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From File Sharing to Free Culture: The Evolving Agenda of European Pirate Parties

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In this article, we explore the challenge of shaping Pirate policies to match political context: how to safeguard the unity of digital rights, freedom of expression, privacy, and access while adapting to local political realities. The article examines the political programs of the Pirate Party in five countries to present a representative image of contemporary Pirate politics. The analysis shows that the Pirate Party platform has extended to more broad notions of culture, participation, and self-expression. While the trinity of digital rights persists, a process of reframing and reconfiguring Pirate politics is detectable where the political arm of the movement has gradually drifted apart from core activists holding on to the idea of preserving digital rights as a single issue.

Keywords: piracy, Pirate Party, privacy, copyright, digital rights

Introduction

The Pirate Party was first launched in Sweden in 2006 following a protest against the raid of the file-sharing site The Pirate Bay by the Swedish police (Ilshammar, 2010). What began as a protest against antipiracy measures in one single country has since transformed into a transnational network of party organizations campaigning for cyberlibertarian reforms. The Swedish Pirate Party's initial success in raising the file-sharing debate within the formal political decision-making system inspired like-minded individuals to establish national Pirate parties in several other countries, including Germany, France, and Austria in 2006, the same year that the Swedish party was founded.

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The first success of the Swedish Pirates in the 2009 European Elections, in which they received over 7% of the Swedish vote and took one seat in the European Parliament (EP), was met with surprise. Another Pirate Member of the European Parliament (MEP) from Sweden entered the EP after the Lisbon Treaty reform. Yet another triumph followed in 2011 in Germany, where the Pirate Party won 15 seats in the Berlin state parliament, and in three more state parliaments. Since then, however, the fortunes of the Pirate parties have waned. In the European elections in May 2014, Pirates ran for seats in the European Parliament in 12 countries² on a common platform.³ Despite this effort, only one Pirate candidate, Julia Reda from Germany, was elected to replace the two Swedish MEPs in the previous European Parliament.

Although Europe's Pirate Parties had hoped that Edward Snowden's exposure of the NSA's mass surveillance schemes would translate into increased support for Pirates, there was no sign of this preceding the elections (Öhrvall, 2014; Putzier, 2013). Following its poor performance in the European elections, the Pirate Party, no longer the exciting newcomer, now formally takes a place in European political history among the many fringe and antiparty parties (cf. Enyedi, 2013).

Notwithstanding their change in fortune, the Pirate parties have been unusually successful in policy making. The issues for which the Pirate parties have been best known—cyberliberties, Net neutrality, and a criticism of immaterial rights management and copyright restrictions—have been adopted by policy makers, courts, and mainstream political parties (Geere, 2014; Markakis, 2014). It is this potential to shape policy that makes the legacy of the Pirate Party (whatever their future as a formal political organization may be) an interesting and relevant focus of continued research. In fact, it has been long established that there is no one-to-one correspondence between the level of mobilization and success of social movements; success depends more on political context (Kitschelt, 1986).

Movements may change over time, and their impact on policy may be delayed until long after their emergence and most visible periods of activism (Rochon & Mazmanian, 1993). The political-process model of social movements developed by McAdam (1982) used here extends the resource-mobilization model by emphasizing the political environment in which the groups operate, including the cultural framing or social construction of grievances and discontent in a particular setting (Kriesi, 2008). In this article, we explore how well Pirate policies fit political culture, or the difference between observed and expected cyberliberties policies, to understand the situation in the wake of the 2014 European elections.

More specifically, we address the question of a unity of digital rights as the core of Pirate politics. Both Pirates and their critics have operated on the presumption that the three fundamental components of digital rights—free speech, privacy, and access—are united (Burkart, 2014). This trinity, also referred to

² The Pirate Party competed for seats on their own list in Croatia, the Czech Republic, Finland, France, Germany, Greece, Luxembourg, the Netherlands, Slovenia, Spain, Sweden, and the United Kingdom. In Austria and Poland, Pirates participated in coalition with other parties. In Estonia, the Pirates endorsed an independent candidate.

³ The European Pirates agreed on a joint election program based on a common agenda in Athens in November 2013 (Leivaditis, 2013). All but the Swedish Pirates employed PP-EU's program for the 2014 European elections.

as Internet rights (Putzier, 2013), originally formed the cornerstone of the narrow and technical policy profile that singled out Pirate parties from other single-issue parties (Erlingsson & Persson, 2011). The Pirate movement's comprehensive focus on digital rights has given rise to a new ideology with a mobilizing force (Andersson Schwarz, 2013; Burkart, 2014; Löblich & Wendelin, 2012). Pirates have politicized issues that have previously been deemed apolitical, including copyright (see Fredriksson in this special section). On the question of unity, Burkart (2014) asks, has the emerging postprivacy condition created by the combination of data retention, surveillance, and the collection of personal data by social media services entailed a fraying of the unity of digital rights, thus depriving Pirate politics of their central purpose (see also Burkart & Andersson Schwarz, 2013)? Furthermore, how much have taking part in institutionalized politics and the need to attract new voters required the broadening of Pirate Party platforms beyond digital rights issues?

