

Dark Sea Pirates

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Setting Sail

Man overboard! Instead of an introduction, let me tell you a sailor's yarn. A story of heroes and villains, deception and revolution. The story of the digital trade route 'Silk Road' – a much debated black market in the Darknet – and the phantom of Dread Pirate Roberts:

Those who want to talk of the Silk Road, or perhaps rather the myth around it, will quickly find that there are at least three versions of the story – one by the authorities, another by the Silk Road community, and yet another by Ross Ulbricht and his relatives – each of which claims the truth for itself, while all are marked by rumors and opacities. Accordingly, the following summary is to be understood as an attempt to build a consensus based on the Darknet market's forum archival material, interviews, and reports:

"I began working on a project that had been in my mind for over a year. I was calling it Underground Brokers, but eventually settled on Silk Road. The idea was to create a website where people could buy anything anonymously, with no trail whatsoever that could lead back to them. – Dread Pirate Roberts journal entry, 2010" (Ormsby 2014: Kap. 1.2).

In January 2011, the Tor Hidden Service Silk Road went online under the IP <http://silkroadvb5piz3r.onion>: a drug sales platform that for the first time combined the technology of a 'onion' site with the Bitcoin currency to create a completely anonymous market beyond state control. The creator, later chief administrator, and ideological-philosophical driving force behind the site was Dread Pirate Roberts (DPR),¹ who shrouded his identity in anonymity for both sellers and buyers on the Darknet market. The pseudonym was not chosen without reason, as it refers to the children's film *The Prince's Bride* (1973), in which the character of the masked Dread Pirate Roberts is portrayed from generation to generation by different protagonists.

1 In the later course of the official investigations, this role was attributed to the identity of Ross William Ulbricht.

Accordingly, his attribution of identity is still not completely clear, as the admin himself stated in an interview with *Forbes* editor Andy Greenberg that he was not the first DPR, but instead had inherited the page from his 'predecessor' (cf. Greenberg 2013). After a few months of construction and influx, the platform established itself as the hidden main hub for illegal, mind-expanding chemicals with a product range of over 300 different stimulants (Bartlett 2016: 158) and a relatively professional design for the Darknet markets of that time, based on the usual sales sites such as Amazon and eBay. During the sales process, the customer and the seller could access a platform internal encrypted messaging program to clarify any questions while guaranteeing maximum anonymity. The buyer then transferred the corresponding amount of Bitcoin to the intermediate address of the escrow (DPR),² who – after confirmation of receipt of the buyer's goods – forwarded the payment to the seller for a transaction fee. In addition to the sales platform, however, the Silk Road also saw itself as a social experiment and resistance to restriction by governments, which contributed to a strong forum community. Thus, the Silk Road users saw themselves largely as a conspiratorial community, pioneers of an overall social revolution, which was reflected in various forum contributions on economic and philosophical topics, decisively influenced by DPR.³ Or as he put it in an interview with Greenberg:

"We can't stay silent forever. We have an important message, and the time is right for the world to hear it. What we're doing isn't about scoring drugs or 'sticking it to the man,' it's about standing up for our rights as human beings and refusing to submit when we've done no wrong. Silk Road is a vehicle for that message. All else is secondary." (Greenberg 2013)

Attracted by the growing reputation of the site, *Gawker* magazine reported in June 2011 about the marketplace in the Darknet (cf. Chen 2011), which led to its explosive increase in users. However, this also brought the Darknet market into the authorities' focus, so that they already started the investigation in the middle of 2011 on behalf of senators Charles Summer and Joe Manchin. While in the following year the site achieved new turnover records, and was able to cope with occurring demands such as internal restructuring, difficulties in sales processing, and also several hacker attacks, a task force of the Justice Department and the Drug Enforcement Administration formed the secret operation 'Marco Polo' under the direction

2 The fact that DPR acted as an escrow for the community testifies to the extraordinary trust that the users had in the character, since he could potentially withdraw from the website at any time with the collected BTCs, a process known in the Darknet jargon as 'exit scam'. Likewise, the clear data of the sellers/buyers were collected by the main administrator.

