formation of the Pirate Parties in particular?

**Dirk Poot:** Lobby groups such as the Swedish Anti-Piracy Bureau had been referring to people involved in the on-line culture of sharing as “pirates” as early as 2001. In response to these allegations, a think tank under the name of *Piratbyrå* [Pirate Bureau] formed in 2003. Rather than resisting the label of “pirate,” the Pirate Bureau chose to embrace and mobilize this name for its own cause. The creation of the Pirate Bureau spurred the establishment of many new organizations, including the first Pirate Party in Sweden in 2006. From there on out, Pirate Parties sprung up all over the world. Today there are more than 70 Pirate Parties active internationally.

JS: Was there a direct relationship to open-culture platforms such as The Pirate Bay?

**DP:** The Pirate Bureau recognized that the Internet had become something of a huge copying machine, the dynamics of which posed many problems to pre-existing and outdated copyright laws. By the time that the Pirate Bureau was established, The Pirate Bay was already under the attack of the Swedish police and the American Copyright Association. The Bureau understood that copyright laws needed to undergo a dramatic change. The way in which new laws were being translated and interpreted according to outdated, antiquarian principles would lead to copyright becoming more important than any other civil right, affecting the right to privacy, the right to free communication, and the freedom of information, among other things.

JS: How significant is the metaphor of the pirate within the movement? For example, a pirate is stateless: do you regard the Pirate Parties as a stateless political movement?

DP: That is a very interesting analogy. I would not necessarily say that it is a stateless movement, but an *international* movement. The corporations we are fighting are stateless. But the Pirate Parties comprise a collective, international movement that fights the stateless corporations and their lobbyists through international cooperation within parliaments.

JS: So what is the exact role of a pirate in a parliament?

DP: Pirate Parties are experimenting with what we call Liquid Democracy. Our ultimate goal is to eventually do away with the parliament altogether. The parliament functions as an intermediary between the public and the law, but this mediation is no longer necessary because we now have at our disposal the technical means with which to communicate with an entire population about the kinds of laws we want or need. The Internet has provided us with these tools.

JS: Could you expand on this notion of Liquid Democracy?

DP: Liquid Democracy, or the liquid feedback system, is a digital tool that gives people the ability to permanently vote on all issues. It also allows people to select representatives from among their peers, based on their expertise on particular subjects. Of course, a single person cannot be an expert on every issue or topic, but there are

no doubt certain people in one's social circle who know a particular subject in-depth: liquid democracy allows people to delegate their votes to this person. This approach also protects the interest of citizens by allowing for the removal of delegates in the event that the delegate acts in a manner that is contradictory to citizens' interests.

Today, when we vote for a party, we have no choice but to vote for its entire package. The whole traditional right-left division in politics is dissolving, and yet we are still forced to operate within this paradigm when it comes to electing our governments. These left-right divisions are continuously upheld in parliaments, whereas in reality, most people prefer a combination of the different principles defended by both ideological camps. Liquid Democracy gives citizens the chance to base their decisions on the specific political orientation of each issue at hand. Building such a system inevitably entails a long process and will require substantial educational outreach, but I believe that, with time, liquid democratic feedback will actually eradicate the parliamentary system as we know it.

JS: In this new horizon, will voting be a permanent, continuous, daily process—an accelerated digital version of Swiss democracy? Moreover, if this system succeeds, do you think that parliaments will eventually be fully replaced by the Internet?

DP: Yes, that might be the direction toward which we are headed. Although we are approaching a very technocratic level here, we will always need intermediaries. People—not machines—should interpret laws.

JS: The government you describe is a very flexible one, one in which representatives are likely to be replaced on a continual basis due to inevitable changes in voters' sympathies and political positions.

**DP: That is indeed what we are striving for. The only reason why we have had a representative democracy is because of technical limitations—not because it is the best way to rule a country. One might even say that representative democracy is the “least worst” way of ruling a country.**

JS: This is the type of fundamental political critique that we do not hear coming from the parliament.