To answer these questions, our analysis draws on qualitative documentary research based on data collected online in 2013 and 2014 from the websites of Pirate parties in five countries: the Czech Republic, Finland, France, Germany, and Sweden. By comparing the political programs of Pirate parties, we aim to highlight the central features of the European Pirate agenda and to ascertain the state of affairs of the unity of digital rights. The comparison shows that the trinity of free speech, privacy, and access remains important, albeit somewhat diluted, but that a process of reframing and reconfiguration seems to be going on. Parties adapt their positions to match the preferences of their voters (Wagschal, 1998). Pirate parties are broadening their programs to include a wider range of policies from employment to agriculture, some of which are linked to digital rights, whereas the connection is weak for other concerns. Although traditional Pirate issues—file sharing, intellectual property and copyright, privacy, and data protection—remain on the agenda, national Pirate parties are connecting them with a general cosmopolitan defense of civil liberties and human rights on the one hand and with particular national and local concerns on the other.

Pirate Parties in Sweden, Germany, Finland, France, and the Czech Republic: Background

The selection of the five parties' programs aims to capture both variance according to cultural differences and consistency through diffusion, recognizing the beginnings of the Pirate movement in Sweden. The rise of the Pirate Party in Sweden (PP-SE) has previously been outlined by several researchers (including Andersson Schwarz, 2013; Burkart, 2014; Erlingsson & Persson, 2011; Ilshammar, 2010; Fredriksson in this special section). This body of research emphasizes the importance of the specific and local political contexts in the formation and updating of party programs. The founding of the Swedish Pirate Party in 2006 coincided with the political development referred to as the postconsensual, postsocial democratic condition, in which the collective provides the means for the realization of individual freedoms (Andersson Schwarz, 2013). The rise of Pirate politics was both a product of and a counterforce to this development, inasmuch as Pirate activists emphasized globalism and antistatism instead of centralized state control in the context of information policy making (Andersson Schwarz, 2013).

Similar antistatist sentiments are recognizable in the founding of the Finnish Pirate Party. PP-FI was officially registered as late as 2009, but the Swedish Pirate movement inspired the forming of its predecessor, *Tietoyhteiskuntapuolue* (the Information Society Party), in February 2006. The Information

Society Party protested the amendment of the Finnish Copyright Act and Criminal Code implementing the changes to Finnish legislation required by the EU Copyright Directive 2001/29/EC. The amendment introduced the idea of unauthorized not-for-profit file sharing as a punishable crime into Finnish copyright legislation, prohibiting the downloading of illegal copies and the circumventing of DRM for the purpose of copying—even for personal use (Apajalahti & Sotala, 2010). The Information Society Party failed to mobilize supporters, however, and dissolved, only to re-emerge in 2009 under the Pirate Party banner (Airo, 2012; Hintikka, 2008).

The German Pirate Party emerged originally as a response to decisions and policy proposals emanating from what it saw as the EU's going the wrong way on information policy in particular, with a proposal for a directive on the patentability of computer-implemented inventions and reform of copyright law (Löblich & Wendelin, 2012). However, public debates about the implementation of the EU Data Retention Directive to German law 2006–2008 and, finally, the DNS-blocking Access Impediment Act in 2009 paved the way for the German Pirates to develop into a full-blown political party ready to take office (Burkart, 2014).

The French Pirate Party, also inspired by the Swedish Pirates, was founded in 2006 only nine days before the controversial renewal of French copyright law DADVSI⁴ was passed by the French Parliament (PP-FR, 2012). The DADVSI law amended French copyright law to implement the European Copyright Directive (2001/29/EC).⁵ The founders of the PP-FR were concerned that the new law would introduce fines for illegal file sharing and challenge the right to make private copies of music and video. Although the law inspired activists, the movement did not gain popular support. It did not help that two short-lived and competing Pirate parties were launched. The PP-FR was not officially registered as a party until 2009, when it also participated in the regional elections in Yvelines with little success.

Taking into account predecessors in Finland and France, the Czech Pirate Party is the most recently founded party of the five. PP-CZ was registered in 2009 after having assembled in just two days more than the 1,000 names needed to qualify for registration as a political party. PP-CZ has entered state and regional elections, campaigning for privacy and civil liberties with some success, although according to local observers, support for the Pirate Party in the Czech Republic is the result of a general disillusionment with politics among young people rather than identification with Pirate issues (PP-international.net, 2010).

All five parties under examination are registered as political parties and have entered candidates in local, regional, national, and European elections. Success in mobilizing potential supporters to vote has thus far been modest at best, as shown in Table 1. In European elections, Czech candidates were the closest to gaining a second seat in the European Parliament for the Pirate Party after receiving 4.78% of the Czech vote, just under the national threshold (Table 1).

Although local and national factors have shaped the emergence of Pirate parties and their support, the tightening of copyright-enforcement regulation required by European directives has been a

⁴ Loi sur le Droit d'Auteur et les Droits Voisins dans la Société de l'Information, 2006/961.