3 For a detailed breakdown of the Silk Road Forum discussions, see the Silk Road Archive online: <https://antilop.cc/sr/>.

of Christopher Tarbell. Already in March 2012, the investigators planted undercover agents into the Silk Road community, to get into the inner admin circle and finally to DPR himself. In July 2012, the agent with the username Nob approached DPR in order to break down his reserve with the feint of a big deal. DPR responded to the proposal and referred one of its employees, user-name Flush, to the agents in order to take over the further processing. Up to January 2013 the negotiations between Nob and Flush continued, until the latter – in order to simplify the transaction – gave the investigators his real address for the proposed delivery (anonymous 2014: 76; The Silk Road Tales and Archives 2017). A week later Flush, alias Curtis Green was arrested by the authorities. When the employee seemingly disappeared from the scene, DPR suspected a fraud and ordered – probably due to fear of a leak from internal affairs – agent Nob to eliminate Green for 40,000 USD. While the investigators apparently followed the instructions by providing evidence pictures, the FBI located the Silk Road Server in Iceland in February 2012 (cf. *ibid.*). With the confiscated data and the access to Green's admin account, the authorities finally succeeded in arresting the alleged head behind DPR and Silk Road in October 2013 – the 29-year-old student Ross Ulbricht – in a public library in San Francisco, while he was logged into the Silk Road back-end. Due to the burden of proof, as well as the accusation of attempted murder, Ulbricht was sentenced to life imprisonment in 2015, even though he claimed his innocence until the end of the trial, affirming that the DPR account had also been used by other users (cf. Wendt 2015). And it seemed true: Because despite the agencies thinking they cut off the head of the Hydra with Ulbricht's arrest, numerous new ones grew back – and Silk Road 2.0 went online less than two months later, based on the copy of a Silk Road backup server. And even after its closure and the large-scale operation 'Onymous' in November 2014, when over 400 illegal Tor hidden services were taken offline, Silk Road noticeably launched an unstoppable movement of decentralized, anonymous (drug) markets.

Taking Sid/tes

The case of Silk Road and Dread Pirate Roberts, which is just briefly sketched here, exemplifies a recurring, heroic narrative, which probably finds its modern equivalent in the 'hactivist'. The tale goes as follows: An oftentimes controversial character enters the public stage and begins the fight against the corrupt establishment with no less controversial means. This traditional heroic narrative of western cultural history in the style of Robin Hood or Captain Jack Sparrow usually draws its protagonists as ambivalent and dazzling figures between egocentric self-dramatization, anarchistic adventure, and martyrdom in favor of social justice. Thus, in the course of a media-theoretical examination of participation as well as its refusal

and associated positioning, the question arises to what extent technological conditions (Hörl 2011) favor, shape, or even make one think of that resistance. Is dissent in this sense possible at all? Or have the poststructuralism and critical theories not taught us that there is no inclusion without exclusion, since fixed ascriptions of identity with clear positions fall short and only produce new hierarchies? Perhaps it is also the fear of positioning and the consequences it entails that everyone – including the author of this text – must face. I would therefore like to venture into a self-experiment of a poetic statement in the confrontation with a net-activist counter-positioning using the example of the Silk Road – fully aware that such an endeavor must inevitably fall short and also at the risk of self-succumbing to those hierarchizing positions and linguistic hyperbolas. At the increasingly permeable border between phenomenon and language, I hope for an immediate experience of the very metaphorical shifting (μεταφoρέω), which is both the research object and methodology of the present contribution – a reciprocal entitlement of investigation and (self-)positioning in the erratic shaft play of meaning.

