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Pirate politics between protest movement and the parliament

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abstract

Since the early days of parliamentary democracy, political movements have tried to come to terms with the conflict between the struggle for radical political change and the need to be accepted as a respectable alternative within parliamentary politics. This paper analyzes how this conflict has played out in the Pirate Party: a political party focusing on issues of copyright, surveillance, access to information, and right to privacy in a digital age. Since the first Pirate Party was formed in Sweden in 2006, national pirate parties have emerged across Europe, North America and Australia, and they have occasionally won representation in different parliaments.

This article looks at how the Pirate Party has handled the tensions between radical and reformist fractions, contextualized within contemporary social movement theories. The conflicts have largely dealt with colliding principles for political organization where conventional party structures are challenged by new, and assumingly less hierarchic, forms of interaction and decision making inspired by radical, digital protests movements. This study rests on a series of interviews with Pirate Party members in Sweden, the USA and Germany. It analyses the interviews in relation to Ulrich Beck's and Maria Bakardjieva's theories on subpolitics and subactivism, asking why a movement that comes across as the prototype for a decentered, networked, subpolitical movement decides to organize as a parliamentary political party and what consequences that has had for the Pirate Party.

Pirate politics between protest movement and the parliament

> The internet is the greatest thing that has happened to mankind since the printing press, and quite possibly a lot greater [...] And we have only seen the beginning. But at this moment of fantastic opportunity, copyright is putting obstacles in the

> way of creativity, and copyright enforcement threatens fundamental rights... (Engström and Falkvinge, 2012: 7)

In a pamphlet published by the Swedish Pirate Party in 2012, Christian Engström, member of the European Parliament at the time, and Rick Falkvinge, the party's founder, identifies the internet as a gateway to new and better world and copyright as its main obstacle. This polarization was typical of the debate over piracy and copyright that had been raging off and on since the closing down of the file-sharing site Napster in 2000, when the rights of copyright holders were contrasted against the freedom of information. In the first decade of the new millennium, this politicization of piracy and copyright gave rise to a wide range of activist groups and social movements, and its most explicitly political branch was the Pirate Party. This political party, dedicated to legalizing file sharing and protecting freedom on the internet, was formed in Sweden in 2006 and soon spread to a number of countries across Europe and the rest of the world (Burkart, 2014; Fredriksson, 2012, 2015). Although digital technology is central to the Pirate Party platform, the development of the party cannot be properly understood without acknowledging changes to the political landscape that began long before the internet became politically significant.

In the late 1980s and early 1990s, the impact of the environmental movement, the growth of identity politics, and the decline of traditional political parties, positioned along a left–right axis, inspired theorists to reconsider previous conceptions of how and where politics was conducted. Ulrich Beck used the term subpolitics (or sub[system]politics) to describe how politics was increasingly enacted outside of the institutionalized political system, focusing on issues that were previously excluded from the established political narratives: 'The old industrial consensus built into the social system is encountering new and different fundamental convictions: ecological, feminism and many others' (Beck, 1997). Beck described how the dominance of left–right politics and the parliamentary party system that it had created was challenged by a new social movement that raised political questions outside of the scope of traditional party politics. This new kind of politics is formed in alternative social movements, but most notably, it takes place in people's everyday lives and consists of the choices and acts that they make as individuals, citizens and consumers (Beck, 1992 and 1997).

More recently, Maria Bakardjieva has taken the discussion further and introduced the concept of *subactivism*. She identifies three levels of political action: *institutional politics*, *subpolitics*, and *subactivism*. If subpolitics primarily refers to social movements outside of the established political parties and institutions, then subactivism is

> a kind of politics that unfolds at the level of the subjective experience and is submerged in the flow of everyday life. It is constituted by small-scale, often individual, decisions and actions that have either a political or ethical frame of reference (or both) and are difficult to capture using the traditional tools with which political participation is measured. Subactivism is a refraction of the public political arena in the private and personal world. (Bakardjieva, 2009: 92)

Unlike subpolitics, subactivism also includes acts that are not necessarily aimed at political change in a strict sense but rather seek 'personal empowerment, seen as the power of the subject to be the person that they want to be in accordance with his or her reflexively chosen moral and political standards' (Bakardjieva, 2009: 96). This kind of subactivism is particularly enhanced by the internet and its capacity to affect everyday life and connect it to civic participation, making the personal political (Bakardjieva, 2009).

