

5 How to Be a Pirate: A Conversation

An Interview with Alexandra Elbakyan and Gary Hall

by Holger Briel

When Michael, Markus, and I first discussed the idea for publishing this book, it was very clear to us that we did not want to write yet another theoretical book on Internet piracy; practitioners from the field should also have a voice. After all, it is they who created this phenomenon in the first place and it is clearly grassroots-driven. In the following, two eminent actors in the field of Internet piracy will discuss their views on file sharing, piracy, and politics (of resistance).

The first practitioner to discuss her work is Alexandra Elbakyan, a young Kazakhstani computer programmer and creator of the website Sci-Hub, which provides free access to the majority of scientific journal articles. She has lectured on her idea of global open access all over the world and is famous throughout the digital world and beyond. She is also praised for her willingness to bear the brunt of legal action against her website. As a particular result of actions against her, at the moment she is unable to travel internationally and the interview with her was conducted in written form.

By way of an introduction to her thoughts, below is a text by Elbakyan which appeared in Russian in 2015 on the pages of VK. This is its first English translation.¹

Sci-Hub: Open Access to Scientific Information

‘This is theft’ – something you can often hear from different people who learn about the existence of a project like Sci-Hub. Among these there are both outright opponents of the project (it would be more correct to say ‘enemies’, but let’s not resort to military terminology) and ordinary people. But should one equate the scientific and educational

1 ‘Sci-Hub: Открытый доступ к научной информации’ (26 September 2015), trans. Oksana Kryzhanivska, https://vk.com/wall-36928352_4635?lang=en. Translation authorised by author.

activities of the Sci-Hub project with theft? In this article, I will try to systematise all sorts of arguments on this topic.

First, let's look at the legal side of the issue. We immediately observe that 'theft' and 'computer piracy' are regulated by completely different laws – in all countries. For example, in our Criminal Code of the Russian Federation there are separate articles 158, 'Theft', and 146, 'Infringement of copyright and related rights'. If #пиратство is theft, then why come up with different laws for the same crime? So, piracy, or infringement of copyright, is not legally equivalent to theft.

Now let's consider not the legal but the semantic side of the issue. Piracy is essentially copying information. When information is copied, it grows larger. If you have a book and I make a copy of it, there will be two books. Copying is the production of new items. Not so with theft. If I steal a book from you, there is still only one book. Moreover, in this case, you will lose your book. With copying, the owner is not deprived of their owned object – on the contrary; with stealing, one is deprived. Through copying, new consumer goods are produced; in stealing, they are not. These are fundamentally important differences! A well-known saying, attributed to the Buddha, states: 'Thousands of candles can be lit from a single candle, and its life will not become shorter. Happiness does not become less when you share it'. We can add that information does not become less when it is copied. On the contrary, it gets bigger. Piracy is production! (and in the case of Sci-Hub it's a fairly complex and high-tech production).

One could counter-argue that theft means any violation of property rights. And since the information is intellectual, intangible property, its copying without the permission of the 'owner' can be equated to theft. I agree that 'property' in the modern sense is indeed a set of rights that can apply to both tangible and intangible objects. However, to equate piracy with 'theft' is nevertheless incorrect. After all, it is one thing to steal someone's wallet, take someone else's thing, and it is completely another 'illegally' to read a book. Is it right to describe all these actions with the same word? A person who does this is simply manipulating, trying to influence emotions rather than the mind. It is difficult to win support for the thesis 'copying information is bad', or 'spreading knowledge is bad'. However, everyone agrees with the thesis 'to steal is bad'. Therefore, arguments are sought to equate computer piracy to theft. It should be understood that this is a banal game of words and political rhetoric. By the way, historically, in the Russian, the word for 'thief' had a different meaning – a person

so called was plotting a crime against state power; traitors were also called thieves.

