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The Piratical Ethos in Streams of Language

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This article conducts a discourse analysis related to intellectual property gathered from digital piracy communities. By conducting a quantitative analysis of qualitative data, it renders an account of the piratical subject by exploring what Andersson Schwarz calls "specimens of reasoning" concerning intellectual property and piracy. Varying attitudes toward intellectual property are produced from the data. The outputs of this analysis challenge mainstream articulations of piratical motivations, drawing attention to the complex and often contradictory attitudes that pirates evince with respect to intellectual property. Attention is paid to attitudes that convey support of and resistance to intellectual property on technological, social, and economic grounds.

INTRODUCTION

Since the spread of digital media in the early 1990s, debates over the politics and cultures of internet piracy have greatly increased in number, extending into popular and academic discourses in legal (Boyle, 1997; Cohen, 2012; Halbert, 2005; Rose, 1993; Vaidhyanathan, 2001; Woodmansee, 1994), humanistic (DeVoss & Porter, 2006; Hawk, 2012; Kennedy & Howard, 2013; Logie, 2006; Reyman, 2010), and cultural domains (Barlow, 1994; Doctorow, 2008; Lessig, 2008). The convenient division tends toward a structuring binary: copyleft versus copyright. This accommodating dyad pits a civic, participatory, and democratic digital culture against the protectionist, capitalist, and corporatized world of Big Media. Salvos in this war revolve around consumer ability to circulate, distribute, consume, and reproduce media and culture inside anachronistic intellectual property regimes conceived in an analog era. At the center one finds the pirate, a subject both lauded and ridiculed for acts of appropriation, theft, and redistribution (Cummings, 2013; Johns, 2011; Mason, 2009; Strangelove, 2005).

The power of the copyleft versus copyright binary is remarkable; so much so that mainstream arguments against and for intellectual property define pirates before pirates are able to define themselves. For the copyleft, arguments against the intensification of intellectual property are rooted in liberal humanist theories of utilitarianism and the public domain. These stances elevate enclosure and ecology as fundamental metaphors for understanding the danger posed by overreaching intellectual property protections (Boyle, 1997, 2003; Logie, 2006; Vaidhyanathan, 2001). Conversely, the copyright finds their footing in Enlightenment articulations of the "sweat

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of the brow" (Locke, 1980) as well as Romantic notions of authorial genius (Biagioli, 2011; Young, 1966).

The enduring rhetorical power of Enlightenment tensions between self and other structure the digital copyright debate; however, few studies have invited pirates to speak for themselves concerning their attitudes and ideologies toward intellectual property, copyright and piracy. Notable exceptions include scholarship on internet and piracy studies from Sweden and Germany. Lindgren (2012, 2013), Andersson Schwarz (2012, 2015), and Andersson Schwarz and Larsson (2013) make strides toward understanding the modes of reasoning file-sharers use to justify their practice *ex post facto* and provide evidence that structuring binaries such as private versus public, corporate versus community, or copyleft versus copyright do not particularly help us understand the "copyfight." This dearth of firsthand research suggests one of two things—*either* pirates evince the positions to the issue proffered by the copyleft-copyright *or* few researchers outside of Sweden and Germany have bothered to ask pirates about their perspectives. To discover piratical motivation and piratical ideology, this research project rejects *a priori* justifications for or against intellectual property protections, instead approaching pirates in their own words. Following a grounded theoretic process of analytic induction (Geisler, 2004), this study quantifies qualitative streams of piratical language to uncover the motivations, ideologies, and attitudes toward intellectual property that I call the piratical *ethos*. Such an analysis should reveal disjunctures and concordances among copyrightists, copyleftists, and pirates, revising assumptions concerning digital piracy while also highlighting the accuracy or misidentification of piratical motivation in both popular and academic discourse.

METHODS

Research Site and Demographics

Data were collected from six different BitTorrent communities.[1] Sometimes referred to as "file sharing communities" or "digital communes," private BitTorrent communities exhibit the characteristics of other file-sharing services only inasmuch as they provide links to downloadable content (Khambatti, Ryu, & Dasgupta, 2002). Fundamental differences between private BitTorrent communities in this study and publicly accessible BitTorrent websites such as The Pirate Bay or Demonoid include sustained user engagement over time, community-imposed quality control of archives, and coordinated group activity from various users—as opposed to just site administrators—to complete communal projects. In this sense, ties created within these communities of practice (Lave & Wenger, 1991) tend to be strong, yielding cohesive units that use latitudinal organization and consensus-building to make decisions concerning site development, rules and structure.[2] User intentionality in the sites is likewise strong, as members are committed to file-sharing aspects of the community: the cultivation of a clean, consistent archive, and enforcement of site rules by all users.

[1] I anonymized community names in this study to protect users from scrutiny or prosecution in countries where content industries have prosecuted or continue to prosecute BitTorrent site administrators. Hence, they will go under these acronyms: G###.net, P###.fm, P###.org, Q###.cd, T###.org and E###.org.

[2] For a more thorough description of private torrent sites, see Andersson Schwarz (2015).

