

Culture Wide Closed: Pirate Monopolies, Forum Dictatorship and Nationalism in the Practice of File Sharing

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Abstract

Who gains from free culture and who is excluded from it? This paper analyses the case of the two most popular torrent trackers in Bulgaria in order to understand how the global movement to revise copyright and crush monopolies becomes a mere instrument in the hands of private monopolists in the Bulgarian context. We also examine how the vital cause of Internet freedom and free culture becomes entangled with anti-minorities protests. We claim that there is always an outside to the network, and in order to find out where this 'outside' lies, we have to consider the social and historical contexts in which the culture of sharing is embedded.

The present paper addresses two important questions. First, how the rhetoric of free culture is being used to defend private business interests? And second, who is excluded from the culture of inclusion and sharing? These questions are posed in the context of public debate in Bulgaria regarding the two biggest web sites for illegal file sharing: *Zamunda* and *Arena*. According to the Web Information Company Alexa, *Zamunda* is the 6th and *Arena* is the 16th most popular web site in the country (Alexa, 2011). Since 2006 the Bulgarian *General Directorate Counter Organized Crime* (GDCOC) has made various attempts to close down these two sites. It has been an almost legendary battle which has generated amazing amounts of Internet folklore, jokes and both online and offline protests against the actions of the police. In 2006 the police arrested the administrator and the system operator of *Arena*, and confiscated computers, routers, and hard disks. In 2007 the owner of *Arena* was arrested for 72 hours and GDCOC sent to all Internet providers in the country an order to filter the access to *Arena*. In 2010 a public action against *Zamunda* and *Arena* was staged with wide media coverage. It seems as if a public reenactment of the film *The Good, the Bad, and the Evil* has been happening at regular periods of time.

However, despite all the actions against them both torrent trackers are still functioning as usual and *Zamunda* is attracting more and more users. What has been certainly proved in the course of the battle is that digital piracy is one of the few causes able to mobilize civil society in Bulgaria. And by this we mean bloggers, NGO activists, but also individual citizens who join protest *Facebook* pages, burst into the streets and march for freedom, chanting the names *Arena* and *Zamunda*. The ghosts of the country's communist past are invoked publicly and any attempt to curb piracy is perceived as censorship, as 'communist' and authoritarian measures. So in fact, somewhat paradoxically, the culture of sharing in Bulgaria has very anti-socialist connotations. Sharing is supposed to mean democracy, openness, and plurality of voices.

Within this general context, the present paper tries to examine how democratic are the very web sites that claim to be victims of censorship. Does sharing culture lead to an open culture of sharing? Are there people who are excluded from the territory of the commons? As a theoretical background we have counted on the writings of Richard Stallman on free software, and those of Lawrence Lessig on free culture; and also the theory of the common as developed by Michael Hardt and Toni Negri in *The Multitude*. We will try to examine how these ideas are inscribed in the specific Bulgarian context, how they are being reinterpreted, refuted in practice, or simply (but dangerously) abused as mere rhetoric.

Just to begin with, let us elaborate briefly on the theory of the common. Hardt and Negri pay great attention to the hegemonic role of immaterial labor, which can also be considered as biopolitical labor as what is produced is the social life itself. Capital remains external to the process of production; it extracts rent and acts as a sort of parasite, if we use the idea of Michel Serres. But the very externality of capital leads to the increasing autonomy of labor and the creation of democratic network structures which can be used against it. The main concept proposed by Hardt and Negri is the ‘multitude’: an open expanding network in which all differences are expressed freely. Every participant in the network is connected to all others, while remaining different, retaining his/her singularity. This type of decentralized network which produces the common is the way to the desired absolute democracy (Hardt & Negri, 2004). We can trace how the ideas of the FLOSS movement combine with autonomist Marxism in order to produce a vision of an open source collaborative society. The proposed theory has its critics, starting with Slavoj Žižek, who claims that democracy by definition is never absolute – it always has an element of elitism. We should not forget as well that power and capital are also organized in network structures and Hardt and Negri are rather silent about how we can overthrow them (Žižek, 2005). Another very provocative critique can be found in the book *Animal Spirits: Bestiarium of the Commons* by Mateo Pasquinelli, in which the author exposes the bodily animal passions that form the basis of immaterial production. Rarely can we find a stronger competition than the one observed in the production of the commons. It is enough to think, for example, of the hyper ego of artists and academics. The paradox of the commons is best described according to Pasquinelli with the joke: “A friend of mine stole my idea for a book on *Creative Commons*” (Pasquinelli, 2008, p.122). It should also be emphasized that the production of the digital commons has its dark sides. The most quoted examples for sharing content are always *Wikipedia* or *YouTube*, but a remarkable amount of the content online is either porn or violence. This does not mean that we should reject the revolutionary potential of the commons, but just that we should be more aware of what we are dealing with (Pasquinelli, 2008). The potential of the commons is so revolutionary, that while calmly counting on its carnival creativity, we might be unpleasantly surprised to reveal its more cruel and unpleasant face.