There is also an argument that boils down to the fact that piracy is theft because the work of the author or publisher is not paid. A person invested time and effort, but someone took advantage of the fruits of his labours for nothing – that is, they stole. I note that this understanding of ‘theft’ is again not a classic. Is it possible in this case to consider an entrepreneur a thief who pays employees an unfairly low salary for their work and takes all the profits of the enterprise for himself? But this is constantly happening in a market society: the main income of the enterprise goes to the management, in comparison with which the person who really did the work receives little. Let’s try to get to the bottom of the argument. Why should anyone’s work be paid? ‘Because it’s fair’, any sane person will immediately respond. Good, but also fair, if a person who does not have the money to subscribe to expensive scientific journals can read these journals for nothing. Instead, the rights holders act unfairly to obtain ‘superprofits’ – they set restrictively high prices for access to scientific and cultural heritage. In the case of Sci-Hub, the society that originally paid for the creation of scientific works from taxes does not have access to their results. The question arises: what if everything is actually the opposite – and it is the rights holders who stole science from society? As a whole, the argument about the ‘need for paying the publisher for their work’ comes down to the question of what is fair. Since it is impossible unequivocally to assert that piracy of scientific literature is unfair, then the argument is invalid.

To sum up, neither legally nor in its meaning, can the work of the Sci-Hub service be called ‘theft’ (#копирайт).

Interview with Alexandra Elbakyan

(The interview was conducted in March and April 2022 in written form.)

HB: As a concept, Internet file sharing has been around for about 25 years. What were the important factors that prompted the set-up of Z-Library and Sci-Hub?

AE: Well, Z-Library is not my project: it is a fork from Library Genesis, that was started around 2008 or so, earlier than Sci-Hub. The website became primarily a collection of books on science, but it did not have journals. Sci-Hub became the first website to provide free automatic access to research journals on a mass scale. After that, Library Genesis also added a section for journals on their website.

HB: With continued prosecution of piracy cases, do you see a possible end to piracy? How could that end be brought about?

AE: Piracy is a derogatory term that was invented by copyright holders to describe Internet freedom. When we stop calling Internet freedom 'piracy', piracy will end! On a practical note, there is more and more content on the Internet that does not require payment. Take for example YouTube, a gigantic collection of videos, all free to view. YouTube allows thousands of authors to live off the content they create, without any payment from viewers. Free content will prevail in future.

HB: Where would you locate the political dimension of Internet piracy? What larger social components does such piracy evidence?

AE: When we talk about book or journal piracy, it is essentially a fight for information freedom. Everyone has the right to information and knowledge and they must be freely distributed: that is one of the basic prerequisites for democracy, and one of the basic human rights. It would essentially be communist as well, though. Today we have that concept of 'intellectual property' that outlaws free distribution of, for example, academic books online, without permission of the owner: the publisher. We must move from the concept of 'intellectual property' to the concept of 'intellectual communism' when knowledge and information are free and belong to everyone.

HB: How do your own recent projects touch on piracy and how constitutive is it for your work?

AE: At the moment I'm working on Sci-Hub and on my PhD on the topic of Open Science. In the late 1980s, a movement emerged in science: the open access movement, that advocated that science journals must be free. The movement was supported by many prominent scientists and Nobel laureates and was quite successful; see, for example, 'Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities'. My project Sci-Hub is so far the most radical, and I would say, the most successful, take on open access.

Sci-Hub made freely available more than 90 per cent of all academic journals; that is, more than 80 million published research articles.

HB: What kind of feedback have you been receiving from users? How does that make you feel?

AE: I received thousands of letters where people say that they were able to do their research projects thanks to Sci-Hub, that allowed them to access paid research literature for free, that they could not access because they do not have money. Many graduation theses were completed using Sci-Hub. Such feedback of course is a great motivation to continue! Sci-Hub is also used by medical professionals: many science journals are journals on medicine, so access that Sci-Hub provides helps saving human lives.

HB: What has been the personal cost/impact for you regarding your projects?