Perhaps the most difficult aspect of providing demographic information about piratical sites of research is the inherent anonymity of members. Users employ pseudonyms to protect their identity from content industry observers who are also members of the community. Beyond counts of total site users, little information about the race, gender, or age of community members is available.

While users operate in relative anonymity, their subject positioning as members of communities of practice dedicated to participatory archival creation and curation contributes to their capacity to perform tropes that recur in such spaces. As members of private BitTorrent communities, individuals that provide the data for this study are familiar with the culture, ideals, attitudes, and motivations that feed such tropes; further, their participation in site forums is likely indicative of a path dependency wherein users consistently perform the tropes commonly associated with common discoursal arcs. To avoid an overemphasis on the demographic information of community members, I follow Andersson Schwarz and Larsson's (2013) work on piratical justification, concerning myself less with the biographic or ethnographic characteristics of site users, and instead focusing on the "specimens of reasoning" that characterize the piratical *ethos*.

Without server side permissions to access user IP addresses, it is impossible to provide substantive information about user distribution. This is especially unfortunate when considering the geographic spread of users in niche sites as this information might provide insights into the kinds of media appropriation carried out by users in developing economies. Luckily, members of Q###.cd provide some community demographics to all community members. Utilizing a combination of server side user statistics reports and GoogleCharts, a developer team at Q###.cd produced several interesting infographics on user distribution.

Based on the information available, Q###.cd users are overwhelmingly from North America (Figure 1). Further, citizens of developed economies constitute the vast majority of site users. Yet, users from developing and non-English speaking countries also frequent the site. Users from countries that are technologically advanced and have histories of relatively lax intellectual property application comprise the largest non-U.S. user base. Canadians, Swedes, Russians, Dutch, and Norwegians are represented in six of the top eight countries of origin.

These statistics suggest that Q###.cd is an inherently transnational space marked by English as *lingua franca*. This is not to suggest parity between site users from different nation states in the digital public sphere—undoubtedly the interests of US and Canadian users are the most

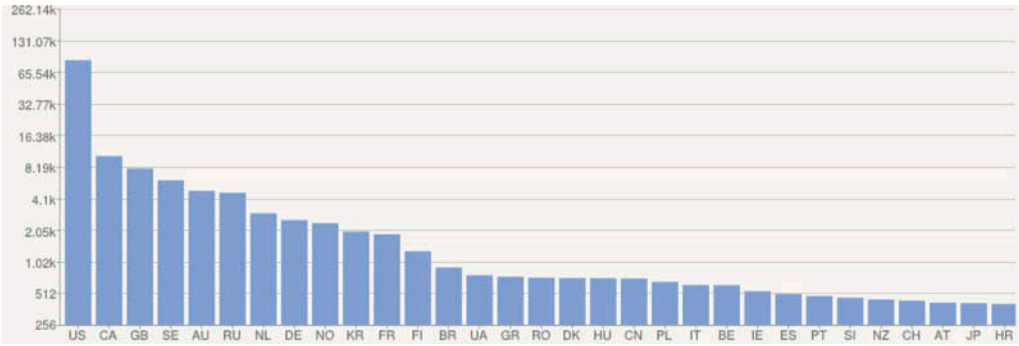

FIGURE 1 Q###.cd members' country of origin.

visible and vocal. Instead, what we should glean from Figure 1 is that sites are transnational activity systems, accessed by a wide-ranging group of users from most parts of the globe. Unbounded by geography and centered on an organized community of practice, communities like Q###.cd provide models of distributed collaboration that create strong ties among members from vastly different economic and political scenes. These relationships and collaborative acts factor prominently into the "specimens of reasoning" pirates use to justify their practice.

Data Acquisition

Relying on Im and Chee (2006), this project assumes that asynchronous, threaded forum postings are valuable qualitative data because they provide observable, easy to access archives of user statements that cannot otherwise be gathered using face to face research methods. Especially in the case of geographically and temporally distributed research subjects, online forums hold credible, dependable, confirmable, and transferable records of individual perspectives from disparate socioeconomic and political contexts. The data were gathered in three separate harvests that occurred in four month intervals between May 2011 and May 2012. After identifying forum threads related to the topic of "intellectual property" in May 2011, each thread was revisited two additional times to collect any postings not included in the initial harvest. While the credibility and dependability of postings are a direct result of the technologies that structure participation in online forums, the confirmability and transferability of data are much more difficult to achieve as they rely on researcher interpretation. Below, I will discuss the four coding schema used in this study in detail, providing evidence of the credibility of each while also highlighting that their transferability is limited to other research sites that share particular contextual factors.

Data Reduction

Selection of the full data set in this study utilized criterion-based sampling (Geisler, 2004). The corpus of appropriate data gathered in threads from site forums included the words "intellectual property," "copyright," and "piracy." This produced an initial corpus of 63 threaded conversations; 18 threads that intimately considered the philosophy, application, or ethics of intellectual property in digital environments were analyzed in detail.

After selecting the initial corpus, data were segmented to isolate observable units wherein the aforementioned reasoning occurred. Segmenting data by speaker produced individual units containing multiple divergent attitudes toward intellectual property. Hence, the smaller topical chain unit was employed. As a segment that allows participants to understand that conversation is *about* something, the topical chain provides t-unit clusters that coalesce around a particular idea or object in the world. In this way, complex ideas and situations are rendered observable and data is made segmentable into coherent, independent units. After segmenting the entire data set into 1,379 topical chains, I developed coding schema to categorize piratical reasoning toward intellectual property, copyright, and piracy.

