

Brussels, 7 April 2019

Dear participants in *Interfacing the law!*

The Special Issue that we are about to begin next week, starts with two letters (or three, if you include the one you are reading). The first was an Open Letter written by a group of people brought together by Memory of the world in 2015. It is titled '[In solidarity with Library Genesis and Sci-Hub](#)'. It was widely published at the moment Elsevier launched a court case against Sci-Hub.org, Bookfi.org and Elibgen.org. The second is a [letter by Alexandra Elbakyan](#) in response to that same court case. If you have not already read these two letters, maybe you can read them before continuing?

The two letters circumscribe the context that Special Issue #9 situates itself in. Reading and publishing are increasingly turning digital, and instead of it becoming easier for anyone to have access to books from anywhere, paywalls and draconian legal measures make it hard for public- and university libraries to function as knowledge access-providers. It has made it more and more difficult for individual readers outside but also inside institutions, to read what they need.

Sci-hub (the website that Elbakyan set up), aaaaarg, monoskop, Libgen and various other initiatives operate in this grey area. These so-called 'shadowlibraries' collect and distribute electronic texts freely, and some of them also propose carefully maintained collections and selections that are quite different from what is generally available via mainstream platforms. But while these illegal infrastructures have become critical resources for academic and independent researchers like me, we still hardly speak out for them publicly. "*It is time to emerge from hiding and put our names behind this act of resistance*" the Open Letter states, and so I did.

Signing as Constant, the association for arts and media that I work with, might have made more sense. After all, everything I know and think about author rights has been developed with this Brussels' based collective. But as a publicly funded association, committed to Free Culture since the early 2000s, it was not obvious to publicly support piracy and so I signed the Open Letter under my own name. I am writing you this to show how the current landscape of intellectual property produces paradoxical positions that we all take on a daily basis: what (not) to download, share and distribute; what to consider normal, brave, necessary or too risky.

The Free Culture and Open Access movement propose a legal way out of the current impasse of intellectual property by deploying the little space available in the law. For Constant, the potential of this proposal relates to feminist positions on knowledge production and distribution and the need to rethink the conditions of authorship. But over the years, we have become frustrated by the way that legal alternatives have stayed within the classical discourse of representation, thereby making it hard to question what kinds of access should be available to whom, how individual authorship is framing social and cultural conditions, and how knowledge and property are being conflated in the current legal regime. These questions regain importance in times of austerity and the privatisation of education, but also when we attempt to confront the colonial patterns that resurface in the age of the digital library.

Both Elbakyan's frank response to the court case, and the Open Letter, critically take on issues with (intellectual) property, but otherwise make a double move. They call for civil disobedience to forge a way out of the broken system of knowledge access, while at the same time asking us to be

“custodians”, keepers of knowledge. How to rethink a broken system without rethinking what it is keeping and how?

It seems there is enormous potential in shadow libraries to re-imagine the categories of knowledge beyond the fault lines than the ones drawn by the privileged universities of the West. As Bodo Balasz, one of our guests, proposes: *‘Pirate libraries (...) operate in a zone where there is little to no obstacle to the development of the “ideal” library. As such, pirate libraries can teach important lessons on what is expected of a library, how book consumption habits evolve, and how knowledge flows around the globe.’* And also Eva Weinmayr, who will join us in May, explains that her collection of pirated books is *‘creating a platform to innovatively explore the spectrum of copying / re-editing / translating / paraphrasing / imitating / re-organising / manipulating of already existing works.’*

The disobedient stance of piracy can obscure the way it keeps categories of knowledge in place, either by calling upon universalist sentiments for the right to access, by relying on conventional modes of care or by avoiding the complicated subject of the law altogether. If we want to find ways to make the public debate on shadow libraries transcend the juridical binary of illegal versus legal, and claim political legitimacy for acting out their potential, we need to experiment with how these libraries are a form of publishing, how they rethink the social contracts that link libraries, librarians, readers and books. And that is what we’ll try to do in *Interfacing the law*.

Extra-legal publishing, bibliothèques sauvage, piratical text collections, popular resource sharing methods, peer-acy, amateur digital libraries, bibliogifting, uneasy sharing, peer produced libraries ... the growing collection of euphemisms for pirate libraries points at the vibrancy of these practice that are literally unbound from institutional, legal and even conventional material constraints. Always paradoxical or even incoherent, they interface each in their own way with legal and political frameworks. How can these practices get us closer to the kind of libraries we require?

I leave you with this question for now, knowing Aymeric will open up the conversation with you next Monday 15 April. Wishing you a good week in the mean time and looking very much forward to be with you all on Tuesday.

All the best,

Femke

A handwritten signature in black ink, consisting of a large, stylized 'F' followed by a series of loops and a long, sweeping tail that curves upwards and then downwards.