AE: Of course, I received lawsuits from big corporations such as Elsevier, Springer–Nature, Wiley, and others that hold copyright for their journals. Their corporations make huge profits from selling access to academic journals, and they do not pay authors. Sci-Hub is breaking this system by distributing this content for free, but is accused of copyright violation, or piracy. In 2016, a court in the United States fined Sci-Hub \$US15 million in one case and \$US4 million in another case. I did not pay anything, but Sci-Hub has a general reputation of an outlaw website. They also spread conspiracy theories that Sci-Hub is a project of Russian intelligence, and that I work for them. There was the danger of me having to go to prison. On the other hand, there are those who say that I deserve Nobel prize for Sci-Hub. That is another opportunity.

HB: If you had the choice, would you do it all over again? Why (not)?

AE: Of course! Because providing people with knowledge is a great idea to live for!

The second practitioner and theorist is Gary Hall, Professor of Media at Coventry University. I met him in 2019 at a Piracy Conference held in Suzhou, China. He had just recently finished two influential books, *Pirate Philosophy* (2016) and *The Inhumanist Manifesto* (2017) and had

begun work on his most recent text, *A Stubborn Fury: How Writing Works in Elitist Britain* (2021). At the conference, he spoke to a rapt audience about the politics of creating and living a pirate mentality. And, indeed, this *Weltanschauung*, this world view, is at the heart of his undertakings, be they the writing of books, work on his theory journal *Culture Machine*, or the co-directing of the open access publishing house Open Humanities Press (OHP), which he co-founded. One of his most recent projects, and a very influential and necessary one at that, is his involvement in the community-led Open Publication Infrastructures for Monographs (COPIM) project, aiming at making more and more community-benefiting open access books available, thereby inverting the traditional academic practice of writing and publishing books with for-profit publishers and working towards a significant culture change within academia and the publishing world.

At the conference, Gary took participants to task, insisting on the close relation between theories discussed and their application in real life. I remember vividly that after my talk on the (justified) online appeal of piracy, he asked, and I paraphrase, ‘What does this mean for the real world, for workers, for unions?’ In other words, Gary rightfully insisted on thinking through and applying the kind of thinking that asserts the relationship between online and offline worlds, thereby displaying a comprehensive, organic understanding of how exploitation in one invariably leads to similar exploitation in the other.

In the best possible sense, Gary is an activist-academic, teaching students and writing about the benefits the online world can bring to the real one, but also making sure his audience understands that the material world and its inequalities provides subconscious routines to the online world. He sees it as his task to make these routines visible and to criticise them, in thought, action, and deed.

Interview with Gary Hall

(The interview was conducted in March 2022 in written form.)

HB: As a concept, Internet ‘piracy’ has been around for about 25 years. What were the important factors contributing to the rise of this concept?

GH: I'm aware that for a lot of people today, piracy might seem a slightly old-fashioned thing to be interested in, especially if history is measured in Internet years. At the beginning of the twenty-first century, pirating entertainment was something of a widespread desire, with Napster having 80 million users at the peak of its popularity in 2001. Now, more than 20 years after Napster's launch in October 1999, a lot of the energy and excitement around Internet piracy has been redirected. What has happened in the intervening years?

Back in 2007, my friends Pauline van Mourik Broekman and Simon Worthington published an issue of their pioneering journal *Mute* on Web 2.0. It contained a fascinating piece called 'Info-Enclosure 2.0', by Dmytri Kleiner and Brian Wyrick. 'Info-Enclosure 2.0' was about how Web 2.0, contrary to the hype that surrounded it at that time, did not in fact represent a democratising of the web by, for example, making it possible for just about anyone to create and publish content, be it with YouTube, MySpace, or Flickr, in a manner that 'previously would have required them to purchase desktop software and possess a greater technological skill set'.² Kleiner and Wyrick saw Web 2.0 rather as a 'second enclosure of the information commons': as capitalism's way of countering Internet piracy and the kind of peer-to-peer (P2P) file sharing that was the focus of your 20 Years of File Sharing: What is Next? Third Futures of Media Conference at Xi'an Jiaotong-Liverpool University, China, which was where we met in November 2019. Indeed, as I noted in *Digitize This Book!*, Kleiner and Wyrick went so far as to position blogs, wikis, and other forms of Web 2.0 as 'capitalism's preemptive attack against P2P systems'. As they wrote at the time:

The mission of Web 2.0 is to destroy the P2P aspect of the internet. To make you, your computer, and your internet connection dependent on connecting to a centralised service that controls your ability to communicate. Web 2.0 is the ruin of free, peer-to-peer systems and the return of monolithic 'online services'.³

A decade and a half on, we can pick out two further (albeit related) aspects of capitalism's attack on P2P file-sharing systems and its

2 Dmytri Kleiner and Brian Wyrick, 'Info-Enclosure 2.0', *Mute* 2, no. 4 (January 2007), 12, www.metamute.org/editorial/articles/infoenclosure-2.0.

3 Kleiner and Wyrick, 'Info-Enclosure 2.0', 16, 18; Gary Hall, *Digitize This Book! The Politics of New Media, or Why We Need Open Access Now* (Minneapolis: University of Minnesota Press, 2008), 261–2n8.

rerouting of the energy and excitement around Internet piracy. The first was the development of Apple's iTunes in 2001. With its legal, pay-per-track download business model, iTunes built on the market created for sharing music online by the likes of Napster, Gnutella, Kazaa, and LimeWire. Having done its job in moving a lot of people away from piracy and P2P file sharing, a decision was then taken in 2019 for iTunes itself to be discontinued. (The introduction of macOS Catalina saw Apple replace iTunes with three apps: Apple Music, Podcasts, and Apple TV.)

The second aspect of capitalism's attack on P2P came with the launch in 2008 of Spotify, along with that of a number of other legal streaming services around the same time, including Netflix, Hulu, and iPlayer. As of the final quarter of 2021, Spotify – which was partly inspired by Napster – has logged 180 million paying users worldwide and has 406 million active users a month. Spotify, Netflix, and co. are notable for having easy-to-use interfaces (and very little unwanted porn and spam), which makes using them far more attractive to the average consumer than trying to get free content via a torrent.

Yet while a lot of the buzz surrounding Internet piracy has died down, file sharing is still happening. Dropbox and Bitcoin are both high-profile examples of what we might call non-pirate forms of file sharing, while there are numerous instances of actual 'pirate' file sharing too. They include YTS and The Pirate Bay, currently reported to be the two most popular sites.⁴ Indeed, the American 'think tank' Institute for Policy Innovation has estimated that, regardless of Spotify and its rival Soundcloud, \$12.5 billion worth of downloaded music has been pirated every year since 1999.⁵ It is important to note that such pirate activity is not confined to the sharing of music, film, and television. Perhaps even more relevant to us as authors and academics is that of mass text digitisation projects. I'm thinking of pirate or shadow libraries such as Sci-Hub, LibGen, and Z-Library that offer unauthorised access to copyrighted material. These libraries are extremely popular and important because, for all the success of the open access movement, a lot of academic texts are still hard to get hold of in many places around the world.

4 Ernesto Van der Sar, 'Top 10 Most Popular Torrent Sites of 2022', *TorrentFreak* (3 January 2022), <https://torrentfreak.com/top-torrent-sites/>.

5 For more figures, see Damjan Jugovic Spajic, 'Piracy Is Back: Piracy Statistics for 2022', *DataProt* (4 March 2022), <https://dataprot.net/statistics/piracy-statistics/>.

So that's a brief history of the last 25 years of Internet piracy in the global North and West. (I'm conscious you are in China at the moment, which of course has a different relationship to Internet piracy.) What were the important factors contributing to the rise of this concept in the first place?