Coding Schema Development and Implementation

Coding schema provide the means to render data rhetorical, theoretical, and empirical (Smagorinsky, 2008). The process of developing coding schema in this research study progressed thus:

- sample selection and identification of marked contrasts;
- selective coding to identify different perspectives on intellectual property;
- creation of nested coding scheme for fine-grained analysis of divergent attitudes toward intellectual property resistance; and
- development of four coding schema to address polyvalent specimens of reasoning by research subjects.

In the process of initial sample selection I isolated 50 individual units that exhibited marked contrasts to one another, yielding a spectrum of opinions on intellectual property (Table 1).

The wide range of attitudes toward intellectual property in the initial sample transformed the initial methodology in important ways. First, data in "support" or "resistance" to intellectual property went deeper than a simple two-option count. The first tier coding process coded each segment for support/resistance/neither. This initial coding produced isolated segments that would be coded again based on reasoning in support of or in resistance to intellectual property. After coding the sample topical chains for support/resistance/neither, a disproportionately large number of segments were coded as "resistance." To discover the nuanced positions inside "resistance," additional coding schema were created, tested and revised.

To generate the particular categories for the resistance scheme, data were used to ground the analysis (Glaser & Strauss, 1967); furthermore, because researcher disassociation from previous

TABLE 1
Excerpt From Initial Sample Selection

Speaker	*Site*	*Thread*	*Segment*
3	Q###.cd	Fed Up?	Piracy is basically theft. You can argue semantics, in that a download =/= a lost sale, but you cannot argue that we're thieves.
11	Q###.cd	Fed Up?	I can pay for music or I can keep my money. Obviously, I'd rather just keep my money. It's simply a financial decision.
34	P###.fm	IP Necessary?	Science is co-operative. The idea that one person invents something all on their own isn't that valid very often. Even art I suppose could be argued is never original, it builds on influences from before and is created with other people.
2	T###.org	Why IP?	I tend, myself, to see overly constrictive IP law as a hindrance, a chokehold on real creativity.
5	E###.org	Knowledge Free?	Copyright is evil because I cannot think of any other option than Knowledge must be free - it is necessary for the good of our fellow man.
7	P###.fm	IP Necessary?	Major built-out electronic medical record systems, for example, cost hundreds of thousands of dollars to develop and scale - why shouldn't companies that innovate things like that be legally allowed to protect them?

TABLE 2
Comparison of Categories of Resistance Between Scheme 1 and Scheme 4

Scheme 1 Categories: Resistance	*Definition*	*Scheme 4 Categories: Resistance*	*Definition*
Creative Hindrance	Code as *creative hindrance* (CH) any t-unit that references the human production as constrained/hindered by intellectual property.	Public Good	Code as *public good* (P) any topical chain that resists IP on the grounds that it damages the public interest.
Imbalance	Code as *imbalance* (I) any t-unit that claims that the current copyright regime is out of balance in favor of content owners, not authors/creators or the public interest.	Economic	Code as *economic* (E) any topical chain that references financials as the justification for resistance to IP.
Anti-Capitalist	Code as *anti-capitalist* (AC) any t-unit that contains a reference to how IP supports economic interests instead of altruistic human motives or claims information and knowledge shouldn't be property.	Apathy	Code as *apathy* (A) any topical chain that references theft or "just because" as justification for resistance to IP.
Technological Change	Code as *technological change* (TC) any t-unit that contains a reference to how changes in technology have transformed intellectual property.	Technological	Code as *technological* (T) any topical chain that references technologies as the justification for resistance to IP.
Other	Code as *other* (O) any t-unit that does not contain any of the aforementioned codes.	Other	Code as *other* (O) any topical chain that does not contain any of the aforementioned codes.

readings on intellectual property was impossible, a process of induction followed whereby the researcher coordinated instances when the data echoed arguments traced in previous research, and vice-versa. Unfortunately, results of the initial coding revealed too much emphasis on categories derived from previous knowledge and not enough attention to the data.[3] When calculated for inter rater reliability, the initial resistance scheme achieved only 64% agreement. After reviewing where coders disagreed, I found that many segments claimed apathy as a reason to resist intellectual property. After multiple revisions that pushed the coding scheme further and further away from researcher perspective and closer to the data itself, exclusive yet flexible categories able to accommodate the range of resistances that appeared in the data were used to structure the coding schema (Table 2).

[3]Andersson Schwarz and Larsson (2013) recognize the tendency to frame data in familiar tropes in their review of a selection of 75,000 piratical perspectives on file-sharing. Noting that "As researchers, we tend to overestimate those tropes that are of great significance to us" because of their frequency and familiarity in academic literature, the authors highlight how particular tropes and modes of reasoning are grounded in specific locales. Paying close attention to those spaces allows for grounded analyses that push against the common tropes that circulate as "specimens of reasoning" in academic circles or in industry-sponsored discourse.