Although more than a decade apart, Beck's and Bakardjieva's theories represent a common tendency in political thinking since the 1990s to locate the political subject and political agency further and further away from the institutions of parliamentary politics: first to new social movements and then into the private life of the individual. Exaggerating the political agency of individual acts of self-expressions and fulfilment, however, risks exhausting the concept of politics as a collective force of change. Blair Taylor argues that the kind of 'neoanarchism' or 'lifestyle anarchism' emphasizing individual choices and individual commitments, that has become the norm in new social movements like Occupy Wall Street, essentially domesticates social resistance within a liberal world order. Drawing on Boltanski and Chiapello (2005) he concludes that 'the discourse on autonomism' within neoanarchism 'shares strong ideological resonance with market pluralism, rendering it functionally compatible with the existing social order' (Taylor, 2013: 745). New social movements thus tend to become not only a legitimizing factor but even a driving force behind what Boltanski and Chiapello called the new spirit of capitalism.

As the opening quote implies, the Pirate Party is an example of how digital technologies create new political visions and new modes of mobilization for social movements. According to Jodi Dean this cult of communicative technology also form the basis for what she calls 'communicative capitalism': a political economy based on the ideological presumption that communication by default promotes democracy. Dean argues that the 'fetishation of communication technologies' creates a 'fantasy of abundance' that 'emphasize the wealth of information available on the Internet and the inclusion of millions upon millions of voices or points of view into "the conversation" or "public sphere"' (Dean, 2009: 26). This fantasy relies on the false assumption that digital communication is egalitarian and free. It presumes that communication in itself

is a democratic goal and focuses on keeping the public conversation going rather than formulating a consistent critique that the existing powers have to respond to. Communicative capitalism is characterized by an ongoing buzz of conversations that masquerades as democratic participation but actually pacifies any attempts at actual political agency: 'Networked communication turns efforts of political engagements into contributions to the circulation of content' (Dean, 2009: 31). From Dean's perspective one might argue that a concept such as subactivism only reinforces a capitalist hegemony by making the fulfilment of individual, often consumerist, desires look like political agency.

The question that I will get back to later in this article, is how a phenomenon like the Pirate Party, which is both a political party, a new social movement and potentially also an aggregation of subactivist interventions, fits into these theoretical perspectives. The article draws on a series of interviews with active members of Pirate Parties in Sweden and the United States (US) and a somewhat more limited study of the development of the German Pirate Party.[1] In addition to interviews, it makes use of websites and policy documents, such as party programs, as well as news reports and other secondary sources. This text will look at the conditions in Sweden, Germany, and the US, focusing on how a political party that relies to such an extent on alternative conceptions of mobilization, communication, and political agency can act within the confines of

1 The material for the entire study mainly consists of semi-structured interviews with representatives of pirate parties in Sweden, UK, Germany, Australia, USA and Canada, but also includes information material, such as websites and party programs. All the interviews were done in person, in most cases individually, with the exception of three interviews with groups of 2-3 participants. The interviews in USA were conducted between December 2011 and May 2012, with follow up interviews in May 2013. The European interviews were conducted between 2012 and 2013, and the Australian interviews were conducted in 2013. Among the 31 persons interviewed for the entire project, only five are women. Most informants were between 20 and 40 years old, but a few were closer to 45. The interviews were semi-structured in the regard that they broadly followed an interview guide that was structured around four thematic clusters: the participant's individual motivations, the organization of the party, the ideology of the party, and the national and international context of the party. The interviews also allowed for individual variations within those themes. The material was analyzed following a qualitative, inductive methodology.The interviews were recorded and all participants agreed to be quoted by name. All interviewees play important roles in their local Pirate Party community, but these roles differ significantly due to the heterogeneity of the Pirate Parties. Although two of the interviewees were members of the European Parliament at the time of the interviews, the vast majority are amateurs dedicating their spare time to party work.

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traditional representative democracy. It will ask what the Pirate Party as a case can tell about political mobilization and agency in contemporary society. In the following section I will give a background to the forming of the first Pirate Party and address the question of why they chose to organize as a political party. This will be followed by a section focusing more closely of the organizational structure and the conflicts it has caused in the Pirate Parties in Sweden, Germany and USA, followed by a discussion that relates this to the theories of Beck, Bakardjieva and Dean.

