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DIGITAL PIRACY: NEUTRALISING PIRACY ON THE DIGITAL WAVES

Alexander Bryan

Abstract

Rates of digital piracy, defined by Gopal, et al. (2004: 3) as ‘the illegal act of copying digital goods for any reason other than backup, without permission from or compensation to the copyright holder’, appear to be rising despite increasingly stringent methods employed by both legislators and the industries affected to curtail it. The harm it causes the industries is also increasing; affecting everyone from producers to consumers. This study explores the aetiology of digital piracy; specifically whether students in the United Kingdom neutralise the guilt for their actions through the use of Sykes and Matza’s (1957) techniques of neutralisation. Through the data collected from an online survey (n=114) this study finds that students typically neutralise their guilt when committing piracy through an ‘appeal to higher loyalties’ and a belief that ‘everyone else does it’. The use of these specific techniques implies that piracy has become a social norm for students at university who do not see it as morally wrong. The study concludes by suggesting the policy implications of these findings and potential avenues for further research.

Keywords: Digital piracy, neutralisation theory, cybercrime, student crime

Introduction

In 1842, Charles Dickens visited the United States and was shocked to discover that, because there were no international copyright laws in the US, his works were being routinely copied, sold for profit, and he was seeing none of the royalties. He began a campaign to change the law in the US but was met with an angry reaction from both public and press alike who were ‘mortified and grieved that he should have been guilty of such great indelicacy and impropriety’ as commercialising pleasure (BBC News, 2012a). This was one of the first high-profile examples of intellectual copyright theft, a practice colloquially known as ‘piracy’, stemming from a work by a seventeenth century dramatist who dubbed culprits: ‘word-pirates’ (Dekker, 1603).

It would be almost 50 years before Dickens' suggestions became a reality as the *Berne Convention for the Protection of Literary and Artistic Works* was accepted in 1886 which granted international copyright protection of creative works (WIPO, 2013). This Convention would prove essential in the twentieth century as technology advanced sufficiently to allow the recording of various forms of data, such as audio, video and computer code. This data, despite being protected by the Convention, was even more susceptible to piracy than Dickens' works due to how easy it was to replicate and how difficult it was to regulate its reproduction and distribution (Wall and Yar, 2010). The advent and subsequent widespread adoption of the internet allowed for networked computers to disseminate and share data worldwide more quickly and effectively than any previously available methods (Wall, 2008). This new method of piracy is classified as 'digital piracy' and is defined by Gopal, et al. (2004: 3) as 'the illegal act of copying digital goods for any reason other than backup, without permission from or compensation to the copyright holder'. The three most common forms of digital piracy are music, video and software (Wall and Yar, 2010) and are, therefore, the forms examined in this study.

Although other methods exist, digital piracy is typically undertaken using a peer-to-peer file program (P2P) which distributes the files across a network (Hinduja and Ingram, 2008). These are often the target of anti-piracy measures. However, despite several high-profile P2P providers being shut down - such as Napster (BBC News, 2000), Megaupload (BBC News, 2012b) and Pirate Bay (BBC News, 2012c) – there has been no significant drop in piracy rates. In the case of Pirate Bay, 'P2P activity [...] returned to just below normal only a week after the measures were enforced' (BBC News, 2012d).

Whilst internet service providers have been reluctant to release data on piracy levels, some data does exist. For example, BitTorrent (a P2P program) revealed that in the first six months of 2012 alone, 405 million 'torrents' (P2P files) containing music files were downloaded using their program – 43 million of these were in the United Kingdom, making it the second most prolific country for music piracy behind the United States (Musicmetric, 2012). A 2007 study revealed that video piracy costs the Hollywood film industry £13 billion a year (Siwek, 2007); almost double their yearly profits (Barnes, 2012). The software industry is also heavily affected by piracy: in 2011, piracy cost the global software industry an estimated £42 billion of which the UK contributed £1.3 billion (Business Software Alliance, 2012). Some data also exists on the estimated number of people committing piracy. At last count, in January

2012, BitTorrent and its associated software had over 150 million unique users (BitTorrent, 2012) and the Business Software Alliance (2012) estimate that 57% of the world's computer users commit software piracy.

Even without more reliable statistics, it is clear that piracy is a widespread problem that causes considerable harm to the industries it affects. Accordingly, it has received substantial attention from academics and policy-makers alike. However, proposed laws, such as the Stop Online Piracy Act in the US and the Digital Economy Act in the UK, are continually postponed in face of heavy protest against the censorship issues the Acts would raise (BBC News, 2012e; 2012f). The criticisms these Acts have attracted implies they have been created based on an incomplete understanding of digital piracy. As a criminologist, this researcher believes that the answer to preventing digital piracy lies in establishing its aetiology, and only then can it be effectively legislated against.