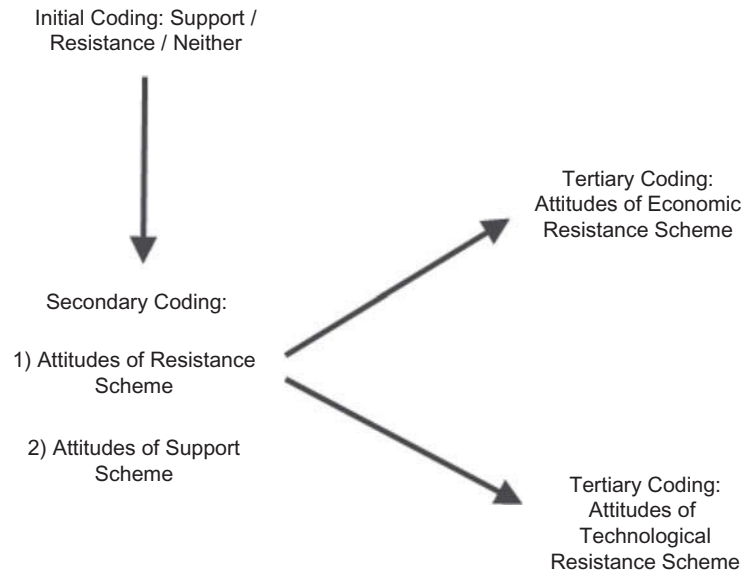

FIGURE 2 Nested coding plan.

After developing a measurable, reliable coding scheme for the varieties of resistance to intellectual property, I returned to the overall coding plan, looking for additional attitudes embedded in the discourse. Eventually, a nested coding plan was developed. It coded for the attitudes toward intellectual property, piracy, and copyright that appeared most frequently in the data (Figure 2).

The nested coding plan resulted in four coding schema: 1) Attitudes of Resistance Scheme, 2) Attitudes of Support Scheme, 3) Attitudes of Economic Resistance Scheme, and 4) Attitudes of Technological Resistance Scheme (Table 3). After achieving a concordance rate of 88% for simple interrater reliability with the initial sample across the nested coding scheme, the entire data set was coded.

TABLE 3
Coding Schema

Attitudes of Support *Secondary Coding*	***Attitudes of Resistance*** *Secondary Coding*	***Attitudes of Economic Resistance*** *Tertiary Coding*	***Attitudes of Technological Resistance*** *Tertiary Coding*
Sweat of the Brow	Public	Anti-Corporate	Convenience
Theft	Economic	Preview	Definition
Artist Rights	Technological	Direct Contribution	Social
Protection	Apathy	Funds	Quality

FINDINGS

The three-tiered coding method revealed complex and often contradictory piratical reasoning toward intellectual property, copyright and piracy (Table 4). While resistance toward intellectual property comprised the majority of codable segments (82%), attitudes of support also play an integral role in understanding piratical reasoning. Further, economic and technological attitudes of resistance warranted further inspection as they comprised a majority of codable resistance segments (69%). In the following sections, the findings of this analysis are correlated with prominent themes from academic and popular discourse; in particular, the technological-social and economic anti-corporate resistances are highlighted as they comprise the largest portions of the overall dataset (Figure 3).

TABLE 4
Complete Findings of Analysis

Coding Level	*Coding Schema Categories*	*Totals*	*Percentages*
Level 1	R/S/N - Resistance Total Count	1134	82.23%
	R/S/N - Support Total Count	146	10.58%
	R/S/N - Neither Resistance or Support	99	7.18%
		1379	
Level 2	Resistance - Public Total Count	157	13.84%
	Resistance - Economic Total Count	421	37.13%
	Resistance - Technological Total Count	372	32.80%
	Resistance - Apathy Total Count	87	7.67%
	Resistance - Other Total Count	97	8.56%
		1134	
	Support - Sweat of the Brow Total Count	49	33.56%
	Support - Theft Total Count	27	18.49%
	Support - Artist Rights Total Count	13	8.90%
	Support - Protection Total Count	39	26.71%
	Support - Other Total Count	17	12.33%
		146	
Level 3	Economic - Anti-Corporate Total Count	175	41.57%
	Economic - Preview Total Count	67	15.91%
	Economic - Direct Contribution Total Count	70	16.63%
	Economic - Funds Total Count	94	22.33%
	Economic - Other Total Count	15	3.56%
		421	
	Technological - Convenience Total Count	122	32.80%
	Technological - Definition Total Count	61	16.40%
	Technological - Social Total Count	146	38.83%
	Technological - Quality Total Count	33	8.87%
	Technological - Other Total Count	10	2.69%
		372	

