Routledge
Taylor & Francis Group

Under the Pixelated Jolly Roger: A Study of On-Line Pirates

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Digital piracy—a type of copyright infringement—is a global phenomenon that allegedly contains grave economic consequences for intellectual property industries. Its pervasiveness has produced a global piracy subculture. This article describes our study of digital pirates who actively participate in an on-line discussion board dedicated to copyright infringement. It explores their motivations, techniques of neutralization, and contradictions within a community-wide belief system. Motivations among this group include a desire to share content, to sample content before purchasing, to acquire intellectual property that is unaffordable, and to subvert copyright law. We then apply Sykes and Matza's (1957) techniques of neutralization. Finally, we discuss contradictions within this group's belief systems; specifically acceptance and rejection of capitalism and state power and formal control.

INTRODUCTION: THE PIRACY PROBLEM

The term ''pirate'' typically conjures up bygone images of a rough-and-tumble man churning on the high seas, brandishing a cutlass, and squinting hard with one eye while his other lies behind a rugged black patch. Today, disenfranchised young men from Somalia who seize boats and their passengers for ransom likely come to mind. In either case, those pirates function as either disparate individuals or as operatives with state approval and support (Chambliss 1989). Yet other, more benign pirates of a different breed who seemingly are everywhere (and operating without state support) are the concern of this article.

Young people, using computers to download digitized intellectual property, are today's pirates. Their behavior allegedly undermines the financial and artistic interests of those claiming ownership of incorporeal intellectual property (Wark 2004). As a result, private and public sectors have joined forces to contain the actions of these virtual pirates. For example, the Recording Industry Association of America (RIAA) initiated a five year lawsuit campaign implicating about 18,000 people before winding down in December 2008 (Kravets 2010). During 2007,

the RIAA mailed some 2,500 pre-litigation letters to 23 universities claiming that students were using university servers to illegally download music (Lessig 2008). The RIAA's campaign only served to reduce on-line music piracy but not on-line piracy in general (Bachmann 2007). In the public sector, The Department of Homeland Security has shut down 82 websites that either engaged in the sale of counterfeit goods or facilitated on-line piracy (Gustin 2010). Government and industry cooperation is readily apparent from the printed warnings on compact discs (CDs) and the text at the beginning of films on DVD and VHS format. At the industry's behest, Congress passed anti-digital piracy measures, most notably the Digital Millennium Copyright Act (1998) and the Combating Online Infringement and Counterfeits Act (2010).

''Digital piracy,'' as theft through the Internet medium has come to be known, is ''the illegal act of copying digital goods, software, digital documents, digital audio (including music and voice), and digital video for any reason other than to backup without explicit permission from and compensation to the copyright holder'' (Wolfe et al., 2008:317). Although concerted attention has been given to pirates—a title they themselves embrace—often neglected are the realities of pirates operating within their subculture with its own unique social and cultural attributes. Skewed images result from the actions of private and public agencies as piracy and pirates have become socially constructed phenomena with little consideration given to human agency and actors (Yar 2005).

Apart from deductive theory testing, little criminological attention has been given to the study of on-line piracy. Five theories have been used in the research to date: self-control, social learning, routine activities, strain, neutralization, and rational choice/deterrence. Each has shown some merit in accounting for individual pirates' hedonism, lack of self control, their learning favorable definitions of piracy among intimates, the relative ease of virtual theft and the absence of target hardening and the financial strain and lack of parental oversight among would-be pirates.[1]

While offering some theoretical insight into piracy, these studies ignore agency and actors' cultural and symbolic meanings. Inductive approaches to this phenomenon are required to address these shortcomings and to gain a more holistic understanding of digital piracy and pirates. Recent research has aimed to do just that. An ethnography of Internet-relay chat music pirates details an emerging piracy subculture, its social organization and its values of file sharing and altruism—admittedly freely engaged in (Cooper and Harrison 2001). Elsewhere, Condry's (2004) cross-cultural analysis in Japan and the United States shows quite varied public policies and interpretations of on-line piracy. He points to the rich culture of copyright infringement engaged in by the Japanese in the creation of fan-made alterations or contributions to existing intellectual property franchises, some of which generate income for the infringing artist(s). This occurs despite Japan having copyright laws similar to those of the United States (Condry 2004). Yet, Japan's response is very different compared to the United States that attempts to contain creative copyright infringement and treats it as piracy. More recent research, based on interviews and observations of an on-line discussion board, uncovered a number of perceived benefits, excuses and justifications engaged in by on-line pirates (Holt and Copes 2010).