**DP: We should be aware of the fact that the number of parliamentarians in the Netherlands is lagging in comparison with other countries. If you look at the number of parliamentarians in a country against the country's population, you will notice that we are the second or third worst representatives in the world, which means that it is very difficult for the Dutch parliament to control or have influence over the government. There are too many problems and too few people to check what is actually going on. So, one radical change that I support is the removal of the Senate and its replacement with the constitutional court, and the handing over of extra chairs to the parliament, so as to increase the number of representatives in the Dutch parliament.**

JS: By declaring Liquid Democracy as one of its main goals, the Pirate Parties aim to inscribe politics into the domain of the commons, or transform politics itself into a commons. That also demands a much larger social mobilization than what is currently taking place.

**DP: People won't have to mobilize themselves for everything, if they don't wish to. Once the system is set in place, one can have his or her votes delegated to other people who are worthy of their trust.**

JS: The conservative right would say that this is an unnecessary and heavily bureaucracy-laden solution: they insist that people don't want to be occupied with politics, they don't want to choose different delegates for each different issue, and that they'd rather just vote once every four years.

**DP: If this was truly the case, then more people would be participating in elections in the Netherlands, and there would also be much less anger in society. Nowadays we see more and more protest parties on the rise because people feel that politicians are not listening to them, or if they do listen, they do so only long enough for a hand shake in order to get peoples' votes. Many people feel that politicians are far too removed from the day-to-day lives of citizens.**

JS: And so you see this collective anger and anxiety as a basis for the Pirate Party?

**DP: I see the anger as a symptom to a problem and believe Liquid Democracy to be a solution to that problem. I do not think any party should be based on anger. But the fact remains that a lot of people notice that there is a huge problem, and this often translates into anger. Currently, that anger is directed toward votes for protest parties, extremist parties, and the like. I think that anger should be directed toward a radical transformation of the political system itself.**

JS: You imagine a much more permanent voting process, but the accompanying risk is that people will inevitably have many different and conflicting opinions. For example, I might want to push for permanently open borders, but at the same time, I do not like the idea that this would lead to more people entering my neighborhood. If there is no structural long-term program to be developed, then how can you defend political principles against the culture of opinions?

**DP: I think you underestimate the number of people that will delegate their votes to experts. There should, and there will, be experts who will be able to come up with creative solutions for issues such as the one you have just raised. Moreover, because people will be actively engaging in the decision-making process, their involvement will require them to be receptive to all of the different arguments in a given discussion. I imagine that people will also become more nuanced in their opinions as a result of this engagement. Right now, we hold on to our anger because we feel that no one is listening to us. But once someone listens to you and starts countering your position with actual arguments, you become aware that you've entered into a discussion, not a protest.**

JS: So you strive for more common consensus.

**DP: Everybody cares more about certain issues than they do about others. At the moment, political parties are like soccer clubs, with voters reduced to the status of hardcore fans, rather people who are capable of thinking for themselves. I am convinced that many members of the conservative liberal party are not happy about their party's position on the issue of privacy, for example. But**

**at the same time, they feel that they still have to vote for the party because they support its position on the economy. In this way, the repressive dimension of the party is accepted as collateral damage. We propose that the people should vote on the issues they feel are most important, and delegate their voice to a specific person if they feel that this person is better suited to make the right decision.**

JS: But does giving delegation to these experts not simply imply the replacement of one elite by another?

**DP: There is a difference between a given and a chosen elite. There is not much we can do about the current chosen elites. Political parties groom their parliamentarians from youth and onward, and they only receive votes if they demonstrate that they are loyal party members, whereas the elite we're striving for is more of a meritocratic elite whose power you can take away if they do not act according to their principles.**

JS: How does this logic work in a society as highly mediatized as ours? The voice of celebrities, people who already have a media presence or the financial capacity to organize massive advertisement campaigns—they are able control and influence public opinion with much greater ease.

**DP: Where Stephen Fry and Lady Gaga are the new experts.**

JS: *[laughs]* Or Jon Stewart if we're lucky.

**DP: *[laughs]* An informed citizenry is able to distinguish celebrities from experts. I don't know if we can speak of an informed society at the present moment, because so**

much of our media is focused on advertising, and much less on informing people. In an ideal world, or in a more ideal information age, celebrities might still be able to bring a particular cause into public debate, but the experts will then determine the course of its trajectory.