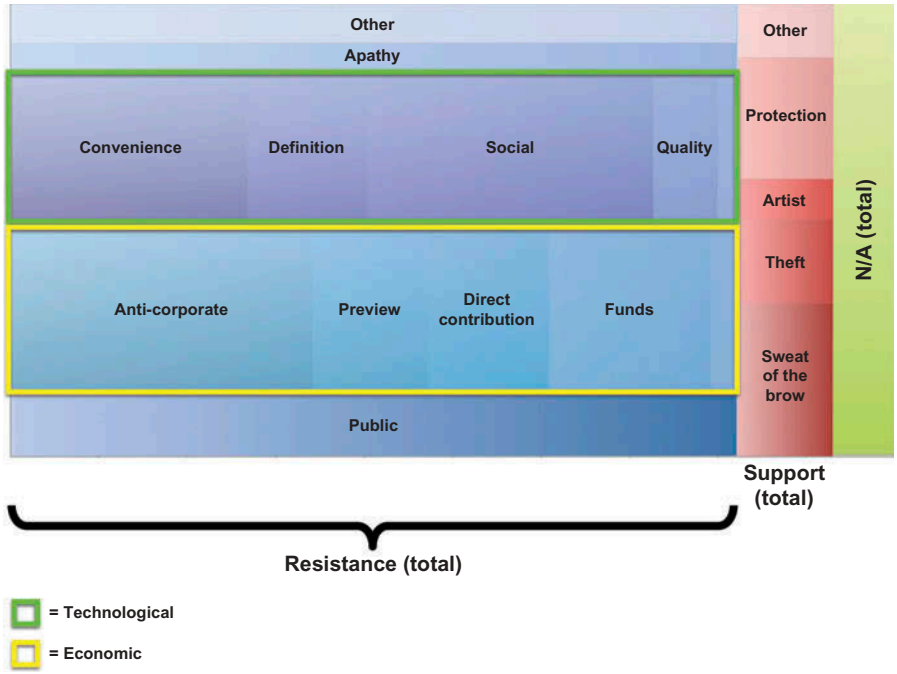

FIGURE 3 Visualization of study findings.

Technological Resistance

Despite comprising the second largest contingent of data, attitudes of technological resistance, reveal the most salient aspects of the piratical *ethos.* Notably, user responses in this section emphasize the intersection of technology, community, and sociality in sustaining BitTorrent communities. Focusing on sharing technologies as instruments of exposure and discovery, technological attitudes highlight the anachronistic application of analog intellectual property paradigms in the face of deep integration between technology and community in digital spaces. Segments coded as technological also draw attention to file sharing as an intensely social act that generates wealth and provides alternative avenues of exposure for creators. Some technological defenses explicitly relate to digital rights management technologies and standards of media quality; these positions suggest that consumers wish to control when, where, and how they consume content. More commonly, though, segments coded as "technological" draw attention to the role of community and the social in the construction of the piratical *ethos*.

Writing before the explosion of Facebook in the late 2000s, Benkler (2006) notes that arguments concerning the function, influence, and effects of digital social relations tend toward the hyperbolic. While social participation enabled by the Internet does influence individual experience, it does not result in the complete breakdown of face-to-face society, and neither does it create transcendent virtual communities. Benkler suggests instead that the effects of virtual social

networks are twofold: first, a "thickening" of social relations with preexisting friends, neighbors, and family is facilitated through social networking; second, and more importantly, virtual community creates what Benkler calls "limited-purpose, loose relationships," or virtual links between individuals engaged in group-based collaboration with shared purposes toward shared goals. In the years since Benkler's study, social networks have exploded in accessibility, usability and popularity, highlighting the complex intertwining that occurs among individual users, communities of practice, and technologies that facilitate social exchange. All of these components result in the production of social relations that redirect agency and attitude, forming alternative subjectivities that provide new modes of digital connection. Comprising the largest amount of technology resistance segments (39%), data coded "social" are more important than their 10.60% of the entire dataset conveys. Inherently, invite-only BitTorrent sites are communities and the activities that occur therein must be understood as community-driven. Because "community" plays a part in constructing the piratical *ethos*, all of the categories reviewed in the "technological resistance" schema have a social element.

The difference between piratical BitTorrent communities and other file-sharing technologies like cyberlockers ("one-click hosting" sites), direct peer-to-peer transfers, and Usenet newsgroup binaries, is the community-oriented nature of these sites. Obviously, this analysis investigates forum postings—themselves social spaces wherein users dialogue on a variety of different topics. Beyond forums, sites like T###.org and Q###.cd facilitate social exchange through a range of technological tools and mediating technologies that deserve their own analysis in another work; however, it is clear that the "social" aspects of piratical practice are important to understanding piratical motivation. Many segments coded as social make reference to piracy as a form of social media—an alternative press that creates interest around bands that are not a part of the Big Media ecosystem (Bohn, 2012; Love, 2000). These segments also spotlight the sociality and technological mediation of digital circulation, revealing how taste gains rhetorical velocity and metastasizes across digital media ecologies (Fuller, 2007). Other segments explicitly reference the influence of the community itself, revealing how site participation motivates piratical acts as much as media acquisition. Still other segments highlight the role of social technologies that create moments of discovery wherein users move through metadata networks to find new media:

> More listeners - more music. Period.
>
> - Lin,[4] P###.fm
>
> A truly talented artists [sic] no longer needs the push of a major label in order to sell records - if their music is good enough, the word of mouth of millions of people on the Internet will do it for them.
>
> - Kamaji, Q###.cd

Many of the segments coded "social" in the technological resistance scheme justified piracy on the grounds that any monetary loss by the artist or author would be compensated through exposure over social media. Users adopting this attitude offered a two-fold defense that first presented a definitional argument about the difference between copying and theft. After justifying their practice as sharing, not stealing, the users then argued that sharing results in greater exposure and potentially more sales for the creator. In these two segments, Boh in the Q###.cd thread "Music Piracy" argues:

[4] All user handles have been changed to protect the anonymity of site users in this study.

