Adrian Johns

Pop music pirate hunters

It is the beginning of a new century, and the music industry is facing a crisis. New technology and innovative business practices are challenging the copyright principles that have underpinned the industry for as long as anyone can remember.

Taking advantage of a revolutionary process that allows for exact copying, "pirates" are replicating songs at a tremendous rate – on the order of a million copies a year. The public sees nothing wrong in doing business with them. Their publicity, after all, speaks of an orthodox music industry that is monopolistic, exploitative of artist and public alike, and devoted to the production of shallow commercial tat.

The pirates, by contrast, are ostentatiously freedom-loving. They call themselves things like the People's Music Publishing Company, and sell at prices anyone can afford. They are, they claim, bringing music to a vast public otherwise entirely unserved. Many of them are not businesses on the traditional model at all, but homespun affairs staffed by teenagers and run out of bedrooms and even pubs.

In reaction, the established industry giants band together to lobby the government for a radical strengthening of copyright law – one that many see as threatening to civil liberties and principles of privacy. And in the meantime they resort to underhand tactics to take on the pirates. They are forced to such lengths, they say, because the crisis of piracy calls the very existence of a music industry into question.

Sound familiar? If so, it is not because this is a description of the troubles facing today's entertainment goliaths as they confront libertarian upstarts like Napster and MP3.com. In fact, this was the roiling battleground of music publishing in the earliest years of the twentieth century, not the twenty-first. In those years the industry faced a piratical threat more serious than any before or – until recently – since. How that threat materialized, how it flourished,

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and how the industry fought back comprise a story with no little relevance for today's highly charged situation.

At the beginning of the twentieth century the music industry was premised on the sale of printed sheet music. The publishers producing such music did so on a truly enormous scale. Perhaps twenty million copies a year were printed in Britain alone, and the best-known pieces sold in the hundreds of thousands. Most of the businesses dominating this field were family firms committed to upholding traditional standards of taste and aesthetic value. Not just concerned to exploit the value of "dots" (as musical notation was termed), they proudly nurtured personal as well as professional relationships with artists such as Stanford and Elgar. Most of their sales were of a relatively small number of wildly successful songs, which, as they were fond of pointing out, cross-subsidized the many that were only modestly successful or that failed outright. The details of pricing, however, were regarded as confidential, and this encouraged rumors that the firms acted in concert to keep them artificially high. They actually sold songs at about a shilling and fourpence each, which does not seem exorbitant – unless you knew that a pirate would sell you the same song for twopence.[1]

Two profound changes made such piracy possible, one of them technological, the other cultural.

The first was the development of photolithography. This allowed pirates for the first time to reproduce what was for all intents and purposes an exact copy of an original. Gone were the typographical errors of earlier pirated versions of sheet music; it often took an expert to tell a reproduction from the original.

The second crucial development was the late-Victorian appearance of "piano mania." As middle- and lower-class incomes rose, money became available for leisure, and in the last quarter of the nineteenth century a number of novel ways of spending it came into being. Pianos were among the most notable. Suddenly every aspiring family wanted what one commentator called "that highly respectablising piece of furniture." The social character of music changed radically as professional virtuosity diverged from, and increasingly disdained, a burgeoning realm of amateurs trained by an equally burgeoning – and utterly unregulated – crowd of "professors." By 1910 there was one piano for every ten people in Great Britain.

Where pianos went, piano music had to follow. The result was a huge new demand among middle- and lower-class amateurs for sheet music – the cheaper the better.[2]

Music piracy had long existed, of course. Indeed, until the 1770s music was conventionally regarded as lying beyond the purview of copyright altogether, so publishers sold unauthorized reprints freely.[3] By the late nineteenth century, legislation had eliminated that kind of freedom. But the new mass market transformed the nature and implications of piracy, making such laws practically moot. The implications extended from

1 D. W. Krummel, "Music Publishing," in N. Temperley, ed., *Music in Britain: The Romantic Age, 1800–1914* (London: Athlone, 1981), 46–59.

2 Cyril Ehrlich, *The Piano: A History*, rev. ed. (Oxford: Clarendon Press, 1990), 88–107.

3 David Hunter, "Music Copyright in Britain to 1800," *Music and Letters* 67 (1986): 269–282.

music-hall songs to works by Massenet, Sullivan, Gounod, and Mascagni. In the early 1900s, pirates copied any music that was genuinely popular, be it a Puccini aria or a Sousa march.