Why a Pirate Party?

The conflicts over copyright, file sharing, and the access to culture and information grew in the late 1990s with the passing of the American Digital Millennium Copyright Act and the takedown of Napster (c.f. Halbert, 2005; Lessig, 1999; Gillespie, 2007). These controversies were intensified and explicitly politicized with the prosecution and trial of the Swedish file-sharing site The Pirate Bay in 2006 and 2009 (Fredriksson, 2015a). Events such as these added to the mobilization of what can be called a 'pirate movement': a heterogeneity of loose groups and organizations that protest against how copyright can limit free speech and the access to culture and information (Lindgren and Linde, 2012)

The first Pirate Party was formed in Sweden in January 2006, when Rick Falkvinge, a software engineer with no political experience, launched a website declaring his intention to found a party dedicated to legalizing file sharing. The website had 3 million visitors in the first two days, and Falkvinge soon met his initial goal of collecting the 1,500 signatures required to register a political party in Sweden. Even though the party quickly attracted an extraordinarily large body of members, it received only a disappointing 0.63% of the votes when it participated in its first election to the Swedish parliament in September 2006 (Rydell and Sundberg, 2010: 115; Spender, 2009: 24). Nevertheless, the Pirate Party had made a name for itself. The breakthrough came with the election to the European Parliament in June 2009, when the party got 7.1% of the votes, giving the pirates two seats in the parliament (Burkart, 2013; Erlingsson and Persson, 2011).

The Swedish Pirate Party originally addressed three core issues: the protection of privacy online, the freedom of culture, and the opposition to patents and private monopolies (Fredriksson, 2013, 2015a; Fredriksson & Arvanitakis, 2015; Arvanitakis & Fredriksson, 2016). The buzz around the Pirate Bay raid and the Swedish Pirate Party paved the way for the international mobilization of Pirate Parties that caught speed almost immediately after the Swedish party was

announced. Within a week, similar parties had been formed in five other countries (Rydell and Sundberg, 2010: 160), and by 2007, an international organization for coordinating and exchanging information – Pirate Parties International (PPI: About; Wikipedia: Pirate Parties International) – had been initiated. The German Pirate Party confirmed the success when it received 8.9% of the votes in a regional election in Berlin in November 2011; this was soon followed by similar results in other regions across Germany. Lately, the European Pirate Parties have lead a somewhat waning existence. The Swedish party lost its representation in the European Parliament in the EU election of June 2014, and although the German Pirate Party conquered one seat in the EU parliament, both the Swedish and German Pirate Parties still had poor results in national and European elections in 2014, with a mere 0.41% of the vote in the election to the Swedish parliament in September 2014 (Valmyndigheten, 2015). In December 2014, the Swedish Pirate Party also suffered a crisis of leadership when the party leader, Anna Troberg; deputy leader, Marit Deldén; and party secretary, Henrik Brändén left the party due to internal conflicts over the position on gender equality and LGBT issues (Troberg, 2014).

It is difficult to speculate on the future of the Pirate Party, but its swift rise and recent recession nevertheless offers an interesting example of the challenges facing new political parties. The Pirate Party is particularly interesting because, on the one hand, it appears to be a prime example of a subpolitical movement in a digital society and, on the other, it attempts to fit this subpolitical mobilization into an organizational form that is intimately intertwined with the established political system. In this regard the Pirate Party looks like an anomaly in the age of networked activism: while an entire generation is expected to discard old political structures, a potential spearhead of the pirate movement – the Pirate Party – is attempting to fight its way into the iron cage of parliamentary bureaucracy.

