Krisis

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PLAYSTATION, DEMONOID, AND THE ORDERS AND
DISORDERS OF PIRARCHY

Introduction

This paper explores the disorganised political order ('pirarchy') generated by so-called digital pirates, arguing that pirarchy appears in swarms. Swarms are not necessarily revolutionary, but they can be disruptive. They are a social formation, growing out of reaction to, and enabled within, the systems of information capitalism, which do not form a harmonious, self-reinforcing whole.

We examine 'swarms' of pirarchy responding to the legal attack on the Demonoid BitTorrent tracker, and the court cases around the Sony PlayStation 3. In the Demonoid example, the imposition of legal order through internationally coordinated server raids, shutdowns, and arrests, temporarily disordered the affective ties and sense of social obligation around the site, sending exchange elsewhere. Swarms flux, appearing both fragile and robust. In the Sony case, even with the coordination of corporate and juridical systems, the incoherent and uncoordinated pirarchs significantly disrupted Sony's capability, even though ultimately the situation may have continued as normal. Disorder was restored as much as order. We analyse these events using anarchist theory about the relations between theft and property, the repressions arising from work

and the cultural necessity for play. Freedom of exchange is required for cultural creativity and is challenged by the total orders of capitalism and wage labour.

Resisting Neoliberalism, Resisting Enclosure

Neoliberalism represents the attempted hyper-capitalist/corporate takeover of the State. It enforces markets for all, with governmental support primarily remaining for those successful in such markets and able to buy or influence State representation (Subcomandante Marcos 2002: 107-115; Harvey 2005). As increasing numbers of people directly experience the psychological, social and economic impacts of privatisation, dispossession, and destruction of freedoms under neoliberalism, they sporadically take to the streets in a spontaneously collective and largely uncoordinated 'Ya basta!' (Enough is enough!). Such events perhaps mark a protest against turning affects, relational and linguistic skills, and social connections into wage-work; a collective refusal of 'work time and life time [...] effectively becoming indistinguishable' (Tiqqun 2011: 19). Simultaneously, millions of people worldwide enter online circuits of free exchange defying the appropriation and commodification of culture.

The success of neoliberalism with its 'free-market' austerity measures, applying to all but the wealthy, generates a social discipline in which nothing, not 'nature', nor childcare, nor emotions, nor linguistic capacity, nor personal photographs, are to be left unenclosed as commodities (Virno 2004: 56, 59; Arvanitakis 2007). This links to earlier forms of dispossession and enclosure. The proletariat's genesis in Europe and America demanded 'enclosure' of not only communal land but also of social relations' (Federici 2004: 9). In sixteenth-century England, a systematic process of enclosures paved the way for the 'proletarianization of the common people, subjecting them to multifaceted labour discipline' (Linebaugh 2008: 51). Enclosure destroyed livelihoods dependent on commoners' practices, and stripped people of traditionally shared socio-cultural freedoms and leisure. Alongside this destruction came 'the elimination of cakes and ale, the elimination of sports, the shunning of dance, the abolition of festivals, and the strict discipline over the male and female bodies' to the extent that the 'land and the body lost their magics' and aliveness (ibid: 51-5).

The growth of capitalism was, and remains, hostile to non-commercialised or non-commodified enjoyment and liberty. Contemporary enclosures (and extensions of enclosures) of cultural commons likewise act as an attack on leisure, freedom, joy and non-commercial self-expression in the name of profit and production.

In the sixteenth century, many engaged in 'armed rebellion for the preservation of their material commons' (Linebaugh 2008: 53). Tens of thousands of rebels set up 'planned and coordinated' campsites in the English lowlands demanding the end to Enclosures and, albeit implicitly, a return to a more empowered commons-based sufficiency, and existence in which culture (joy, magic, cakes, ale and dancing) had its times and places (ibid: 54). They were clearly unsuccessful. As industrialisation took root in the early nineteenth century, loosely organised groupings whose members were later identified as Luddites protested against discipline by machines, and the disruption of self-directed labour, craft-skills, leisure and culture. The State responded with troops, upholding new Combination and Conspiracy Acts which criminalised communication and association amongst workers (Sale 1995).