The simplest way for me to respond to this question is to say something about what, following McLuhan, I'll refer to as the Gutenberg galaxy of the printed codex book; and about how, for some, we are currently in the process of transitioning (albeit not in any straightforward linear or teleological manner) out of this galaxy into a post-Gutenberg world of densely layered information and data flows.⁶ The latter has been made possible by factors such as the introduction of personal computers in 1981, the Internet in 1995, the cloud in 2006, smartphones in 2007, and 4G and 5G networks in 2009. Here, modern, liberal – 'Gutenbergian', if you will – concepts such as the distinction between public and private are becoming increasingly difficult to maintain. Evidence the reports released in the first part of 2019 that the five giant American tech companies, Alphabet, Amazon, Apple, Facebook, and Microsoft, had all been using human contractors to analyse a percentage of recordings from home voice assistants such as 'Alexa' (Amazon) and 'Siri' (Apple).

One response to such changes is that which is being put into action as we speak by Vladimir Putin as part of what's been called the first Great Information War. It takes the form of banning Facebook in Russia and restricting access to Twitter – as if information about the invasion of Ukraine can be controlled in the twenty-first century by means of twentieth-century-style centralised state censorship.

Another is that represented by the libertarian neoliberalism associated with Donald Trump and the post-Trump Republicans in the United States and Boris Johnson in the UK. From this point of view, our current period of transformation to a computational universe of high-volume waves of mediation is held as providing a few select individuals with a chance to generate new highly profitable business opportunities by disrupting much of the rules-based system by which liberal democracy and the state have traditionally kept a check on capitalism. (It's an approach that has its bible in James Dale Davidson and William Rees-Mogg's, *The Coming Economic Revolution: How to Survive and Prosper in It*.

6 Marshal McLuhan, *The Gutenberg Galaxy: The Making of Typographic Man* (Toronto: University of Toronto Press, 1962).

Rees-Mogg's son, Jacob, was Secretary of State for Business, Energy and Industrial Strategy in Johnson's government.)⁷

A third response to the emergence of the computational universe is that often adopted by governing bodies in Europe, including the European Union. This involves trying to force Alphabet, Amazon et al. back into a Gutenberg-shaped box precisely by introducing rules and regulations designed to maintain modern liberal democratic notions of privacy. An alternative is to accept that the latter is going to be extremely difficult if all we have to work with are the tools and concepts of yesteryear. Instead, this period of transition can be viewed more positively and productively. It can be seen as an opportunity to experiment with new social, economic, and legal possibilities for thinking–living that are very different from either the liberalism, neoliberalism, or centralised authoritarianism of the three approaches sketched above. It is an alternative response of this kind that I'm interested in exploring in my work.

Now, as a cultural phenomenon, Internet piracy is not unified and self-identical. It has many different elements and dimensions. Put crudely, some of them can be classified as liberal democratic. Shadow libraries, for example, can be perceived in certain aspects of their operation as trying to make up for the decline of the traditional public library. In other respects, Internet piracy can be positioned as being neoliberal. After all, is the P2P file sharing of music and films not a means for individual consumers to acquire capitalist commodities at little or no cost? Yet in some of its tendencies, at least, Internet piracy can be regarded as a response to our new post-Gutenberg condition and a means of exploring what comes next. Many of those involved may not understand it in these terms. In fact, it's likely most of them will not. Nevertheless, it is with trying out new modes of ownership and control, new attitudes toward intellectual rights, property rights and so on, that I would regard Napster and MegaUpload as having been engaged with in the past; and Monoskop and UbuWeb as being engaged with today. In the process, Internet piracy is helping us to invent the very laws and institutions by which its activities may be judged in the future.

7 James Dale Davidson and William Rees-Mogg, *The Sovereign Individual. The Coming Economic Revolution: How to Survive and Prosper in It* (London: Macmillan, 1997).

HB: With continued prosecution of piracy cases, do you see a possible end to piracy?

