COMMENT

Pirate Radical Philosophy

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Pirate … from the Latin *pirata* (-*ae;* pirate)… transliteration of the Greek *piratis* (pirate; πειρατής) from the verb *pirao* (make an attempt, try, test, get experience, endeavour, attack; πειράω). … In modern Greek… *piragma*: teasing [πείραγμα] … *pirazo*: tease, give trouble [πειράζω].[1]

Much has been written about the 'crisis of capitalism' and the associated events known, for short, as the 'Arab Spring', 'student protests', 'Occupy' and 'August riots'. Yet to what extent does our contemporary situation also pose a challenge to those of us who work 'in' the university – a challenge that would encourage us to go further than merely endeavouring to 'just say "no"' to the idea of universities operating as for-profit business in order to serve the economy, and demanding a return to the kind of publicly financed mass education policy that prevailed in the Keynesian era? What if we, too, in our capacity as academics, authors, writers, thinkers and scholars want to resist the continued imposition of a neoliberal political rationality that may appear dead on its feet but is still managing to blunder on? How can we act not so much *for* or *with* the student protesters, 'graduates without a future', 'digital natives' and 'remainder of capital' (protesting alongside them, accepting invitations to speak to and write about them and so on), but *in terms of* them?[2] What if we desire a very different university to the one we have, but have no wish to retain or restore the paternalistic, class-bound model associated with the writings of Arnold, Leavis and Newman? While appreciating the idea that there is an outside to the university is itself a university idea, and that attempts to move beyond the institution too often leave it in place and uncontested, is it possible to take some impetus nonetheless from the emergence of autonomous, self-organized learning communities such as the Public School, and free text-sharing networks such as AAAAARG.ORG (to name but two)? Does the struggle against the 'becoming business' of the university not require us, too, to have the courage to try out and put to the test new economic, legal and political systems and models for the production, publication, sharing and discussion of knowledge and ideas; and thus to open ourselves to transforming radically the material practices and social relations of our academic labour?

To date, such questions have proven surprisingly difficult to bring into focus, no doubt in part because they do indeed contain the potential to change and renew, radically, our professional practices and identities. In the March following the student protests of November 2010, the Institute of Contemporary Arts in London hosted an afternoon of talks under the title 'Radical Publishing: What Are We Struggling For?' At first sight, this event looked as if it might explore some of these issues.[3] As it turned out, the afternoon featured extensive discussion from speakers such as Franco 'Bifo' Berardi, Peter Hallward and Mark Fisher of K-Punk blog fame about politics, understood according to the most easy-to-identify signs and labels, the majority of which concerned political transformation elsewhere: in the past, the future, Egypt. Somewhat surprisingly, given its title, there was very little discussion of anything that would actually affect the work, business, role and practices of the speakers themselves: radical ideas of publishing with transformed modes of production, say.

The human

Blindspots of this nature are widespread throughout the humanities. Take the very idea on which the humanities, and with it the concept of the university, is based: that of the human itself.[4] The humanities have critically interrogated the concept of the human for the last hundred years and more, not least in the guise of critical theory and continental philosophy. Nevertheless, the mode of production of knowledge

and research in the humanities continues for the most part to be tied to the idea of the indivisible, individual, liberal human(ist) author. It is a description of how ideas, theories and concepts are created, developed, published and disseminated that is as applicable to the latest generation of theorists to emerge as it is to the 'golden generation' of Barthes, Foucault, Lyotard and Lacan – not just radical philosophers such as Agamben, Badiou, Latour or Stiegler, but many of the so-called 'children of the '68ers', like Meillassoux, too. For all that theorists nowadays may be more inclined to write using a computer keyboard and screen than a fountain pen or typewriter, their way of creating, developing and disseminating theory and theoretical concepts remains much the same. This is the case with respect to the initial production of their texts and their materiality – the focus on print-on-paper codex books and articles, or at the very least paper-centric texts, written by lone scholars usually in a study or office, and designed to make a forceful, authoritative, masterly contribution to knowledge. But it is also the case with regard to the attribution of their texts to individualized human beings whose identities – regardless of any associations they may have with anti- or post-humanist philosophy – are unified and self-present enough for them to be able to claim them as their original work or property.