The interviewees, however, rarely indicated that the choice of a political party as an organizational form was considered particularly problematic. When I asked a member of the New York Pirate Party why they chose to organize as a political party and not as a social movement like Occupy Wall Street, she answered simply that 'It makes more sense overall, because, let's face it, we're trying to affect how policies are in the US, and there's really no better way to do that than making it a political movement' (Interview, Brunner and Adams Green, April 2, 2012). Many of their colleagues in different Pirate Parties across the world appear to more or less take it for granted that the political party is the best way to achieve political influence. Mattias Bjernemalm, staffer for Minister of European Parliament Amelia Andersdotter between 2010 and 2014, presents a similar argument:

> MF: Why did you choose to organize as a political party?
>
> MB: Because the Swedish system is constructed that way. If you want to hack the system, you have to get into the system and see what you can do ... what shortcuts you can take and how you can make it better. You can't win elections if you are not a party, and you can't change the political system if you don't win elections or threaten those who win elections. (Interview, Bjernemalm, October 2, 2012)

He goes on to argue that The Pirate Bureau, a loosely organized activist group with close connections to The Pirate Bay at an early stage, had been debating copyright for some time before the Pirate Party was formed, but without any significant impact. When Falkvinge founded the party, he argued that it could not beat the lobbyists but it could threaten to take votes from the established political parties and affect the political agenda that way. According to Bjernemalm, this strategy worked since the established political parties actually began to acknowledge copyright and information politics as an important issue when the Pirate Party entered the political stage (Interview, Bjernemalm, October 2, 2012).

Getting into parliamentary politics was not alien to the wider pirate movement that preceded the Pirate Party. Several informants mentioned that the idea of forming a pirate party had circulated on different internet forums well ahead of Falkvinge's initiative. Jan Lindgren, Party secretary in the Swedish Pirate Party at the time of the interview, describes how he immediately caught on to the idea when he first heard of Falkvinge's initiative in January 2006:

> JL: I was already engaged in those questions. I had been hanging around at the Pirate Bureau's forum for about a year, and there it had been discussed several times. It popped up as... like, 'someone should start a pirate party'. I think I read about it three or four times, if not more. But it was always someone who came in and thought that: 'someone should do it'. And then the answer was always, 'So, why don't you do that in that case?' Something like that. But no one ever took the step... [---]
>
> MF: So no one had to tell you what a pirate party was?
>
> JL: No. (Interview with Lindgren, October 10, 2012)

Fredrik Holmbom from the Swedish Pirate Party agrees that 'the pirate movement already existed [and that] all that was missing was the political branch' (Interview, Holmbom, October 22, 2012). In this regard, Falkvinge's initiative was a trigger that catalyzed an urge and an expectation that had been brewing for some time. If people, as Lindgren describes, had been calling for a Pirate Party without ever putting the idea into action, this also explains why the Pirate Party spread so fast across Europe in 2006: the idea of a pirate party was already present in people's minds, and when someone took the first step, the movement

mobilized swiftly. This, oddly enough, indicates that this spontaneously mobilized, loose swarm of netizens, who largely embody the model of the new subpolitical movements envisioned by Ulrich Beck, spontaneously take the political party and the parliamentary system for granted as the primary tool and arena for political participation. Therefore, the primacy of institutionalized politics is not only a pragmatic choice by the most dedicated party activists but also consistent with the political imagination of their less organized followers.

Forming and reforming the party organizations

The Pirate Party resembles what has been called an 'amateur-activist' party model: a kind of organization common to the Greens and many other grassroots parties, striving for a 'highly decentralized organizational format that has been designed to emphasize the voluntary organization' and relying on open access to party meetings, egalitarian decision making processes, 'collective forms of leadership; affirmative action; and close links to new social movements' (Miragliotta, 2015: 699 ff.). Initially the Swedish Pirate Party was however also strongly dominated by Rick Falkvinge who quickly came to embody what Gissur Erlingsson has called a political entrepreneur. In a study of new parties in Sweden Erlingsson concludes that one of the most important factors for the success of a new party is the existence of a strong political entrepreneur who can mobilize the party supporters (c.f. Erlingsson, 2005). Falkvinge came to take on this role, not only in Sweden but also internationally where he has been inspiring pirate parties across the world. Although he was totally unprepared for the party's sudden impact (Spender, 2009), Falkvinge soon adapted and began to set up a party organization that has been described as a combination of top-down corporate structure and a swift commando organization. At an early stage the Pirate Party quickly launched its so-called 'three pirate rule': if three pirate party members agreed on an issue, they were, by default, authorized to campaign for it (Interview, Nordström, September 21, 2011). While this structure was intended to be pragmatic and egalitarian, the early Pirate Party was also criticized for being nontransparent and authoritarian because the lack of formal organization in practice left the executive power to a few memebers who took the initiative (Interview, Nordström, September 21, 2011; Interview, Brändén, October 29, 2012; Interview, Nipe, November 1, 2012).