JS: What you're suggesting is that in order for Liquid Democracy to work, we need to already have in place certain conditions in society that cannot be obtained through voting alone. We need an uncorrupted media, an open and free Internet, et cetera. Such preconditions are necessary in order to even entertain the possibility of implementing Liquid Democracy. Having said this, do the Pirate Parties have any non-negotiable principles that address any such necessary preconditions?

DP: These are contained within what we call *The Uppsala Declaration*. There are three main pillars mentioned in the declaration: (1) we want to change copyright, (2) we want to change patent laws, and (3) we want an open government with guaranteed privacy for citizens. These are our three non-negotiable principles. Beyond these stipulations, any Pirate Party can add issues that are relevant to its hosting country, as long as the principles do not conflict with those outlined in the declaration.

JS: Could you briefly expand on each of these pillars?

DP: The main problem with copyright as it currently stands is that it threatens freedom of speech and freedom of information. Copyright laws have to be radically changed in order to give the exchange of information and culture the right-of-way again. Exchanging information and culture is something that we have been doing for generations.

JS: What does this mean, then, from a purely practical standpoint? Does it imply that books will be free? Films should be free? Art should be free?

DP: That information should be free. It should not be free in the sense of "free beer," but if you have information, then you should be able to do whatever you want with it. Many artists who used to rely on royalties from record companies have transitioned to the Kickstarter model, where they tell their fans when they want to make an album and ask them for funds directly. It has been proven, time and time again, that fans are still willing to invest money in the music they like. The same counts for writers. The idea that the current copyright system is the only way an artist can be remunerated for his or her work is simply false. Furthermore, it has been shown that the works of artists disappear into oblivion much sooner in a strongly copyrighted world than when a Creative Commons license is used. There is an interesting graph put out by Amazon.com, of the books they have stocked in their warehouses. You see that they have many volumes of works from the late nineteenth century up until the Second World War. The graph indicates a decrease in the number of books published during the period between after the war and 1990, a decrease that coincides with the establishment of strict copyright laws. That strong copyright made a few authors happy and enabled them to live off of the sale of their books, but a large number of writers are now finding out that their work is no longer printed. Through a change in copyright, we will be able to reprint their works again.

JS: What about university courses and other information that is not necessarily material or even

digital in nature? Must these kinds of information also be open and accessible by all?

**DP:** Many of the more prestigious American universities have been putting their courses online for years and universities in the Netherlands are following suit. It's a great way to expand and build upon knowledge. As I said earlier, we need an informed citizenry in order to rule our country, while at the same time checking on our rulers. The open course initiative is a perfect example of how the Internet is able to liberate information and expose it to a wider audience than was ever possible before.

JS: What about the issues surrounding patents, the second issue mentioned in *The Uppsala Declaration*?

**DP:** The idea of the patent is to protect the inventor by preventing someone else from doing something with his or her invention. But patents end up in the hands of what are called "patent trolls," companies that do not produce anything, but instead use all existing patents to pressure the next inventor with only one patent into giving up his or her invention. It's a system that no longer works for the inventor, nor for the public. You see it in the war being fought between Samsung and Apple, for example—over which model is a rip-off and which is not. The sums of money that are being invested in lawyers and the rewards paid in the form of fines are all financed by consumers. The patent system is making that possible, and in the end there is not one less iPad or Galaxy tabloid sold. It only creates a very huge barrier for small companies attempting to enter the market with a really good product, because they do not have the patents to fight these wars.

JS: So this is, in a sense, about democratizing the economy itself?

**DP:** Yes, and about democratizing the knowledge behind the patents. Patents are also abused in order to keep an incredibly large number of people without access to medicine. A patent essentially grants one the right to forbid someone else from making something similar. You are not allowed to make medicine yourself, and if you can't afford to pay for it, you're dead.

JS: Even seeds of certain crops are patented by organizations like Monsanto. This is essentially the privatization of our ecology.