Pirate monopolies

In the light of the critiques already mentioned, we would like to add some more perspectives on the question of the commons and the culture of sharing. First of all, it is extremely important how we define freedom in ‘free culture’. The argument of *Free as in ‘free speech’* is most prominently used when the police try to close down the file sharing sites. Freedom in this case is understood as an alternative to communism. There is a strong historical layer in the concept of freedom in Bulgaria that leads us back to 1989 and further back to the 45 year period of socialist rule. The battle between the police and *Arena* and *Zamunda* is interpreted as a battle between open society and the State, the System, The Power (always with capital letters). Piracy is regarded as a form of dissidence. The public story of *Zamunda* and *Arena* functions a bit like the myth as defined by Claude Lévi-Strauss. It outlines the conflict between power and ordinary citizens and resolves it in piracy. What is neglected in these mythical dimensions is the fact that someone gains great profit from file sharing.

The mantra of the bottom-up open networks is indeed romantic. But we should be very careful when we apply it. The two biggest file sharing sites in Bulgaria were not created by active citizens, and their ownership is subject to speculation. It is not that easy to make a successful torrent tracker. All in all, the trackers in Bulgaria are around 77, but *Zamunda* is the absolute monopolist, followed by *Arena*. The more users a tracker has, the more interesting and diverse torrents it offers, and the more users it attracts. It is a simple principle typical of the overall development of Internet business. While constantly praising the democratic networks and the wealth of choice, we should not overlook the fact that every business niche in the world nowadays has been taken over by one or a few big companies: *Google, Facebook, Amazon* (Wu, 2010). Accordingly, in Bulgaria *Zamunda* is the absolute monopolist, sharing the market with *Arena* in a mutually profitable collaboration, because neither of them has the technical capacities to handle alone the current amount of users.

The main focus of our criticism is that *Arena* and *Zamunda* use their position to lend space for online ads and extract profits. As these sites do not produce content, they can offer lower prices for advertising and destroy the level playing field. Many of the sites which actually produce content cannot gain from ads and they are forced to introduce paid access. This in turn harms the users because it diminishes the diversity and the quality of the content they have access to. This is not an argument against torrent sites in general but against the commercial ones who act pretty much like parasites. They profit from free content, as they get money from advertising. On a second level, they profit from the very rhetoric of sharing, as it brings them public support, more users, and respectively – more money.

Every time *Arena* and *Zamunda* are threatened by the police, they publish open protest letters and quite successfully invoke the spirit of civil society in their defence. At the same time in all official interviews the owner of *Arena* speaks against piracy and insists that the

activity of *Arena* is completely legal. It is an ambiguous situation in which the whole civil society defends the cause of *Arena* and *Arena* itself is against it. So maybe it is not the cause that really matters after all. In the sweet ambiguity of populism and legal uncertainty the site makes a lot of money. It is very indicative that in Bulgaria the Pirate Party has few supporters, while *Arena* and *Zamunda* can quickly attract hundreds of thousands fans through *Facebook*. However, *Arena* and *Zamunda* do not want to engage in a political cause and have not even answered the letter for collaboration from the Pirate Party (Loukanov, 2011). *Zamunda* and *Arena* consciously use the rhetoric of sharing to defend their own financial interests. They are supported in this task by civil society – bloggers, net activists, media researchers, etc. who uncritically apply the ideology of the free culture movement to a local context which is deeply different. Thus the global movement to revise copyright and crush private monopolies in the Bulgarian context becomes a mere instrument in the hands of two private monopolists.