As soon as ‘counter-positioning’ is mentioned, this statement already contains two assumptions: namely that of an existing establishment and, at the same time, a demarcating movement against it. If one were to name the established, neoliberal status quo within the modern orders of ‘digital cultures’, it could perhaps be grasped under the dictum of transparency and all-inclusion, which in turn entails governmental practices such as control and surveillance. So, if we now assume that those transparent, (unidirectional) mystery-free spheres of politics and economics represent the dominant position of observation, then we must turn to the subversive potential of the un-representable (cf. Galloway 2011). Upon this, media scholars Claus Pias and Timon Beyes propose a shift to pre-modern images and forms of thought in response to the demand for new attempts at representation in view of the increasing incommensurability of algorithmic structures (cf. Beyes/Pias 2014). I would like to follow that suggestion and try to strive for an observant interweaving of case study and linguistic reflection, which maintains the tension in the ambiguity of positioning, be it linguistically, politically, or technologically. Thus, the digital phenomenon of the so-called Darknet, which is based on decentralization and cryptographic anonymization mechanisms,⁴ represents a promising starting point for the following reflections due to its structural nature and the resulting lack of transparency. In accepting the Darknet as a technological basis of non-knowledge and enduring dissent, we raise the question of what narrative forms a new poetics of the digital high seas can take – like an anchor raised from the murky depths of clandestine information currents. As a first clue, it is worth taking a look

4 For a more detailed technological explanation, see subchapter “The Heads of the Hydra” below.

at the terminologies of the Internet: the discourse on this phenomenon is characterized by meaningful linguistic images, especially nautical metaphors, as Matthias Bickenbach and Harun Maye have worked out (2009). This is the talk of browsers, data havens, or surfing. The result, however, is less a continuous narrative flow than a collection of sentences and gaping breaks in the story around the digital cosmos, between which the metaphors slide back and forth like elusive fish. “The term ends in mysticism, the metaphor in myth” (Blumenberg 2007: 75, transl. by the author).⁵ So let us dare to drift away on the metaphorical waves in the mythical writing (μεταφορέιν) – listening to a sea tale, full of mythical figures like the Hydra and the piratical thinking that never remains in a harbor long, but always pushes out onto the sea in search of new treasures.

On the (Dark) Seas

When representability reaches its limits, the metaphor – at least in language – is often resorted to, as it were a taming act of what seems to elude understanding. Here, however, it must not be forgotten that this trope contributes not only to illustration but also to the structuring of knowledge:

“If language is not capable of guaranteeing an unmediated and unambiguous experience of reality, then the metaphor is the reflection of exactly that - of this necessary deficit, which as a contingent world model must allow tolerance towards others.” (Haverkamp 2009:18, transl. by the author)⁶

In particular, it should be referred to the theory of the absolute metaphor by Hans Blumenberg, who explains the designation of those phenomena which cannot be grasped conceptually or caught up with, as attempts of linguistic illustrations in a vague semantic context (cf. Blumenberg 2013: 14). In doing so, the philosopher pursued no lesser claim than to be able to derive a ‘substructure of thinking’ or rather a ‘zeitgeist of an epoch’ from these linguistic pictures. Although the following does not speak of an epochal understanding, it seems to me that these linguistic images contain interesting clues for a thinking of current positioning. But which metaphors are involved in the implementation of a new medium? Who decides which linguistic images are used for this purpose and what distinguishes such ‘universal concepts’ from other tropes? In this context, Alexander Friedrich

5 Orig.: “Der Begriff endet in der Mystik, die Metapher im Mythos” (Blumenberg 2007: 75).

6 Orig.: “Wenn Sprache nicht fähig ist, eine unvermittelte und eindeutige Erfahrung der Dinge selbst zu gewährleisten, so ist die Metapher die Reflexion genau darauf – auf dieses notwendige Defizit, das als kontingentes Weltmodell gerade eine Toleranz gegenüber anderen zulassen muss.” (Haverkamp 2009: 18)