GH: It is possible that the performance of certain kinds of piracy may become more difficult. I gave the example above of how the widespread desire for Internet piracy of the early 2000s was rechanneled by the introduction of Web 2.0, iTunes, and Spotify.

Some forms of piracy may certainly decline and even die out as a result of no longer being appropriate. The ‘Golden Age’ of maritime piracy in the eighteenth century was created by a very specific historical, political, and social context. Relevant factors included the rise in the transatlantic shipping trade and the end of the War of the Spanish Succession, which led to many trained sailors being released from their nation’s navies and left otherwise unemployed. Once this context changed, however, the ‘Golden Age’ of eighteenth-century piracy came to a close. It is perfectly possible that something similar could happen to the maritime piracy that is perpetrated by ex-fishermen in Somalia today – if the climate emergency results in a reduction in the use of container ships to transport goods and material over long distances as part of global supply chains, for example.

Internet piracy may likewise come to an end if *its* historical, political, and social context changes. However, I’m mindful that in the ‘Pirates’ chapter of his book on the future of creativity, *Free Culture*, Lawrence Lessig writes:

If ‘piracy’ means using the creative property of others without their permission [...] then the history of the content industry is a history of piracy. Every important sector of ‘big media’ today – film, records, radio, and cable TV – was born of a kind of piracy so defined.⁸

It is difficult to imagine an end to piracy when it is understood like this, for all the high-profile shutdowns of Napster and MegaUpload and repeated attempts by academic publishers to sue Alexandria Elbakyan and Sci-Hub. Nor should we necessarily wish for piracy to come to an end. As I say, piracy is an important means by which we can performatively invent the future.

8 Lawrence Lessig, *Free Culture: The Nature and Future of Creativity* (London: Penguin, 2004), 53.

HB: Where would you locate the political dimension of Internet piracy? What larger social components does such piracy evidence?

GH: Let me qualify that last point. When I say piracy is an important means by which we can performatively invent the future, I don't mean this so much in Lessig's content industry, 'big media' sense. I mean it more in the sense of viewing the shift to a post-Gutenberg galaxy as a chance to be the change we want to see, as it were, and in this way help invent an alternative future for ourselves and for society: a future that is neither neoliberal nor indeed liberal.

Actually, I'm not all that concerned whether piracy as it is conventionally understood comes to an end or not. I try to avoid the kind of moral approach that presumes to know what piracy *is* in advance: say, that it is using or stealing the property of others. This means I'm not overly invested in the idea of the pirate as deviant thief or subversive radical, which is the version often associated with the anti-copyright advocates of the pro-Internet piracy movement. (Nor, for that matter, am I invested in the image of the pirate as romantic outsider that is a feature of so much fiction and film, from Robert Louis Stevenson's *Treasure Island* to Disney's *Pirates of the Caribbean* franchise).

That I don't presume to know what piracy *is* in advance is also why I don't approach pirates and piracy as a direct object of study in my work. I've never written a straightforward political analysis of piracy, for instance. Not even in relation to the P2P file sharing of Gnutella and BitTorrent, or shadow libraries such as Aaaaarg.org and Public Library: Memory of the World. I'm more interested in trying to act as *something like* a pirate; and in explaining why, as intellectuals and academics, more of us might want to experiment with acting like this. We might want to do so for two reasons. First, because we too need to come to terms with the transformation from the analogue world of the codex book to the digital world of not just big data and Web 2.0, but now AI, the metaverse and Web3 as well. It seems to me that, in marked contrast to those operating in the spheres of music, film, television, and even politics, we have barely begun to do so as far as how we work, act, and think is concerned. When it comes to the manner in which we create and publish our work, we continue to operate for the most part as if we are still living in the Gutenberg galaxy of the codex book, along with its associated concepts of the possessive individual subject, the named biographical author, critical reflection, rational thought, and the public/private dichotomy.