⁵ The Copyright Directive is also known as the Information Society Directive.

common issue for the movement. In the following sections, we will analyze whether file sharing and demand for copyright reform continue to be central to the information-policy programs of the Pirate parties, and how privacy, surveillance, and anticensorship have competed for attention.

Table 1. Pirate Parties in the Czech Republic, Finland, France, Germany, and Sweden.

| Name | Year of official registration | Website | Performance in recent elections (national and subnational) | Performance in European Elections, 2014 |
|------------------------------------|--------------------------------------|-------------------|--|--|
| Česká pirátská strana (PP-CZ) | 2009 | pirati.cz | One seat in Senate election 2012 (independent candidate) | 4.78%, no seats |
| Piraattipuolue (PP-FI) | 2009 | piraattipuolue.fi | 0.5% of votes in 2011 parliamentary election (no seats) | 0.72%, no seats |
| Parti Pirate (PP-FR) | 2009 | partipirate.org | 0.12% of votes in the French legislative election, 2012 | 0.21%, no seats |
| Piratenpartei Deutschland, (PP-DE) | 2006 | piratenpartei.de | 2.2% of votes in Bundestag 2013. Since 2011, seats in four state parliaments | 1.45%, one seat |
| Piratpartiet (PP-SE) | 2006 | piratpartiet.se | 0.65% of votes in parliamentary election 2010 (no seats) | 2.19%, no seats |

Note: Election results from Pirate Party websites and European Parliament (2014).

Party Programs Compared: Common Outlines, National Implementations

Political parties are organizational actors, and as such, they possess principles, beliefs, doctrines, taken-for-granted cognitive structures, scripts, and schemas that can be analyzed (Scott, 2014). Pirate Party programs are developed and approved by consensus. Therefore, unlike research relying on techniques such as interviews, they can be treated as representative of the party members. The programs or manifestos, presented in Table 2, differ in format and length but not in content. This is unsurprising, as the parties interact with each other.

The following analysis of the programs combines features of positivist, interpretative, and critical approaches to documentary research (Jupp & Norris, 1993). The analysis is structured according to the thematic content of the programs, particularly the enumeration of the core digital-rights issues mentioned in the programs. Secondary sources, in particular Burkart's (2014) comprehensive research on the rise of Pirate politics, inform the interpretation and evaluation of the meanings inherent in the documents.

Issues of access to content and of copying and sharing provided early motivation for the formation of Pirate parties. As already noted, file sharing can be singled out as a founding issue: The very

first Pirate Party, the Swedish Pirate Party, began as a single-issue party based on the demand for freedom from restrictions to sharing files online (e.g., Ilshammar, 2010). The Swedish Pirate Party exemplifies the attitude toward intellectual property rights, stating that all forms of IPR violate the founding principle of freedom of information and knowledge and that the conveyance of IPR is acceptable only if there are documented positive effects that outweigh the principal problems and the negative effects (PP-SE, 2013).

Table 2. Party Programs Compared.

| Party | Name of party program | Approved | Publication | Topics addressed |
|-------|--|-------------|--|---|
| PP-CZ | Pirátský program | 2014 | Website. References are to the English translation of parts of program (PP-CZ, 2014a). Six themes and 29 topics. | Direct democracy, nondiscrimination, freedom of expression and information, privacy, drug policy, transparency, e-government, education, research, health care, economy, culture sharing, foreign policy, environment. |
| PP-FI | Piraatti-puolueen poliittiset ohjelmat | July 2013 | Website (PP-FI, 2013a) and PDFs. Five separate programs arranged by policy area. | Freedom of expression, Net neutrality, privacy, drug policy, fundraising, gambling, euthanasia, nondiscrimination, copyright reform, open democracy, open software, research and education, social welfare, EU policy. |
| PP-FR | Programme du Parti Pirate | August 2012 | Website (PP-FR, 2012); 14 topics not listed according to themes. | Fundamental rights, privacy and surveillance, independence of courts, censorship, transparency, patents, file sharing, copyright reform, environment, open source, open government. |
| PP-DE | Wahl und Grundsatz-programme | May 2013 | Website, (PP-DE, 2013). English translation (PP-DE, 2012). Wiki and PDF; 28 topics. | Transparency, open democracy, copyright, privacy, open access, education, research, nondiscrimination, environment, EU, immigration, health care, drug policy, protection of minors, economy, foreign policy, security. |
| PP-SE | Pirat-partiets parti-program | April 2013 | Website (PP-SE, 2013). PDF. Four themes, including a program of principles; 17 topics. | Freedom, diversity, culture sharing, social welfare, copyright reform, EU, privacy, surveillance, health care, environment, foreign policy, freedom of information, access to information, open software, transparency, nondiscrimination, immigration. |

The Pirates do not have one overlapping approach to all intellectual property rights, however. Rather, the propositions for IPR reform can be divided into three categories: copyright, patents, and file sharing.