This organization was well suited to the party's initial mobilizing phase, but it failed to meet the demands for democratic participation that grew as the party expanded (Interview, Nordström, September 21, 2011). A driving force toward creating a more conventional organizational structure was the party's youth branch, Ung Pirat, which set up an organization that was much more similar to

other parties when it was formed in late 2006 (Interview, Nipe, November 1, 2012). This was partly a consequence of the formal requirements that come with the fact that youth parties in Sweden receive public, financial support from the Swedish Agency for Youth and Civil Society (Ungdomsstyrelsen). According to Gustav Nipe, the leader and cofounder of Ung Pirat, it was, however, primarily a demand from the members who wanted a proper party organization:

> If the Pirate Party had no classical party structure when it was formed, then as a countermovement ... some people who were not comfortable in the Pirate Party's structure joined and helped to organize Ung Pirat. We are organized according to a classical associational structure with local clubs, and districts, and national boards, and national congresses... And all that was kind of like a counter reaction ... or maybe not a counter reaction ... but ... Well, the Pirate Party had an organization without local clubs. It had a top-down military structure, and it was very efficient and good at getting things done, but the question is if such an organization can suffice in the long run ... (Interview, Nipe, November 1, 2012)

It is also significant that many of those who set up the youth party had been active in the Swedish Gaming Federation (SVEROK), which was and remains Sweden's largest youth organization, in which they received a thorough schooling in the formalities of running a large-scale civil association. Mattias Bjernemalm is one of those, and he describes the party as composed of three different organizational cultures: 'the business-people, the association people and the swarm romantics' (Interview, Bjernemalm, October 2, 2012). If the business-people refers to entrepreneurs such as Falkvinge and the association people mainly consists of the former SVEROK crowd, then the swarm romantics come from the open-source side of the movement.

Although the Swedish Pirate Party incorporates many different organizational cultures, many of the interviewees described the transition to a more formal party structure as having caused no major disruptions within the party (Interview, Nipe, November 1, 2012; Interview, Bjernemalm, October 2, 2012). This does not, however, mean that the question is uncontestable. Nordström argued that although there have been no significant conflicts regarding the choice of a political party as an organizational form *within* the party, there is, nevertheless, a movement outside of the party that represents the extra-parliamentary struggle and keeps its distance from the Pirate Party. Nordström distinguishes between the Pirate Party and a wider pirate movement that he describes as being 'not political' but rather working with civil disobedience. In this regard, he, too, seems to acknowledge a distinction between politics and subpolitics, wherein politics is still equated with institutionalized parliamentary representation. He laments the weak ties between the Pirate Party and that extra-parliamentary movement and refers to the leftist movement as an example of how these fringes can coexist. Nordström's description thus implies that there

are no conflicts within the party because those two fringes never merged when the party was formed: the extra-parliamentarians stayed alien to the Pirate Party (Interview, Nordström, September 21, 2011).

The clashes between parliamentary and extra-parliamentary organizations have been more open and antagonistic in other countries, such as Germany and the US. The German Pirate Party has been infamous for its internal quarrelling, which partly touches on the choice of organizational form. With its origins in the anarchist-oriented hacker organization the Chaos Computer Club, the Berlin Pirate Party has close ties to the anarchist movement, which are sometimes difficult to combine with party politics. An article in *Die Zeit* describes the self-destructive party dynamics of the German Pirate Party:

> The pirates had so internalized the distrust in politics that they rejected all representative politicians – including their own. Their representatives of the four state legislatures were soon despised as 'cush post keepers'. Essentially, becoming a party has estranged the party from itself. (Pham, 2014; transl. Sonja Schillings).

When I met her in July 2013, Cornelia Otto from the Berlin Pirate Party also acknowledged that there had been conflicts between activists and more moderate members within the German party, and that this had led to some activists leaving the party when they were expected to conform to the rules of parliamentary politics and adopt a wider political agenda (Interview, Otto, June 3, 2013).