Swarms of Pirarchy

Today, peer-to-peer (P2P) file exchange, or 'digital piracy', mounts a similar resistance, targeting the kinds of cultural enclosure and commodification informational capitalism depends on to sustain and expand its ordering regimes. As Adrian John (2009) points out, piracy of intellectual property has a long history, usually focused on competition and success in markets, claiming others' work as one's own, or espionage/warfare between States. However, contemporary piracy of the kind we are discussing does not usually involve selling 'stolen' goods for profit, or State vs State conflict; it involves relatively free exchange between non-commercial actors. In particular, contemporary piracy subverts the technological, legal, and social locks and exclusions around the popular narrative forms of today, which form part of our cultural conversations: the song, the film, the television programme, the book, and the computer game. File-exchangers are not necessarily definite or organised revolutionaries, or challenging the institutions of property themselves, but their practices emphasise the incoherencies of capitalist property and commodity (Marshall & da Rimini 2015). They challenge the orthodox regimes of distribution and the 'distribution industries', which Cubitt (2006) describes, that help turn culture into a restricted commodity. These 'unauthorised' practices, perhaps unintentionally, generate some new cultural challenges, political formations and actors, which we label 'pirarchy' and 'pirarchs' respectively. It may well be important to 'create new circuits, new economies alongside the new technologies and techniques that are such a hallmark of the contemporary mediascape' (ibid: 209).

Pirarchs consider their exchange practices as mundane, unremarkable or even boring, and the gulf between social norms and capitalist State-based legal norms becomes increasingly apparent (da Rimini & Marshall 2014). However, this proto-movement can only happen because people are prepared (however subliminally) to risk their personal liberty, financial resources and social reputation to reclaim what their actions imply rightfully belongs to them.

Pirarchs move in culturally diverse and ideologically uncoordinated 'swarms' with only accidental unity; their actions have implications rather than direction. There is no necessity to posit a unity or a conscious 'swarm intelligence', but simply a social effect. These swarms build particular habits and attitudes, but they are not the only active swarms around, and people move (often silently) from one to another, perhaps even without realising. Swarms don't have stability, they exploit fragmentation. Hacktivist researcher Tatiana Bazzichelli (2013: 138) claims participants in Anonymous actions (who generally support pirarchs), 'pop up in pursuit of the most diverse of causes, or not following any of them, just for fun, or for the *lulz* [laughs]'. The fundamental characteristic of Anonymous is that it is 'not one, but many [...] not a group or a network, but a swarm, or to be correct, multiple swarms that feed off each other', as Felix Stalder says (2012). Stalder claims that Anonymous is a self-consciously leaderless organization. But it appears that ad hoc leaders arise, especially those with specific technical or rhetorical skills, as with the press and video releases. Christopher Kelty (in Coleman 2014: 100) points to the 'superaltern'; the

cadre of 'highly educated geeks' prominent in the free software movement, as such ad hoc leaders, although as we shall see this leadership is not always welcome or able to exert formal control.

The term 'swarms' may have implications of over-ordering for the social formations we are discussing. Swarms arise in networks of communication and response, traditionally in off-line places, fading before repression as with the Luddites. On-line, the networks of communication are ever ready to be taken up. Unlike insect swarms or bird flocks, on-line swarms are not necessarily genetically, ideologically or purposefully related, they don't last for long periods of time, and membership may change continually and rapidly. Swarm participants do not necessarily have a sustained sense of belonging, although they may. The swarm has the potential to be both 'localised' and distributed at the same time. As Eugene Thacker remarks, this is not unusual: 'Organisms are never just individuals, and never just groups; the 'behaviour' of an organism is at the intersection of individual, group, and environment [...] the locale of agency is never clear-cut' (Thacker 2004b). However, there is a tendency for analysts to find too much order to justify their interests in swarms. For example, Vehlken writes 'the collective as a whole is able to adapt nearly flawlessly to the changing conditions of its surroundings' (2103: 111). 'Nearly flawlessly' is an over-claim. The swarm may function *well enough* for most practical purposes, or may undermine itself, or be dislocating for participants. The power of the swarm depends on contingent decisions; people drop out or accumulate. Swarming techniques 'can be applied wherever there are 'disturbed conditions', wherever imprecisely defined problems present themselves, wherever system parameters are constantly in flux, and wherever solution strategies become blindingly complex' (ibid: 111). Again this could be over-ordering by implication. Swarms may not give the 'right' solutions, and may disrupt some participants' aims. The analytic importance of swarms is that they focus our attention on unintentional effects; the effect of the swarm may not be intended (or anticipated) by any, or many, members. In this sense swarms could be revolutionary in their effects, without constituting a self-conscious party or vanguard of revolution; their action does not necessarily resolve into a new established order; it can be an indication of ongoing unresolvable disorder, or flux.