Admittedly, these traditional methods for the creation, composition, publication and circulation of knowledge and research in the humanities are being put into question by the emergent field of the digital humanities. Witness literary theorist Stanley Fish's recent characterization of those forms of communication associated with the digital humanities, blogs especially, as 'provisional, ephemeral, interactive, communal, available to challenge, interruption and interpolation'. Fish consequently positions such uses of networked digital media technologies as standing directly against the traditional ambition of the scholarly critic, an ambition he admits to sharing. This entails being able 'to write about a topic with such force and completeness that no other critic will be able to say a word about it'. It is an aim he ascribes to a 'desire for pre-eminence, authority and disciplinary power'. Accordingly, Fish contrasts both blogs and the digital humanities to the kind of 'long-form scholarship – books and articles submitted to learned journals and university presses' – he has devoted his professional life to, and which he describes in terms of the building of 'arguments that are intended to be decisive, comprehensive, monumental, definitive and, most important, *all mine*'.[5] Yet the digital humanist Fish concentrates on in most detail,

Kathleen Fitzpatrick, does not really offer a profound challenge to ideas of the human, subjectivity, or the associated concept of the author at all. Nor, to be fair, is she particularly interested in doing so. In fact, far from radically questioning the notion of the human that underpins 'the "myth" of the stand-alone, masterful author',[6] Fitzpatrick's view of the digital humanities sees it as being more concerned to bring the humanities as they are traditionally known and understood to bear on computing technologies.[7] Take her recent book *Planned Obsolescence*, which, as an experiment with open peer review, was itself first published on a blog to which others could contribute. Fish portrays Fitzpatrick as contending in this volume,

> first, that authorship has never been thus isolated – one always writes against the background of, and in conversation with, innumerable predecessors and contemporaries who are in effect one's collaborators – and, second, that the 'myth' of the stand-alone, masterful author is exposed for the fiction it is by the new forms of communication – blogs, links, hypertext, re-mixes, mash-ups, multi-modalities and much more – that have emerged with the development of digital technology.[8]

Yet, as Fitzpatrick makes clear in a section expressly concerned with the change in authorship 'From Individual to Collaborative',

> the kinds of collaboration I'm interested in need not necessarily result in literal co-authorship. … The shift that I'm calling for may therefore be less … a call necessarily for writing in groups than for a shift in our focus from the individualistic parts of our work to those that are more collective, more socially situated … focusing on this social mode of conversation, rather than becoming obsessed with what we, unique individuals that we are, have to say, may produce better exchanges. One need not literally share authorship of one's texts in order to share the process of writing those texts themselves; the collaboration that digital publishing networks may inspire might parallel, for instance, the writing groups in which many scholars already share their work, seeking feedback while the work is in process.[9]

Fish reads this as suggesting that,

> if the individual is defined and constituted by relationships, the individual is not really an entity that can be said to have ownership of either its intentions or their effects; the individual is (as poststructuralist theory used to tell us) just a relay through which messages circulating in the network pass and are sent along.[10]

As Fitzpatrick emphasizes, however, the shift she is calling for is 'less radical than it initially sounds'.

Far from being based on a rigorous decentring of the subject, her approach often seems closer to the liberal-democratic humanist stance she is endeavouring to question; albeit one in which 'unique', stable, centred authors are now involved in a 'social' conversation 'composed of individuals' that is somewhat akin to Habermas's ideal speech situation – at least to the extent this 'conversation' appears to contain relatively little conflict, antagonism or incommensurability between the participants.[11] There is no *differend*, as Lyotard would have put it. Responding to Fish on his own blog, Fitzpatrick is thus at pains to point out that she is not maintaining that notions of the author, text and originality 'are going away in the digital age, only that they are changing, as the interpretive community of scholars changes'.[12]

In this respect, it is significant that Fitzpatrick chose to employ a blogging tool for her experiment with open peer review: namely, WordPress, albeit it with the CommentPress plugin developed by the Institute for the Future of the Book, which enables comments to appear alongside the main body of the text on a paragraph-by-paragraph, whole-page or entire-document basis. For of course most blogs (in contrast to wikis, say) do not actually allow for collaborative writing, let alone for the 'elimination of the individual'. The work of a blog's author tends to be kept quite separate from that of others who use the same blog to review or respond to that work. Although 'responses to the text' may indeed 'appear in the same form, and the same frame, as the text itself',[13] then, these two distinct identities and roles – of *original* author and *secondary* reviewer, respondent or commentator, as it were – are maintained and reinforced by the blogging medium. So not only does Fitzpatrick *not* actually put ideas of the human, subjectivity or the associated concept of the author to the test, neither do blogs, for all Fish endeavours to portray both otherwise. Instead, the maintenance of authorship and originality on Fitzpatrick's part is achieved with the assistance of the very medium (blogging) Fish positions as creating problems for it.