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[1]Studies that have applied criminological theory to piracy include: Gunter (2011); Higgins (2005, 2007, 2011); Higgins et al. (2007, 2008, 2011); Higgins and Makin (2004); Higgins and Wilson (2006); Hinduja (2006, 2007, 2008); Hohn et al. (2006); Holsapple et al. (2008); Ingram and Hinduja (2008); Malin and Fowers (2009); Moore (2011); Morris and Higgins (2009, 2010); Morton and Koufteros (2008); Wolfe et al. (2008).

Our research, building on the work of others (e.g., Condry 2004; Cooper and Harrison 2001; Holt and Copes 2010), gives attention to one specific community of pirates gathered together in an on-line discussion board. The specific issues for inquiry were pirates' motivations for engaging in copyright infringement and their justifications for doing such. While pursuing these phenomena, we discovered contradictions in their sub-culturally based beliefs about piracy and the law—issues that, to date, have not been reported in research.

RESEARCH METHODS

The site for our research was a discussion board situated within a piracy website. The particular filesharing technology used by this on-line community is *bittorrenting*. This technology involves the simultaneous upload (sending files to others—called ''seeding'') and download (receiving files from other users—called ''leeching'') of a file broken into small fragments (bits), which is mediated through a central server (a tracker) (Hinduja 2006). This style of file sharing works particularly well for large files because it shares the burden of transmission with multiple computers (Hinduja 2006). In addition, bittorenting endorses community activity because it (1) requires a website to host the bittorrent files necessary to sync users together, (2) engenders the need for a medium to request files, and (3) creates a desire for quality control of content often best supported by a community.

A discussion board is a website where people congregate to, as the name implies, discuss things. Communication occurs through text and images. To add structure, a discussion board is divided into sections or *forums* such as, ''general discussion'' and ''requests.'' The types of forums depend on the nature of the discussion board. Within each forum are *threads*. Threads are the actual discussions displayed in list form. A user creates a thread within a forum and assigns it as a subject of discussion. An example is ''Where can I get the best torrents?'' After listing that question as the subject of the thread, the user then typically states the reason she/he chose it and offers some details about it which constitutes the first *post* of the thread. Other users then place their own posts in response.

Our research focused on a discussion board dedicated to piracy and two primary sources of data were used. First, community-wide focus groups were conducted by the first author. Making clear our intentions of conducting research, he interacted with the participants by creating threads posing particular questions. Examples include: ''How do you rationalize piracy?,'' ''How do you feel about the industry organizations (i.e., Recording Industry Association of America and the Motion Picture Association of America)?,'' ''What is the proper etiquette for leeching?,'' and ''What makes for the best seeder?'' This phrasing was used to convey insider experience. Individuals deciding to participate in the thread comprised a focus group. Within these threads, the first author would ask probing questions but would not contribute to the conversation. The second source of data was threads started by other users in which the first author participated and observed. Here, probing questions were asked and the researcher actively participated in conversations.

At the time of our research, this discussion board had more than 450,000 posts. Because of the sheer number of users and posts, only active threads were considered for analysis. Furthermore, research was restricted to two forums: General Discussion and Serious Discussion & Debate. Only one thread was participated in outside of these forums which was an introduction

thread where the researcher introduced himself, informed the population as to his intention to conduct research and asked if anyone in the population had any objections to his presence. In addition, his researcher status was presented in his user biography, which was available to discussion board users. Lastly, within the forums studied, a total of 90 threads were started, participated in or observed within the three month period of data gathering. Although a large number of users were registered in this discussion board (over 120,000), only 80 were found to be active participants within the two forums studied.

Because users are potentially subject to both criminal and civil penalties, we diligently worked to maintain confidentiality and anonymity. To prevent tracing to the research website, the forum's name was changed. Users' names were not recorded. In addition, we intentionally sacrificed some authenticity by either selectively using direct quotes or by paraphrasing users' words. These measures prevent users from being tracked down through Internet search engines. Only direct quotes that did not readily manifest themselves in search engines were used. No link provided can connect anyone to this forum. No attempt was made to discover the identity of any user by any means (e.g., through Internet protocol address tracking and Internet service provider solicitation).

RESULTS

Three primary results emerged from this research. First, various motivations to engage in piracy were discovered which include: the desire to share culture and/or content, to sample content before purchasing, an inability to afford content and a desire to undermine copyright law and the content industry. Second, various techniques of neutralization used within this community became apparent (Sykes and Matza 1957). Finally, within the pirates' belief systems, contradictions were uncovered: a simultaneous acceptance and rejection of law enforcement and the capitalist political economy. These results are described in order below.