While swarms may be radical and transformative, they can also be 'reactionary', self-disruptive, or destructive. 'The fact that a movement is organized as a network or swarm does not guarantee that it is peaceful or democratic' (Hardt & Negri 2005: 93). Swarms can also result from capitalist attempts at control as with viral marketing, or through top-down generation of swarms of 'flexibilised' workers. Boltanski and Chiapello suggest that the temporary order around 'projects', is at the heart of mainstream work in contemporary capitalism (2005: 168), while mobile communication means that workers are constantly available for swarmed work; the networks of communication and organisation work both ways to produce order and disorder.

Similarly, swarms of pirates and hackers can be useful to capitalists as pointing to markets, maintaining conversations which promote sales, driving technical and organisational innovation, and some ISPs allegedly profit from providing services which enable pirarchy (Marshall et al forthcoming; da Rimini 2013: 320). Pirarchs are still likely to be dependent on wage labour (or State welfare regimes) and the products of wage labour, as they cannot survive on free exchange. As Thacker states: 'mutations in the contemporary body politic [are] structurally innovative, but politically ambivalent' (2004a). We suggest pirarchical swarms eventuate around ambiguous relations to, and problems about, 'cultural property'. They grow out of networked informational capitalism, and can both promote informational capitalism and attempt to reclaim aspects of life which are disrupted by that form of capitalism. Indeed, many of the justifications for their pirarchical practices that file-exchangers express on leading copyright and file-sharing news site TorrentFreak (2015) appear to be a desire for a 'better' capitalism (in the form of fairly-priced goods in open formats) rather than an end to capitalism per se. As we shall see pirarchs do not necessarily posit the end of property, but rather the desire to have their rights to exchange, use and modify their own property unobstructed by sellers or producers, demonstrating the incoherence of capitalist property-relations.

Anarchism: property, co-operation and play

Anarchism has, at least since the time of French anarchist Pierre-Joseph Proudhon (1809-65), argued that forms of property and labour are intimately tied to oppression and/or liberty, and that contemporary arrangements favour oppression. Anarchists highlight the inherently cooperative social processes underlying the production of knowledge and culture, arguing that these material expressions of human thought and invention are made in common and must be held in common, or social creativity and freedom will die. This theory not only gives us a framework to think about the spontaneous pirarchy emerging in on-line peer-to-peer swarms and exchange, but also merges with pirarchical actions.

Anarchists and some socialists argue there is no coherent justification for private property of the kind praised in capitalism: that is, property which is alienable, disposable at will, and belongs only to one person (or corporation) with the right to prevent others accessing it. Exclusion and appropriation is the hallmark of this kind of property. As the English artist and socialist William Morris (1834-1896) stated, under capitalism, property is conceived as 'something which you can prevent other people from using' (Morris 1886). Traditionally, defences of capitalist property depend on a refusal to acknowledge property's collective origins in nature (the world), in collective labour and in collective ideas, building a rupture to justify exclusion and profit. This rupture is built by force, law and threat.

In reality, all property depends on labour, which depends on collaboration with others, and upon technology developed and built by others. 'No one can say that he produces alone. The blacksmith, the tailor, the cobbler, etc., etc., cooperate with the cultivator in plowing the earth, just as the cultivator cooperates in the manufacture of their products' (Proudhon nd). Ideas and art likewise depend on access to previous ideas and discourse. 'There is not even a thought, or an invention, which is not common property, born of the past and the present' (Kropotkin 1906: 7). We borrow, exchange, and cooperate constantly, whether for spontaneous play or purposeful endeavour. This is vital to human lives.

In anarchist theory, the boundaries around property in its capitalist sense are enforced by business, the State, by laws and by violence; by 'legitimised' robbery, extortion and exploitation. Legitimacy comes from dominance, not from 'justice' or any principle other than power. Capitalists are rarely prosecuted for destroying land in mining or development, or for taking from the commons, but the State does prosecute those who try to reclaim what the capitalist removes or destroys. Property is theft, as Proudhon famously declared, because it is enclosed from, or taken from, the labour of all. Similarly, theft cannot exist without the existence of property and exclusion. French Anarchist Élisée Reclus (1830-1905) argued that 'we are all, without exception, forced by the conditions of existence into a life of outright theft' (Reclus 2013: 60). He suggested that as capitalism is built on theft, so property should be stolen back (Fleming 1988: 142). Reclus recognised there is ambiguity because it is possible for thieves to aspire to be bourgeois and keep the property for themselves or use it to lord it over others. So the political virtue of theft may depend on motives (ibid: 150). The legitimacy of 'taking back' is a source of dispute and contention amongst anarchists (ibid: 143-52). Anarchism emphasises the ambiguities of property as force, property as theft, and theft as activism, which are central to pirarchy.