While these media are different to traditional forms of long-form scholarship, the way the majority of academics interact with blogs and social media such as Facebook and Google+ actually functions to promote and sustain notions of the author and originality more than they undermine them. This is in no small part due to the fact that, as Felix Stalder points out, '[y]ou have to present yourself in public as an individual in order to be able to join digital social networks, which, increasingly, becomes a precondition [to] join other

forms of social networking.'[14] Such *personal* social media may thus be seen to offer a variation on the theme of what Beverley Skeggs calls 'compulsory individuality' – with a lot of academics using them as a means of promoting and marketing themselves, their work and ideas, not least by gathering 'friends' and 'circles' to network with and presenting themselves as accessible, engaged, charismatic personalities who are 'always on'.[15]

Where does that leave us, if even the digital humanities (or at least Fish's and Fitzpatrick's versions of them) do not represent too much of a test of the orthodox modes of creation, composition, legitimization, accreditation, publication and dissemination in the humanities? Interestingly, in a book from 2009, one of the participants in the ICA's Radical Publishing event, Franco 'Bifo' Berardi, raised the question as to whether we should not 'free ourselves from the thirst' for the kind of 'activism' he sees as having become influential as a result of the anti-globalization movement: 'Isn't the path towards autonomy of the social from economic and military mobilization only possible through a withdrawal into inactivity, silence, and passive sabotage?', he asks. Should we consider embracing our own variation on the theme of refusal that has been so important to autonomous politics in Italy: namely, a strategic withdrawal of our academic labour – and not just from blogs and corporate social media such as Facebook and Google+?[16]

Open access

Peter Suber, a leading voice in the open access movement, has recently provided an instance of just such a withdrawal. In January, Suber announced (using Google+ to do so) that he would 'not referee for a publisher belonging to the Association of American Publishers unless it has publicly disavowed the AAP's position on the Research Works Act'. The latter, which was introduced in the US Congress on 16 December 2011, was designed to prohibit open access mandates for federally funded research in the USA. The Research Works Act would thus in effect countermand the National Institutes of Health's Public Access Policy along with other similar open access policies in the USA. To show my support for open access and Suber's initiative, I publicly stated in January that I would act similarly.[17] Having met with staunch opposition from within both the academic and the publishing communities, all public backing of the Research Works Act has now been dropped as of 27 February. But I can't help wondering, rather than taking this as a cue to abandon the strategy of refusal, should we not adopt

it all the more? Should we not withdraw our academic labour from all those presses and journals that do not allow authors, as a bare minimum, to self-archive the refereed and accepted final drafts of their publications in institutional open access repositories?[18]

As a supporter of long standing, I feel it is important to acknowledge that the open access movement – which is concerned with making peer-reviewed research literature freely available online to all those able to access the Internet – is neither unified nor self-identical. Some regard it as a movement,[19] yet for others it represents a variety of economic models or even just another means of distribution, marketing and promotion. It should also be borne in mind that there is nothing *inherently* radical, emancipatory, oppositional, or even politically or culturally progressive about open access. The politics of open access depend on the decisions that are made in relation to it, the specific tactics and strategies that are adopted, the particular conjunctions of time, situation and context in which such practices, actions and activities take place, and the networks, relationships and flows of culture, community, society and economics they encourage, mobilize and make possible. Open access publishing is thus not *necessarily* a mode of left resistance. Nevertheless, what is interesting about the transition to the open access publication and archiving of research is the way it is creating at least some 'openings' that allow academics to destabilize and rethink scholarly publishing, and with it the university, beyond the model espoused by free-market capitalism.

