## The Pirate Party:

## **Tinkering with the Infrastructure of Transparency**

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#### Introduction

It is delightful when academia does not only reveal but also entertain. The members of the Pirate Party Aachen, Germany, broke out into laughter when I told them I wanted to conduct a study on the notion of transparency in their circles: "That's what no one knows!" – "If you find out you tell us!" Indeed, I found that no one really knows, that everybody knows somewhat, and that most feel they should know better. This study is a contribution to the on-going debate within the Pirate Party Germany about transparency: the kind of transparency the members demand within their own circles, the kind they want to bring into politics, and the problems they experience with both. Engaging in participant observation, I sought to answer the following three questions: What are the rationales underlying the Pirates' demand for transparency in politics? How do they conceive of this envisaged transparency and the individual relating notions, such as participation and privacy? Last but not least, how do the Pirates use information and communication technology (ICT) to actualize their ideal of transparency in politics?

Transparency in all political processes is one of the core values and core demands of the Pirate Party. Born in 2006 as one of the numerous offsets of the Swedish mother party founded the same year the organization reacts to what it perceives as dangerous disregard established politics shows towards the emerging features of the so-called information society. In contrast, the Pirates identified the internet as the means to achieve their political vision: creating transparency in decision-making processes on all administrative levels, enabling as broad a participation in the political discourse as possible, and engaging in collaborative political action. The underlying rationale for demanding transparency in political processes and for using tools to support this demand is the ideal of a democratic system in which every individual is enabled to impact political processes as widely as possible. A full elucidation of the concept of transparency within the Pirate Party has not been undertaken, though. The need for conceptual clarity becomes apparent now that the party operates in state politics and therefore in a system whose hierarchical structures

and conventions of secrecy it seeks to change. Furthermore, the emergence of the so-called "internet-party" raises the fundamental question if information technology yields the potential to alter political processes towards more citizen participation - or, in other words, if the internet can "create" democracy.

In the following I will elaborate on the Pirates' rationales for demanding transparency in political processes, elaborate on certain recurring points in the debate, and show at the hand of examples how the internet is used by the party to introduce new ways of doing politics. Two building blocks are required to prepare ground for the case study: a note on method, first, and some background information on the party's history, programme, and distinct basic democratic structure, second. The heart of the chapter constitutes the analysis of the gathered data for which the three research questions will successively be addressed. The insights gained from methodology and data analysis will be reflected on in the conclusion.

### Methodology: How to Research Pirates

The existing body of research on the Pirate Party is slim. Those authors who did study the Pirate Party from an academic perspective have widely made use of the material provided by the Pirates themselves (Bartels, 2009; Bieber & Leggewie, 2012; Blumberg, 2010; Eisel, 2012; Häusler, 2011; Jabbusch, 2011; Neumann, F., 2011; Neumann, T., 2011; Niedermayer, 2012b; Zolleis, Prokopf, Strauch, 2010). Felix Neumann (2011) points to the party's open structures as an enabler for grounded research: "The Pirate Party is a lucky strike for research due to its structures and its aspiration for transparency: virtually all party communication is accessible online" (p.3). Political science professor Christoph Bieber (2010) agrees: "As a researcher you are happy, it is all there, you don't have to conduct any complex interviews" (23:40).

It is true that the party's stance on transparency is laid down in the basic programme, in various election programmes, and in position papers. However, a mere literature research would not have revealed all nuances of the topics. In order to assess how the Pirates conceive of transparency and counter the challenges that exist to actualize it, I considered it necessary to enter the field, to inquire how the members form their aspiration, and how they deal with it in practice. Thus, this research adds a qualitative account on one of the Pirates' core objectives to the existing quantitative ones on self-conception (Neumann, T., 2011) and democratic ideals (Jabbusch, 2011).