Motivations to Pirate

Pirates are a relatively heterogeneous group with differing tastes, interests, nationalities, and, important to us, motivations. There likely are numerous reasons to engage in piracy. But, because of pirates' attitudes about private property, most of the motivations we discovered have a common thematic underpinning—finances/economy. We identified four motivations for engaging in piracy, namely, (1) *to share culture/content*, (2) *to sample*, (3) *the inability to afford content* and (4) *to undermine the current copyright regime*.

To Share Culture/Content

The first motivation, and one deeply entrenched in the history of information technology, is commonly expressed among pirates as ''sharing is caring'' and that ''information wants to be free.'' Pirates claim to share content because (1) it is the intrinsic capillary nature of data and (2) its spread is integral to the development of cultural activity. Regarding these characteristics, there is a connection between the pirate ethos and the ''Hacker Ethic'' (Brown 2008; Holt and Copes 2010). The Hacker Ethic emerged during the 1960s from computer labs at the

Massachusetts Institute of Technology (MIT) (Levy 1994). There, students created and modified programs (''hacking'') and freely shared their computer code—the structured data used to manipulate computers. The belief was that computer codes belonged to no one but rather to the collective group of programmers who could freely modify, develop, and build from the work of others. ''Hackers,'' as they were dubbed, viewed sharing their code as a moral imperative and defined securing code as an outright offense to the Hacker Ethic (Brown 2008; Levy 1994). Over 40 years later, there are striking similarities between the Hacker Ethic and the Sharing is Caring ethos of the pirates.

Our discussion board pirates hold a similar creed to the hackers of yore. They believe that an intrinsic property of information/content is that it ''wants to be free'' or ''should be free'' (Levy 1994:40). Much like the hackers of MIT that became adept at lock picking and burglary to obtain computer codes whose proprietors thought secure, pirates have confederates who work at generating counterfeit serial keys, circumventing digital locks (DRMS), hacking content to purge it of restrictions and generating tools necessary to access restricted content. Similar to hackers' position on the non-ownership of code, many pirates claim that sharing content is a *moral imperative*. The only substantial differences between the MIT hackers and contemporary pirates are that the latter use far more sophisticated machines than those of the 1960s and, rather than working with singular programs, all forms of digital content are shared. One of the discussion board's moderators (administrator) phrased it as such:

> Take yourself back to caveman days. You're strolling past the cave and you hear one of the monkey boys tapping on an animal hide—a new rhythm you haven't heard before but it's kinda catchy. Later in the day you find yourself tapping it out with your feet. Then the monkey boy walks up to you and demands an antler because you've just stolen his intellectual property. The concept is fundamentally unnatural. The question you should be asking is why does Britney Spears believe that she (and her descendants for 75 years after she is dead) should be paid over and over and over again for a single piece of work? The guy who built my house won't get a cent when I sell it. He was paid for it once and once only, no matter how many people eventually take advantage of it. That is natural. That is fair.

The Sharing is Caring ethos permeates, to some extent, every part of social life that is communicated through this discussion board.

Based on the Sharing is Caring ethos, active discussion board participants (excluding those that either lurk or download without participating) have created a social hierarchy determined by one's participation while practicing the ethos (see also Holt and Copes 2010; Cooper and Harrison 2001). The hierarchy, identified in previous research, has three roles based on one's willingness to share versus their willingness to download content. These roles, which are pertinent to the discussion board of our research, are leeches, traders, and citizens. An individual could engage in each of these roles, however, one is usually adopted (and may change over time) (Cooper and Harrison 2001).

The leecher is a pirate that downloads without giving back to the community. The ''files obtained via the leech approach are provided to the receiver completely free of charge and without social obligation'' (Cooper and Harrison 2001:78). In other words, and contrary to a piracy ethic, content sharing is not reciprocated. A trader is a pirate engaged in exchange—content for content (Cooper and Harrison 2001). A citizen is a person who uploads content for the purpose of benefiting the larger file sharing community (Cooper and Harrison 2001).

