Cyber Pirates Clash with Empire On the Internet's Digital High Seas

PanDoor

2009

The week of April 12 was a very bad one for pirates. It began that Sunday when Navy SEALs executed three pirates off the coast of Somalia who had captured an American ship's captain. For days, the "daring" rescue dominated headlines in the U.S., without any mention of the socio-economic circumstances that have led to a resurgence of piracy in the region–or of the role the West has played in contributing to those circumstances. Rather, countless stories focused on the Hollywood-style operation: how three snipers parachuted under cover of darkness into the sea, swam to a nearby ship and took out the pirates with three bullets fired nearly simultaneously.

Yes, if there's one thing at which the American empire excels, it is the art of murder.

Just five days later, virtually unnoticed by the mainstream media, another group of self-styled pirates was facing its own confrontation with American imperialism. In a courtroom in Stockholm, Sweden, representatives of the American music and movie industries sought to bring down the Internet's most infamous haven of illegal downloading, The Pirate Bay, by charging its founders with copyright infringement.

The four defendants–Fredrik Neij, Gottfrid Svartholm, Peter Sunde and Carl Lundstram–were sentenced to a year in prison each and a fine of 30 million kronor ($3.5 million US).

Established in November 2003 by the Swedish anti-copyright organization Piratbyran ("The Piracy Bureau"), The Pirate Bay is the world's largest site for tracking "torrents"–small computer files that can be downloaded from other people's computers. Though it does not directly distribute copyrighted materials, the free website essentially shows would-be pirates where they can do so.

Numerous questions linger about the legitimacy of the trial. There is strong evidence to suggest that the judge and the prosecutors involved were operating under pressure from members of the Swedish government, who themselves were being threatened by Washington. Citing this undue influence, the pirates currently are appealing their convictions.

But regardless of the fate of The Pirate Bay founders, data piracy will continue to thrive on the Internet. The reason is simple: the Internet was designed from its inception to disseminate information in the most efficient way possible and to do so using multiple redundancies so that shutting down one data hub would not stop the flow of information.

The Cold War-era technocrats who designed the networks that would later become the World Wide Web did so with the intention that data transfer would continue even in the event of a nuclear war. For Hollywood lawyers, Swedish prosecutors or anyone else to think that they could do more than a nuclear war to stymie the dissemination of data is either sheer hubris or utter ignorance.

Facing the daunting implications of the Internet's robust and open protocols for their archaic business models, corporate media producers have sought to tame an even more unruly beast: human nature. By now most of us have seen the inane ads that ask "You wouldn't steal a car… so why would you steal a movie?" While it is true that most of us do not choose to steal cars, the question the ads ask is logically inconsistent.

A more accurate reflection of the issue might be stated like this: "If you possessed some sort of magical replicating device, you wouldn't create a free car that is an exact duplicate of someone else's car, (because that would be unfair to the person who had bought the same car, regardless of whether you could afford it or not)… would you?"

Well, actually, most of us probably would. The commonly accepted prohibitions on theft are based on the fact that stealing an object deprives someone else of that object. With data piracy, no such loss occurs. This simple truth seems brazenly obvious to most children (who are among the most avid downloaders of pirated materials), yet it seems to elude many adults who cling to the ethics of consumerism.

Another moralistic argument against piracy–and arguably a more valid one–is that it deprives content creators of a livelihood. While this is true to a certain extent, there are a number of considerations that make this argument highly muddled at best.

For starters, the main people deprived of an income, particularly in the music industry, are not the musicians themselves, but the multitudinous parasitic agents of large media companies who have always enjoyed the lion's share of record sales proceeds. In most cases, the artists who are signed to major record deals receive a mere pittance from the sale of the content they created.

In the pre-digital age, when working in multi-million dollar recording studios was the only way for an artist to record an album, such arrangements made more sense. But today, anyone with access to a computer and a few hundred dollars' worth of gear can record, mix and press an album worthy of distribution. Furthermore, access to online stores, streaming music sites and other resources eliminate much of what record labels used to do for artists.

In fact, in many ways while it has been bad for the music industry, piracy has been good for music. Deprived of the quixotic dream of becoming rich from a platinum-selling album (only the very best selling albums earn any money for the artists), musicians have increasingly turned to touring, merchandising and licensing their music for film and television. Such revenue sources result in fewer mega-stars but more working musicians.

One music promoter who spoke recently on this topic said it best: "The future of music is the Middle Ages. No one will get rich, but roving bands of Troubadours will tour the country making a modest income and at least they won't have to be cobblers."

What many musicians–and artists of all types–are learning is that sometimes the best path to prosperity is through gifting. Ask any dedicated musician which they would prefer, a life of material comfort in which no one ever hears their music or a life of poverty in which their music reaches millions, and it is almost certain most would prefer the latter. This is why more and more artists are putting tracks up on their websites and MySpace pages and why the Creative Commons movement is gaining momentum.

When bands give their albums away for free, they're likely to reach far more new listeners, who then will come to their concerts, buy their tee-shirts and tell their friends.

No longer limited by the restraints of expensive studios and narrow distribution networks, far more artists can reach wider audiences and make at least a modest living. And for many pirates, including the founders of TPB, this is a stronger motivation than greed. Just as the wide-open expanse of sea has always provided safe haven for the armed outlaws who skim off the excesses of empire, so the vast uncharted wilderness of the Internet will always provide ways for modern pirates to liberate art from consumerism.

Ultimately, the real impact of piracy is not to destroy art, but to democratize it. And democracy has never been popular with empires.

FE NOTE: A single mom from Minnesota was ordered by a federal jury in June to pay the record industry almost $2 million for illegally downloading songs.

As indicated in the article above, this is finger-in-the-dike activity on the part of the big labels like Virgin, Sony, and Capitol, whose overall sales are plummeting.

The Recording Industry Association of America (RIAA) has launched over 20 thousand such suits since 2003 in an attempt to staunch file-sharing piracy but the practice continues unabated. As it is, music streaming on demand, songs available over the internet, both free and legal, seem poised to put the industry on deathwatch.

Global music sales are predicted to continue dropping at a 2.5 percent rate annually, and legal downloading will come nowhere near making up the difference.

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Fifth Estate #381, Summer-Fall 2009

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