**DP:** Yes, and there is currently a big lobby in Europe for software patents, which is basically a patent on mathematics. It's hard to find an example of a patent that has yielded productive results. The whole patent system needs to go. For the time being, the terms of patents could be reduced, as the current length of a patent—12 years—only made sense in the nineteenth century, when the cycle of information was very slow. Now it's much faster. Finally, patents hinder innovation. While a patent is a testament to the brilliance of the innovator, it also restricts you to all of the errors that were made in the process of creating the invention. The Industrial Revolution did not start when the steam machine was invented; on the contrary, it started at the moment when the patent on the steam machine ran out. Only then was there space granted for potential improvements.

JS: What about the third principle: transparent government and privacy for citizens?

**DP:** When I say that we need more parliamentarians, I'm also saying it because the Dutch government is very opaque. Although we currently have the Freedom of Information Law [*Wet Openbaar Bestuur*] which enables us to request documents from government, it's a terribly long process to actually obtain information, sometimes taking up to two years. All of the time and energy spent in order to finally have access to a censored document is justified and explained by the government as necessary measures to ensure "state protection." To be sure, the government is making a large effort to not be controlled. It seems that much more information is classified as "state secrets" than not.

JS: Where does the Pirate Party fundamentally differ on issue of secrecy?

**DP:** Any document that the government creates should automatically be open to the public, ideally in a digital format, unless a politician convinces a group of impartial judges that a certain document has to remain secret for a certain amount of time. Currently, it's the government itself that judges whether particular information is in the public interest or not.

JS: How can you justify delegating politics largely to the Internet when we are living in the age of Edward Snowden? There are the obvious corporate interests, not to mention the fact that the fiber cables are largely state-controlled. And let us not forget about the National Security Agency (NSA), which has been able to globally control the Internet usage of citizens through algorithmic data analysis.

**DP:** We need rebuild the Internet, and we need to rebuild our use of the Internet. We have forgotten to build privacy into the Internet. People haven't minded. In one generation, we have moved from licking envelopes to protect our information into a society that places its entire written history on postcards, for all to see. We need strong encryption, one that we are sure the NSA won't be able to break.

JS: Do you think this responsibility lies in citizens?

**DP:** Yes, because governments will not do it for us. It's much too tempting for them not to use the huge amounts of information that they currently have on their citizens. Even when they promise that they will delete the information, I doubt that they will actually do this.

JS: Dilma Rousseff, the president of Brazil, recently launched the initiative to create a maximum secured Internet after it came to light that the US had spied on Brazilian citizens, companies, and even herself. Is this push for a maximum secured Internet something that you would support?

**DP:** I think it's good that they try to safeguard their citizens and companies from being spied on, but it won't do the trick. I think it would be much better for governments to give their citizens the necessary tools and education to keep their communications on the Internet safe. They should make sure that browsers and e-mail programs have strong cryptography automatically built in. They should ensure that people are educated. We are all overwhelmed by the NSA revelations from the summer of 2013, and people have already become numb. The task of our government is to notify and warn their



people about the fact that they are being spied on. Right now, it seems as if the Dutch government is shielding the NSA from criticism, under the guise of the misguided notion that we're fighting together against a common terrorist enemy.

JS: We have discussed the three main themes of Pirate Parties: copyright, patenting, and privacy. But this still leaves a lot of fundamental political principles untouched. Suppose, for example, that the majority of the Pirate Party voted to privatize healthcare, to privatize education, or to forbid foreign people from entering their country. Would you accept that?

**DP: If this were ever to be the case, I would leave the Pirate Party. But I can't imagine that this would happen, as basic human rights are at the core of what drives the members of the party.**

JS: You are an international party and you share positions with a variety of rising social movements, ranging from the Indigados protest in Spain and the worldwide Occupy movement, to the Gezi Park protests in Turkey. This all boils down to our commons: the democratization of politics, economy, and ecology. You have the potential of becoming a mass movement, but that means that you would have to bring in a lot of voices from other parties. How can you trust that your unwritten principles will not be overruled?

**DP: After every four generations, you need to regain your liberties and rights. It takes four generations to lose your ideals. If you look at any current political party and compare their goals with their stated goals from the past, you**

**will notice that their current actions run in a completely opposite direction.**

JS: So you envision a party that eventually auto-destructs in order to make space for newer generations?