speaks of “Kulturelle Leitmetaphern” (leading cultural metaphors) which, as collective testimonies, epistemologically structure social self-understanding and thereby fulfill a central, orienting function (cf. Friedrich 2015: 10, 381f.).⁷ The structure and ‘dynamics of cultural metaphors as well as their relationship between original or traditional meaning and contemporary use are of enormous importance in this investigation. The same applies to the history of water metaphors: accordingly, the metaphor of water and nautical science originates in Greek antiquity as well as in biblical writings. “Schon dort waren ‘Quellen’, ‘Kanäle’, ‘Brunner’, ‘Ströme’ und ‘Fluten’ gebräuchliche Metaphern für Informationsverarbeitung in schriftlicher und mündlicher Form” (Bickenbach/Maye 2009: 11). If we take the early Argonautic myths, the Homeric odyssey or Roman authors such as Cicero and Lucretius, all these stories contain the same narrative of a security-giving, yet finite mainland and, in return, an uncertain sea as a place of new knowledge but also of dangerous daring (cf. *ibid.*: 11f and Blumenberg 2014 [1979]: 33f). The epistemological content of sailing, shipwrecks, or navigation is thus deeply anchored in our cultural memory in the form of mediating metaphors. Therefore, it is not surprising that these concepts have also found their way into modern self-descriptions. Perhaps as a descendant of the cybernet, which promotes nothing other than the art of steering in self-regulating, dynamic systems, the surfer or navigator in the information-sea is an explorer in an endless space of possibilities. But if the Internet – again, a discourse on the (fisher’s) net as an ancient metaphor for social knowledge systems could be unfolded here – has been marked by metaphorical communication and, in particular, nautical language pictures since its early beginnings, what does the ambivalent figure of the pirate say about our (self-)understanding of net activists and their political positioning? For despite all conceptual euphoria, nautical metaphorology forgets the downside of its colonial origins (cf. Friedrich 2012: 19). Thus, the history of seafaring has always had a hierarchically imperialist aspect, as it is currently also evident in the economic Internet structures of server farms and data storage facilities. Accordingly, the aspect of piracy seems to be a necessary element that must be added to our metaphorical considerations regarding (medial) positioning.

Please allow me a brief excursion into the history of the Atlantic economy of the British seafaring nation in the 17th century, where we can already find some promising narrative borrowings from Greek mythology in relation to piracy: There, the figure of Hercules is a heroic symbol of power, centralizing unification and order. In contrast, the Hydra is used as an antithetical adversary in this attribution. As soon as one of its heads is cut off, this serpentine, multi-headed water monster

7 In this context, the question of the difference between metaphors and their special form of catachresis would also have to be discussed. Due to the required brevity, I will stick in the following only to the concept of metaphors.

from the lake of Lerna regrows another two and thus is regarded as a symbol of chaos and resistance. In the Herculean myths, the hero kills the monster in the second of his twelve tasks. At the beginning of the English colonial expansion from the early 17th century to the urban industrialization in the 19th century, however, the imperialists used the legend of Hercules and the Hydra to describe the difficulty of implementing global labor force systems and also to justify their own violent measures (cf. Linebaugh/Rediker 2008: 11). In this narrative, the sea monster took on a wide variety of forms like slaves, displaced land dwellers, and even pirates who opposed the capitalist-dominated colonialists. A no less interesting aspect in this brief historical review is the term 'hydrarchy', coined by the parliamentary poet Richard Brathwaite (1588-1673) to describe the very social orders of sailors in contrast to the rural population (cf. *ibid.*: 158f.). This is understood as the free self-organization of pirates, which is characterized by anarchic and grassroots democratic structures.⁸ This multinational, egalitarian-alternative way of life, which follows its own rules and, especially in its illegal activities – whether on land, in the harbor areas or at sea –, almost escaped any control, represented an inconvenient form of resistance for the ruling upper class that was difficult to contain.⁹

The Heads of the Hydra

But let's get back to the starting point, because what would hydrarchic pirates be without ships and nautical infrastructures? Hence, in the following – looking back at the phenomenon of darknets and the Silk Road – the focus will be on the technological composition of the area in the net which, at least if we follow the common iceberg metaphor, is located in the darkest depths: When talking about the organizational structure of the Internet, the image of an iceberg is often used as an explanation. Accordingly, the clear-/visible net, the space freely accessible by search engines so to say, is only the small visible tip of an iceberg. The considerably larger part below the surface is called the deep or hidden web. This includes all non-indexed or password-protected areas such as archives or closed pages. The lowest part of the iceberg in this sense, however, is the Darknet. This is generally understood as a

8 One example is the Pirate Council – an assembly in which all crew members had a say and which represented the highest authority on the ship.

