

Gabriella Coleman appropriately indicates that many hackers share the background coming from liberal democracies and have therefore rely on and believe in certain properties of liberal thought, in this case the freedom of speech (Coleman 2013: 13). Freedom of speech in that scope is closely connected to the sharing of information, the right to learn and to explore (ibid. 19). The legal conflict over free speech between corporations and governments on the one side and hackers on the other has its roots and its peak in the 1990s by what is referred to as „encryption wars“. Encryption technology in the US was legally treaded as munition and therefore highly restricted, while hackers insisted on their right to freely publish and use software cryptography (ibid. 169). This narrative was then extended to the materialities of cyberspace with the notion that code, despite being a technical artifact, is speech:

„The first widely circulated paper associating free speech and source code was “Freedom of Speech in Software,” written by programmer Peter Salin (1991). He characterized computer programs as “writings” to argue that software was unfit for patents, although appropriate for copyrights and thus free speech protections (patents being for invention, and copyright being for expressive content)” (Coleman 2013: 169).

More openly hackers started engaging in contentious politics (Tilly & Tarrow 2006) in various forms as a response to several arrests, most famously in the cases of Johansen and Sklyarov. Jon Lech Johansen had written the code for a F/OSS software called DeCSS to decode DVD licensing that prohibited DVDs from running on Linux OS and distributed that code. Claiming the software would facilitate the illegal reproduction and distribution of DVDs, the US DVD Copy Control Association and the Motion Picture Association filed a lawsuit against Johansen. Through his arrest and prosecution, hackers became eloquent in a multitude of protest, as the notions of free speech, free software, and source code became intertwined and a controversy (Coleman 2013: 161–176). Seth Schoen’s 456-stanza haiku, of which an excerpt is given above this section, is maybe one of the most prominent examples. Titled „How