Most anarchists recognise that the capitalist property system forces people into wage labour, and to find a master/employer. In general the products of people's labour, time and life are 'paid for' in a form of unequal exchange, with power relations determining the rewards of work. Would people really continue their work, if they were guaranteed a liveable prosperity free of it? As Bob Black (1991: np) suggests: 'In order to stop suffering, we have to stop working. That doesn't mean we have to stop doing things. It does mean creating a new way of life based on play; in other words, a ludic revolution. By 'play' I mean also festivity, creativity, conviviality, commensality, and maybe even art'.

As in the origins of capitalism, free play is suppressed to meet the demands of consumption and wage labour. In contemporary wage labour systems, workers have to postpone 'rest and leisure' to the distant future, be available and amenable at all times. Their time is commodified and neoliberalism reinforces ideas that unemployed freedom should be punished. Re-

volt grows from a desire for a more human reality of ludic expression (which exists however precariously in capitalism), of intrinsic reward and free exchange. To quote Black again: 'Playing and giving are closely related, they are the behavioral and transactional facets of the same impulse, the play-instinct. They share an aristocratic disdain for results. The player gets something out of playing; that's why he plays' (ibid.).

Echoes of Black's 'ludic revolution' resonate in the writings of those French anarchists who, as The Invisible Committee, published *L'insurrection qui vient* (*The Coming Insurrection*). They argue that under capitalism, 'becoming independent' means finding a boss (The Invisible Committee 2009: 41), that the 'horror of work is less a part of work itself than of the methodical devastation, over centuries, of everything that is not [work]' (ibid: 38), including: the familiarities of one's neighbourhood and trade, of kinship, our attachment to places, to beings, to the seasons, to ways of doing and speaking. To survive the horror we must reject the demands of (neoliberal) flexibility and mobility, and instead 'organize beyond and against work, to collectively desert the regime of mobility, to demonstrate the existence of a vitality and a discipline precisely *in demobilization*' (ibid: 51, emphasis in original). That is, refuse to be mobilised to work. In the village of Tarnac these anarchists 'planted carrots without bosses or leaders. Because they naively think that life, intelligence and decisions are more joyous when they are collective' (the parents of Bertrand et al 2008). The State suppressed them, as if there was something inherently subversive in collective happiness outside of the capitalist grid of consumer behaviours.

When capitalist hierarchy requires labour to be always available, the ludic Self retaliates, by being prepared and technologically able to satisfy multiple desires for play, entertainment, relaxation, stimulation, creation and distraction. These desires are not external to capitalism, and may be generated by capitalism as an engine of consumption (da Rimini & Marshall 2014: 326-7). We are not arguing that pirarchy is external to capitalism, but that it challenges it. Similarly, the tools enabling computer labour and exclusion also allow people to subvert, copy and distribute its results easily, in pirarchical subversion, production and exchange. We shall now proceed to show how these anarchist theories elucidate events in the con-

temporary world by looking at the attack on the Demonoid tracker site, and a fight against Sony.

Commercial Repression of the Demons

Demonoid is part of the 'digital piracy' ecosystem. Like its more infamous cousin The Pirate Bay it is a kind of specialist search engine that helps people find digitised goods they want to download, regardless of whether or not these goods originally were enclosed by copyright restrictions or technological barriers. Specifically, Demonoid is a semi-private peer-to-peer (P2P) 'tracker' site using the BitTorrent internet communications protocol to facilitate file exchange. Participants often proclaim it to be a community. Launched in 2003, it hosts an on-line searchable index of links to Internet Protocol (IP) addresses of digital devices holding copies, or partial copies, of media files (films, music tracks, e-books, etc) categorised by genre and sub-genre. Users click on a link to enter a file-sharing 'swarm' for a specific item.

A swarm is comprised of 'seeders' (peers who have a completed copy of the media file and continue to 'seed' it back), and 'downloaders' (peers who are downloading the file in segments) (da Rimini 2013: 315-6). The BitTorrent protocol enforces technological cooperation (sharing via uploading) during downloading, although people have no obligation to further seed a file after completing a download. The term 'swarm' in the file-sharing context probably originated with the Swarmcast P2P content distribution system, released in 2001, just prior to the development of the BitTorrent P2P protocol (Koman 2001).