Furthermore, the in-depth studies mentioned above have been conducted by party members who have experienced and shaped the party's history for a significant time-span and who, thus, were familiar with inner-party codes that an outsider first needs to decipher. The present research thus adds an account of a subject newly entering the organization and testing the usefulness of its particular communication structure for realizing the political ideals of participation and transparency. Last but not least, all academic studies date from, latest, summer 2011. If this seems like a relatively young past, the half year since then has brought about fundamental changes for the party. Since the Pirates' first boarding of a state parliament in fall 2011, the party entered three more state parliaments and gained a third of the 33.000 members to be counted the following spring. Given the challenges of political responsibility, increased media pressure, and the diversifying membership the question of transparency seems more contested and pressing than ever.

There were two categories of settings for participant observation in real life: formal and informal. The first category included weekly meetings of the task force for local politics in Aachen, a workshop held by a Pirate for a political science class at Aachen University, and an information stand prior to the state elections in NRW where I could discuss with citizens and watch the Pirates campaign. The second category included the monthly regulars' table, and a gathering to watch the election results of the state parliament elections in Schleswig-Holstein. In total, I participated in seven offline meetings, five formal and two informal ones, all of them in Aachen, North-Rhine Westphalia.

Of the many online tools the Pirates use I identified live streams, mailing lists and the voice communication software Mumble as the most relevant and most rewarding channels to both learn about the Pirates in terms of content and observe their interactions. Thus, I watched a number of day-long live streams from the newly formed fraction in North-Rhine Westphalia. Besides, I subscribed to all 16 state associations' mailing lists, to various announcement lists, and to lists of those working committees I considered relevant for the concept and actualization of transparency: Open Access, Data Protection, IT, and, last but not least, Transparency. Given the great number of existing lists the selection could only be non-exhaustive, which I attempted to level out by choosing a combination of regional and topic lists.

Furthermore, I spent many hours on Mumble. The many-to-many tool offering a speaking, a hearing, and a recording function widely used for meetings and informal conversations over the distance. There are channels for every geographic-administrative level, one for most working committees on every level, conference rooms and channels for informal chats, as well as channels from international Pirate Parties. Here, I participated in meetings of the newly formed working committee on transparency, *AG Transparenz*, in which I became an active member. I also listened to the meetings of other working

committees, of boards on different administrative levels, to question and answer sessions with deputies or federal board members, to panel debates, and to informal chats. In total, I participated in 24 Mumble-meetings, 15 formal, 9 informal ones.

In addition to the observation activities mentioned, I conducted six in-depth interviews of about one hour each. The main function of the interviews was one of triangulation, i.e. verifying assumptions on my side and receiving explanations of internal codes by insiders. The interview partners were identified by means of the snowball method, i.e. one party member being the first interviewee who subsequently pointed out further potential subjects. In this way I identified a variety of actors with different viewpoints on the notion of transparency within the party: one Ex-Pirate, one active Pirate, one former federal board member, one state board member, one member of the party's youth organization *Young Pirates*, and one interested observer regularly participating in party meetings. The interviews were audio recorded and transcribed from German into English, with the interview partners being able to check and correct the transcript afterwards.

When directly interacting with the Pirates offline or online, I was open about my purpose of joining the group. This was necessary, on the one hand, as it would have been unusual to attend meetings without either taking initiative oneself or being addressed and involved in activities. On the other hand, stating my research questions turned out to be stimulating. Upon these occasions, the present Pirates usually engaged in the debate on transparency anew and reflected on the nature and the prospect of the debate itself.

## The Pirates – Politics in the Information Age

The Pirate Party's origins can be traced back to Sweden. Here, Richard Falkvinge founded the *Piratenpartiet* on January 1, 2006 and identified three core topics for the party to tackle: copyright, patent law, and citizen rights. The copyright and the patent law were considered lagging behind the developments in culture and business in times of means of real-time communication. At the same time, citizen rights were considered under threat in times of increasing state surveillance due to fear of international terrorism. This entailed the fear for infringement upon personal privacy, on the one hand, and a lack of transparency in state acts, on the other. Focusing on a reform of the copyright, the Swedish party experienced a short-term but immense success. In contrast to this, the German party was barely noticed until when in June 2009 the minister for family affairs at that time proposed introducing online barriers blocking homepages that contained child pornographic material. This legally indefensible as well as technically not feasible Access Restriction Act caused broad resistance in the population. In the course of offline and online protest campaigns, the

Pirates rapidly increased their membership from a couple of hundred to 12.000 (Zolleis, Prokopf, Strauch, 2010, p.5) and gained a decent 2% of the votes in the federal elections the same year (Niedermayer, 2012a, 'Entstehung und Entwicklung').