Higgins, Wolfe and Ricketts state that 'the rates of digital piracy appear to be increasing, suggesting that additional research that uses new approaches is necessary to evaluate the problem' (Higgins, Wolfe and Ricketts, 2009). Accordingly, this research will look into the causes of digital piracy with the intent of providing a more comprehensive understanding of this phenomenon and how policy may be changed to combat it.

1 Theorising and Researching Digital Piracy

Digital piracy is classified as a computer crime, or 'cybercrime', and, although it has only been prevalent for the last two decades, research into piracy and cybercrime is fairly comprehensive, receiving attention from criminologists and other academics (Holt, et al., 2012). Much of the early literature on cybercrime focused more on the victim of the crime rather than the culprit (Skinner and Fream, 1997). This was due to the majority of cybercrime being targeted towards businesses, necessitating research into the economic cost of the cybercrime for its victims (O'Donoghue, 1986; Wong and Farquhar 1986; Schwartz, et al., 1990). Other studies examined the legal implications of various cybercrimes (Samuelson, 1989; Gemignani, 1989).

The earliest studies into the perpetrators of cybercrime were concerned with acts of software piracy and were examined from a business ethics standpoint. Schuster (1987) was primarily concerned with attitudes towards piracy among students. His quantitative study found that students were, in general, permissive of piracy. The study was similar to another undertaken at a similar time by Forcht and Bilbrey (1988)

who found that using a computer more frequently did not affect a student's ethical disposition towards piracy. These two studies were replicated by Cohen and Cornwell (1989: 4) who surveyed university students, finding that 'an overwhelming majority' of students felt that piracy was an acceptable practice and normative behaviour.

The first criminological study into cybercrime was undertaken by Hollinger (1992) who, following two theoretical articles on the topic (Hollinger, 1988, 1991), undertook a study of 1,766 students at the University of Florida. Ten per cent claimed to have utilised pirated software and three per cent had hacked someone else's account. The study indicated that those most likely to commit cybercrime were typically male and twenty-two years or older (Hollinger, 1992). Hollinger's (1992) study, combined with a high level of press coverage for several high profile computer crimes - such as the Melissa computer virus (BBC News, 1999a), the hacking of the online email service Hotmail (BBC News, 1999b) and the notorious intellectual copyright case *A&M Records, Inc. v Napster, Inc.* (2001) – lead to an increase in public concern about cybercrime, with 80 per cent of the general public considering it an issue worth addressing (Dowland, et al., 1999). This manifested into a desire by academics to establish the aetiological roots of cybercrime and, specifically, digital piracy.

In order to do this, existing criminological theories were commonly applied to digital piracy research. The theories most commonly examined in this light have been Sykes and Matza's (1957) theory of neutralisation (Ingram and Hinduja, 2008; Higgins, et al., 2008b; Ulsperger, et al., 2010; Morris, 2011) and Gottfredson and Hirschi's (1990) self-control theory (Foster, 2004; Higgins and Makin, 2004a, 2004b; Higgins, 2005, 2006, 2007; Higgins, et al., 2005; Higgins, et al., 2008a; Higgins, et al., 2009; Moon, et al., 2010; Bossler and Burruss, 2011; Moon, et al., 2012). Other theories have been applied - such as Akers' (1985) social learning theory (Skinner and Fream, 1997; Higgins and Makin, 2004a; Higgins, et al., 2005; Higgins, 2006; Higgins, et al., 2006; Higgins, et al., 2009), Cohen's (1972) theory of 'moral panics' (Yar, 2005b), theories of anonymity and pre-employment integrity (Baggili and Rogers, 2009), and Cohen and Felson's (1979) routine activity theory (Yar, 2005a; Willison, 2006) - but these have not received as much empirical support.

Results have generally proved favourable towards the application of neutralisation theory (Sykes and Matza, 1957). Ingram and Hinduja's (2008) study, for example, proved that university students who employed techniques such as 'denial of responsibility', 'denial of injury', 'denial of victim', and 'appeals to higher loyalty' in

relation to digital piracy were more likely to engage in it. Higgins, et al. (2008b) undertaking a study based on previous research by Goode and Cruise (2006), found that all participants utilised neutralisation to justify their piracy, specifically 'denial of harm' and 'denial of responsibility'. However, these neutralisation techniques were normally employed after the act of piracy had taken place (Higgins, et al., 2008b).

Moore and McMullan (2009) used a qualitative approach to establish neutralisation techniques used by university students in relation to digital piracy. Every student who was interviewed had used at least one form of neutralisation to justify their piracy. However, multiple neutralisations were only used by a small number. 'Denial of injury' was the most common technique used. Siponen, Vance and Willison (2012) conducted further research into which neutralisation techniques were used most commonly by those committing software piracy. They found 'appeal to higher loyalties' and 'condemnation of the condemners' to be the strongest justifications. They also found that elements of deterrence theory, such as levels of shame and moral belief, are salient predictors of piracy activity.