The right to copy music and films for personal use has a long tradition in Western Europe. Copyright remuneration—implemented in the form of the cassette levy, an extra tax added to cassettes, CDs, and DVDs to compensate for rights holders' alleged losses—has been adopted in most countries (Markkanen & Linnervuo, 2012). The levy was introduced to EU legislation in the 2001 Copyright Directive, but it has been implemented differently among member states. The cassette levy has come under criticism for being extended to computer hard drives, smartphones, and tablets—multipurpose devices that can do more than store films, TV shows, and music. It comes as no surprise that French and Swedish Pirates want to remove the cassette levy. Freedom to copy content for private use has recently been restricted by new DRM technologies and legislation that outlaws DRM circumvention, resulting in a de facto ban on copying altogether because many producers employ DRM technologies. In Sweden, Finland, and France, where copying is perceived as a right granted to the consumer, other political parties have also reacted against the restrictions of DRM and copyright-enforcement legislation.

In promoting copyright reform, the Pirates are caught between ideological idealism and political pragmatism. At the same time as the Pirates seek to abolish the notion of copyright, for example, the PP-SE still recognizes authors' rights, although it proposes limiting the copyright term to between 5 and 20 years (PP-SE, 2013). In the same vein, the PP-FR proposes that economic rights should be released automatically if the rights holder fails to use them after a specific time period. The French Pirates go as far as stating that the destruction or stockpiling of works should be punishable by law (PP-FR, 2012). From the basis of this comparison, it seems that Pirates tend to reject strong claims of private ownership and control of ideas, but at the same time, they acknowledge that ideas also have authors who should be credited. The notion of authors' rights is widely accepted.

PP-DE advocates the rejection of restrictions on copying, including the use of DRM and other technologies (PP-DE, 2013). Instead, it claims that copying, storing, using, and providing access to creative products for noncommercial purposes should not only be legalized but actively promoted. It is notable that the German Pirate Party makes no explicit reference to file sharing, although the practice is implied in the section that covers copyright reform. PP-DE demands the creation of a fair framework for the reintroduction of creative products into the public domain (PP-DE, 2013). This includes a "drastic reduction of copyright periods, far below the periods specified in the TRIPS agreement," although the alternative copyright terms are not specified (PP-DE, 2012, part 4.4⁶). Finnish Pirates are not in favor of abolishing copyright altogether. As an alternative, they see that the system should move toward collective and open-source licensing, allowing copying and sharing for noncommercial use if they are compensated for. However, they advocate limiting copyright protection to a maximum of 10 years. The PP-FI advocates easier access to orphan works and the right to republish works 15 years and older in archives (PP-FI, 2013b).

⁶ References are to the most recent manifesto (PP-DE, 2013) at the time of writing. Direct quotes refer to the English translation by Emal Gamsharik and Julia Reda (PP-DE, 2012).

In postsocialist countries, copyright is a relatively new, although not a completely unknown, concept (Sezneva, 2012). There is no revenue-generating mechanism such as the cassette levy for royalties. The Czech Pirate Party program has only an indirect reference to copyright (PP-CZ, 2014b). The program states that the Czech Republic is party to several treaties from which it should consider withdrawing.

While copyright predominantly defines the relationship between consumer and producer, patents mostly regulate business practices. The parties considered here clearly oppose patents and want to abolish them completely, maintaining that they hamper innovation, create unfavorable market conditions, and in some cases can even threaten lives—as, they argue, is the case with drug patents. The very first activists who were associated with the Swedish network the Piracy Bureau (*Piratbyrå*) broadened the Pirate agenda from file sharing to decrying the detrimental effect of patents (Lindgren & Linde, 2012). In recognition of the fact that the rest of the world is unlikely to fall in line with the Pirates' position, the PP-SE proposes a more limited patent-reform program designed to hinder the worst aspects of the patent system, namely, banning patents on genes or DNA sequences, requiring patent holders to release patents for humanitarian reasons, and strengthening the criteria for obtaining a patent (PP-SE, 2013).

While opposition to patents was introduced quite early on, there is no denying that the Pirate movement stemmed from the file-sharing debate (Burkart, 2014). Although the decriminalization of file sharing is common to each of the European Pirate parties examined, the issue has been de-emphasized so that it no longer occupies center stage. And, interestingly, the PP-SE has distanced itself from the origins of its name: The program no longer stresses online piracy or even file sharing but "culture sharing," a significantly less controversial term. The PP-FI stresses the value of creating culture through interaction and demands that file sharing for noncommercial purposes should be encouraged instead of penalized (PP-FI, 2013b).

While the Finnish and German Pirates take the first steps toward elaborating the role of culture in society, none of the party programs under examination are as devoted to culture sharing as Sweden's (PP-SE, 2013). The idea that culture and information should be shared can be seen partly as a response to the critique that file sharers merely want to consume culture without paying for it (see Burkart, 2014). The shift in discourse marks a failed reappropriation of the term *piracy*: The party must at least partly have realized that by using the term, potential voters might see the Pirate Party as a political representation of the critique. By connecting peer-to-peer file sharing to the nobler agenda of sharing information and culture for the public good, such as through establishing a national digital library and digitizing library archives, the Pirates can legitimize the sharing of blockbuster movies and hit singles. Furthermore, they advocate for the free release of all publicly funded work, including all research and public-service media—without accounting for the vast resources this project would require. At the same time, the PP-SE largely ignores the state's role in providing resources for culture.