Over the period of three years the German party branch has gradually expanded its scope, adopting stances on education, family policy, environment, and other issues that exceed the interests of a rather narrow internet community. It is important to note that the Pirates identify a red thread throughout all newly adopted topics: the liberty (of thought, of choice) of the individual in different spheres of life. Besides that, the idea of following a different style in politics has a constituting function for the party's identity. Much of the Pirates' working structures and ideals is formed as a counter-reaction against deficiencies they identify in established politics. An example for this approach is the fact that the party refutes the classical left-right scheme. Thus, according to the organization, modern society and politics have become too complex as to approach them with a one-dimensional scale: "The question of the 21st century is not 'right' or 'left', 'conservative' or 'social democratic'. It is about liberty or authoritarianism" (Häufig gestellte Fragen, 2012, 'Politische Orientierung'). The party claims to defend the liberty of the individual as it is defined in the basic law against a powerful and all-knowing state. This position leads to an issue-based view on politics and makes the Pirates' positions compatible with the Greens and the Liberals many times, often conform with the Left and the Social Democrats, and, more rarely, but also related to the Christian Democrats' ideas.

The Pirates' suspicion towards authorities and hierarchies manifests itself in their bottom-up structure. The so-called base (constituted by potentially all party members) organizes in working committees (*Arbeitsgemeinschaften*), task forces (*Arbeitskreise*), project groups (*Projektgruppen*), and service groups (*Servicegruppen*) (*Piraten-Glossar*, n.d.). Here, the programme is set up, party conferences are organized, and citizens informed. Tobias Neumann (2011) explains: "Board members have a certain power of decisions, but if they use it in a way that was not intended by the base their re-election becomes improbable" (p.131). Furthermore, the Pirate Party in contrast to other parties has very low barriers of entry. It calls itself a *Mitmachpartei*, a hands-on party open for everyone to participate – with or without membership.

Since spring 2012 the party is represented in four out of 16 state parliaments: Berlin, Saarland, Schleswig-Holstein, and North-Rhine Westphalia. Currently, the German Pirate Party constitutes the seventh biggest party in Germany with about half as many members as each the Greens, the Left, and the Liberals (*Mitglieder*, 2012, 'Mitglieder im Vergleich zu anderen Parteien (bundesweit)'). The foregoing account has shown significant differences between the organization and the system in which it acts. Niedermayer (2012a) identifies this discrepancy as the key factor for the party's success. Yet, having entered mainstream politics the Pirates are "facing problems of organization, structure, leadership, communication, legitimacy, and

of representation" ('Entstehung und Entwicklung'). The Pirate Party aims to present a full programme for the federal elections in September 2013, and wants to support the Pirate Party Europe (PPEU) for the European elections in the following year (*Wahlen*, 2012). How the party will master the outlined challenges will be shown in due time. In order to build on firm ground the nature of the individual concepts of transparency, participation, and privacy as well as their interrelation need to be clarified.

# Data Analysis and Findings

#### The Rationale for Transparency

In his member survey, Tobias Neumann (2011) asks to evaluate the importance of single topics within the programme. Transparency in politics came out on top together with related topics of free access to public content, data protection, the Freedom of Information Act, and education, each with over 90% of the answers (p.124). Thus, the Pirates care about transparency in politics. What are the rationales they put forward to substantiate their aspiration? I identify two reasons behind the Pirates' pursuit: the perceived attempts of established parties to undermine citizen rights under the veil of secrecy, and the ensuing loss of trust and interest in politics. The Pirates try to react to both of these phenomena, using transparency to avert corruption in public-private partnerships and to (re-)awaken a sense of political enthusiasm and societal responsibility in citizens. Thus, transparency in politics for them fulfils a controlling function, on the one hand, and an enabling function, on the other.