We adapted these social roles, with some necessary revision, to our research and participants. Due to bittorrent's construction, everyone that downloads a torrent becomes each of the three—a citizen (which our piracy community refers to as a ''seeder''), trader, and leecher. A person that downloads will do so from seeders (leech), exchange data with others (trade), and upload data to others who currently are not exchanging data (seed). Because of this, social roles are fluid and, for our research, redefined based on a pirate's upload versus download activity and the number of new torrents they upload and contribute to the community. A pirate gains more respect for maintaining a positive upload-to-download ratio defined by uploading a greater amount than downloading (which is tracked by the website). For example, in a thread about piracy ethics, a user advocating the sharing virtue was chastised by another about his poor upload-to-download ratio and how that contradicts the sharing ethos. The user's status was immediately, albeit informally, degraded through derogations. Beyond sharing, status is also gained by seniority and a persistent presence on the discussion board.

Within this community, the contribution of new torrents and the seeding thereof is viewed as honorable. To paraphrase one forum moderator, ''people like to share content and they like to offer a good selection,'' a stated source of pride within the community. One feature of the discussion board is a forum devoted specifically to requests. Users appreciate those who upload torrents upon request and those who continue to seed torrents. In this community, people enjoy sharing content. Sharing/seeding generates social status. A certain way to gain favor and status among users is for one to offer new content or content that has not been readily available.

At the opposite end of this social hierarchy reside those who engage in ''hit-and-run'' leeching. Those users download content and, once finished, turn off the torrent so that others cannot benefit from the upload. These users are blamed for torrents that ''die'' (no seeders are left) and for poor download rates for others. It is considered common courtesy, after downloading, to leave torrents up for a period that is, at minimum, the length of time that it took them to download. This way, the torrent remains ''healthy'' (so that there are plenty of seeders to facilitate downloads).

As we discovered, the exact distinction between seeder and leecher is difficult to define but there is a hierarchy based on how much a person emphasizes and embraces one or the other. Although we suggest a hierarchy is at work, it clearly is informal. The community does not recognize, by trophy or blue ribbon, users' upload-to-download ratio or for uploading new torrents. At its most formal, the community promotes a user to a higher status—moderator, for example—as recognition of her/his torrenting and community involvement (a massive number of posts are necessary), a willingness to assume responsibility and the earned trust of other users.

Sampling

Pirates' second motivation is to ''sample'' media. Sampling is a process for trying out or testing downloaded content. Content defined as ''good enough'' is eventually purchased. Among those questioned, 35 percent gave this is a reason for pirating content. A consistent explanation offered by our participants is that since there is such an abundance of poor content available, piracy allows individuals to cull out sub-par material. For example, a moderator told us that piracy has ''allowed millions of people to sample content that they could not afford, have access to, or were hesitant to buy otherwise'' (paraphrased). A website user who downloaded games said (paraphrased), ''it's a way to see what games are worth the effort. It both saves me money

and, possibly, makes me spend more on games I enjoy.'' Sampling is particularly important to young people because of increasing demands on their income as the volume of digital content increases (e.g., music, movies, video games, software and books). Sampling allows them to make discretionary decisions on how they spend their limited funds.

Inability to Afford Content

The third motivation reported, and by 41 percent of our participants, is that piracy occurs because of their inability to afford content. As American culture is dominated by the material, strain theory, and particularly its application to the U.S. experience, seems apropos. Strain theory recognizes that an ''excessive cultural emphasis is placed on success goals, and correspondingly less emphasis is placed on the legitimate means for achieving the goals'' (Messner and Rosenfeld 2001:53). For pirates, the goal is to consume as much media as piques their interest. A universal feature of a society that overemphasizes the material translates into everyone aspiring for financial and ''social ascent'' (Messner and Rosenfeld 2001: 63). The ''social ascent'' for pirates is content saturation. One's inability to consume media content at high levels translates into being left behind others who are hyper-consuming. Failing to keep up likewise makes it difficult to participate in discussion forums since content is major topic of conversation. While sharing a degree of conceptual overlap, *inability to afford content* is different than *sampling* as motivation because sampling refers to users' discriminating shopping while the inability to afford content involves users unable to purchase content that they want.

Long before the digital age, Merton (1938: 674) wrote that '' . . . certain aspects of the social structure may generate counter-mores and antisocial behavior precisely because of differential emphases on goals and regulations.'' Pirates exist in a ''consumer society'' and are socialized into hyper-consumption (Baudrillard 1970/1998). Within current political economies and using a contemporary form of innovation, pirates across the globe replace socially approved means of acquiring digital content with illegal ones (Merton 1938).

