



2-13-2012

The Pirate Party

Steven A. Sutro

Cardozo Arts & Entertainment Law Journal

Follow this and additional works at: <https://larc.cardozo.yu.edu/aelj-blog>



Part of the [Law Commons](#)

Recommended Citation

Sutro, Steven A., "The Pirate Party" (2012). *AEJ Blog*. 1.

<https://larc.cardozo.yu.edu/aelj-blog/1>

This Article is brought to you for free and open access by the Journal Blogs at LARC @ Cardozo Law. It has been accepted for inclusion in AELJ Blog by an authorized administrator of LARC @ Cardozo Law. For more information, please contact larc@yu.edu.

The Pirate Party

[MANAGING EDITOR](#) / ON FEBRUARY 13, 2012

Author: Steven A. Sutor, Staff Editor, Cardozo Arts & Entertainment Law Journal

The "Pirate Party" has started to enter the mainstream. Regional pirate parties with a focus on promoting Internet privacy, digital intellectual property reform, and government transparency began forming around the world in the past few years. In 2010, the [Pirate Parties International](#) was formed as an umbrella organization to help support and promote the movement and its ideas.

While many may dismiss the Pirate Party as a marginal political force, citizens of Berlin, Germany surely have recognized its [impact](#). Taking fifteen seats in the Berlin State Parliament, the Pirate Party received almost nine percent of the vote in September's local elections there. Chancellor Merkel's local political allies received less than two percent of the vote. Even a post-revolution [deputy minister](#) in the Tunisian government was member of the Tunisian Pirate Party.

Will the Party make any inroads in America? Pirate Parties have formed in states from Massachusetts to Utah. For what it's worth, the national party's [website](#) appears to have very little activity, with only thirty-seven members and only one post in its forum section. Perhaps like in Germany, the local affiliates will be the most successful. The Massachusetts Pirate Party's [site](#) is much more active.

Because IP law is overwhelmingly the subject of federal regulation in the U.S. (not local lawmaking), it is difficult to imagine the Pirate Party breaking through the American [two-party system](#) and revolutionizing online intellectual property law. If Pirate Party members can get elected to state and local positions, or even if they manage to get someone into Congress, following the Berlin Pirate Party playbook may be a good idea.

The recently elected Pirates in Berlin have widened their goals beyond increasing online privacy and expanding rights of file sharers. They have promised a "[liquid democracy](#)." This is less a use of politics to influence the Internet and more a use of the Internet to influence politics. Party members will be allowed to "propose policies and determine stances" online. The Pirate Party is "advocating the Internet as a tool to empower the electorate and engage it in the political — and legislative — process."

It is hard to deny the recent power of the Internet in the political process. From Arab Spring to Occupy Wall Street, the Internet has galvanized many to take political action. An American Pirate Party could embrace "liquid democracy" by pulling this energy towards the legislative process more specifically. Last year, [Oregon](#) allowed some voters to cast their ballots using

iPads. Surely there is a desire by the electorate to have more of an influence over legislation considering the [record low approval rating](#) for Congress. Moreover, [there are those](#) who may be inclined to vote for a party that allows its supporters to have a more direct say in what the politicians they elected should vote for and what type of legislation to draft. Whether or not more direct democracy is the cure to the political dissatisfaction evident today is debatable, but an increase in engagement in and awareness of the legislative process through use of the Internet is something the Pirate Party can embrace to help it grow in America. If it doesn't lead to more success for its own candidates, it can perhaps have an influence on the two major parties, as many other third parties have [done in the past](#).

The views expressed here are exclusively of the author and do not represent agreement or endorsement by the *Cardozo Arts & Entertainment Law Journal*, Benjamin N. Cardozo School of Law, or Yeshiva University.