In fact, it could be argued that the open access movement possesses greater potential for doing so currently than a lot of supposedly more politically subversive movements. This is certainly the case with regard to the ability of open access to establish some 'chains of equivalence' between a range of different struggles, and thus garner a large constituency of supporters made up not just of academics and those associated with the free software and free culture movements, but of students, ex-students, and even representatives of capital itself. That said, open access continues to operate within particular limits. While John Willinsky has represented it as 'both a critical and practical step toward the unconditional university' imagined by Jacques Derrida in 'The Future of the Profession or the University Without Condition', the open access movement is *actually* (currently at least) quite conditional. It may *promote* the 'right to speak and to resist unconditionally everything' that concerns the restriction of access to knowledge, research and thought, as Willinsky says. However, the open access

movement does so, for the most part, only on condition that the 'right to say everything' about a whole host of other questions *is not exercised*.[20] Included in this are questions not just about the use of blogs, Facebook, Google+ and so on by open access advocates such as Suber and myself, but also about the author, text and originality.

But what if, taking our lead from Derrida, we were to view the open access movement as merely a strategic starting point for thinking about such issues? What if we were to regard the above conditionality of open access not as a prompt to move *beyond open access*, or to leave it behind and replace it with something else, but rather as directing us to follow the logic of the open access movement through 'to the end, without reserve', to the point of agreeing with it against itself?[21] What if we were to begin to speak about, and to resist unconditionally, some of the other orthodoxies that concern the restriction of access to knowledge, research and thought: precisely ideas of authorship and originality, and the copyright system that sustains them? I single out copyright because, if we wish to struggle against the 'becoming business' of the university, then we have to accept this may involve us in a struggle against the system of copyright too, since the latter is one of the main ways in which knowledge, research and thought are being commodified, privatized and corporatized.

Copyright

Drastically simplifying the situation for the sake of brevity, there are two key justifications for copyright in this context: that associated with economic rights and that connected with what is known as authors' or moral rights respectively.[22] In the former, which dominates the Anglo-American copyright tradition, the emphasis is placed on the protection of the commercial interests of the author, producer or distributor of a work and their right to benefit from it financially by making and selling copies. This is how the majority of conventional academic publishing firms regard the books they bring out: as commodities the rights to the commercial exploitation of which have been transferred to them. To be sure, few academic authors of research monographs derive substantial income directly from their writing. Most are willing to assign the rights to the commercial interests to publishers in return for having the resulting volumes edited, published, distributed, marketed, promoted, and so hopefully read and engaged with by others. In this respect, academics are operating on the basis that doing so has the potential to lead to further income indirectly: through

a growth in their reputation and level of influence, and thus to greater opportunities for career advancement, promotion, salary increases and so on. Consequently, it is publishers who are perceived as being most at risk financially from the infringement of copyright in this economic sense. Witness, with regard to AAAAARG's 'pirating' of texts drawn from philosophy, politics, theory, avant-garde fiction and related areas (including some of my 'own' and many of those of the *Radical Philosophy* collective as well), the fact that it was the self-professed 'radical publishing house' Verso (and not the authors) who posted the December 2009 'cease and desist' letter asking the knowledge-sharing platform to take down copies of those titles by Žižek, Rancière, Badiou, et al. for which Verso holds the rights.

Of course, some academic authors may wish to support independent publishers of radical political content. Many such presses are in a precarious financial situation, especially in comparison to their multinational conglomerate-owned rivals. They are highly reliant on the income generated from the sale of books to which they own the rights to be able to stay in business and so bring out more such titles in the future. However, because the copyright system is one of the main ways in which knowledge, research and thought are being commodified and privatized, it is perhaps more difficult for those committed to the struggle against the increasing commercialization of culture and society to support wholeheartedly defences against infringement on the basis of the protection of economic rights. After all, if we are interested in trying out different or new economic, legal and political systems to that of capitalism (and not just neoliberalism), it can hardly come as a surprise if that should have implications for those publishing firms whose business models continue to depend on turning even such obviously political phenomena as ideas of communism, the revitalized student movement and Occupy into marketable commodities that can be bought and sold.[23]

When it comes to moral rights, meanwhile, the justification for copyright has its basis in the protection of what is held to be an inalienable right of the author in their work. This right – often positioned as originating in the culture of Western Europe and as operating in a supplementary, secondary, even marginal relation to economic rights – applies to the work considered as an expression of the unique mind or personality of the author. Interestingly, it is this special connection, forged between author and work in the very act of creation, which is also perceived as bestowing the latter with its originality (rather than any sense of

the work being novel or inventive). Consequently, in contrast to economic rights, the moral rights of the author cannot simply be waived, sold or transferred to another individual or corporate entity such as a publisher.