In a similar vein, the Czech Pirate Party refers on multiple occasions to the promotion of sharing. The focus on freedom of information has a historical legacy in the Czech context. The PP-CZ pays homage to Pirate practices that flourished during the socialist era: "The illegal sharing of information has been very

important in our history as it disrupted the monopoly on information of the totalitarian regimes" (PP-CZ, 2014c, para. 1).

The move toward envisaging a broader cultural-policy framework beyond file sharing can be attributed to technologies rendering the sharing of files somewhat outdated, a development that Pirates can be assumed to be among the first to realize. On the other hand, it also speaks to the need to develop a more comprehensive policy frame capable of responding to European and national policy initiatives and legal reforms using "culture" to legitimate measures and mechanisms to deter copyright infringement (Meyer, 2012). These copyright-enforcement measures are often perceived to be too invasive, and Pirates argue that they threaten the right to privacy. The right to privacy is thus integrally associated with the Pirate agenda (Burkart, 2014). European Pirate parties strongly oppose the Intellectual Property Enforcement Directive (2004/48/EC), or IPRED, and the national implementations of it. IPRED is, however, more concerned with patents and counterfeit goods than illegal file sharing and does not contain specific provisions for file-sharing offences. Rather, it states that anyone who participated in the illegal distribution of copyrighted content on a commercial scale should disclose the whole network of peers; effectively, ISPs may be forced to disclose IP addresses of copyright infringers.

The contested issue is thus the disclosure of IP addresses to rights holders who wish to press charges on file sharers. Basing an entire political movement on such a narrow question is, quite naturally, not very sustainable and would not have been enough on its own to launch a Pirate movement. It was only in combination with the highly public trial of The Pirate Bay in Sweden that the IPRED could be stigmatized and transformed into something far more alarming than the simple disclosure of IP addresses. The movement was against social control, the state protecting private interests over public ones, and the idea that simple copyright offences could lead to surveillance of everyone's Internet traffic. The Pirate movement succeeded in framing IPRED as an instrument of mass surveillance rather than merely a law stipulating that ISPs must reveal customers' identities when intellectual property rights have been infringed. In Sweden and in Finland, an additional argument against IPRED and national copyright-enforcement policy reforms is that authorities have outsourced to private bodies, such as copyright holders' associations and their contractors, uses of power that should belong only to the state, creating networks reminiscent of Haggerty and Ericson's (2006) "surveillant assemblages."

The right to privacy became a policy landmark in the various Pirate platforms gradually, country by country, as national government agencies first performed or required broad surveillance. Early on, it was apparent that relatively few people were going to be prosecuted privately for file-sharing offences, as rights holders rarely targeted casual file sharers directly. The battle against surveillance of private communication was still ongoing, but maintaining a political agenda based on a counterfactual proposition was proving increasingly difficult. The passage of the FRA law, which allowed state surveillance of Internet traffic (among other things), in Sweden (2008) created a new platform for Pirate politics. The right to privacy was no longer threatened only by invasive private copyright enforcement but now also by states wishing to control their own and other citizens. The Pirates could have, however, addressed the issue of state surveillance much earlier because the European Data Retention Directive (Directive 2006/24/EC), requiring the retention of telecommunications metadata, was in force as early as 2006. However, this directive did not give rise to widespread protests until national implementation proceeded. In Germany,

the legal challenge against the implementation of the directive before the German Constitutional Court elevated state surveillance as a concern for a wide coalition of netizens, activists, and civil rights groups (Hintz & Milan, 2011).

Perhaps because the FRA law was so widely opposed in Sweden, the Swedish Pirate Party has the most extensive chapter on privacy in its party program. It is the first topic addressed in the program and one of the issues elevated to its program of principles. Although the PP-SE still notes that surveillance is used as a tool for enforcing copyright, its focus has now shifted from surveillance of file sharers to surveillance for national security (PP-SE, 2013). Although the other four Pirate parties also express the need for expanding the right to privacy granted to mail correspondence to online activities, only the PP-SE practically considers how the right to privacy could be strengthened both online and offline. For example, according to the PP-SE, foreign organizations should not be allowed to handle sensitive information on Swedish citizens, data should only be used for the purpose for which it was collected, and it should be possible to travel anonymously (PP-SE, 2013). The German Pirates are against a monitored society, stating that "mass surveillance is a much more serious threat to our society than international terrorism, and creates a climate of distrust and fear" (PP-DE, 2012, para. 8.1). Despite this strong wording, the German program offers few practical solutions that would strengthen the right to privacy and devotes no more than a few paragraphs to exploring privacy issues.