Demonoid members frequently report the sense of 'camaraderie' arising from belonging to a community passionate about 'many niche subjects'. One described Demonoid as being inhabited by 'small groups of people sharing content they all loved' (comment on Andy 8 May 2013). For 'Carl', an interviewee in our research project investigating Australian artists' and cultural producers' social norms around file-sharing (da Rimini & Marshall 2014), the 'giant Alexandrian library' is propelling an ideologi-

cal shift: 'Generosity is really one of the most radical concepts that you could dream up and being generous with bandwidth and with content and ideas' ('Carl' interview). Another artist and Demonoid member was 'fascinated' by how file-sharing had 'changed the ownership of information and the ownership of immaterial things…and how that's changed the whole landscape of exchange between people' ('Ti' interview).

The sharing on Demonoid not only involved commercially available items, but items of purely local interest, self-produced items, and generally unavailable material. In that sense, file-sharing sites can rescue cultural works from obscurity, making the hard to get 'gettable', and revitalising culture in the process as people engage with new (often 'old') works. One interviewee felt obliged to share obscure items from his extensive archive of (purchased) films and vinyl albums because the on-line community would not be able to get them elsewhere (da Rimini & Marshall 2014). Furthermore, creative artists can access new concepts, artistic trends and material elements to play with, remix and upload. 'Everything I watch actually goes into something I write really' ('Mel' interview). 'Theft' is, in these cases, opening. Pirarchy, explicitly and practically, emphasises the sharing aspect of culture, and cultural production, described by anarchists, and suggest new paradigms, even if it does not resolve problems of survival.

It seems that many pirarchs are 'incidental activists'. If an activist is 'someone who takes part in activities that are intended to achieve political or social change' (MacMillan Dictionary, nd), then an 'incidental activist' is someone who can be apolitical, but 'accidentally' contributes to social and cultural change by their presence and activities. Torrenting is 'becoming so mainstream it's not so much community but just society' ('EKA' interview). Nevertheless EKA's attitude implies culture should be non-commodified. Others are aware of swarms' social and political potential. 'It's a very visual kind of metaphor, that idea of the swarming and the seeding and it's egalitarian… It's not just people leeching off the products of capitalism − it's also people who are creating and distributing, producing and distributing stuff from scratch totally outside of all available systems' ('Toxic honey' interview).

As these alternative practices proliferate and become normalised, they further threaten existing ordering regimes. Just as the State sought to suppress those struggling to reclaim the commons, so too neoliberal power attempts to contain, constrain and punish those prising open informational flows to build a digital commons. In terms of repression of pirarchy as spectacle, we need look no further than the 2009 trial of The Pirate Bay founders (Özdemirci 2014), and the 2012 arrest and requested extradition of New Zealand-based Megaupload cyberlocker founder/owner Kim Dotcom involving simultaneous multi-country raids (Palmer & Warren 2013). The less dramatic Demonoid raid in 2012 also involved a determined effort by what, following Critical Art Ensemble (1994: 11-30), we call the 'nomadic power' of authority.

Anticipating attack, Demonoid also became nomadic, tactically changing its TLD (Top Level Domain) to thwart US authorities' ability to terminate its domain-name registration, and shifting its server from Canada to Ukraine. Neverthess, in August 2012 a swarm of power flowing through INTERPOL, the Ukrainian police, the Mexican Attorney General, the International Federation of the Phonographic Industry, and the US government, launched a joint criminal investigation, resulting in the site's shutdown, a reported arrest in Mexico, and assets seizures (Jacob 2012; Ernesto 2013). Property rights were asserted by acts of power and threat.

This act against a much-loved platform generated a swarmed retaliation response, with Anonymous launching an electronic disturbance called 'OpDemonoid'. Cultural anthropologist Gabriella Coleman describes Anonymous as: 'part digital direct action, part human rights technology activism, and part performance spectacle, [that] while quite organizationally flexible, is perhaps one of the most extensive movements to have arisen almost directly from certain quarters of the Internet' (2012: 210). This movement of 'hackers, pranksters, and activists' is anarchic, and both seriously ludic and deadly serious. Each operation announces 'Game on!' to the targeted opponents and those interested in participating. In this case, OpDemonoid participants launched Distributed Denial of Service (DDoS) attacks, crashing three Ukrainian websites (BBC 2012). A video clip entitled *OP Demonoid will not be televised* exhorted supporters to replicate the clip through their social networks (Anonymous 2012). Pirarchy is a

Hydra, as Anonymous warned: 'where one has fallen, many will rise to take their place….For most of us Demonoid and other public trackers have been about much more than music or movies. They are an incredibly powerful educational tool, facilitating much more than just open piracy[...] [they] provide a model for distribution… Corporations and governments fear them. Anonymous will not tolerate a world without them' (Ragan 2012).