The political importance of the organizational structure is also prominent in the American cases. The United States Pirate Party (USPP) has been suffering from, if not constant then at least reoccurring, conflicts over its constitution and its forms of organization ever since it was initiated in 2007. This has been bolstered by the complicated relationship between the national party and the state parties in the US. The American pirate parties are less centralized than their European counterparts. There is a national committee of pirate parties in America – the USPP – but this has more of a coordinating function, and the political initiative mainly rests with the state parties. These are fairly scarce and, in most cases, consist of only a handful of active members and a small crowd of loose followers on Facebook and Twitter.[2] Their working conditions also differ due to variations

2 A few of the parties are, however, formally recognized, and by the fall of 2013, Pirate Parties were, to my knowledge, fielding candidates in Massachusetts, Washington, and New York. The number of American Pirate Parties differs from month to month as new state parties are formed, and sometimes also dissolved, continuously. My original study included the parties that were most active in February 2012: Massachusetts, Florida, Washington, Oklahoma, and New York. Since then, many new state parties have, however, emerged, and I conducted an additional interview with a representative of the California Pirate Party in the spring of 2013.

in local legislation, which gravely affect the different state parties' possibilities of becoming formally recognized. This appears to create uncertainty regarding the relationship between USPP and the state parties, wherein the latter's sovereignty becomes an issue of negotiation and, thus, a zone of potential conflict.

Several members of the United States Pirate Party describe the drafting of the USPP constitution as a disruptive process where disagreements over technicalities of the party organization reflected both organizational and ideological differences (Interview, Emerson, April 21, 2012: Interview, Hall, March 14, 2012). In the USPP, a conflict between those who support direct action and a decentralized organization and those who wish to see a more conventional party structure is intertwined with a parallel conflict concerning the Pirate Party's relation to extra-parliamentary organizations like Occupy Wall Street and Anonymous. While one fraction finds it necessary for the Pirate Party to distance itself from all kinds of potentially illegal actions another see the Pirate Party as a political branch of a wider range of extra-parliamentary movements, including Occupy Wall Street and Anonymous (Interview, Emerson, April 21, 2012: Interview, Hall, March 14, 2012). A member of the New York Pirate Party for instance expressed the frustration he experienced when his attempts to build a working relationship with Anonymous was wrecked when another party member officially renounced them without consulting him (Interview, Emerson, April 21, 2012).

These conflicts between a radical left-wing fringe and a more moderate, reformist side caused an outright split within the New York Pirate Party where the former accused the parliamentarians of setting up a formalistic organization that centralizes power and hampers wider democratic participation (Interview, Emerson, April 21, 2012; Interview, Adams Green, May 10, 2013). Other party members, on the other hand, discarded the radical fringe as trendy lifestyle anarchists that derailed the party into an Occupy Wall Street support group. From their perspective, the informal and seemingly egalitarian organization of the Occupy movement in practice concentrates power in the hands of a few vocal members (Interview Brunner and Dan, May 11, 2013). This vaguely resembles the descriptions of how power could be both decentralized and centralized in the early, informal days of the Swedish Pirate Party (Interview, Brändén, October 29, 2012; Interview, Nipe, November 1, 2012). However, it also reflects more recent concerns over the decision making model Liquid Democracy: a digital voting platform mainly used by the German Pirate Party that is supposed to enhance direct democracy within the party but which, many argue, rather tends to concentrate power into the hands of the most active and initiated users (Cammaerts, 2015).

That this opposition between radicals and moderates, which is almost generic to new social movements and exists in all Pirate Parties to different degrees, has become so disruptive to the American Pirate Party may be a consequence of the particular state of American politics. Many Pirate Party members who belong to the reformist side fear that radical individuals can pose a threat to the entire party, not necessarily in and of themselves but because they might get other party members and the party as a whole in trouble with the authorities (Interview, Hall, March 14, 2012; Interview, Kesler, March 11, 2012; Interview, Norton, March 17, 2012).

However, this is not merely a conflict over political content and position – over what issues the party should have on its agenda, which groups it should associate with and where it should position itself on the political scale. The conflicts over parliamentary or extra-parliamentary methods and organizational models essentially rely on the fact that the form of political organization is inherently political in itself. This has always been obvious for anarchist inspired movements such as Occupy Wall Street, but it is also crucial to the pirate movement. Christopher Kelty has described the hacker community as a 'recursive public': a group 'constituted by a shared profound concern for the technical and legal conditions of possibility for their own organization' (Kelty, 2005: 185). Elsewhere I have discussed how this also applies to the Pirate Party which is consistently preoccupied with its own organizational forms, to the extent that it has developed its own voting system in the form of 'liquid democracy' (Fredriksson, 2015a) This might foster a sensitivity to the profound political implications of that form, which makes it harder to reconcile between parliamentary and extraparliamentary activists even when their explicit political agendas align.