The Pirates' official positions on offline privacy differ. The parties in Sweden, Germany, and Finland focus less on copyright enforcement and online privacy and more on general privacy rights without online applications. In these three countries, Pirate politics have evolved from advocating privacy rights against invasive copyright enforcement regimes to a more general approach that also questions the use of registers and databases. The Czech Pirate Party, however, promotes the introduction of e-elections and proposes that all citizens should have digital identities, which can be used in everything from banking to national elections (PP-CZ, 2014d). Essentially, the Czech Pirates promote database centralization while most other Pirate parties oppose it. Alongside national differences affecting the political agendas of the parties, perhaps party maturity also promotes a more expansive party ideology. The Swedish and German Pirate parties address privacy rights on a much wider scale than the somewhat younger French and Czech Pirate Parties, whereas the Finnish Pirates take the middle ground and refer to the protection of privacy as a cornerstone of the Finnish Constitution (PP-FI, 2013c). Together, the parties seem to be most concerned with state surveillance: Law enforcement abuses of personal information weigh more heavily than the questionable practices of private actors who collect and interact privately.

Freedom of expression is another policy landmark. Controversies and debates surrounding Internet censorship, the fight against online piracy, and the implementation of copyright-enforcement measures in particular have exposed the limits of freedom of expression—especially with regard to interference by public authorities. Freedom of expression is one of the core values of a modern society and a necessary condition for its transformation into a democratic postindustrial society. However, Pirates have noted that respect for freedom of expression does not rest on a very solid basis in Europe today. The Pirate Party programs considered here mention freedom of expression in slightly different terms: freedom of speech, freedom of information, free flow of information, and freedom of access. Freedom of expression is acknowledged to be an essential requirement of democracy in the Pirate programs in Sweden and in

Finland, both countries with strong traditions of and institutions for protecting free speech. The other three parties focus more directly on concrete policies rather than communication rights and other abstract principles.

The salience of freedom of expression reflects the urgency and significance of local grievances. As a founding principle, freedom of expression is most widely elaborated in the program of the Finnish Pirate Party. The PP-FI raises freedom of speech to the top of its dedicated individual-rights program (PP-FI, 2013c). The party opposes state restrictions on freedom of speech based on morality, religion, and ethnicity. The statements can be read as a direct response to court orders against Internet operators to block access to a list of The Pirate Bay's domains. Another reference is a much publicized case in which an Internet activist's website exposing the Finnish police's secret list for filtering access to foreign websites allegedly containing child porn was itself added to the list (Nalbantoglu, 2008). By publishing the list, the activist was able to demonstrate that many of its links were to sites containing materials for sex education and medical information; the activist's own website remained on the list despite an acquittal by an administrative court. A more well-known controversy regarding Internet censorship took place in Germany. The infamous Zensursula protests in 2009 following Minister Ursula von der Leyen's initiative to introduce mandatory blocking of child pornography according to a list maintained by the Federal Criminal Police (the Access Impediment Act) contributed to the rise of the German Pirates (Burkart, 2014).

Following government responses to reporting by Wikileaks and Glenn Greenwald and the subsequent flights to safety of Julian Assange and Edward Snowden, each of the parties has demanded whistleblower protections. The Swedish Pirates showcase whistleblowing as a cause that requires both freedom of expression and privacy rights strong enough to permit online anonymity (PP-SE, 2013). The Swedish Pirates advocate the immunity of hosting services (as mere conduits) and extended impunity for transmission to bloggers and citizen journalists. In order to limit public corruption, the PP-SE proposes a new whistleblower law that would require public officials to report breaches of public trust to supervisors and to a separate authority (PP-SE, 2013). In PP-FI's program, the protection of whistleblowers comes under strong protection of journalists' sources (PP-FI, 2013c). The PP-CZ has chosen a less formal route and instead maintains a dedicated website for exposing corruption (PP-CZ, 2014e).

The Czech Pirate Party's program explicitly connects freedom of speech to a liberal society and claims that free-speech rights awarded to traditional media and public gatherings should be amended to include online speech, including anonymous speech. The text displays a faith bordering on technological determinism in the capacity of the Internet (rather than of democratic institutions) to act as guardian and promoter of free speech: "The most distinct place for freedom of speech is the Internet and the state should never have the ambition to block and filter any information. Websites have their own technical tools for resolving possible troubles" (PP-CZ, 2014e, para. 4). The platform's text refers to the history of the monopolies of information created under totalitarian regimes, the circumvention of which was made possible by illegal sharing. The prohibition of blocking and filtering and the preservation of anonymity are also referred to in connection with sharing.

The PP-FR (2012) maintains that freedom of expression is its third priority, but it gives proposed remedies for problems in copyright and patent law less emphasis. The French Pirates' platform on freedom

of expression appears to be informed by the experience of the struggle against the infamous graduated response mechanism enforced by the HADOPI. The PP-FR (2012) declares that access to the Internet should be a fundamental right and advocates for the prohibition of Internet filtering and automated deletion of files by intermediaries.

To summarize, these Pirate parties weigh concerns about privacy, copyright, and patents more heavily than those of online free speech. This prioritization reflects an assumption that in these countries, freedom of expression, although periodically challenged by state censorship, is largely taken for granted, although the Pirate parties agree that the state should formally recognize the main principles of Internet communication: openness of standards and protocols and end-to-end design, the heterogeneity of networks, and the independence of geographical and political jurisdictions (Mueller, Mathiason, & Klein, 2007). Net neutrality (PP-FI, 2013c; PP-DE, 2013) and bans on Deep Packet Inspection (PP-DE, 2013) are examples of specific platform planks built on these principles.