After some false starts, a resurrected Demonoid made a 'glorious comeback' in March 2014 (Ernesto 2014a). However, the site felt different to some. 'It feels like walking into your old childhood home. The memories are there, but other folks live there now' (comment on Andy 2013). Some jumped to alternative sites, believing that Demonoid 'should just stay dead... Our community was at a loss that day, but it's time to look towards the future of other public and private trackers' (fratdaddyZC 2013).

Whilst on-line swarms escape easy documentation, a similar sentiment 'to move on' was expressed by some users of The Pirate Bay (TPB), following its shutdown by Swedish authorities in December 2014. Even TPB co-founder Peter Sunde predicted that a better platform, one with more soul and 'no ads for porn and Viagra', would emerge out of the 'immense void' TPB's demise left (Ernesto 2014b). Indeed, within a fortnight open-source activists had released TPB's source code to the global torrent community via GitHub to enable 'individuals with minimal IT skills, and basic server equipment to create a Pirate Bay clone on their own domain' ('isohuntto/openbay' 2014), perhaps even generating a shifting swarm of Pirate Bays.

With Demonoid, it appears that the swarms around its files and forums may be rebuilding. A Demonoid forum moderator reports that there 'are [still] somewhere upwards of 9 million registered accounts' (schatuk 2014). Domain statistics for 30 December 2014 identify 308,586 daily visitors and 2,468,688 page views (demonoid.ph Domain Analysis 2014). It is hard to be precise. As Vehlken states 'swarms are problematic objects of knowledge: they disrupt the scientific processes of objectification' (2013: 112). However, these anarchic and ludic swarms, while growing out of communicative capitalism, seem to be difficult for that capitalism to completely suppress,

or ignore, especially when those capitalists try to enforce or extend their own property rights into what was seen as commons, or as cultural autonomy.

Swarms versus Sony

The law cases and actions around the Sony PlayStation3 (PS3) reinforce these points. Sony was perceived to be extending its copyright and property claims over people's gaming machines, disrupting owner's previous capacities or usage ('thieving') to an unprecedented extent, and was faced by mass protests, attempting to steal back the 'property space', in favour of play and personal usage. Since 2000 Sony promoted its PlayStation hardware as able to run computer software and non-inbuilt operating systems (the Other O/S option). The PlayStation up to the PlayStation 3 (PS3) was a computer as well as a games machine, and reputedly secure.

In December 2009, George Hotz, a hacker who gained fame by freeing the iPhone from compulsory attachment to the AT&T network, was given a PS3 along with a challenge. Just over a month later he announced that he had opened the processor and memory to programming (NZHawk nd).

Fearing that this would allow piracy, Sony issued an 'upgrade' in March 2010, which destroyed the machine's ability to run other operating systems, and if not installed meant loss of the PlayStation network, playback of games, access to new games, and ability to play Blu-ray movies etc (Reisinger 2010). Next month a class action court case was initiated asserting that Sony had deprived people of functions of the property they owned.

In December 2010 the hacker group fail0verflow, protesting the compulsory removal of the Other O/S option, demonstrated they had a way to get around the block. One member asserted their rights to personal and cultural property, stating: 'I haven't stolen anything… It's my own hardware, I can run whatever I like on it' (Fildes 2011). Shortly afterwards Hotz released an encryption key, which allowed people to sign whatever soft-

ware they liked and have the PS3 run it. Hotz's code supposedly disabled the ability to run pirated software (Kushner 2012). Sony then launched a court case in California against Hotz and one hundred unspecified John Does (thus potentially generating their own imagined and potentially compelled swarms), alleging the defendants were bypassing 'effective technological protective measures' and violating 'the Digital Millennium Copyright Act and the Computer Fraud Abuse Act' (Reisinger 2011). Sony argued that California should have jurisdiction, despite Hotz residing on the other side of the US in New Jersey, because Hotz had a PayPal account, and used Twitter and YouTube. The judge was disturbed by this, saying that 'would mean the entire universe is subject to my jurisdiction, and that's a really hard concept for me to accept'. Hotz would clearly be disadvantaged by such proceedings.

Rather incoherently, the judge eventually allowed Sony to sue in California, claiming that Hotz's website was aimed at California. However, his website was aimed at anyone who spoke English, there was no specific mention of California; so this ruling potentially made anyone with a website subject to the judge's jurisdiction. Sony was also allowed to obtain the IP addresses of people who visited Hotz's website. These rulings extended Sony's legal power. The case also extended definitions of intellectual property, increasing enclosure or legitimating corporate theft. George Washington University Professor of Law, Orin Kerr, wrote (2011) 'this is the first case I know of claiming that you can commit an unauthorized access of your own computer'. The Electronic Frontier Foundation also protested that Sony claimed rights which prevented people 'tinkering with' their own property (Kushner 2012). Even established property boundaries are vague and depend on power contests, and can potentially be appropriated at any time.