But if it was a mass market that drove piracy, what made it almost respectable was a widespread sense of resentment within musical circles. The music publishing companies, represented as a group by the Music Publishers Association (MPA), had encountered growing complaints from all sides. In 1899, a new association was formed to publish music on behalf of composers themselves. It aimed to give its members "the full benefit of any financial reward" from their efforts, in contrast to the music publishers' practice of absorbing "nearly all the financial benefits." On the other side of the industry, retailers too complained – about high prices, trade secrecy about the setting of those prices, and publishers supplying material to rivals at preferential rates. There was, then, a ready audience for the argument that the world of music publishing needed shaking up.

The problem facing the music publishers was not one of legal principle. The difficulty lay in enforcing the law. Although copyright violation, be it of books or sheet music, was illegal in Great Britain, it was a civil offense, not a criminal one. This meant that tracking down perpetrators was largely a matter for their victims. They had the right to search for copies, but not to enter private premises to do so – unless the pirates themselves admitted them, which was, obviously, unlikely. And even if they did succeed in getting hold of pirated music, the most they could hope for was the destruction of their haul. Any award of costs was likely to prove futile, since the hawkers and hacks they apprehended tended to disappear before hearings, or else to claim poverty. There was no power to impose fines.

While all this was not a great problem for book publishers, since a book represented a relatively substantial capital investment and its seizure was consequently a serious matter for the pirate, for music publishers it was utterly insufficient. Each title amounted to only a sheet or two, and pirates freely allowed them to be seized *en masse*. The publisher would then find the pirate back on the streets within hours, clutching fresh bundles of stock. No wonder, then, that some among the publishers came to the conclusion that they needed to go beyond the law.

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In January of 1902, the publisher David Day, of Francis, Day & Hunter, resolved to act. Day was already known for his hard line against piracy: in 1897 he had been described as "the mildest mannered man that ever cut the throat (so to speak) or scuttled the ship of the piratical song printer." But what he planned now was far more risky than any strategy previously undertaken.

Hiring the services of a detective agency, he mounted his own raid on a piratical warehouse. The raid was almost certainly illegal, but the amazed occupants offered no resistance. Day walked off with five hundred copies of pirated sheet music. He and his men then moved to "attack" a north London cottage where hawkers gathered to pick up pirated copies. Pretending to be hawkers themselves, they seized fifteen thousand copies more. An unfortunate barrow boy yielded another four thousand. Yet another eight thousand came from a hawker's house, twenty thousand from chambers in the City. Cock-a-hoop, Day

sat back and waited to see what the pirates would do.[4]

What they did, as it turned out, was nothing. Day had got away with it. Word of the victory then spread fast. An anonymous "antipirate" spelled out a plan: that the publishers should systematically recruit "commandos" modeled on Day's raiding party, each comprising twenty or so men ready to target markets in London and beyond. It was a grimly appropriate word, coming as it did from South Africa, since many of the songs over which the publishers and pirates were fighting were jingoistic ditties for the Boer War. And before long the leading firms were indeed embarking on such a policy.

To that end, Day founded a new industry trade association, the Musical Copyright Association (MCA), becoming its president and plucking a junior clerk from Francis, Day & Hunter, John Abbott, to be secretary. Abbott found himself charged with devising an offensive against the pirates – an offensive that would skirt the fringes of illegality, that would be launched (it seems) against the advice of the MCA's own lawyers, and that would depend for its success upon the reluctance of the pirates themselves to have recourse to the courts.

Abbott went about his task with alacrity. He rapidly recruited a small army of retired policemen and others with "some knowledge of the pugilistic art."[5] The campaign against the pirates now began in earnest. Hawkers were confronted on the streets, distributors challenged in their premises and pubs, and printers raided in their cellars and garrets. Agents seized copies numbering in the hundreds of thousands.

Such vast numbers demanded attention, and in response Parliament passed a new musical copyright law. It came into force in October of 1902. Intended to strengthen Abbott's hand, the new law permitted the police, on being given a written request by a victim of piracy, to seize pirated sheets without waiting for a warrant. For the first time, antipiracy actions would become official police business.

The police moved fast to put this new power into practice. At the same time Abbott's agents spread out across the country. The level of seizures soon rose dramatically. In the following three months, 750,000 pieces of sheet music were stored in police stations, awaiting the bonfire.