Pirates on Political, Economic, and Societal Development

Digital-rights and IPR issues are not the only topics that Pirates have introduced to mainstream political debate. Since their founding, the Pirate parties have stressed the importance of the renewal of the political process. The aim to introduce "liquid democracy" to mainstream politics is one of the Pirate parties' most discussed contributions. Although the use of social media in political communication is no longer considered innovative, Pirates pioneered the development and use of software for shaping political priorities and continuous decision making and feedback, even before the establishment of formal parties (Hintikka, 2008).

The Berlin Pirate Party's implementation of *LiquidFeedback* for policy making has attracted scholarly attention as a novel and promising approach to political participation (Burkart, 2014; Litvinenko, 2012). The Pirate parties' current programs emphasize the ends—democracy, enhanced transparency, and equality—over the means of politics. They acknowledge importance of digital media in lowering the threshold to participation in decision making (PP-FI, 2013c). According to PP-DE, "the digital revolution brings humanity the opportunity of advancing democracy, which allows to reinforce freedom and civil rights, especially free speech and each individual's ability to participate" (PP-DE, 2012, para. 2.2). The Pirate parties commonly promote free/libre/open-source software and consider it important for strengthening the autonomy and privacy in all dealings. However, the parties are divided on the issue of e-elections. The German and French Pirates openly oppose the use of online elections, fearing that e-voting systems could be easily compromised by electoral fraud. That fear is not factually unfounded, as a team of computer scientists showed that the well-known Estonian e-voting system could be compromised and manipulated by skilled hackers (Halderman et al., 2014).

Apart from the core digital-rights issues, the political programs of the five Pirate parties address many topics ranging from foreign policy to education to health care, some of which are only relevant in the national context, such as PP-FI's initiative to abolish compulsory military service (PP-FI, 2013c).

The full range of topics addressed in each of the five programs cannot be examined here, but the scope of the current programs often reflects upon upcoming elections. For example, in the run-up to the super-election year of 2014, in which not only European elections but also national elections were in sight, the PP-SE's 80-page party program addressed issues such as immigration, LGBT rights, the importance of libraries and access to information, transparency in decision making, health care, employment, and environmental issues. Although the backbone is still clearly IPR and the right to privacy, as noted above, file sharing is being replaced with an emphasis on culture sharing. The German Pirates have also elevated culture to the top of their policy agenda, so the party's cultural policy comes directly after democracy and participation. Instead of an elaborated policy, the PP-DE's cultural policy is a broad and sweeping declaration based on the idea of culture as polycentric, diverse, and interactive (PP-DE, 2013).

Mainstream parties have long ignored many of the problems the Pirates address, not just digital rights and culture sharing. The German Pirates have declared that the goal of full employment is outdated. In the 2014 European elections, the German Pirate Party was still campaigning for minimum-wage legislation at the federal level, and this was only recently passed. According to the PP-SE's program, today's insecure employment conditions require a system that does not discriminate against part-time workers or volunteers (PP-SE, 2013). The PP-SE supports basic income but wants to implement it gradually. In that respect, the PP-SE differs from the Finnish Pirate Party, which strongly supports a basic income guaranteed to citizens (PP-FI, 2013c), promoted in the European Parliament by the Greens.

The common theme of the Pirates' stance on both core Pirate issues and other, more conventional political issues such as environment and employment is the emphasis on individual autonomy. The anti-authoritarian attitude expressed in policies addressing copyright, privacy, and freedom of expression extends from decentralizing energy infrastructure (PP-DE, 2013) to relaxing drug and alcohol legislation. All of the Pirate parties promote the self-determination of gender and sexual identity.⁷ The Czech, Finnish, German and Swedish Pirates also seek to remove compulsory gender information in dealings with authorities. Although the PP-SE is outspoken on antidiscrimination and LGBT rights, it is noteworthy that it remains silent on feminist issues. The party program contains some vague provisions that refer to gender equality but expresses few specific propositions. Interestingly, the PP-SE wants to legalize polygamy (PP-SE, 2013).

The various items listed in the parties' programs are difficult to pin on the traditional left-right spectrum. For instance, the PP-SE's program argues that civic interests, such as access to culture, are, in fact, also industry interests. It sees copyright reform, or the absence of patents and IPRs, as a way to spur innovation and strengthen the economy. On the other hand, the Swedish and other Pirates' criticisms of free-trade agreements are in line with the anti-authoritarian spirit of their programs.

The Pirates are often criticized for their narrow focus on Internet issues and their technological-determinist view of society, even as their programs respond to an increasingly wide set of political problems. The broadening strategy is also by no means self-evident: The debate about whether to

⁷ PP-FR has published press releases expressing its support for LGBT rights, although the issue is not explicitly mentioned in the online party program.

broaden the manifesto or remain tightly focused on Netzpolitik has deeply divided the German Pirates (Niedermayer, 2013, p. 2), for example.