Now, some might argue that philosophy's decentring of ideas of the subject and the human, and associated declaration of the 'death of the author', have contributed to the expansion of the neoliberal globalized copyright industry and its shifting of the emphasis even further away from safeguarding the rights of the individual author as original creator, and onto safeguarding the rights to a commodity which can be bought and sold regardless of who created it. By the same token, however, if we are inclined to be generous, the tendency on the part of many philosophers and theorists to assert vigorously their authorship of particular works, ideas and concepts (e.g. so-called 'object-oriented philosophy'), thus both enclosing and branding them by association with a proper name on the basis they are 'all mine' (an original expression of their own unique selves) can be positioned as one attempt to make this shift in emphasis from culture and human authorship to economics and property ownership a little less smooth. From this perspective, the risk copyright infringement poses to authors is more to their moral rights, and in particular: (1) the right of attribution – which, to return to the example employed above, AAAAARG does not tend to threaten, as the authors of most of the texts on the knowledge-sharing platform are clearly named and identified as such (you can browse its library by author surname); (2) the right of integrity, which enables authors to refuse to allow the original, fixed and final form of a work to be modified or distorted by others; (3) the right of disclosure, which covers the right to determine who publishes the work, how, where and in which contexts. AAAAARG *may* represent for *some* academics a loss of reputation, honour and esteem, to the degree that their work is being republished outside the conventional institutional frameworks and in places and ways other than those of their choosing.

The question we need to ask, though, is to what extent operating according to the moral rights of attribution, integrity and disclosure leads philosophers and critical theorists to act to all intents and purposes *as if* they continue to subscribe to the idea of the author as individual creative genius that emerged from within the cultural tradition of European Romanticism – a notion that the humanities' critical interrogation of the concepts of the subject, the human, and indeed the author was in many respects an attempt to challenge.

For it is precisely this romantic belief that underpins the idea of the work as the original expression of the unique personality or consciousness of the human author, and on which such moral rights are in turn based. *This is not to imply we should necessarily do away with the concept of the author.* Yet what the above argument does suggest is that we need to explore further how radical thought can enact ideas of authorship in ways that do not either slip back into compulsively repeating a version of romantic individualism and its ideas of originality, or empty this out so that texts merely become exchangeable commodities. To provide one example of how we might begin to do so, could we perhaps try acting *something like* pirate philosophers?

Pirate philosophers

Of course, as Adrian Johns has shown, despite its romantic, counter-cultural image, much of the philosophy associated with online piracy today is itself a 'moral philosophy through and through'. It is concerned 'centrally with convictions about freedom, rights, duties, obligations, and the like'. What is more, it is a philosophy that has its historical roots in a 'marked libertarian ideology': one of the UK's pirate radio ships of the 1960s was even called the *Laissez Faire*.[24] Such pirate philosophers as we might envisage here would have to try acting like pirates in the classical sense of the term, then. Interestingly, when the word 'pirate' begin to appear in the texts of the ancient Greeks, it was 'closely related to the noun *peira*, "trial" or "attempt", and so to the verb *peiraō*: the "pirate" would then be the one who "tests", "puts to proof", "contends with", and "makes an attempt"'.[25] These are the etymological origins of the modern term 'pirate'.

In this respect, what is most interesting about certain phenomena associated with networked digital culture such as Napster, the Pirate Bay or AAAAARG is that we cannot tell at the time of their initial appearance whether they are legitimate or not. This is because the new conditions created by networked digital culture – such as the ability to digitize and make freely available whole libraries' worth of books (as is the case with Google Books and AAAAARG) – at times require the creation of equally new intellectual property laws and copyright policies. The UK's Digital Economies Act 2010 is one example; the Google Book settlement, SOPA (Stop Online Piracy Act) and PIPA (Protect IP Act) in the USA are others. It follows that we can never be sure whether these so-called pirates, in the 'attempts' they are making to 'contend with' the new conditions and possibilities created by networked digital culture,