But behind that impressive mass of material lay a plan that was deeply flawed. For one thing, not all pirates proved to be as quiescent as those encountered by Day. Some challenged the agents' authority to act – an authority that was not materially improved by the new musical copyright law. Hawkers, for example, brought assault charges against the commandos, and sometimes won. Then, in August of 1902, a homeowning pirate found himself confronted in his doorway by half a dozen MCA men, who pushed their way into the house and threatened to "drop" him if he resisted. Although they found three thousand pirated copies of sheet music, the resulting case was of assault, not piracy, and the MCA found itself rebuked. Its policy, the magistrate ruled, exceeded legal limits; it amounted to "organized hooliganism." The remark

4 James Coover, comp., *Music Publishing, Copyright, and Piracy in Victorian England* (London: Mansell, 1985), 84–85. Coover's collection of primary source excerpts is the essential entry point to this story. In what follows, most of the material that does not come from Preston's scrapbook may be found in Coover, although it has generally been checked against originals.

5 John Abbott, *The Story of Francis, Day & Hunter* (London: Francis, Day & Hunter, 1952), 31.

was to be much cited by opponents of the campaign in succeeding months. As such cases mounted up, it began to appear that the whole offensive might backfire. Assault, after all, seemed to many to be an altogether more serious crime than piracy.

At the same time, British music lovers expressed growing skepticism that the publishers were acting in anyone's interest but their own. Perhaps British music would be better off with the pirates.

Stories of composers fleeced by the publishers multiplied. Retailers too saw little benefit in high prices, and the very success of the pirates in selling vast numbers of copies showed that selling cheap could pay. Perhaps, remarked one, the crisis would compel a proper assessment of the worth of the retail network, "now that the publisher is in his death grapple with the pirates."

Embarrassingly enough, in several cases pirates turned out to be ex-MPA or MCA agents who said that they had been forced to turn pirate by the excessive prices charged by the legitimate publishers. "I can't help myself," said one such; "the publishers charge such an enormous price for their copies." Their inside knowledge had in the end only helped them become better pirates.

But the greatest problem was that the seizures were proving far more inconvenient to the police than they were damaging to the pirates. Pirates could quickly collect or print more copies of sheet music. Meanwhile, police stations were becoming warehouses for hundreds of thousands of useless pieces of sheet music. None of that music seemed to be going to the incinerators, and the flow of piracies was not being staunched. The stations were simply filling up with paper.

The reason for this was that the law insisted on a hearing before destruction, and most hawkers disappeared without answering the summons. The seized copies thus fell into a legal limbo. Finally, in February of 1903, four months after the law had gone into effect, the Metropolitan Police had to suspend its enforcement. The implication was clear: the new statute was an exercise in futility. With no power to search private premises – magistrates were still ruling in favor of the pirates on this – and no fining of offenders, the pirates were scarcely being discomfited by the seizures.

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With the campaign floundering and public criticism mounting, some in the trade saw a need to change tack. Day himself broke ranks first. He found himself forced to announce in the *Daily Mail* the launch of Francis, Day & Hunter's new sixpenny music series, which would reissue songs at a price far more competitive with that of the pirates.

A direct result of the combination of pianos and piracy, this new series was a radical departure for the trade. It amounted, one songwriter said, to "an admission of the claims made by the defenders of the pirates that publishers have been robbing the public." It was the "day of cheap music at last," hailed the piratical Popular Music Stores of Doncaster. For once, "the elect in the musical world must recognize the increasing desire of the masses to share in the refining pleasures of high-class music." Even the staunchly pro-publisher trade journal *Musical Opinion* announced the coming of a "revolution" in music publishing. Meanwhile, the MCA, its initial successes paling, fell silent. The pirates were on the verge of winning their war.

For want of a better strategy, the publishers decided to return to what Abbott called their "'smash and grab' method."

With the MCA more or less discredited, the older trade body, the Music Publishers Association (MPA), came back to the fore. And with it came the MPA's new agent in the fight against piracy, an MCA veteran named William Arthur Preston.

Like Abbott, Arthur Preston had been an employee of one of the big music publishers. In his case it was Boosey and Company, where he had worked since about 1890. But from late 1903 he enjoyed effective command of antipiracy efforts on behalf of the MPA. In this capacity he traveled the length and breadth of Britain and Ireland, seeking out pirates and dragging them through the courts. Apparently indefatigable, Preston single-handedly revived the publishers' offensive, extending it to the furthest provinces.

He did so in three distinct campaigns. The first was a sweep across the north of England and the Midlands, beginning in Liverpool in December of 1903. The second then concentrated on London itself and its suburbs. The third took in the south, ranging from the Medway towns in the east to Plymouth in the far west. In addition, Preston traveled to Dublin, Belfast, and Londonderry to hunt down pirates in Ireland, and even made a detour to the Isle of Man. There can have been few men who saw more of the British Isles in 1904–1905 than Arthur Preston.