The second reason we might want to do so as media theorists, in particular, is because theory helps us to be aware of our modes of being in the world, and to imagine them differently and so change them. Theory is thus one area of society in which we *can* invent new knowledges, new subjectivities, and new forms of social and political relations. An important part of this, for me, involves trying to enact alternative (non-liberal humanist) forms of subjectivity. In *The Posthuman*, Rosi Braidotti identifies a number of *conceptual personae* for dramatising alternative processes of becoming.⁹ They include the feminist, the queer, and the cyborg. In my book, *Pirate Philosophy*, I add to these the figure of the pirate. I should stress, however, that I am using *pirate* in the classical sense of the term, where it refers to someone who *tries, tests, teases, and troubles* as well as attacks. (For the ancient Greeks, the word ‘pirate’ was connected to the root *peira*, ‘to make an attempt, try, test’.)¹⁰

So, when I say I’m trying to act as something like a pirate philosopher, what I mean is that I’m making an attempt, trying, and testing alternatives to the modern, euro-Western, liberal humanist (Gutenberg galaxy) model of what it is to be a philosopher – or, indeed, academic – that is performed by most of us today, regardless of whether we are Marxists, feminists, new materialists, or posthumanists. It’s a model that takes as its regulative norms: the named proprietorial author; the perfect object, published in uniform editions and distributed on a mass industrial basis; as well as self-expression, authenticity, and copyright.

In other words, I’m experimenting with the invention of alternative processes of becoming that are more consistent with the kind of politics that many of us espouse in our work, yet rarely manage to perform when it comes to how we live–work–think ourselves. Some of the non-oppositionally different norms of this model include intra-active collaboration (of both humans and non-humans); processuality; and creativity as modulation, *détournement*, ‘piracy’. This is one of the political dimensions of piracy and of pirate philosophy, for me.

9 Rosi Braidotti, *The Posthuman* (London: Polity Press, 2013).

10 Gary Hall, *Pirate Philosophy: For a Digital Posthumanities* (Cambridge, MA: MIT Press, 2016).

HB: How do your own recent projects touch on piracy and how constitutive is it for your work?

GH: As you can see, a certain notion of piracy is very constitutive for my work, although perhaps not in a straightforward or obvious fashion. This is because, for all my references to pirate philosophy, here and elsewhere, and for all I've written a book of that title, I'm not actually concerned with coming up with a novel theory or original philosophy concerning piracy.

By way of further explanation, let me recall the argument John Gray develops with regard to the global public intellectual Slavoj Žižek. For Gray, Žižek is a creation of a capitalism that expands through the 'continuous production of novel commodities and experiences, each supposed to be different from any that has gone before'. And Gray sees this as being as true for contemporary theory and philosophy as for anything else. He thus concludes that Žižek's celebrity is due to the market logic of the very economy and media apparatus that Žižek himself criticises (and is unable to offer any alternatives to):

In a stupendous feat of intellectual overproduction Žižek has created a fantasmatic critique of the present order, a critique that claims to repudiate practically everything that currently exists and in some sense actually does, but that at the same time reproduces the compulsive, purposeless dynamism that he perceives in the operations of capitalism.¹¹

There's something conservative about such apparent creativity and overproduction when it comes to theory. And, for me, this is the case even when it takes the form of so-called 'low' or 'no-dads' theory. (McKenzie Wark defines low theory as referring to the 'organic conceptual apparatus a milieu composes for itself, at least partly outside of formal academic situations. [...] outside of the criteria of success of academia itself. [...] You could think of low theory as what organic intellectuals do. It's defined by who does it and why, rather than by any particular cognitive style'.)¹² If anything, I prefer Boaventura de Sousa Santos's idea. What we need is not

11 John Gray, 'The Violent Visions of Slavoj Žižek', *New York Review of Books* (12 July 2012), www.nybooks.com/articles/2012/07/12/violent-visions-slavoj-zizek/.