to 'trial' them and put them to the 'proof', are not in fact involved in the creation of the very new laws, policies, clauses, settlements, licensing agreements and acts of Congress and Parliament by which they could be judged. Take the case of William Fox, a filmmaker who relocated from America's East Coast to California in the early twentieth century in part 'to escape controls that patents granted the inventor of filmmaking, Thomas Edison'. As Lawrence Lessig recounts in his chapter on 'pirates' in *Free Culture*, Fox founded the film studio 20th Century Fox precisely by pirating Edison's creative property.[26] (Ironically, the chairman and CEO of 20th Century Fox is now that scourge of internet piracy Rupert Murdoch, who recently attacked the Obama administration on Twitter after the White House indicated it wouldn't be supporting some of the harsher measures proposed in the SOPA bill.) As the example of Fox shows, then, one can never tell the founder of a new institution or culture in advance. We can only finally judge whether the activities of such supposed pirates are legal or not, legitimate or not, just or not, from some point 'projected into an indefinite future'.[27]

Another way to think about the issue of piracy is in relation to the legislator in Rousseau's *The Social Contract*. Here, too, we can never know whether the legislator – the founder of a new law or institution, *such as a university* – is legitimate or a charlatan. The reason is the aporia that lies at the heart of authority, whereby the legislator already has to possess the authority the founding of the new institution is supposed to provide him or her with in order to be able to found it. Certain so-called Internet pirates are in a similar situation to Rousseau's legislator. They, too, may be involved in performatively inventing, trialling and testing the very new laws and institutions by which their activities may then be judged and justified. As such, they can claim legitimacy only from themselves. This is a state of affairs that, as well as marking their impossibility, also constitutes their founding power, their instituting force. Certainly, it is here, between the possible and the impossible, legality and illegality, that we must begin any assessment or judgement of them. And it is not just the potential pirates who may be legislators or charlatans. The current laws and institutions by which we might condemn Internet piracy as illegal are based on the same aporetic structure of authority. Such lawmakers are always also undecidably charlatans or pirates too (or hackers, in the case of Murdoch's News International).

Consequently, we cannot tell what is going to happen with 'pirate' philosophy. It may lead to new

forms of culture, economy and education: where people work and create for reasons other than to get paid; where the protection of copyright is no longer possible; where the institutions of the culture industry – book publishers, newspapers, and so forth – are radically reconfigured; music is available to freely download and share (which it already is); communities disseminate academic monographs via peer-to-peer networks and text-sharing platforms (which they already do); and where even ideas of the individualistic, humanist, proprietorial author are dramatically transformed. In this respect, pirate philosophy may play a part in the development of not just a new kind of university, but *a new economy and new way of organizing industrial society too*. And in the process it may have as profound an effect 'as the establishment of copyright … in the eighteenth century', to borrow Johns's words.[28] But it may not. And that's precisely the point. As with the famous remark about the significance of the French Revolution (attributed to the Chinese communist leader Zhou Enlai) – let alone the 'crisis of capitalism' and the 'Arab Spring' – it is still too early to tell. Nevertheless, what is interesting is the *potential* pirate philosophy contains for the development of a new kind of economy and society: one based far less on individualism, possession, acquisition, accumulation, competition, celebrity, and ideas of knowledge, research and thought as something to be owned, commodified, communicated, disseminated and exchanged as the property of single, indivisible authors (who, as Andrew Ross notes, are often likely to be corporate entities).[29]

Without a doubt, many currently at work in the university are going to experience any such 'trialling', 'testing' or 'putting to the proof' of the idea of acting something like pirate philosophers as an attack, not just on copyright and the corporatization and marketization of the university, but on their professional identities too: as a challenge to the secure ground on which they have been operating for so long, based as it is on quite orthodox ideas of authorship, originality and so forth. And their fears will be justified. Yet in order to respond to the forces of late capitalist society, might we not have to take the risk of leaving the safe harbour of our profession as it currently stands? After all, it is not as if we are going to be secure if we do nothing; our professional identities are already under threat. Might embarking on such an endeavour not offer us a means of contending with some of the forces behind this threat, without simply succumbing to them, reacting with nostalgia or romanticism, or naively celebrating and assisting them?