Forum dictatorship

Another aspect that should be examined is the freedom of speech in open networks. One of the most interesting studies of networks as a form of organisation is the book *Dynamics of Critical Internet Culture* by Geert Lovink. Lovink offers a rich and provocative analysis of the online organisation of different radical artistic and research groups in the 90s. In most of the case studies a pattern can be discerned in which there is inspired participation at the beginning, an increasing number of users and at the same time an increasing need to moderate messages, arguments about freedom and censorship (Lovink, 2009). *Arena* and *Zamunda* obviously are commercial sites and not radical art formations, so they are not so self-reflective about freedom of speech and inner organisation. But this is a problem indeed. The random bans from *Zamunda* administrators are discussed in a variety of online platforms. There is even a popular video called *Hitler was also banned from Zamunda*, which uses the famous meme with Hitler from the film *Downfall (Der Untergang)*. The video turns out to be an ad for another tracker *p2pbp*, which tries to gain popularity, but the comments below the video (Hitler banned, 2009) show clearly that the constant bans without a reason are really a relevant problem:

I absolutely agree that those guys from Zamunda fucked things up ... There's an idiot who banned me twice for totally stupid things ... The first time, because I wrote a joke about Chuck Norris... and it was a harmless joke... The second time he even told me that he puts me UNDER OBSERVATION!!!!???? Can you imagine? I told him he's an idiot and his criteria are mediocre ... and I was IP banned.

When we went to shout on their protests, I came from the other side of Bulgaria to help, then we were cool ... Bastards! BOYCOTT ZAMUNDA! TheMadarhorsev, 1 month ago

They are total fags in Zamunda, they have invented some rules and think we are still under socialism.

DoctorDoom93, 1 year ago

Of course, there are also angry comments that defend *Zamunda*:

This is nothing but an offense to Zamunda and an obvious add for this other site p2pbg.com.

TwisteD983

And even comments that defend both the ‘führer’ and *Zamunda*:

I don't like how they make fun of the führer and I can't complain from Zamunda I've never had any problems with admins, etc ZAMUNDA champion

mtelbg

The very rules of *Zamunda* make us doubt whether this truly is a democratic place. The first rule of the site is the following:

Any arguments with the team are forbidden! Any arguments with a member of the team regarding the work, the functioning of the tracker and the forum are forbidden! It is forbidden to dispute a decision made by a member of the team. It is forbidden to edit a post, edited by a moderator or an administrator. This is also considered as an argument with the team. (Zamunda, 2011)

“Any arguments with the team are forbidden!” is not the best first rule for a site, defended in public debates as a tribune of freedom of speech and free access to information. What is more, while most Bulgarian Internet users become less and less anonymous and register through *Facebook*, leave comments with their real names, etc., the torrent trackers remain shelters of anonymity. There is no way to hold accountable their administrators and moderators. They have the full power.

Even in Internet communities where the participants are not that many and know each other, nothing can guarantee democratic participation. One of the most symptomatic examples is the forum *Linux-bg* where we can find a serious discussion on tolerance:

I want to raise the topic of freedom of speech and the moderators of linux-bg.org. Are they compatible? I don't think so.

There is an overwhelming censorship by the moderators. The worst thing is that even if one tries to joke, he is again censored ... Why don't you do something more useful? How long will you impose wild communistic censorship on everything you don't want to hear?

winman (Linux-bg, 2011a)

A passionate argument starts about freedom of speech in the forum. The same user winman, labeled because of his former posting as a malicious and quarrelsome troll, accuses

in turn the Linux people for being techno-elitist and arrogant. A similar opinion has been expressed by the user laskov, who claims that the biggest enemy of Linux is “the group of pseudo-hackers who consider themselves as the only ‘true’ users of Linux, while all the others are lamers”:

They, ‘the true ones’, put Linux under their own monopoly, and the current situation, in which 0.5 % of the total number of users uses Linux, is perfect for them. (Linux-bg, 2011b)

The supporters of free software tend to isolate themselves in narrow circles of specialists, who do not try too hard to attract other users. The movement seems to be comfortably encapsulated and self-sufficient. In a way, using free software in Bulgaria seems to be like a subcultural practice, which prefers remaining such, instead of expanding and becoming part of the despicable mainstream. It turns out that the open community of the FLOSS developers is based not on inclusion but on exclusion. Such situation obviously contradicts the original idea of Stallman that more and more people should use free software in order to escape the control of the corporations. Freedom is a privilege for the ‘non-lamers’. Open culture is actually wide closed.