Many of the campaigns the Pirates led were targeted at political decisions that were perceived as threatening citizen rights by either introducing a lack of transparency in political processes or having been taken under the veil of secrecy. Examples include the use of voting machines in elections that were perceived to undermine the democratic procedure, and the secretive negotiations on toll contracts between the German government and different industry partners (*Parteiprogramm*, 2011, 'Transparenz des Staatswesens'). With these and a number of other motions, the Pirates feel, established parties severely damaged the trust the population granted them by the act of voting. Whatever needs to be negotiated in backrooms now arouses the suspicion of favouring third party interests over citizen interests. Arguments of alleged practical constraints that are easily confuted increase the impression that the government follows an agenda targeted at its own or some other party's benefit rather than public interests.

The perceived need for the controlling function of transparency gave rise to the enabling function. Only if citizens possess the same standard of knowledge as decision-makers they are able to form a grounded political opinion, the Pirates claim. Thus, the provision of information about political processes provides one pre-condition for meaningful citizen participation. At the bottom of the Pirates' stance in this matter lies a distinct notion of the relationship between citizen as the principle and elected representative as service provider (Weisband, 2011).

The foregoing account pointed to the alleged functions of transparency in denouncing violations of citizen rights, tracing corruption, and providing enhanced means for democratic participation. The precise dimensions of the notion of transparency still remain vague though. In the following section I will try to unravel the various facets of the Pirates' concept of transparency.

#### The Nuances of Transparency

The prevailing lack of clarity leads to constant debates and misunderstandings among party members, as well as between the party base and the members of boards or fractions. Recurring arguments centre around two questions: What does it mean to render a political process transparent? Where does a political process begin? A more nuanced view on both of these will help to identify and clarify conflicting positions.

The first controversial question is how a political process needs to be documented for it to be called transparent. Transparency for the Pirates means that political actors render intelligible to the outside how and under which influences they formed their political decision. What data is necessary to render this process comprehensible is a matter of debate. There are Pirates who demand a detailed form of documentation: "the right approach is to render as many things as possible accessible to all, make it possible to listen, to read along" (Mailing list "Piraten Berlin", 25.06.2012). Others argue that a summarizing documentation suffices: "the political aspiration of transparency equals comprehensibility and communication of a WHO, WHEN, about WHAT, and RESULT" (Mailing list "Piraten Berlin", 25.06.2012). Thirdly, there is the idea of accounting for both detailed and summarizing documentation by providing streams and literal minutes for those who do want to follow entire debates, but also a condensation of the most relevant points and results.

It seems intuitive to ask for as much information as possible and deduce the degree of transparency from the amount given. However, a greater amount of information does not result in greater transparency. Given data reveals little about the data intentionally having been left out. Hence, every form of documentation requires trust in its truthfulness and completion on the side of the receptor. Continuous documentation and corresponding behaviour on the side of the representative can increase this trust over time. Thus, trust

is what allows transparency to be only partially but still effectively created. At the same time, there are normative limits to full transparency.

The Pirate Party seeks to create the vitreous state, and avert the vitreous citizen. That means the politician in his or her function is asked to lay things open that might impact his or her political decision-making, such as additional income or invitations from interest groups. Personal data such as family status, friendship relations, or leisure time activities are not considered relevant and are therefore to be protected. Yet, the line between the political and the private actor, and politically and privately motivated acts becomes blurry on several levels. First, given the notion of a hands-on party, every Pirate or freebooter can be called a political actor. Here, it is necessary to differentiate between different degrees of relevancy in decisions. The more responsibility a political actor carries the more political impact his or her decision has and, as a consequence, the stronger the obligation to provide information becomes. Hence, while an attendant of a working committee can ask not to stream or record the session for the sake of privacy concerns the same request is less legitimate from an elected representative.