To Undermine the Current Copyright Regime

The fourth motivation among our participants was an implicit desire to undermine copyright policies and protocols, or in their words, ''the copyright regime.'' Two justifications were given for filesharing as a means at undermining the copyright industry. First, piracy is ''easier than shopping.'' Unlike shopping, piracy offers financial benefits to no one. Although retail and strip malls with ample and easily accessible parking make shopping easy, illegal downloading from the Internet, according to pirates, is even easier. In addition, piracy allows a greater distribution of a given product than traditional means (using wholesalers, transportation, and retailers, for example). Distribution requires only an upload of a torrent. An on-line book, for example, is disseminated quicker and cheaper than by traditional publishing. In this way, traditional modes of shopping and consumption are subverted.

Such activity among pirates is ideological as they view copyright law as supporting private ownership of intellectual property that is bought and sold, owned and controlled. Pirates, however, claim that intellectual property, and particularly the digital variety, is little more than words and signs (i.e., code) that cannot be owned. The Hacker Ethic and Sharing is Caring ethos likewise are ideological positions treating information as something that wants to be free. Digital

content inherently resists constraints. As Schneier (2006) put it, ''trying to make digital files uncopyable is like trying to make water not wet.'' Ownership of digital content is considered absurd and unrealistic since data can be copied no matter how sophisticated its protection. Real control and proprietary ownership undoubtedly are tenuous especially with mass distributed media (e.g., pop music).

The second reason pirates fileshare to undermine the copyright industry is their belief that the current business model for content distribution (particularly music) is outdated because of Internet capabilities for doing such—a belief espoused by 20 percent of those users describing motivations. Pirates generally do not support recent industry overtures such as on-line music sales (e.g., Mp3s) through iTunes, for example. Rather, they propose a business model that cuts out the ''middleman'' and directly compensates artists. Our participants also generally loathe ''industry people'' (e.g., record company executives) who profit from other's work. They define those offices as obsolete since the Internet provides for artists' self-publication. A number of our pirates claimed that if they could directly pay artists for content, they would, a claim that is not verifiable.

In general, the Internet is a medium that both embraces and abandons traditional marketing principles. On the one hand, the Internet makes it easy to advertise, shop, and deliver product to a consumer—traditions of the private market. On the other hand, security circumvention and theft are easier while corporate advertising is easily avoided, ignored, and subverted—each of which is embraced by pirates who prefer markets that are antithetical to capitalism (e.g., copying and lack of content security).

Techniques of Neutralization

During our observations of the on-line discussion board, postings revealed that downloading pirates use a number of linguistic tools to justify their behavior, tools which we identify as neutralization techniques (Sykes and Matza 1957). Within the decades-old tradition of neutralization techniques, deviants are simultaneously loyal to their group's sub-cultural values—in this case piracy—and the validity of dominant cultural values—negative definitions of theft and positive definitions of property rights and the legitimate consumption of intellectual property. Deviance is often defended or justified as necessary and, in some cases, defiant behavior—valid within delinquent subcultures but condemned by society and its legal codes. Techniques of neutralization are processes by which tensions between these two potentially conflicting value systems are negated (Sykes and Matza 1957). The use of neutralization techniques does not necessarily mean that sub-cultural values are *wrong*. Rather, they are in opposition to dominant cultural values. Below, we describe the use of neutralization techniques within a pirating subculture.[2]

Denial of Responsibility

Denial of responsibility allows deviants to avoid or reduce the effectiveness of others' or their own disapproval and hence negate any ''restraining influence'' (Sykes and Matza 1957:667).

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[2]Other authors have explored the relationship between pirates and techniques of neutralization (cf. Holt and Copes 2010; Higgins et al. 2011; Hinduja 2007; Ingram and Hinduja 2008; Moore 2011).

Recognizing that their behavior is deviant, individuals use this technique by blaming ''forces outside of the individual and beyond his control'' (Sykes and Matza 1957:667).

This technique seldom appears in daily discussion board postings. Pirates know that neither Internet service providers nor law enforcement witness actual pirating behavior. Rather, it is the content's movement and location, whether to a residence or business, that is monitored. In the age of wireless Internet, many locations have wireless routers (wireless routers act as a proxy allowing multiple computers or devices to connect to a single Internet connection). If left unsecured, anyone can use these devices if within signal range.