The Pirate Party between subactivism and the parliament

Applying Ulrich Beck's theoretical perspective one could argue that the Pirate Party has grown out of a subpolitical movement that claims to protect the freedom and integrity of the emerging network society against government authorities' and commercial actors' attempts to control the internet and use it to their own ends (Burkart, 2014; Fredriksson, 2013, 2015a). Looking at the political mobilization around issues of piracy and copyright, from the introduction of The Pirate Bay in 2003 until the Swedish Pirate Party's exit from the European parliament in September 2014, it is possible to distinguish three phases. The first phase begins a few years into the new millennium as peer-to-peer (P2P) file sharing is becoming not only more commonplace but also increasingly articulated within an ideological and political context, for instance by activist groups such as The Pirate Bureau. Even though the large bulk of file sharers are

motivated by self-interest rather than by ideology and rarely see their practices in an ideological context (c.f. Andersson Swartz, 2014; Da Rimini and Marshall, 2014), many of them were engaged in political discussions in chat forums, and some even took to the streets to demonstrate when the authorities tried to shut down The Pirate Bay (c.f. Kullenberg, 2010: 44). This was followed by a second phase starting in 2006, when more ideological file sharers, some of whom are present in this study, joined the Pirate Party either as active members or passive supporters. Here, the Pirate Party gave this multitude of sometimes politically alienated file sharers a subpolitical presence similar to that of the environmental movement and the emerging Green Party of the 1980s. This was also when the Pirate Party began to spread outside of Sweden. The third phase began in 2010 when the Swedish Pirate Party's poor results in the national election forced them to reconsider the initial strategy to focus entirely on information politics. Shortly thereafter, the German Pirate Party made an impact in local elections with an agenda that included a number of different issues, such as free public transportation and basic income guarantee. This initiated a process in which the party began to widen the agenda to attract voters beyond its initial core supporters of fairly young people who were mainly attracted by digital rights issues. Following the EU-election in June 2014 it is possible to see a decline in support for the Pirate Party, indicating that the wider agenda might not be a universal ticket to political success. It is however still too early to make any predictions on the future existence of the Pirate Party.

Simon Lindgren and Jessica Linde argue that online piracy can be seen as an expression of subpolitics regardless of whether it is motivated by ideological conviction. If 'subpolitics refers to the ways in which individual, small-scale decisions achieve political significance either because they have a direct political frame of reference, or simply because of their aggregation' (Lindgren and Linde, 2012: 145), then the consequences of online piracy as a collectively aggregated act is potentially political regardless of the file sharers' intent. Even though downloading is, in most cases, an act of individualistic consumerism, the collectivity of file sharing lies in the fact that a large number of people from across the world are actively uploading material and contributing to a common pool of cultural resources (Lindgren and Linde, 2012; Vaidhyanathan, 2004). Furthermore, it could be argued that this collectivity and mutual contribution is technically enforced by the BitTorrent protocol which assumes that everyone who is downloading is seeding by default and thus contributing to the distribution of content.

The strong reaction that many file sharers display when they see their possibilities to access media restricted can be interpreted as a textbook example of subactivism. When I asked one of the American Pirate Party members if file

sharing is a political act, he argued that it is not political as such but that it is made political when politicians try to ban it and deny people the possibility to consume culture and take part in communities that emerge around file-sharing networks (Interview, Kesler, March 11, 2012). Bakardjieva points out that:

> Subactivism may or may not leak out of the small social world and become politically visible. [...] The potential for it to be mobilized by trigger events and transformed into overt political activism is always in place. It is that essential bedrock against which individual citizens' capacity for participation in subpolitics or in the formal political institutions of the public world is shaped and nurtured. (Bakardjieva, 2009: 96).