Preston kept a remarkable scrapbook recording his progress.[6] This scrapbook makes possible a detailed reconstruction of both the practice of piracy and the tactics he used to counter it.

To understand those tactics – which included subterfuge to get into pirates' premises – we need to go back to the 1902 law and ask why it was such a failure. The main reason was that it assumed a truism about morality and place that had been ingrained in English society for well over two centuries. This was the conviction that the home was the fundamental site of sound morals. In the seventeenth century, when vagrancy acts were first instituted, it had been taken for granted that secure, patriarchal households were the basis of a stable society. Streets, fairs, and markets, on the contrary, were notorious for their licentiousness. Laws requiring peddlers to obtain licenses – laws that the publishers now sought to exploit against sellers of pirated sheet music – were another reflection of this idea, the tenacity of which it would be hard to overestimate. The reason why the 1902 act provided no right of forced entry into houses was that it assumed, *a priori*, that piracy must be a street-based crime.

The implications of existing British laws against piracy became plain to Preston in 1902, when he tried to prosecute pirates in Liverpool. In this industrial city, some two hundred separate songs were reputedly available as piracies, and the legitimate trade complained of a 60 percent decline in business. Shortly after he arrived, Preston seized pirated sheet music from "street-sellers." Next he raided a private home, seizing seven thousand copies of pirated music from the residence of John O'Neile at 50 Hunter Street, and causing a "sensation" in the neighborhood. In court, however, O'Neile's defense contended that there was no evidence that any of the music had actually been sold in the home – a point that Preston had to concede. Since, as the defense claimed, "the [musical copyright] act refers to street trading and not to anything in a house," O'Neile could not be found guilty simply because he had stored pirated sheet music in his home.

Stymied, Preston had no option but to

6 British Library, Music Library, ms. M.55.

abort the prosecution. "The act is rather weak," his lawyer observed; "It would have been better to leave us alone and let us proceed under the old act." Tellingly, a moment after O'Neile walked, a barrow boy who had had far fewer pirated sheets came before the same judge and found himself punished because he had been operating in the street.

Preston's struggle with the pirates thus came to focus on questions of place. Responding to Day's commando tactics, the pirates had begun to appear in courts and in the press as heroic defenders of domestic privacy, as well as upholders of diversity against monopoly and defenders of the people's right to affordable songs. So Preston took care to think through a taxonomy of places and practices that would buttress the legitimacy of his raids.

Was the location of a given raid a home or a warehouse? Was it a place of sale or of storage? To what extent could police or MPA men legitimately claim access? What about a market stall: was it a sacred slice of domesticity in the midst of a public square or an open space?

These were real questions that Preston – unlike Abbott the previous year – took care to appreciate and answer. As a result, newspaper reports and the courts themselves increasingly classified piratical villains according to places of work. Four distinct classes of enemy took shape.

1) The first was that of men who sold sheets "in the public streets." These were the small fry of the trade, the hawkers, who often reappeared with new stock mere hours after a confrontation. They rarely yielded more than ten to a hundred copies at a time, and they refused to betray their sources. Preston prosecuted large numbers of such men. While there was inevitably a feeling of futility to these prosecutions, in fact the hawkers did change their practices as a result of his campaign, abandoning the thoroughfare as a place of trade. Increasingly they dropped printed catalogues through houses' mailboxes and returned later to deliver any desired music to the householders. The pirates later took this strategy to its logical end by circulating catalogues by mail, eliminating the weak link of the street-seller altogether.

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2) People with relatively fixed premises were an altogether more serious matter, since they often acted as local centers of distribution. Generally, hawkers would be supplied from houses or pubs, with the actual warehouse being a small distance away for security reasons. The most notorious example was the Rose and Crown in East London, where distribution was managed by a man known as Tum Tum. This kind of "wholesale man," responsible for managing such an operation, was a figure that Preston particularly wanted to catch.

3) Preston also sought the hack printers who actually produced the piracies. But these were not as crucial as one might suppose. They were generally, in Preston's much-repeated phrase, "men of straw." Working in garrets or cellars, they exercised little control over the enterprise and used rented equipment so as to minimize capital losses if detected. They seem to have been concentrated in London, and especially in the East End. But plates could be distributed anywhere a willing worker could be found, via a secretive method involving railway station cloakrooms, so printers also operated in, for example, Kensington. From temporary and shifting workshops they produced copies rapidly – five thousand per man per day, according to one informer. The rail network then took them

across the country, to Leeds, Liverpool, Manchester, and Doncaster. There local organizers distributed them through the local network of piracy, first to the wholesale men, then to the hawkers.