The fear of external bodies: free software for free Bulgaria!

Richard Stallman often underlines that the philosophy of free software is based on sharing and collaboration. People who develop free software contribute to a society of solidarity, in which we are free to help our friends. On the other hand, Larry Lessig insists that the liberalization of copyright will not only increase creativity, but it will also contribute to a pluralism of opinions and a democratic culture of sharing. So most probably both Stallman and Lessig would be surprised to see that free software and free culture can be used as a platform for violent nationalism. “Free software for free Bulgaria!” writes the user *Philophob* in various Bulgarian nationalist forums:

The time has come for every Bulgarian nationalist to start using free software – GNU/Linux – and to kick out the operating system of the Jewish zombie called Microsoft. Free software has thousands advantages compared to the operating system of the Satan. The best option for the absolute beginners and the ones who don’t know English is the Bulgarian distribution Tilix... (Bulgarian Patriotic Defence Organisation, 2006)

The initiative of Stallman to create an alternative to proprietary software is combined in this case with anti-Semitism and a conspiracy theory in order to hail free software as the primary weapon of every self-respecting nationalist. The arguments for free software are combined with a completely opposite ideology based on exclusion. Open source is com-

bined with a paranoid enclosed system which fears everything foreign, external, alien. *Philophob* answers questions about the advantages of Linux in the following way:

I'll mention the three most important advantages:

- *Open source. This means that Linux software cannot contain in principle backdoors and other external bodies, because every programmer can check for the presence of such.*
- *Linux as an operating system and software is much more stable than windows*
- *Last but not least, you don't have to pay anything for Linux and the software for it.* (Bulgarian Patriotic Defence Organisation, 2006)

We have already commented on the argument of “free as in ‘free beer’”. What is absolutely amazing in the post of *Philophob* is that, in his view, the main feature of open software is that it doesn't allow “external bodies”. These external bodies suspiciously remind us of the external bodies supposedly threatening the Bulgarian nation. The metaphors of *Philophob* borrows from nationalism to a remarkable extent. What is even more interesting is the hidden nationalism in file sharing. The easiest way to find in *Zamunda* films produced by Israel or films about Jews in World War II is to pay attention to the rating of the film. The films with the lowest ratings are the ones you look for. The other category of films with such low ratings are erotic gay films with men (usually those with lesbians are rated a bit higher). Even in cases of films with higher ratings, for example, *Schindler's List*, the space for comments turns to a battle field between theories of conspiracy, neo-Nazi appeals and indignation of older users who have passed military training and know that war is not a game. Most often the option for comments is forbidden completely to evade all the discussions.

We can't say that the torrent tracker incites people to be anti-Semite. On the contrary, the moderators ban and delete racist comments. What we can say for certain is that free sharing of culture on the Internet does not make people more united and does not help to erase the divisions in offline reality. What is more, it seems that online sharing acts as a catalyst and actually intensifies divisions. And that can be most clearly seen on video platforms such as *YouTube* and its Bulgarian equivalent *Vbox7*. It is precisely on these platforms where nationalists organize themselves as they do not have access to official media. Social media become nationalist media. The dream of Hardt and Negri of an open network that will allow for differences without erasing them, meets the reality of an open network that exacerbates and radicalizes differences. It is not enough to be connected. What is more, it is not enough that all members of a network have a similar position on a certain strategic question. The *Bulgarian Patriotic Defence Organisation* may fight for free software as bloggers do, for example, but the possibility of alliance between them is highly unlikely. In 2007, when there was a big protest against closing *Arena* and *Zamunda*, the user *NResistance* wrote in the forum *Warriors of Tangra*:

We appeal to all people in Sofia to take part in this initiative. A lot of nationalists will try to support the event, so that we won't admit some psycho-idiotic youngsters to talk their usual bullshit about anarchy and 'power of the people'. (Warriors, 2007)

The utopia of Hardt and Negri in which differences coexist in an open network should reject by definition nationalism. How can those who do not tolerate difference be tolerated? How to include those who exclude? The common is not the universal solution to all problems. In its core the common is torn by divisions and internal borders. This is not to be forgotten. File sharing in Bulgaria does not go along with sharing between cultures. It is precisely on the open social platforms that Bulgarians mobilize themselves against external bodies: the Jews, but mainly the Turkish and Roma minorities. There is always someone excluded from sharing. The famous statement of Derrida *il n'y a pas de hors-texte* (there is no outside to the text) can be paraphrased as *there is always an outside to the network*. And it is only by paying attention to local contexts that we can find out where this 'outside' lies in every specific case.