> First, copying isn't stealing. I'm not depriving anyone of a physical thing. It might be morally debatable, but it's not theft. And besides by sharing music we're helping people get into bands they wouldn't have the opportunity to get into otherwise which means more t-shirts, stickers, concert tickets and CDs get sold that wouldn't have been sold otherwise.

Segments following this two-step defense draw attention to circulation and velocity in networked information ecologies. Users such as Boh recognize the nonrivalrous nature of digital media, defending their piratical practice by shifting infringement from economic to moral frames.[5] Boh also foregrounds the importance of circulation and velocity for digital commodities, noting that without exposure, there is little opportunity for sales. Implicitly, Boh is arguing that because electronic media are nonrivalrous, circulation and velocity are impeded by intellectual property control mechanisms. Circumventing the sanctioned systems of distribution to generate interest by other community members and the networks they are attached to outside piratical spaces is actually a beneficent action that helps artists thrive commercially. Case studies of artists who employ piratical BitTorrent communities to drive interest and sales appear to bear out this claim (Hammond, 2013).

While the majority of segments coded "social" make the increased visibility argument, others emphasize site membership and community participation as the key motivator for sharing. P###.fm user Yuna states simply, "It's all about the community, eh?" In an elaborated post, Yubaba in the thread "How Do You Justify Piracy?" argues that:

> Imagine whole community of people with people who have immense expertise in every genres (except for Jungle)—that's what we have here. And if I even have a fleeting interest in a genre I haven't heard, all I have to do is head to these forums and start a thread asking *for* an introduction to it or post in an existing one, the people here are happy to give help as long as you're going to listen to it. I can't just walk into a record store and hope the clerk knows something about Norweigen [sic] roots Black Metal or Early twenties blues, they may well be an expert but it's awfully optimistic. Our community is the future of music sharing and music is a communal experience, right?

Highlighting the community's role in exposing what Anderson (2006) calls long-tail, niche media, Yubaba exhibits a common attitude in piratical communities: organization and site activity is facilitated by social acts of sharing and communication. Without these elements, it is unlikely many individuals would participate with such commitment over time.

Last but not least, a sizeable portion of the "social" segments make direct reference to the role of sharing technologies. Most activities in piratical communities are mediated by technological interfaces: browser plugins provide network graphs of related genres and artists, specialized code allows users to curate personal collections, and core tracker functionalities provide users information on the most popular downloads. These technologies make the downloading experience a social event, enabled by the time and effort invested by site users to upload, share, tag, and download content. Haku on the Q###.cd thread "The Ethics of Piracy" exhibits such an attitude, noting that "the other benefit is the discovery of new band/artists through other users and the

[5] In Andersson Schwarz's analysis of Swedish file-sharers (2012), he discovers much the same shift away from economic frameworks toward civic or moral lenses. Noting that many file-sharers justify their practice in "civic" modes that highlight cultural access to digital content as a fundamental human right, Andersson Schwarz (2012) draws attention to the rhetorical redirection pirates use to downplay economic/industrial indictments of intellectual property infringement.

linking functions of plugins like Oink+."[6] Users such as Haku highlight the role that mediating technologies play in making piracy a social experience and draw attention to the reciprocal agency distributed across human users and digital tools in piratical spaces.

Other technological resistances included statements rooted in definition, quality, and convenience. Of the three, users claiming a convenience argument underscore the incapacities of media distribution systems like iTunes and Amazon to meet user demand for niche media.[7] Congruently, users claiming a quality resistance reject digital big media on an anti-DRM basis, arguing that consumer control trumps the convenience of purchasing digital media from corporate distributors. In arguments that reflect popular discourses concerning the need for a digital copyright regime (Boyle, 2010; Cohen, 2012), these pirates point out the problematic use of property metaphors for describing ubiquitous and infinitely reproducible digital media.

Economic Resistance

Unsurprisingly, pirates are not keen on corporations; in fact, there is something to the notion that pirates consider themselves digital Robin Hoods, pilfering from the excesses of Big Media and redistributing cultural wealth to the people. Anti-corporate sentiment toward Big Media is common among pirates and can be understood as a strong reaction to the file sharer prosecution. Individuals in the anti-corporate camp hope to deal economic damage to the content industry, arguing that continued prosecution of file-sharers by the Recording Industry Association of America (RIAA), Motion Picture Association of America (MPAA), and others is an outdated and terroristic business model. Suggesting that piracy could be a boon to the content industries, these users question why Big Media continues to persecute its own customers.

Without a doubt, the most prominent attitude coded in this entire analysis indicted the RIAA and MPAA in anti-corporate justifications for infringement. User Chihiro on P###.fm argued, "I disapprove of the RIAA and its tactics. I made a pledge to never buy a CD from RIAA labels. I either pirate it or buy it used so that they won't get my money." Chihiro justifies resisting intellectual property by invoking the corporate greed of these organizations:

> At this point every action I've seen taken to protect media rights appears as a poorly veiled refusal to lose a single precious cent. Even if that cent is earned at the cost of suing, harassing, and really hurting people I believe are innocent. The media moguls have become entirely too greedy and willing to take advantage of both their consumers and artists.