Second, if the politician and the private person share one and the same brain it is hard to determine where the political decision-making process begins. Here, a nuanced view on the process from *opinion-making* towards *decision-making* is required. Opinions belong to the private realm of subjective interpretation of facts and are formed during all experiences of life. Hence, in order to make up their minds it is necessary for political actors to lead discussions, listen to diverse standpoints, and ask questions beyond their working hours in the state parliament or party board. It will not be feasible to fully document the process of political opinion-making without infringing upon a person's privacy. This lies differently with political decision-making. Decisions among the Pirates are based on a weighing up of opinions with a declared hope for their outcomes and a dedication to take up ensuing responsibilities (Field notes, 12.07.2012). Hence, it is both necessary and feasible to render the processes of decision-making comprehensible to the outside by declaring the arguments exchanged and the outcome intended.

Hence, the concept of transparency in political processes is a powerful and difficult one. Powerful, for it provides the basis for striving towards social structures that render power agglomerations and corruption at the top harder and enable each citizen to impact the societal course. Difficult, for it needs to be balanced against other equally fundamental values the party seeks to protect and seems contingent upon specific circumstances.

### The Infrastructure of Transparency

The Pirate Party seeks to employ the opportunities modern ICT offers for political deliberation in order to level out its risks. Above all, the group aims to foster direct democracy and transparency by use of digital means of communication. This raises the question if and in what ways the Internet affects political interaction, in particular the creation of transparency in state acts and the opportunities of citizen participation. Looking at the social construction of technology prevents us from the pitfall from painting a black and white picture of the democratizing effects of ICT. Moreover, it enables us to take into account in a symmetrical way both the Pirates' and their critics' arguments on the use of ICT to achieve their political objectives of transparency in the political system and the fostering of citizen rights.

Listening to the Pirates as an outsider, one gains the impression that they overemphasize the material factors of technology. Thus, more often than not debates on inner-party problems soon develop into tool debates and the other way around: fighting about the notions of transparency and citizen participation entails fighting about the meanings and configurations of the technologies to realize these ideals. However, in this, the Pirates rather than overemphasizing the potential of the Internet, demonstrate that technological and social elements are two sides of the same coin. Transparency is not only a question of values, but also one of infrastructure. As mentioned above, transparency is thought to fulfil an enabling and a controlling function for the Pirates. Their favourite tools show different aptitudes in creating these different features of transparency.

First, what we can call 'some-to-many' tools enable the dissemination of information relevant for citizens' political opinion formation. Streams are used to broadcast meetings of board or fraction members. Public read-only mailing lists (on which a selected group of Pirates discuss among each other, but which every subscriber is able to read), and blogs are important means to publish material elucidating representatives' opinion and decision making process. Examples include the members in state parliaments discuss insider problems in front of the webcam, passing on the agenda and minutes of plenary sessions via mailing lists, and explaining the activities and function of important parliamentary bodies and procedures on their blogs. The fraction from Schleswig-Holstein provides blueprints of official documents on their blog with which party members can prepare motions they want their representatives to present in parliament (Vordrucke: Landtag zum Mitmachen, 2012). The deputies from Berlin have agreed to lay open all their additional income sources, funding they receive due to their mandate, and meetings with lobbyists (Transparenz leben: Der gläserne MdA, 2012). These are important measures to enable other party members and interested citizens to form a substantiated opinion on current political debates, to share their own thoughts with the elected representatives, and to develop trust in their sincerity in exercising their function.

Besides, there are a number of tools that supplement collaborative work and in that way can be used to lay open inner-party working processes and enable participation. Piratepads are used for collaborative work on texts, such as the writing of minutes, letters, or press releases. The constituting open-source software Etherpad can be pictured as an online notepad in which every user can choose a different colour so that contributions from different parties remain distinguishable. Survey tools like Doodle, or LimeSurvey are popular means for coordinating dates and for gaining an overview about the opinions prevailing among a given group on a certain question. The project management system RedMine is used to structure and divide up tasks in the form of charts that can be made visible to the outside. Last but not least, different calendars are used to publish meetings and events. Most of the time, these tools are used in combination. For instance, the federal board is holding a meeting on Mumble with all other Mumble users being able to listen to the discussion, to ask questions, to follow the notes on the corresponding Pad, and to check on RedMine which tasks are divided up in what way.