Conclusion and Discussion

The analysis of the programs shows that the core of Pirate politics is still visible. The unity of digital rights persists at least rhetorically, but parts are being tattered. Judging by recent policy programs, file sharing no longer occupies the central position of Pirate politics as it did in the beginning of the Pirate movement. File sharing is increasingly a nonissue for file sharers and the general public alike. When Pirates have failed to provide a political solution, users have opted for a technical one, with file sharers increasingly using online anonymity services (Larsson, Svensson, & de Kaminski, 2013) and the general public switching to Spotify and other services⁸—or they just have not cared.

The Pirate parties' focus seems to have slightly shifted in favor of a greater emphasis on privacy, which can be seamlessly linked to a critique of extreme copyright-enforcement measures. However, protecting privacy is not a prerogative of the Pirates. Contradictions can also be seen, for example, between an insistence on strong privacy protections and support for measures such as the right to be forgotten, increased transparency, and broader access to documents and historical records, which are all other policy goals embraced by the Pirates.

The content of party programs, of course, explains neither success nor failure in elections. In the case of the Swedish Pirate Party, for example, despite a broad general party program, the PP-SE decided to focus its campaign in the European Elections on data protection and privacy, a strategy it assumed would resonate with supporters after Snowden's revelations. Having earned only 2.2% of the vote, the future looks bleak for the Swedish Pirates. Economically, the loss of seats in the EP is a devastating blow for the PP-SE, which will now have to rely only on donations to finance its operations. The failure in the EP election shows that, despite efforts to broaden the party's scope, people still perceive it as a party of and for file sharers, much to the frustration of party leader Anna Troberg, who publicly declared that she is dead tired of discussing file sharing (Troberg, 2014). However, PP-SE has little to offer that would allow voters to clearly differentiate between Pirates and other parties targeting younger voters, such as the Greens, who were massively successful in the Swedish European elections. It seems that the party that emerged as a reaction to "damage caused by technocratic controls on private life online" (Burkart, 2014, p. 11) has failed to extend people's perceptions of its politics to other technocratic controls besides those related to file sharing.

Party programs are important for communicating parties' standpoints on policies to voters and to policy makers. The translation of Pirate ideas into communication policy and their links to particular policy issues have paved the way for those ideas to enter policy debates on the national and European levels. Sweden is a case in point. Following the success of the Swedish Pirates in the European Election of 2009, the content industry had to acknowledge that the general population of Sweden held anti-IP sentiments

⁸ By 2011, streaming services were already gaining ground. Swedish start-up Spotify partnered with Facebook and jumped from 3 million to 5 million users (Van Buskirk, 2011).

(Burkart, 2014). Pirate MEPs Christian Engström and Amelia Andersdotter campaigned actively in the European Parliament against the ACTA treaty, providing an important policy landmark for contemporary Pirate politics.

However, Pirate parties do not have, and have never had, a monopoly on digital-rights issues. Civil-society groups campaigned for privacy and against Internet censorship years before the Pirate movement emerged, and Internet-user rights are now increasingly being adopted by mainstream political parties. In Sweden, youth wings of all the political parties represented in the Swedish Parliament integrated stances on online piracy into their political agendas (Lindgren & Linde, 2012). Political parties in Germany have also incorporated Netzpolitik issues into their political programs (Richter, 2013). In particular, the Greens have feared losing their status as an alternative appealing to young voters (Moody, 2011). Largely in response to the Pirates, the Finnish Greens outlined a copyright policy in 2010 and an information-society policy program in 2011.

The Pirates' political manifestos reflect the shifting concerns and allegiances of the predominately young, well-educated, and active members of the Pirate parties. As such, they illustrate the thinking of a generation that has grown to take self-expression and freedom of communication for granted (Inglehart & Baker, 2000; Inglehart & Welzel, 2010; Richter, 2013; Welzel, 2013). The political agenda of European Pirate parties is much wider today than before, incorporating a broad cultural-modernization program that goes beyond the confines of narrow technical policies.

The question of whether the broadening of the Pirate agenda could reflect either the maturing of the parties and a will to take a more permanent place in the political system or an uncertainty about the way ahead remains unanswered. Placing increasing emphasis on culture and even attempting to formulate an alternative cultural policy, as the German Pirates have done, reflects this ambiguity. In a way, the endeavor to frame piracy, whistleblowing, hacking, and other Pirate practices as liberating culture from the clutches of corporations for the public good reflects a step toward a realist acknowledgement of the pitfalls of privileging individuals' digital rights over collective rights. In the current policy environment, issues labeled as "cultural" are still marginal questions. Despite their cosmopolitan nature, even Pirate cultures take different forms according to location, as some of the contributions in this special section demonstrate (Mendes Moreira de Sa; Kiriya & Sherstoboeva). This discounting of cultural policy highlights the difficulty of defending freedom of expression, privacy, and access against states' and corporations' attempts to tighten their grip on digital communication in the name of national (economic) interests and security. On the other hand, opportunities often lie in the margins. Pirate parties may well be able to make a difference in the formulation of cultural policies should they learn to communicate the claim to best represent the generation most concerned with the right to self-expression and self-determination. Success would entail a further shift in focus. Studies focusing on alternative interpretations of the impact of Pirate parties may provide more insights into the new political sensibility.

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