**DP: I think that should be a prerequisite to any party, but I'm only speaking for myself. We don't even know what the key issues will be for the newer generations. We have to look at ideals, and not at the party itself. Power corrupts, and there are always those in power who abuse their power in the name of principles. At the moment, the Pirate Party is the only party that is able to bring some true ideals into parliament, and it is my hope that we can make use of this momentum to effect some real changes. However, I have no illusions that in 50 or 60 years from now the Pirate Party will still be as pristine as it is today.**

JS: So you essentially critique all forms of power. You want to disrupt any and all monopolies of power.

**DP: Disrupted sounds slightly negative. I would have preferred to use the word "control."**

JS: And this is why you are the leader of a "leaderless" party?

**DP: [laughs] Yes! But we don't actually have leaders, we only have spokespersons.**

JS: How could you convince me that you wouldn't abuse your position as party spokesperson?

**DP: There is nothing that guarantees that, apart from my personal ethics. If I were to give you a guarantee, I would be lying to you.**

JS: So at the root of this leaderless movement that questions the concept of power we find something very human: trust.

**DP: Indeed. Pirates are incredibly sensitive to any form of hierarchy, so you can certainly expect that they will get rid of me very fast if I were to abuse any power.**

JS: This requirement of trust applies to you, as the spokesperson, but it's clear that you also have an enormous trust in people. You seem convinced that the best of humanity will come only when power monopolies have disappeared.

**DP: We have just discussed the issue of unalienable rights. What we need to do is make sure that an ongoing, self-renewing political structure that guarantees those rights, and makes sure that no one in power starts encroaching on those rights, comes into place. I truly believe that if we find ways to privately communicate on the Internet again—and I'm convinced that we will—the Internet will prove itself to be great tool with which to enact that change and renewal.**

This is an edited transcript of the interview that took place on 9 October 2013 in Rotterdam, the Netherlands. It is reprinted here with the authors' permission.



## Leaderless Politics

*New World Academy (NWA)* invites progressive political organizations to share with artists and students their views on the role of art and culture in political struggles.

Together, they engage in critical thinking through concrete examples of transformative politics and develop collaborative projects that question and challenge the various frameworks of justice and existing models of representation. *NWA* proposes new critical alliances between art and progressive politics, as a way to confront the democratic deficit in our current politics economy, and culture.

The international Pirate Parties consist of about 40 political parties worldwide, initiated by the founding of the first Pirate Party in Sweden in 2006. The parties present themselves as practitioners of *leaderless* politics, convinced as they are that the cult of leadership has long undermined the possibility of a true, direct democracy.

The parties defend a process of permanent voting through an approach they term Liquid Democracy, in which online forums are maintained by each Pirate Party that give members the opportunity to continuously vote on new proposals. Despite the fluid nature of their programs, the parties nonetheless remain committed to defending several of their key causes, which include supporting a free and open Internet, common intellectual property, and the establishment of strong privacy laws for Internet users.

**Texts by:** Heath Bunting (artist, net activist, and cofounder of [www.irational.org](http://www.irational.org), Bristol), Becky Hogge (writer and technologist, Cambridge), Birgitta Jónsdóttir (Pirate Party Iceland, Icelandic Modern Media Initiative, cofounder of WikiLeaks, Reykjavík), Geert Lovink (media theorist and founder of Institute of Network Cultures, Amsterdam) and Merijn Oudenampsen (sociologist and political theorist, Amsterdam) with Willem van Weelden (new media writer, Amsterdam), Matt Mason (writer and vice president of marketing at BitTorrent, San Francisco), Metahaven (graphic design collective, Amsterdam), and Dirk Poot (Pirate Party of the Netherlands, The Hague).

*NWA* is established by artist Jonas Staal in collaboration with BAK, basis voor actuele kunst, and functions as a department of the New World Summit, an artistic and political organization dedicated to developing alternative parliaments for organizations banned from democracy. Future iterations of *NWA* will take place in a variety of political and geographic contexts throughout the world.