When confronted with warnings or threats of lawsuit from Internet service providers, pirates readily use the vulnerability of wireless networks as their defense and claim to have had some success in doing such. This strategy, or ruse, involves blaming a ''mystery pirate'' for using their unsecured wireless network and downloading copyrighted material—all unbeknownst to them. In this sense, pirates deny responsibility for their own actions by shifting blame to a fictional rogue. This makes legal proceedings difficult as Internet service providers and law enforcement would have difficulty proving that content went directly to a specific person. Although there are subtle differences between this justification and traditional interpretations of this neutralization technique, there are striking similarities. In this case, it is not solely the responsibility for behavior that is negated but the act itself. While this denial of responsibility is not analogous to the technique of neutralization described by Sykes and Matza (1957), this is the closest pirates came to using this technique. Their use is more legal strategy than neutralization.

Denial of Injury

The second technique involves the negation of harm, despite the illegality of their actions act, by reasoning that no one was injured. ''For the delinquent, however, wrongfulness may turn on the question of whether or not anyone has clearly been hurt by his deviance, and this matter is open to a variety of interpretations'' (Sykes and Matza 1957:667).

As was discovered in our research, pirates frequently deny that their actions cause injury. In fact this is the most commonly used technique of neutralization (cf. Holt and Copes 2010). Pirates claim rather assertively that industry, regardless of prevalence of piracy, is not adversely affected by their behaviors and by filesharing generally. For example, our participants frequently cited ''Sony Pictures Boasts that it had Record Year,'' a 2009 *Studio Briefing* article, that describes Sony's business as unaffected by piracy. Sony, one of the world's largest movie studios seems to be doing fine; in fact, better than fine. This counterevidence to the adverse effects of piracy on business was often cited by our participants who frequently posted statements such as ''The inconvenient truth for you is that the industry is making record profits so it's hardly suffering from 'reduced revenues.' ''

Sony Pictures, given its wealth, may be somewhat insulated from piracy's effects. Smaller movie studios, rather than major ones, may be disproportionately harmed by illegal downloading and filesharing. Yet pirates claim that Internet file distribution actually increases the popularity of independent, smaller studio films. As example, at the time of our research, participants were discussing filesharing's effects on the success of the independent film *Ink*. According to them, *Ink* would have been ignored and remained obscure if not for pirate network distribution. Thus, when using this neutralization technique, injury is denied and pirates' misdeeds are defined as good for business.

Denial of the Victim

The third technique of neutralization is denial of the victim and is used in two different ways by pirates. First, the victim is transformed ''into a person deserving injury.'' Second, actual victims are denied when deviants define them as ''physically absent, unknown, or a vague abstraction'' (Sykes and Matza 1957:668). Identifying actual victims or denying their presence is a common theme among pirates.

Sixteen percent of our pirates expressed the position that intellectual property is inherently different from tangible, material property. When one ''steals'' intellectual property its owner is not deprived of the object and, arguably, is unaffected. When discussing the differences in property forms, one individual said, ''it's not the same. You do not deprive the original owner of the property when you pirate. You do when you say, steal a TV.'' By making this claim—that there are real differences between piracy and traditional theft—they effectively are *denying the victim*. No one is hurt, they allege, because no one is denied their intellectual property. There is no victim to be found because they have been completely unaffected—a notion tied to the denial of injury as well. Pirates raise the rhetorical question: ''Where is the victim?''

Another claim made by three pirates is that ''[no] goods, services, or 'intellectual' z—it's only worth what people are prepared to pay for it.'' Their belief is that there is no inherent value in any item. Rather, value is *imposed* or determined by exchange. Therefore, by this logic, piracy hurts no one because that ''stolen'' is without value. Yet others expressed very different ideas and questioned this justification by reminding us that humans participate in the construction of the original property and suffer from its theft. One participant claimed that this justification ''does not factor into account the *labor* that goes into producing *any* good or service'' (paraphrased) recalling Marx's distinctions between use and exchange value. Ignoring labor, they argue, dismisses that which gives an item value.

Condemnation of the Condemners

Condemnation of condemners, as a neutralization technique, involves shifting ''the focus of attention from [the delinquent's] own deviant acts to the motives and behavior of those who disapprove of his violations'' (Sykes and Matza 1957:668). Deviants, in this sense, are not necessarily denying the wrongfulness of their behavior but attempting to mitigate the perception of their actions as deviant by questioning the condemner's own behaviors, motives, and character. ''His condemners, he may claim, are hypocrites, deviants in disguise, or impelled by personal spite'' (Sykes and Matza 1957:668).

Whenever anti-piracy or pro-industry postings appeared—which were sure to incite heated debate—participants quickly retaliated by pointing to flaws in both law and industry which are the very forces that pirates are pitted against. This condemnation of the condemners, used by 36 percent of our participants, manifested itself in a variety of postings. For example:

- ''ever thought of paying your actors a lot less, putting cinema prices down and stopping dvd prices being so high?''
- In response to an industry affiliate saying ''Nobody is crying for us''— ''Obviously . . . Haven't you realized how much money youre making (which sometimes is not even worth it . . .)??''