12 McKenzie Wark, in 'Alexander R. Galloway: An Interview with McKenzie Wark', *b20: the online community of the boundary 2 editorial collective* (7 April 2017), www.boundary2.org/2017/04/alexander-r-galloway-an-interview-with-mckenzie-wark/.

another theory – say, of political resistance and revolution – that we can position in a relation of contrast to all those others that have been provided over the course of the twentieth and early twenty-first centuries. What we need is ‘rather to revolutionize theory’.¹³

When it comes to articulating what might be understood as *my* theory – but which really consists of collaborative performances of the theory of both myself and others – I don’t always do so in terms of piracy or pirate philosophy, then. Instead, to make it more difficult to brand and celebrate as an original, self-identical, philosophical system, I continually shift between a number of different concepts and labels: new cultural studies, media gifts, radical open access, anti-bourgeois theory, masked media. I also repeat ideas and passages (including this one) across my written work so as to promote heterogeneous, non-linear forms of engaging with it. Sometimes I make such sampling and remixing of material from myself and others explicit by means of the conventional system of citations, quotation marks, and endnotes. Sometimes I do not. (I am supposed to be something of a pirate philosopher, after all.)

HB: How do you see the future of piracy, especially in relation to the latest buzzwords of NFT and block chains?

GH: Just to explain for anyone reading this, NFTs (non-fungible tokens) use a cryptographic protocol of the kind that underpins cryptocurrencies such as bitcoin and Ethereum to track the ownership of a unique digital asset – say, the original digital file of Chris Torres’s Nyan Cat gif or Twitter founder Jack Dorsey’s first tweet – and guarantee its authenticity, thus enabling it to be monetised. First posted online in April 2011, an NFT of the original Nyan Cat was sold in February 2021 for £416,000.

I’m being asked about NFTs a lot at the moment. If NFTs have a marketing team behind them, then they’re certainly doing a good job. That’s meant to be a joke. But one reason why people may be asking about NFTs is because they are so new that no one is quite sure what to make of them. People are consequently – and quite understandably – looking for help and guidance. However, there is

13 Boaventura de Sousa Santos, *The End of the Cognitive Empire: The Coming of Age of Epistemologies of the South* (Durham, NC: Duke University Press, 2018), ix. For more, see Gary Hall, ‘Pluriversal Socialism: The Very Idea’, *Media Theory* 5, no.1 (2021), <http://journalcontent.mediatheoryjournal.org/index.php/mt/article/view/126>.

a great deal of new technology being developed at the moment. So why NFTs? What's so special about them? I suspect part of the reason NFTs – like blockchains, crypto, and Web3 – have become buzzwords is because there is the prospect of people making money out of them. Ideas that have fewer financial prospects are less likely to become such hot topics. How do I see the future of piracy in relation to NFTs? The correct answer to this question is that it's far too soon to know. However, that's perhaps a bit brief for our purposes here, so let me try to say a little more.

Earlier I described how, for Kleiner and Wyrick, Web 2.0 was a pre-emptive attack by capitalism against P2P systems. I mention it again because I wonder if we can't see NFTs in a comparable way? On the one hand, NFTs appear to have a certain democratic potential through their ability to subvert the art world by cutting out cultural intermediaries such as art dealers, galleries, and museums, and handing the selling of art over to its creators. Yet, if we update Kleiner and Wyrick's thinking for our contemporary context, can the development of NFTs not be seen as another business model, another 'Internet Investment Boom'? Yes, of course.¹⁴ But also as one means by which the discourses of modernity and late capitalism are endeavouring to continue to privilege individualistic, original, and fixed modes of production and reception, and thus pre-emptively close off the possibility of artists and others inventing alternative ways of living-being – in this case perhaps by using blockchains, crypto, and Web3 somewhat piratically? You asked about a possible end to piracy. Certainly, my hope and expectation is that those social movements dedicated to radical open access, free and open-source software, peer production, the anti-privatised knowledge commons and their future equivalents will be able to act as something like pirates in relation to NFTs.

14 Kleiner and Wyrick, 'Info-Enclosure 2.0', 13.