Notes

1. 'Etymology of Pirate', *English Words of (Unexpected) Greek Origin*, 2 March 2012, http://ewonago.wordpress.com/2009/02/18/etymology-of-pirate.
2. Michel Foucault, 'The Concern for Truth', *Politics, Philosophy, Culture: Interviews and Other Writings, 1977–1884*, ed. Lawrence D. Kritzman, Routledge, New York, 1988, p. 263. For a discussion of the importance of the distinction between 'for' and 'in terms of', see Wendy Brown, *Politics Out of History*, Princeton University Press, Princeton NJ, 2001, pp. 42–3.
3. http://ica.org.uk/28063/Talks/Radical-Publishing-What-Are-We-Struggling-For.html.
4. As Samuel Weber has argued, 'To speak of the Humanities, then, is to imply a model of unity based on a certain idea of the *human*, whether as opposed to the *divine* (medieval, scholastic humanism) or to the non-human animal world.… The unity of the *uni*versity remains profoundly bound up with the notion of a universally valid essence of the 'human', which is the anthropological correlative of the epistemological universalism that resides at the core of the university as an institution.' Samuel Weber, 'The Future of the Humanities: Experimenting', *Culture Machine* 2, 2000, www.culturemachine.net/index.php/cm/article/view/311/296.
5. Stanley Fish, 'The Digital Humanities and the Transcending of Mortality', *New York Times*, 9 January 2012, http://opinionator.blogs.nytimes.com/2012/01/09/the-digital-humanities-and-the-transcending-of-mortality; emphasis added.
6. Ibid.
7. The '"big tent" that the digital humanities can be', she writes, is 'a nexus of fields within which scholars use computing technologies to investigate the kinds of questions that are traditional to the humanities, or, as is more true of my own work, who ask traditional kinds of humanities-oriented questions about computing technologies'. Kathleen Fitzpatrick, 'Reporting from the Digital Humanities 2010 Conference', *Chronicle of Higher Education*, 13 July 2010, http://chronicle.com/blogPost/Reporting-from-the-Digital/25473.
8. Fish, 'The Digital Humanities and the Transcending of Mortality'.
9. Kathleen Fitzpatrick, *Planned Obsolescence: Publishing, Technology, and the Future of the Academy*, New York University Press, New York, 2009 (published in print in 2011), http://mediacommons.futureofthebook.org/mcpress/plannedobsolescence.
10. Fish, 'The Digital Humanities and the Transcending of Mortality'.
11. Fitzpatrick, *Planned Obsolescence*.
12. Kathleen Fitzpatrick, 10 January 2012; response to Fish, 'The Digital Humanities and the Transcending of Mortality'.
13. Fitzpatrick, *Planned Obsolescence*.
14. Felix Stalder, 'Autonomy and Control in the Era of Post-Privacy', posting to the nettime mailing list, 4 July 2010, http://permalink.gmane.org/gmane.culture.internet.nettime/4848.
15. Beverley Skeggs, 'The Making of Class and Gender through Visualizing Moral Subject Formations', *Sociology*, vol. 39, no. 5, 2005, p. 968, http://cms.gold.ac.uk/media/skeggs1.pdf.
16. Franco 'Bifo' Berardi, *Precarious Rhapsody: Semiocapitalism and the Pathologies of the Post-Alpha Generation*, Minor Compositions, London, 2009, p. 127;

Mario Tronti, 'The Strategy of Refusal', http://libcom.org/library/strategy-refusal-mario-tronti.

17. Peter Suber, 'Watch Where You Donate Your Time', *Peter Suber*, 7 January 2012, https://plus.google.com/u/0/109377556796183035206/posts/QYAH1jS-JG6L#109377556796183035206/posts; Gary Hall, 'Withdrawal of Labour from Publishers in Favour of the US Research Works Act, *Media Gifts*, 16 January 2012, http://garyhall.squarespace.com/journal/2012/1/16/withdrawal-of-labour-from-publishers-in-favour-of-the-us-res.html. At the time, this meant not writing, publishing, editing or peer reviewing for, among others, Sage (which publishes numerous journals in the critical theory area including *Theory, Culture and Society* and *New Media and Society*), Palgrave Macmillan (publisher of *Feminist Review*), Stanford University Press, Fordham University Press, Harvard University Press and NYU Press.