- ''The record companies have also been helping themselves to as many as 300,000 songs that they did not own the rights to, but nevertheless released on CD, pocketing the money and not paying anything to the artists.''

As illustrated above, their condemnations generally accuse the industry of treating artists poorly, of making too much money from their products and generating predominantly poor quality content. Pirates also criticize and condemn by attacking the current business model as outdated. When using these condemnations, they are implying that piracy is a *deserved* result. Self-blame is deflected. According to their reasoning, only the content industry is at fault. This belief is driven by content industries' antagonism toward pirates and experienced by them. They claim that they are unfairly targeted by industry especially since they believe (citing Oberholzer-Gee and Strumpf 2007) that pirates, as a group, also happen to be the largest purchasers of on-line content.

Appeal to Higher Loyalties

Appeal to higher loyalties as a neutralization technique is a means by which ''internal and external social controls may be neutralized by sacrificing the demands of the larger society for the demands of the smaller social groups to which the delinquent belongs'' (Sykes and Matza 1957:669). Here, ''the delinquent may see himself as caught up in a dilemma that must be resolved, unfortunately, at the cost of violating the law'' (Sykes and Matza 1957: 669). Sub-cultural forces or bonds, perceived as greater than the law, are believed to give legitimacy to the delinquent act. These loyalties can be to siblings and other immediate social ties but also can extend to more abstract ideals such as justice or divinity. In the case of our participants, sub-cultural values serve as the appealed-to abstract ideals.

Pirates appeal to idyllic loyalties such as Free Culture (Lessig 2004), antiauthoritarianism, and anti-copyright. One of the moderators of the discussion board summed up the justification as such: ''[We] all know the laws [referring to all Western copyright laws] are outdated and unjust. That's the point.'' When a posting mentioned laws to stop piracy, a user replied, ''That's totally backwards. The law already stops them, they do it anyway because they believe the law is wrong.'' There is a general consensus that copyright laws are archaic, useless, and in many cases, just plain *wrong*. Their *appeal to higher loyalties* is to the cause of anti-copyright/change-of-copyright law.

Contradictions in Beliefs

During our observations, a series of contradictions emerged that our participants ignored or unconsciously accepted with a few exceptions. The contradictions occurred in two primary categories: *the acceptance/rejection of capitalism* and *the acceptance/rejection of law enforcement*.

Acceptance/Rejection of Capitalism

As expressed earlier, many participants treated piracy as an alternate mode of content distribution apart from traditional for-profit methods. After all, the Sharing is Caring ethos is communal and has some semblance to a socialist worldview. The practice, though, is offset by

members' hyper-consumption. It involves both sharing and downloading volumes of content. Others have alluded to pirates' contradictory positions situated between a culture of consumption and a culture of communalism (Condry 2004). It evidently is possible to both care-and-share and satiate oneself through consumption.

This contradiction is further compounded within the pirate community by disagreements over the benefits of capitalism versus socialism. On the forum ''Serious Discussion & Debate,'' pirates took positions and engaged in serious debate about the merits of socialism versus capitalism. A survey appeared on this particular thread asking member's opinions of these two great and contradictory systems of production. The survey results, while not exactly social science, nonetheless demonstrate the divisions among this group of pirates and their attempts to reconcile them. Results show that equal numbers prefer one or the other however the greatest support was for a hybrid economy.

An amalgamation of economic systems is informative. For example, divisions about piracy as a socialist versus consumption act represent competing ideologies within the pirate community. Users advocating for capitalism's for-profit system ignore that their community and its ethos supports sharing regardless of monetary reward. According to one pirate (paraphrased), ''I believe in personal ownership. I believe if I worked hard and others could just come by and take what I wanted without working hard, it wouldn't be much of an incentive to work hard.'' This contradiction likewise is acknowledged by one who stated, ''I'm a capitalist at the core. Yet I'm a pirate. Hm.'' On the other side, a user wrote:

> [n]othing capitalism will ever work. It is like a religion in the west, without some real changes in our cultural views and ideologies we will never be able to advance onto something better such as socialism or communism. We need to stop thinking like capitalists where we do everything for ourselves and start taking actions that further the whole of society!