With their integration of ICT in daily political actions the Pirates challenge the net policy of most and the net practices of all other parties, something which regularly creates conflict in political settings. As an example, some parliamentary bodies do not want their minutes to be disclosed, such as the Council of Elders in Schleswig-Holstein. Because the Pirates did not perceive any need for confidentiality in this case the fraction members decided to publish the file nevertheless and caused discontent with the heads of parliament (Ältestenrat – Was ist daran geheim?, 2012). Another point in case is the as yet insufficient Internet infrastructure in German parliaments for the Pirates' visions to be realized on a broad scale. As an example, the state parliament of North-Rhine Westphalia so far offered a streaming service that could hold 499 connections at a time. Due to the Pirates' insistence server capacities will be increased in order to offer the server to a significantly broader audience (Field notes, 14.06.2012). It is in these kinds of confrontations that the party can powerfully question the sense of some prevailing conventions and advocate the prioritization of transparency over secrecy in the material configuration of political interaction.

Political sciences and STS have shown that the Internet alone did not and cannot create transparency and enhance democracy. Empirical research among the Pirates confirms these assumptions. It must be emphasised that the potential of mailing lists, blogs, and all other tools to enhance transparency depends on the willingness of the sovereign to disclose, and the receivers' ability to access, understand, and trust information given. The Pirates, well aware of the malleability of tools, set out to learn how the Internet could be *used* by people to alter political practices: "Politics and legislation are not really up to date with the Internet and modern technologies, and rather treat them as something risky. And we are saying, look, here are all these new things, let's see what we can do with them" (Field notes).

#### Conclusion

The conclusion to this study requires remarks on both methodology and case study. Ethnographic research turned out as a winding but rewarding way to understand the Pirates' organizational and communication structure from the inside out. It provided the basis for making sense of how the subjects form their values, discuss problems, and experiment with solutions. A qualitative approach was chosen in order to provide a first investigation on a topic which has not been systematically researched before. The conflicts and discontents on the central notion of transparency oftentimes only became apparent and comprehensible in concrete settings of action and interaction. The result hopefully serves to draw an evaluation of the state of the art on transparency within the Pirate Party from which the debate can be carried on.

Over the course of six years, the Pirate Party Germany developed ideas and strategies on how to create more transparency in politics. The starting point for its engagement was the awareness of infringements on citizen rights on behalf of the state, and a parallel loss of interest in politics on behalf of the citizens, on the one hand. On the other, the party members recognized that the established politics failed to explore the opportunities offered by ICT. The half year since the first election success in Berlin 2011 has brought about fundamental changes for the Pirate Party, and so has their appearance for the state of transparency in German politics. Even though flaws with the party's concept of transparency have become apparent the Pirates have the opportunity to question the prevailing principle of secrecy and to demonstrate how ICT can be used to pass on information and enter a dialogue with citizens.

Research in the Pirate circles has also shown that technology does not entail inherent values. All major parties employ the internet for political purposes by now, yet, the difference in usage demonstrates the gaps between political intentions. Conversely, the ability to tinker with technology opens up the view for alternative political pathways. In that sense, the wide-spread use of the internet alone cannot be assumed to lead to greater citizen participation. Yet, political actors with the intention to enhance the citizen's standard of knowledge have cheaper and more efficient means to realize this aim than ever before. Conflict and negotiation about the concrete technological creation of transparency hold the potential to more and more establish transparency as a political norm. It is up to the persistence and dedication of many individuals to reiterate the rationale for transparency in political acts and to experiment with possibilities on how to create and improve upon it. The dialogue among parties and citizens will show what kind of transparency is desired and which forms can be found to enact it.

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