As with the legal attacks on Demonoid, these extensions of property and power attracted the attention of Anonymous swarms who began attacking Sony's internet sites. Some members of the hacker swarm stated their objections in press releases, pointing out as that Sony attacked people's property rights because they did not like people's actions, so now Anonymous was similarly violating Sony's property (Tangled Web 2011). Again the ambiguities of property are central.

A DDoS attack caused the PlayStation network to crash repeatedly, although Sony denied Anonymous were responsible (Tangled Web 2011). Lack of certainty can be tactically useful to both sides. Anonymous soon abandoned the attack after angering gamers who had paid to play and who are important legitimisers of its actions (Olson 2012: 227-8).

Soon after, Sony settled with Hotz, requiring him to promise that he would never hack any other Sony product without facing stiff penalties (Groklaw 2011). A week later Sony revealed that the PlayStation network's problems were greater than previously announced, with 75 million people's personal account details taken (Tangled Web 2011). Sony claimed before Congress it had evidence of a signature being left in its files showing Anonymous was behind the attack, but anyone can leave a text behind (Albanesius 2011). A possible Anonymous spokesperson pointed out that Sony's claim allowed Sony 'to shift attention away from its own failure to protect client data' (Brown 2011). Blame is easy in this environment, however, there are obvious problems with distributed swarm action as it is always possible that some affiliated people will act in ways other 'members' do not like: 'their leaderless, decentralized structure means that they are all essentially rogue elements' (Tangled Web 2011). While there are supposedly official announcements speaking on behalf of Anonymous, this is protest as dis-coordinated play; there is no one to make agreements with, or to hold back the fringes.

Hotz seemed keen to distance himself and his kind of hacking from breaking into servers, saying: 'You make the hacking community look bad, even if it is aimed at douches like Sony' (Kushner 2012). While some Anonymous members may identify with Hotz as 'superaltern' (Olson 2012: 227), the identification may not be reciprocated, or perhaps Hotz feared Sony would sue him again; this is not a politics of clarity. Swarms that form around Hotz and his case may not reference his desires or positions. However, various people did launch orthodox court cases against Sony for damages (BBC 2011). These (swarmed?) cases eventually resulted in a US$15 million settlement by Sony and fines in the UK for failure to keep its systems safe (Lien 2014). In this way play melds with the formal.

Anonymous swarms display a degree of playful and vindictive wit, and the hackers affiliated take actions because they can, because they enjoy it, because of the technical challenge, and to some extent for something to do. Alluding to the group's ludic motivations and its 'ongoing embrace of lulzy mischief', where lulz are laughs at other people's expense (perhaps expressing a sense of superiority as there is no necessity for swarm action to be egalitarian), Gabriella Coleman notes that 'Lulz are unmistakably imbued with danger and mystery, and thus speak foremost to the pleasures of transgression' (2014: 33). Moreover, one of the principles that participants adhere to is 'a spirit of humorous deviance' (ibid: 23). Anonymous' play can be seen not only as a reclamation of 'fun' as politics, but a response to uncertain political problems, and the difficulties of formal action.

Hotz, while clearly not afraid of boring repetitive work on his own behalf, also demonstrates this ludic sense of power and motivation. 'I don't hack because of some ideology [...] I hack because I'm bored', and 'I'm not a cause. I just like messing with shit'. He got bored with an internship at Google, and left Facebook wondering 'how people stay employed for so long' (Kushner 2012). Despite his negative reaction, this could show an ambiguous circulation between rebellion and co-operation. However, Hotz clearly reacts negatively to corporate power/exclusion being built into devices, wanting to allow people to own their equipment and use 'homebrew software' as developed by anyone (The Loop 2011). 'I don't like when companies tell me what to do with products that I have purchased' (Hotz 2012).

While Hotz and fail0verflow both deny any piratical intentions, their relationship to intellectual property laws and extension of those laws is very similar. Along with Anonymous members and Demonoid users they do not want their particular culture to be locked away or restricted by corporate enclosures, copyright and lawsuits that reduce their play or capacity. They want to be able to construct and view software as culture, as much as others want to view films, books or games, to participate in conversation or make their own cultures.