As many scholars observe, content industry campaigns to combat piracy utilize rhetorics of fear and intimidation instead of engaging users on the ethics of file sharing (Lessig, 2005; Logie, 2006; Reyman, 2010). Patry (2009) underscores this claim, demonstrating how "moral panics" are perpetuated by content industry watchdogs to whip up public opinion against piracy in the service of Big Media-friendly legislation. Recognizing that the ultimate goal of anti-piracy campaigns is to move citizens from "criminal" to "consumer," the media and discourse of organizations such

[6] Oink+ is a browser plugin that links different uploads via user-generated tagging systems and metadata housed at social music sites like Last.fm.

[7] With the increasing adoption of streaming media services such as Amazon Prime, Netflix, and Spotify, one wonders how long the "Convenience" justification will hold weight.

as the RIAA employ what Andersson Schwarz (2012) characterizes as an "industrial" frame for understanding file-sharing. This form of reasoning assumes *a priori* that file sharers are criminals because they subvert the capitalist economic order. Ignoring the multiple motivations revealed in this analysis generates remarkable ire among file sharers, creating a rhetorical moment wherein pirates and Big Media are suspicious of each other's motives. Both sides end up levying charges of moral corruption; further, the sentiment expressed in segments of anti-corporate economic resistance become concretized attitudes that continue to structure file sharer perception of the content industry. San, in the thread "How do you justify piracy?" adopts this exact attitude toward anti-file sharing campaigns, noting that piracy becomes a form of civil disobedience against hegemonic corporate and media interests. She claims:

> I justify it [piracy] by reading the news and seeing the media mirroring bs the RIAA/MPAA/etc. say and regard it as truth. I see myself pirating as an act against this kind of fallacy/lies/deceit that the corporations try to put forward to the typical citizen.

The anti-corporate form of resistance reveals important details about piratical reasoning. First, anti-piracy rhetoric almost never has the intended effect; rather, it often consolidates and solidifies latent anti-corporate sentiments and provides consumers an easy, relatively anonymous means of circumventing industry control over distribution and circulation (Committee on Intellectual Property Rights in the Emerging Information Infrastructure and the National Research Council, 2000). Second, because resisting corporate control through acts of file sharing becomes an anti-hegemonic, liberatory act, many individuals contesting intellectual property on these grounds become invested in their piratical acts because they carry political implications. This investment sustains piratical participation and actually grows the file-sharing movement. Major studios and other content industry players would do wise to heed the advice of Q###.cd user Gonza: "The more the RIAA keeps pushing against file sharing, the more I'll download." To reclaim a sizeable portion of their market and redeem industry image, record labels, movie studios, and book publishers will need to work against anti-corporate attitudes by addressing the concerns raised in this section.

Other resistances to intellectual property and copyright on economic bases included segments coded as "Preview," "Direct contribution," and "Funds." Preview resistances made reference to the high-cost, low-reward practice of purchasing an entire album or book on digital download without a preview. Arguments from this perspective relied on disappointing analog experiences in media consumption. Direct contributionists often took an implicitly anti-corporate tack, arguing that they would rather directly contribute money to artists by attending shows and buying merchandise than see publishers and distribution companies capitalize on the labors of others. Finally, economic resistances coded as "Funds" drew attention to the overpricing of digital media—especially in light of diminishing quality of albums in an age of single song downloads.

Support

Reasoning in support of intellectual property supports Andersson Schwarz and Larsson's (2013) findings that pirates sometimes exhibit "market optimism" toward the industrial and commercial orders that structure media production and distribution. Coding in this study suggests that

some pirates justify intellectual property based on liberal humanist theories of the subject whose roots lie in Locke and the Romantics; furthermore, other attitudes of support draw heavily upon ideals of protection and incentive for creators. Defenders of intellectual property are also quick to point out the differences between patents, trademarks, and copyrights. These defenses often support protections for patents and trademarks while remaining ambivalent or skeptical about copyright.

Comprising the largest percentage of support, segments coded as "Sweat of the brow" argue that creators are entitled to the fruits of their labor. Relying on Locke's theory of "labor-mixing," supporters couch their arguments in economic terms, noting that while changes in technology have precipitated new modes of distribution, these transformations are not justifications for ignoring intellectual property. In the P###.fm thread "How do you justify piracy?" Eboshi notes that "Artists need and deserve our remuneration . . . . Shows and merch are not enough . . . especially for authors. How do they come to your town or print on a t-shirt if they don't have any money?" Recognizing that direct contribution to artists is basically impossible if they fail to have the capital to tour and secure merchandise, Eboshi draws attention to the "vicious circle" of piracy: without initial purchases of media in physical or digital forms, most artists cannot fund publicity for tours or produce items to sell to the consumer directly. Because of this circle, the reasoning goes, emerging artists and other creatives need intellectual property protections to capitalize on their works.