9 It would certainly be too one-sided to stylize piracy merely as a pre-democratic, egalitarian form of society. Nevertheless, hydrarchic structures often served as a model for social utopias, as it is the case with the ideal pirate state 'Libertalia' that is mentioned in the second volume of Captain Charles Johnson's "A General History of the Robberies and Murders of the most notorious Pyrates" (1724). Cf. Renate Niemann 2002: 66.

special form of network, more precisely peer-to-peer overlay networks¹⁰, which are characterized in particular by infrastructural seclusion and a consequential lack of transparency. Accordingly, the individual network nodes (peers) in a Darknet cannot communicate freely and publicly with any other node, but only exclusively and mostly via direct invitations from the respective users. Examples for known darknets are Tor, I2P, Freenet and GNUnet. However, the more common understanding of Darknet, which can be found in media reports time and again, usually refers to a special network known as the Tor network: This is the most commonly used Darknet, which causes a stir in the mass media due to illegal arms and drug trafficking – as was the case with the Silk Road – murder deals and whistleblowing. But from a technical point of view, what does this mean for a subversive positioning towards an all-inclusive, governmental network structure? In order to be able to undermine such a system, the usual monitoring mechanisms must be levered out. Protocols and network structures, such as those already extensively worked on by media scientists Alexander Galloway (2004) or Florian Sprenger (2015), are particularly worth mentioning here. Accordingly, the Internet is organized by standardized protocols, which – to put it simply – specify the paths that the data packets must take on their journey from sender to receiver and predetermine which information can be supplied and evaluated at which point. In particular, the nodes at which the data is collected and forwarded provide an opportunity for monitoring and influencing (cf. *ibid.*: 45). In the Darknet, however, such surveillance mechanisms cannot be implemented due to end-to-end encryption. For example, the Tor network – originally developed by the US Naval Research Laboratory to protect military communications and now a non-profit organization financed by donations – is based on ‘onion routing’. With the help of the Tor client, all data and connections to the user’s IP address are encrypted in a three-step cryptographic process that changes every ten minutes so that users can navigate the data-sea anonymously under a black flag (cf. *anonymous* 2014: 31). In addition to the unidirectional encryption of the user IP, which can also be easily used for anonymous Clearnet surfing, there is also the option of so-called hidden services, which span the Darknet structure in the Tor network. These are encrypted, anonymous websites that cannot be found via search engines. These ‘onion sites’ are based on the same code structure as the Tor client and are therefore included in the Tor browser bundle (cf. *ibid.*: 34). In our sea tale, the hidden services therefore represent those secret smuggler bays in which information and goods can be exchanged decentrally and with complete secrecy of the person – be it leak data or illegal substances. Thus, data havens such as The Pirate Bay, Wikileaks, or the Silk Road as well as the Dark Sea Pirates themselves escape state or economic control and immediately take a political and ideal

10 Peer-to-peer networks (P2P) are decentralized computer networks in which the individual computers are structured equally and work together without central servers.

position, through their black flag, for free, uncensored, and uncontrolled communication. If a boat is sunk or a haven destroyed, the next one immediately appears in the eternal cycle of the multi-headed Hydra.

New Shores

But what shall we do with the Dark Sea Pirate? What does the Hydra teach us watching from the shallows? In view of the fundamental question of what positioning in the digital age means and whether dissent is still possible in a culture of all-inclusion, it is probably less about concrete piracy than about a piratic way of thinking. A quick scan of shows that unhealthy totalitarianism, surveillance, and radical transparency has rarely had a good outcome in human history. Accordingly, the pirate does not necessarily occupy a fixed position, but functions as the unloved disrupter, the fluid element that withdraws any attribution on the mainland and seeks the openness of the sea. Like the metaphor that carries it, it ensures the openings for transgression. For only where the own opens to the other (cf. Blanchot 2015: 26 and Derrida 1992) does a place of common emerge – eternally remaining on the horizon as a distant cape and always carried away on the waves of the dark sea.

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