4) But the real catch was the publisher's illicit *doppelgänger,* the pirate himself. This was the man who actually coordinated the whole network. He was the criminal capitalist, the musical Moriarty, the piratical patron of the arts who oversaw the whole enterprise while never getting his own fingers inky. The pirate alone had no predictable location, moving from address to address at will. He was therefore the one figure that Preston, Abbott, and their men had never managed to nab. He seemed to be, as the *Sheffield Telegraph* lamented, "ungetatable." For all its dynamism, Preston's campaign would not be a true success until it had trapped a real pirate. And on Christmas Eve, 1903, that suddenly became a possibility.

The great Victorian railway termini of London give rise to lines that snake out across the city atop stolid red-brick viaducts. It was in one of the arches beneath such a viaduct that the greatest music pirate of the age had his headquarters. For some time, John Abbott – still pirate hunting like Preston – had had this arch in the East End under observation, in what he called "the best Sherlock Holmes manner."

On December 24, he launched his raid. He discovered almost seventy-five thousand sheets of pirated music – ten times the largest of regular hauls. The batch had been about to be dispatched down the Great Western Railway to the pirate network. And the pirate himself was actually present. His name was James Frederick Willetts, although in his piratical capacity he tended to use the *nomme de guerre* John Fisher (coined, apparently, because he had at one point been a fishmonger). But the press and his dealers alike knew him simply as "the pirate king."

The Christmas Eve raid was the first of a series of spectacular attacks over the next eighteen months, which progressively unveiled the extent of the pirate king's realm. Abbott himself raided a cottage in Finchley and found a printing operation with 12,000 copies of pirated music (its overseer, John Puddefoot, remarked that "they do worse on the Stock Exchange every day"). Ten thousand copies turned up in Hoxton. A raid in Hackney yielded nearly 240,000. Another in the north London suburb of Dalston yielded over 280,000 copies, from a warehouse rented by George Wotton on behalf of "the King of the Pirates." Subsequent raids across north London and the East End resulted in further big hauls: 6,500 in Devons Road, 150,000 in Upper Holloway, and 160,000 in a warehouse operated by William Tennent on behalf of "J. Fisher and Co."

Willetts was not idle in the face of these setbacks. Parliament itself had returned to the problem of music piracy, establishing a special committee to investigate. Both Preston and Abbott testified before it. But so too did the pirate king himself. Willetts's testimony – given at his own insistence – was reported at length by the press across the country. It was perhaps the only moment in modern history when a self-proclaimed master of the piratical trade volunteered to appear before the highest political powers and justify his conduct.

Willetts's justification began from the position that no author or composer should be given – or, as a matter of fact, possessed – a freehold on gifts that were God-given for the public benefit.

This was, in principle, uncontrover-

sial. For the first time, however, musical works really did redound to the general good, since educational reform had made music a part of the cultural formation of every factory worker. Yet at the same time, the new mass market – the committee called it the "No. 2 market" – remained entirely distinct from the traditional public served by legitimate publishers. Willetts's consumers were working-class. They did not necessarily desire different music – artisans as well as gentlemen, he insisted, appreciated *Tannhauser, Carmen,* and *William Tell*. But they did require music that they could afford, and this the traditional industry failed to supply.

Willetts therefore argued that, far from destroying an industry, his piracies had no significant effect at all on existing publishers' sales. Indeed, it might even increase them, since it amounted to free advertising. (Willetts claimed that none other than David Day had confirmed as much to him privately.) In other words, Willetts insisted on the fractured nature of mass culture at a time when others were content merely to extol its size.

So why were legitimate publishers insensitive to this enormous new market? Because, Willetts explained, they had evolved into a cozy, familial trust – a "ring" dedicated to protecting high customer prices and low authorial remuneration by means of collaboration. But, Willetts argued, Parliament need not accept their conventions. For the sake of the public interest, changes must now be made.

Willetts urged that copyright return to what he took to be its original meaning: that of a "liberty" conferred for the public's good, not the creator's. The proper analogy was not with real property at all, but with the kind of monopoly that might be granted to a supplier of any public good, like a rail operator. Such a monopoly did not give the operator an unrestrained right to charge whatever fares it wished, nor to cease to operate trains for all but the wealthiest portions of society, even though these both might be sensible policies for the company itself.