Overlooked here is corporate piracy—company theft within an industry—as well as individuals' desire to consume media. In fact, this contradiction is widespread among pirates—loathing the industry but loving the high-budget content that can only be generated by it. Neither camp offered any recognition that laws criminalizing piracy are based on private property assumptions and protections.

Earlier research with property offenders revealed something similar about their contradictory ideologies on imprisonment as justifiable punishment. As a group, they failed to critically acknowledge social conditions that may lie at the background of their crimes, social inequalities and a punitive justice system (Tunnell 1990:49). Pirates similarly fail to critically evaluate aspects of their situation, namely (1) structural inequality (resulting from capitalism) that creates strain that is resolved by piracy and (2) contradictory opinions about the justice system—supporting it on the one hand yet opposing its notions of private ownership of intellectual property on the other.

Acceptance/Rejection of State Power and Social Control

One obvious contradiction within this group pertains to their worldviews on surveillance and social control. In fact, 69 percent of users, while discussing surveillance and government regulation, readily deplore any governmental efforts at regulating the Internet. No matter if the issue

is law enforcement invading privacy, Congress or international bodies passing laws restricting network neutrality, or lawsuits over piracy and other forms of technological deviance—each is condemned within this group. Yet many postings indicate a support for such governmental initiatives in the physical world. There lies the contradiction. Examples of the support for physical surveillance and social control include:

- (Paraphrased) ''It's a public area. There is already strange people that just stare at you anyway so what is the big deal if it is done in a room or with a guy standing on the corner?''
- (Paraphrased) ''I think people will be less likely to do criminal acts in public if they know there are cameras everywhere.''

In a thread about surveillance, 61 percent of those participating support locating surveillance cameras in public places as crime fighting measures (with the caveat that they cannot peer into private places). Although this type of surveillance often is criticized as privacy invasions even in public places, pirates generally are accepting. Reminiscent of American workers in support of drug testing as a condition of employment, one site user wrote, ''if you have nothing to hide, you don't mind being watched in public places'' (cf. Tunnell 2004). Only two postings overtly criticized public surveillance on the basis that it is ineffective and that it is class-biased (assuming, wrongly, that such means observe only poor areas or where the poor commit crime). One user pointedly asked, ''[w]hat is stopping the 'Elite' from participating in a little 'inside trading' (after eavesdropping in on your assumed 'private conversation' at that hot dog stand on Wall St)?'' Not a single posting recognized that these measures could easily be applied to on-line surveillance and privacy invasions—which they loathe. When our posting suggested that surveillance cameras are similar to the government's monitoring public on-line forums, not a single user responded. This could indicate that (1) no one saw the need to respond; (2) the suggestion was absurd and not worth noting; (3) responding might contradict their beliefs; or (4) users had become disengaged from the thread. Regardless, pirates' contradictions about social control are apparent.

CONCLUSION

Overall, this study found that pirates have multiple motivations for engaging in piracy which include (1) a desire to share digital cultural artifacts with each other, (2) to sample content before making a purchase, (3) an inability to afford digital content and (4) a desire to circumvent or undermine copyright law and the digital content industry. Also found were various techniques of neutralization in use by the community. Finally, two contradictions which emerged from the pirates' belief systems were discussed. First, participants simultaneously engaged in activity which undermines capitalist enterprise (piracy) and has a distinct communal quality (as demonstrated by the ''Sharing is Caring'' ethos) while also supporting the existence of the capitalist political economy. Second, the community expressed both an acceptance of law enforcement surveillance and activity in the physical world but rejected any efforts of law enforcement to control or monitor Internet activity.

In sum, pirates are like most people—they have particular motivations for engaging in behavior, they seek to reconcile their behavior when it deviates from the norm and they hold contradictory positions in their beliefs. Although piracy has been occurring since sheet music was

first mass produced (Johns 2002), perhaps even earlier, piracy in the digital age is much different. The new medium for piracy is much faster and collapses both time and space. Furthermore, our culture is saturated with a voluminous amount of intellectual property ready for the plundering.

This study, aimed at providing qualitative insights into pirates and piracy, is nonetheless limited. Future research will benefit from researchers' spending more time gathering data and conducting personal, open-ended interviews with persons actively engaged in pirating activities. The recent work by Holt and Copes (2010) is a step in this direction but further research is needed. As with any qualitative research, our results are confined to a small sample of the pirating population (approximately 80 active users). Yet, the discussion board observed for our research is very popular with heavy traffic. There also is a great deal of cross-membership among users of this site and other pirating websites. Because of this, future research may replicate the results that we report.

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