Conclusion

Pirarchy emerges out of the convergence of the technological structure of communication networks, tools and social forms deployed by contemporary capitalism. As such, pirarchy is not an outside alterity, but an internal disorder within capitalist orderings. The pirarchical swarm uses a generalisable social formation with variable content and effects. That it can be seen as ambiguous, or as incidental activism, does not mean it can have no effect. Pirarchs expose and exploit informational capitalism's inherent self-disorderings and vulnerabilities, counterposing free exchange, cultural freedom, play and ludicity against neoliberalism's demands for complete wage-labour dependency and total private ownership of culture and ideas. As such they illustrate anarchist concerns about the nature of property and the vital necessity of free exchange and co-operation for cultural vitality and individual freedom, without needing any particular ideological unity.

In keeping with this anarchistic tendency, rather than being unified or institutionalised, the swarm formations of pirarchy are disorderly, temporary, and contingent. They have no existence other than in the moment. Unlike swarms of insects, schools of fish, or flocks of birds, they have no kin or long-term relation. They appear and fade, as people log in and log out, plan 'ops' and campaigns via Internet Relay Chat channels, or form a swarm elsewhere. They build a force without a centre or formal organisation. Arrests or disappearances may not unsettle the swarm: the participants just go elsewhere and a new swarm appears. Swarms arise from, and are built into, the habits of exchange and receipt found throughout the internet and daily life. They can reclaim a non-commercial, non-work mode of living, based in cultural creativity, cultural demand, and entertainment.

The Demonoid story illustrates how control and liberation processes occur on a global level. As nomadic-neoliberal power flows across national borders, so does resistance. The growing participation in pirarchical power, from the mass of ludic subjects in P2P swarms to the masked bodies in street protests around the world against the US-driven and subsequently failed Anti-Counterfeiting Trade Agreement, strongly suggests that the

fight to defend and extend the cultural and knowledge commons is generating new political actors, whether playful, politicised, or both. With Demonoid the internationally coordinated attacks temporarily destroyed the 'community' around the site, and it is unclear both how many people moved on for good and how many subsequently returned, and also whether 'community' even matters for swarm-life to have effect. Similar forces seem displayed in the swarmed protests that arose around Sony's attempts to extend its legal and proprietorial rights. While there may have been figureheads, and while Sony clearly exploited the vagueness of network society, the protests significantly changed the field, caused damage to Sony and were conducted in a ludic and uncontrolled manner, with potentially harmful effects for 'innocent bystanders'. Swarm formations don't have clear boundaries for attack, and they distribute risk and provide potential anonymity, and perceived safety, in numbers. Eventually it is hard to tell whether the situation was changed or not. Disorder was restored as much as order, and the potential for continuing and commercially damaging wars over property 'rights' was demonstrated.

If there is to be a ludic revolution, or more realistically a ludic disruption, then it may tend to take a swarm form, by its nature. Ludicity resists organisation and discipline, which is both a weakness and a strength as it does not sacrifice its means to its ends, ends and means can harmonise. Such revolt is not normally sustained and thus ineffective when faced with organised opposition. However, in informational capitalism swarms become a normal, easily and instantaneously activated social formation and, while disorganised with unstable membership, can be continual in their effects. Disorder becomes the swarms' strength.

The classic argument Marxists make against anarchism is that anarchists can never organise to overthrow anything and fail at the last moment. Anarchists argue that Marxists institutionalise repression and never move beyond the State. Both have a point. Pirarchy forms and supports accidental rebellion, while providing support for institutionalised moves. In its habits, it recognises that property always comes from a collective commons; the origin of all property is the natural world, cultural ideas, social labour, individual effort and contingency. In pirarchy people attempt to rule themselves through informal exchange, conversation, col-laboration and fragmentation. They resent attempts to stop the exchange. By taking back the cultural into their own lives, they challenge the appropriation at the heart of capitalism using the tools and formations of capitalism, while capitalism, in turn, attempts to reappropriate and extend property claims.

This is significant, as Reclus argued, because evolution and revolution are not alternate modes of social change, but rather are operating together. Evolution builds up pressures and preparation for change while the resolutions to the pressures come in the shocks of revolution (Fleming 1988: 123; Reclus 2013: 138). Pirarchy builds up habits which do not recognise some property types as exclusionary. If enough people act, and the habit becomes daily life, then the practices build up into a revolution of sorts. Historically, capitalism disrupts ludicity, and attempts to reclaim ludicity can be radical or disruptive of capital, even if accidentally. As Tiqqun argue, there 'is in no way a necessity to "rise up", but a necessity to raise, to refine, to spur *our pleasure*, to intensify *our enjoyment*' (2011 p 167, emphasis in original), and out of this… who knows?

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