In September and October 2011 there were many big protests all around Bulgaria. The motive for all of them was the murder of a Bulgarian boy by the grandson of a Roma leader, known as Tsar Kiro (King Kiro). The murder happened in a small village, which soon was shaken by violent outbursts as Bulgarians protested against the inadequacy of the legal system and the political order, which allowed for Tsar Kiro to become a kind of a local feudal. In many big cities there were protests against the state, which were implicitly or in some cases explicitly anti-Roma protests. During that troublesome period *Zamunda* posted many messages on its front page inviting and urging people to protest. It is an extremely popular site and many people visit it, so such gesture has a definite political meaning. During the protests a new organisation was formed called *United Nonparty Organisations* (UNO). The link to the press conference of UNO was again available on the front page of *Zamunda*. The members of UNO among others are *Motto club Black Legion*, *Association Force*, *Union for Free Internet*, etc. It is obvious how the cause of free Internet coincides with the protest against minorities in Bulgaria. Paradoxical as it may seem, there is a clear reason for that. And it is the very definition of freedom given in Bulgaria.

Reaching the end of this article we come back to one of the first questions posed, and it is how to define freedom. Martin Hardie in his article *Floss and the Crisis* observes that "Floss currently resides within a particularly American vision of freedom which seems to be spreading virus-like in its quest to smooth the space of the globe" (Hardie, 2004, p. 385). 'Free' suddenly means 'free as in America'. Hardie notices how Larry Lessig, for example, claims that the meaning of 'free' is neither a moral nor a political question, but can best be described as a constitutional question: it is about the fundamental values that define American society. "Lessig may be just carving the meat off the bone in order to dissect what he feels is the core issue, but it is easy to get the feeling that to him, either we are all Americans now, or that decisions about the Internet are best made within the US

constitutional context” (Hardie, 2004, p. 386). Hardie should in no way be interpreted through the lenses of cheap anti-Americanism. And neither can Lessig be accused of blindly praising America. On the contrary, he exposes the corruption, the dangerous faults of the US political system. What Hardie questions is the exceptionality of this system and this vision of freedom. The way freedom is defined in US constitution can be good or bad, but it is not the only one. We must have the freedom to define freedom.

The Bulgarian example shows how tricky and historically imbued every definition of freedom is. The concept of freedom in Bulgaria was forged in the era of romantic nationalism as a way to differentiate from the other Balkan nations and, above all, from the Turkish invaders. It is this ethnical nationalist unconscious of our concept of freedom that emerges in the contemporary movements for Free culture, Free Internet, etc. So it is no wonder that the slogan “Give us back *Zamunda*” can be placed on top of the Bulgarian flag on a *Vbox7* video, while in the background we hear a song about the Bulgarian hero rising to fight the invaders (Protest, 2007). It is this foundational understanding of freedom that presupposes the exclusion of ethnical minorities. Free Internet is the Internet of Bulgarians. And such an attitude is quite logical if we consider the fact that official education (both in history as in literature) in Bulgaria is still greatly focused on the romantic National Revival nineteenth-century period. Accordingly, this layer of the concept of ‘freedom’ is deeper and more pervasive than the one which associates freedom with democracy and plurality.

As David Morley writes in his article *What’s ‘home’ got to do with it*, the rumours of the death of geography are greatly exaggerated. For all their wonders, network technologies “are only as good as the material, social and institutional structures in which they are embedded” (Morley, 2006, p. 25). In the same way cultures of sharing do not exist in a sterile environment, but interact with other value sets in society. The extremely popular phrase *Think globally, act locally* seems to be a dangerous guideline. Just the opposite, more than ever in the age of Internet do we have to think locally before we act. What we mean by ‘culture of sharing’ is clearly subject to different interpretations and uses. But we should not allow the uses to become abuses, as in the case of private monopolists abusing of the symbolic capital of sharing, or nationalists integrating the cause of free culture in racist protests. This does not help the free culture movement but harms it. Only a careful adjustment between the global vision and the local context may save us from the pirate curse of easy generalizations, well-intentioned harms and legal chaos.

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