Considering the question, "Is intellectual property necessary?" Toki on Q###.cd provides a complex answer that relies on the "sweat of the brow" defense while at the same time criticizing the entire system of intellectual property. She observes:

> I'm thoroughly "anticapitalist" in most regards, but considering the entire system is catered to the faceless supply-side of creators, i.e. rightholders, it stands to reason that when the opportunity for Joe Schmoe to benefit from his creation as opposed to someone else, he should have the legal means to ensure his place among the other capitalists, who would want nothing more than to profit off the backs of others doing the work.

Toki highlights a prominent pattern observed throughout claims of support; namely, she understands and justifies intellectual property protections pragmatically, considering the way that the current system is organized; however, philosophically, she opposes an entire system wherein art and culture are rendered commodities.

Users who claimed a protection support for intellectual property consistently demonstrated a deeper, more nuanced understanding of the judicial and legislative foundations of intellectual property and copyright. This is evidenced by the strict attention to the differences between the three domains of intellectual property: patents, trademarks, and copyrights. Exhibiting "industrial" modes of reasoning, responders in this category relied on the spirit of protection in the US Constitutional Copyright Clause, tethering research, development, and advance in technology and science to incentives created by a "monopoly for limited time" of the intellectual property holder. Other supporters noted that piracy is theft. Finally, those arguing for artists' rights constituted the smallest percentage of support, suggesting that American notions of copyright that downplay the creator of copyrighted works but elevate the owner of the copyrights may more strongly structure reasoning of support.

CONCLUSION

The preceding analysis presents a modest attempt at tracing the "subject" of piratical spaces by paying special attention to discussions regarding intellectual property, copyright, and piracy. Following the "social turn" in the Humanities, this chapter recognizes that an individual's subjectivity is a socialized product of cultural and historical development, constructed from outside through the myriad connectivities that constitute experience inside community. Outside influence is deeply embedded in an individual's attitudes, ideologies and modes of reasoning, allowing the attitudinal arrangement of cords and knots that compete within our psyches to *appear* whole and given. Unwinding these competing attitudes from the knot of the self, this article attempted to answer the question, "Who are the subjects of piratical activity?" with the answer, "Attitudes X, Y, and Z are the most important and prevalent specimens of reasoning that construct piratical identity in private BitTorrent communities."

Though they comprise a small percentage of the overall dataset, specimens of reasoning in support of intellectual property are a fascinating window into the economic, or in Andersson Schwarz's language, "industrial" frames for supporting intellectual property. Though this analysis did not confirm Andersson Schwarz's (2012) findings that many file sharers inevitably see piracy integrated with market-based distribution of media, justifications for support in this study do confirm the notion that a portion of pirates understand and appreciate the core values of capitalist production; namely, the importance of monetary compensation for creative production and the import of the profit motive.

By count, data conveying technological tropes prove less abundant than economic tropes; however, technological resistances convey a fascinating synergy among communication sharing technologies and the communities who organize their activities around them. Users adopting "social" technological opposition to intellectual property foreground the essential role that networks and mediating technologies play in artist discovery, exposure, and community development. Despite not using analytic terms, the modes of argumentation exhibiting social tropes recognize the potential of heightened digital circulation and increased rhetorical velocity, frequently referring to the role that social technologies and social media play in the sharing of media. Other technological tropes hinged on the non-rivalrous nature of digital artifacts, the inadequacy of formalized distribution networks, and the inferior quality provided under current media consumption outlets. The prevalence of the technological, in both social and medial milieux, suggests new research into piracy might take into account the complex relationship among social connection, tool design, and user activity to produce more accurate renderings of where we are and where we are going with respect to intellectual property and digital artifacts in community spaces like invite-only BitTorrent trackers.

Attitudes of economic resistance characterize the majority of segments coded in this study and overwhelmingly convey a deep distrust of corporate control in the content industries. Advocating a return to localized media and a circumvention of the intermediary role entertainment conglomerates play in the production process, users addressing economic tropes look to alternative models such as crowdfunding and direct contribution to reward creatives for their labor. Attitudes of economic resistance to intellectual property also highlight unreasonably high pricing systems and the inability to "try-before-you-buy" when making media purchases. If media companies, both big and small, hope to recuperate their image and meet future consumer demand, they may consider

listening to the attitudes of economic resistance revealed in this study rather than continuing campaigns that pirates perceive as fear-mongering and even terroristic.

Attitudes of resistance also disclose a small but vocal portion of users who argue against intellectual property because of its constriction of the public domain. Relying on a host of utilitarian, cultural-ecological, "sweat of the brow," and Romantic arguments, these users most closely align with academic and legal contestations of copyright, providing arguments for and against the expansion or control of copyright. Considering the relatively small number of appearances of these attitudes in this analysis, academics and legal scholars approaching the piracy problem pragmatically might look outside long-standing theoretical articulations of intellectual property in favor of listening to the pirates themselves. This grounded approach may well lead to more parity between experts and practitioners, eschewing the academic missionary model (Andersson Schwarz & Larsson, 2013; Segal, Pare, Brent, & Vipond, 1998) that dominates the discourse at present, allowing the discourse of piratical resistance to better incorporate the viewpoints of all those invested in the problems and promise of intellectual property in the digital age.

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