In most cases, the file sharers' reactions remain on the subactivist level: a private act of defiance as people continue to share music and movies hidden behind VPN encryption. In some cases, the subactivist impulses are transformed into subpolitics when people take their dissatisfaction to politicized discussion forums, such as that of The Pirate Bureau, or join the demonstration against The Pirate Bay prosecution. The Pirate Party takes this mobilization to the level of institutional politics. A concrete example of how subpolitics is translated into institutional politics is the closing down of the file-sharing site TankaFetast in October 2012. When the content was blocked, the owners of TankaFetast redirected all visitors to the Pirate Party's website, causing a growth of over 70% in party membership in two weeks (Interview, Lindgren, October 10 2012; Piratpartiet, 2015). Here, thousands of P2P users, who initially just wanted to download a movie, ended up joining a political party as a spontaneous reaction against being deprived of a source of enjoyment that had become a part of their everyday lives. What we see in the mobilization of the Pirate Party between 2006 and 2009 is, thus, an outburst of subactivism that grew into a subpolitical mobilization and, finally, an institutional political organization; or, as Jay Emerson from the New York Pirate Party puts it, the 'first step is uploading, second step is downloading, then you move on to the Pirate Party' (Interview, Emerson, April 21, 2012).

Jodi Dean's theories on communicative capitalism could provide a counter-perspective on this kind of subactivist mobilization. The technological fetishism that Dean identifies as part of communicative capitalism is particularly evident in relation to file sharing technologies:

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

Dean mentions Napster, but this effect might be even more evident with the notorious politicization of the Pirate Bay which contributed to the rapid mobilization of the Pirate Party. The Pirate Party's strong focus on communication technologies, where free debate is often envisioned as the ultimate goal, might be seen as an expression of how the fantasy of abundance works in communicative capitalism (Fredriksson, 2015a). From that perspective, the pirate movement can be discarded as another example of the domestication of democratic participation in communicative capitalism.

Taking an opposite view, the Pirate Party might, in its turn, present a counter-perspective to the theory of communicative capitalism. Dean's critique focuses on how political protests are confined to a self-confirming and self-sustaining communicative loop of endless talk that remains alien to the arenas where actual political decision-making takes place, and how the cult of communication hides the fact that it lacks actual political influence. The defining characteristic of the Pirate Party is, however, that it does not confine itself to this communicative sphere of subactivist and subpolitical protest but aspires to play a role on the arenas of political decision-making. Although their political impact might be discussed, the fact that they did gain representation in political parliaments, and even in the European Parliament, indicates that subpolitical mobilization may have real political impact outside of its own circuits of marginalized communication.

As the history of the Green Party has shown, it is potentially possible to channel subpolitical movements into a well-functioning, large scale parliamentary organization. Recently a number of left wing grassroots parties, such as Syriza in Greece and Podemos in Spain, have reached significant political impact by doing just that. A challenge to all such movements is to find a balance between the parliamentary and extra-parliamentary fringes. This distinction between parliamentary and extra-parliamentary organization is not analogue to that between subactivism, subpolitics and parliamentary politics. Some subpolitical movements might be highly compatible with parliamentary politics while others are not, and subactivism has by definition no organizational form at all while it might emanate into both – as the example with the Pirate Party has shown. The development of the Pirate Party might however also indicate that it is harder to form a parliamentary organization from a movement whose initial mobilization has been highly depending on a range of different subpolitical groups with different organizational principles and values.

At the same time, the Pirate Party also presents a counter-perspective to a blind belief in subpolitical and subactivist engagement as the primary arena for political engagement in contemporary society. The understanding of the Pirate

Party as a new global subpolitical movement enhanced by digital technology indeed aligns well with the rhetoric and self-conception of the Pirate Party activists. If one scratched the surface and looks more closely at the Pirate Party's actual political organization and strategies, this emphasis on subpolitics and subactivism nevertheless becomes insufficient. In the interviews, forming a national political party comes across as the most efficient way to achieve political influence, even for the disillusioned American pirates. The choice of the political party as the primary organizational form indicates that most of the Pirate Party activists still see the national government as the center of power in legal and practical terms. What makes the Pirate Party interesting and exceptional is thus not its new social movement rhetoric but the fact that that it has become a political party in spite of that rhetoric. This, and particularly the members' spontaneous acceptance of the party form, suggests that the political subject and political agency still gravitates towards the parliament as the self-evident core of politics even within a young digital movement like the Pirate Party.

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