18. As long ago as 2007, Nick Montfort, an associate professor of digital media at MIT, stated that he was no longer prepared to review articles for non-open access, for-profit, non-public journals (Nick Montfort, 'Digital Media, Games, and Open Access', Grand Text Auto, 21 December 2007, http://grandtextauto.org/2007/12/21/digital-media-games-and-open-access). In 2008 he was joined by Danah Boyd, who was at the time a Visiting Researcher at Harvard Law School, among other things. Dana Boyd, 'Open-access is the Future: Boycott Locked-down Academic Journals', *Apophenia*, 6 February 2008, www.zephoria.org/thoughts/archives/2008/02/06/openaccess_is_t.html#comment-322195. At this point, *Radical Philosophy* might have concerns about its own business model. If *Radical Philosophy* was available on an open access basis in its entirety, would sales of annual subscriptions, paper copies and individual pdfs from its online archive not fall dramatically? Would there no longer be sufficient funds to pay for the running of the journal as a result? There are a number of ways of responding creatively to this challenge, although they might involve major changes to the nature and character of the journal, such as moving to an online-only open access basis or adopting the delayed open access model.

19. See Peter Suber's Open Access Overview, www.earlham.edu/~peters/fos/overview.htm and 'Timeline of the Open Access Movement', www.earlham.edu/~peters/fos/timeline.htm.

20. John Willinsky, 'Altering the Material Conditions of Access to the Humanities', in Peter Pericles Trifonas and Michael A. Peters, eds, *Deconstructing Derrida*, Palgrave Macmillan, Basingstoke, 2005, p. 121; Jacques Derrida, 'The Future of the Profession or the University without Condition (thanks to the "Humanities", what *could take place* tomorrow)', in Tom Cohen, ed., *Jacques Derrida: A Critical Reader*, Cambridge University Press, Cambridge, 2001, p. 26.

21. This is Derrida's procedure for reading Hegel's dialectic according to a non-oppositional difference. Jacques Derrida, 'From Restricted to General Economy: A Hegelianism without Reserve', *Writing and Difference*, Routledge & Kegan Paul, London, 1978, p. 260.

22. The reading of copyright that follows is greatly indebted to my discussions with Cornelia Sollfrank, and to the more detailed and subtle account of the relation between economic and moral rights she provides in an art world context in her 'Performing the Paradoxes of Intellectual Property: An Artistic Investigation of the Increasingly Conflicting Relationship between Copyright and Art', Ph.D. thesis, Duncan of Jordanstone College of Art and Design, University of Dundee, 2012.

23. For another example of such marketing, see Pluto's www.getpoliticalnow.com.

24. Adrian Johns, 'Piracy as a Business Force, *Culture Machine* 10, 2009, www.culturemachine.net/index.php/cm/article/view/345/348.

25. Daniel Heller-Roazen, *The Enemy of All: Piracy and the Law of Nations*, Zone, New York, 2009, p. 35.

26. Lawrence Lessig, *Free Culture: The Nature and Future of Creativity*, Penguin, New York, 2004, pp. 53, 55, www.free-culture.cc.

27. See Geoffrey Bennington, 'Postal Politics', in Homi K. Bhabha, ed., *Nation and Narration*, Routledge, London and New York, 1990, pp. 131–2, on which the reading of the legislator in Rousseau that follows is based.

28. Adrian Johns, 'Piracy', *Inside Higher Ed*, 3 February 2010, www.insidehighered.com/news/2010/02/03/johns.

29. Andrew Ross, *Nice Work If You Can Get It: Life and Labor in Precarious Times*, New York University Press, New York and London, 2009, p. 167.

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As an independent journal of the Left, collectively self-published in A4 magazine form, and non-profit-making, *Radical Philosophy* has always aimed to maximize access while generating sufficient revenue to fund production. Currently, we do this by keeping the cover and individual subscription prices as low as possible, giving individual subscribers free access to our forty-year archive in electronic form on the web, and making more than 50 per cent of the archive available open access. We charge university libraries for full web access, in order to make up the deficit on sales to individuals. Downloads of individual articles that are unavailable to those without university or individual subscriptions cost £3 each – about 20 per cent of commercial rates.

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