In fact, as Willetts reminded his audience, Parliament routinely decreed that train companies must run services at prices that the people could afford. And this, he maintained, was precisely what Parliament should do now for music. Where it had fostered the concept of cheap travel, so it should now foster the concept of cheap music. There should be first-class and third-class impressions of musical pieces, as there were first- and third-class railway carriages. In each case first-class and third-class products would produce the same end result, but would differ in their appurtenances and would appeal to distinct markets. This, he pointed out, was precisely what Francis, Day & Hunter was already doing with its cheap music series – an idea that Willetts claimed had originally been his.

So the pirate king was not against the notion of authorial right per se. Indeed, he claimed he could pay authors more than legitimate publishers did. But he denied the principle that copyright holders had a right to restrict the circulation of musical pieces themselves in the face of the public interest.

Instead he proposed that Parliament decree a statutory royalty: once published, anyone could reprint and sell a piece of music, but all who did so must pay the composer and author at the required rate. This would make alleged piracy into practical orthodoxy. It would recalibrate commercial propriety around a different kind of norm. And it was, in fact, exactly the policy that would be adopted to deal with the next great challenge to musical copyright. The next

generation saw gramophone recordings subsumed into intellectual property law under precisely this kind of principle.

In 1904, however, the Parliamentary committee was not yet ready to accept the logic of Willetts's argument. Instead, the committee recommended that a strict antipiracy bill be drafted. Yet his testimony did find some sympathetic hearers both within Parliament and without. The publishers' bid for a new law remained in the balance. And their campaign against piracy was hobbled in early 1905 when Willetts formed a limited company. From now on, however many copies of pirated sheet music Preston and Abbott might seize, Willetts himself would be invulnerable.

Backed into a corner, the publishers finally made a desperate gamble. They announced that piracy had grown so endemic that they could no longer justify investing in any new works whatsoever. The entire music publishing industry shut down.

The Parliamentary committee that Willetts had addressed remarked in its report that piracy amounted to a "common law conspiracy" against copyright. It was an almost casual aside, yet it caught the attention of William Boosey, chief pirate-catcher of Chappell and Company. It raised an interesting possibility. Although piracy itself was a merely civil offense, conspiracy was a different matter entirely. The act of conspiracy was criminal – and thus subject to far more serious penalties, including prison. Just when the war on piracy seemed lost, Boosey saw a chance finally to damage the pirates. After all, the evidence was already available, from all the raids carried out over the past eighteen months; it had simply never been put to use in this way. He decided to make the attempt.

A new trial began in December of 1905. The alleged conspirators were all men who had been the subject of raids, including Wotton, Tennent, and Puddefoot. But the main target was their leader, Willetts. The hearing took seven weeks, with over fifty witnesses participating.

Willetts chose to mount what looks like a token defense, questioning the copyright status of the songs at issue and condemning the trade secrecy of the publishers. Perhaps he hoped that Parliament would render the whole case moot. It did not. Convicted, he was sent to prison for nine months.

For the first time, pirates faced severe penalties. They could not hope to resume operations quickly if they had to counter conspiracy charges. Soon after the Willetts trial, a second conspiracy case, this time against the "Leeds Pirate King," a man named John Owen Smith who had done extensive business with Willetts, resulted in a similar victory. Then a new music copyright law was finally passed, having received the all-important support of the government. The new law ended any hopes men like Willetts might have harbored that they would be decreed legitimate retroactively. Willetts never recovered, and piracy in general was soon reduced to virtually zero.

The defeat of the pirates – and the last-ditch survival of the publishers – rested on a redaction into legal argument of Arthur Preston's pilgrimages across the land. The publishers won by finally confronting the fact that piracy was a matter not just of immorality, but of complex social networks with their own channels

of communication and their own ideology. The conspiracy charge succeeded not by challenging the content of the pirates' networks, but by identifying them as networks.

So all of Preston's raids and seizures were not, it turned out, so futile after all. Preston and Abbott's efforts had yielded something immeasurably more valuable than the hundreds of thousands of copies they had amassed. What really counted were the tiny scraps of knowledge they had gained. Together those scraps could be combined into a detailed understanding of piracy as a collective practice – and it was only when they were so combined that the pirates met their nemesis. Only by replicating the social knowledge of Willetts himself could Preston and Abbott defeat him.

The moral of the story is therefore simple. The best way to counter piracy is to appreciate the culture of the pirates themselves – and to understand it better than they do.

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