Yu (2012) used a mixed method study to derive results about students' use of the techniques of neutralisation when committing piracy. Using both quantitative and qualitative research, Yu empirically tested several criminological theories for their application to digital piracy. These theories included social learning, subcultures, deterrence, self-control and neutralisation; ultimately finding the latter to be the most applicable. Accordingly, in line with the assertion of Ingram and Hinduja (2008: 341) that, 'based on the neutralization literature, [...] a relationship [between piracy and neutralisation] appears viable because piracy is both minor in nature and similar to certain forms of white-collar crime,' the present study maintains that neutralisation theory provides the most convincing and applicable analytical framework for understanding digital piracy.

Much of the research undertaken on digital piracy has been carried out in the United States (Cheung, 2012), and although studies have been carried out in several other countries, such as Australia (Phau and Liang, 2012), Greece (Panas and Ninni, 2011) and Ghana (Warner, 2011; Danquah and Longe, 2011), very few have been carried out in the United Kingdom. Yu (2012) also noted that there has been a lack of qualitative data on the topic, justifying a piece of mixed methods research. Consequently, this study examines students' use of neutralisation techniques when committing acts of digital piracy in the United Kingdom.

2 Neutralisation Theory

Based on evidence that delinquents feel a sense of guilt over their actions and hold law-abiding citizens in high regard, Sykes and Matza state that:

[M]uch delinquency is based on [...] an unrecognized extension of defenses to crimes, in the form of justifications for deviance that are seen as valid by the delinquent but not by the legal system or society at large' (1957: 666).

These justifications serve to 'neutralise' the blame stemming from themselves and others, effectively convincing themselves that they are conforming to society's norms (Sykes and Matza, 1957).

In their initial study, Sykes and Matza identified five major neutralisations. The first, 'denial of responsibility', is when the deviant denies responsibility for their acts. The individual, through situations beyond their control, is 'helplessly propelled into new situations' (Sykes and Matza, 1957: 667) which encourages them to commit deviant acts. In shifting the blame to other factors, the individual allows themselves to deviate from societal norms without directly opposing them (Sykes and Matza, 1957). The second is the 'denial of injury or harm'. An individual may struggle to evaluate the 'moral wrongness' of their behaviour when there is no tangible harm evident as a consequence of their actions. The definition of harm is also open to interpretation by the individual; Sykes and Matza illustrate this whereby 'auto theft may be viewed as 'borrowing,' and gang fighting may be seen as a private quarrel and thus of no concern to the community at large' (1957: 667). The third technique is the 'denial of victim'. In these situations, individuals accept that an element of harm exists but deny that the victim is significantly disadvantaged by the harm or believe that the victim has done something to deserve it (Sykes and Matza, 1957). Denial of injury and denial of victim feature significant thematic crossover. They are often analysed together in literature related to cybercrime (Higgins, Wolfe and Marcum, 2008; Moore and McMullan, 2009). This study also grouped them for the purpose of analysis.

The fourth technique is 'condemnation of the condemners'. Delinquents believe that the hypocritical nature of those who condemn them encourages the individual to commit the deviant acts. It is believed that those who conform to societal norms or laws are at a significant disadvantage opposed to those who enforce them (Sykes and Matza, 1957). For piracy, the industries who produce the media can typically be classified as condemners as they are often the most overtly against piracy. The last of the major techniques is an 'appeal to higher loyalties'. An individual may neutralise

their actions 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). Whilst they may not reject societal norms as a whole, they are seen to have higher loyalties to their family, friends or other social group.

Despite their initial use to explain juvenile delinquency, the techniques of neutralisation have been applied to various other forms of crime and deviance (Maruna and Copes, 2005). Following Sykes and Matza's (1957) original study, other criminologists introduced other methods of neutralisation when the original techniques were not sufficient to explain other forms of crime (Maruna and Copes, 2005). Some of these techniques were also examined in this study. One such technique was Minor's (1981) 'defence of necessity.' Offenders neutralise their guilt if they believe their deviance was necessary in some way. The reason for the necessity can range from issues ranging from health to social life to financial, and it is considered necessary to guard against further or more extreme deviant action (Minor, 1981). The defence of necessity is commonly applied to white-collar crime (Benson, 1985; Copes, 2003) and has been applied to digital piracy (Moore and McMullan, 2009).

Coleman (1994) developed three further neutralisation techniques: the claim that 'everybody else is doing it', the 'denial of the necessity of the law', and the claim of 'entitlement'. The first is when a belief that, because everyone else participates in the deviant act, the blame is nullified. The fact that others do it shows a general belief by society that the law is unnecessary or unimportant. The second technique is when the individual justifies their actions through a feeling that the law related to their deviance is harsh, unfair or unjust. The law is judged as not worth obedience as it is seen as society's attempt to control an act that has no effect on society. The third technique, 'entitlement', is when an individual feels they are entitled to commit the deviant act because of some other consideration in their life. This action could entail prior good behaviour entitling them to the gains of their crime (Coleman, 1994).

3 Methodology

This research aimed to establish why university students commit digital piracy through the application of neutralisation techniques. The three most common forms of piracy - audio, video and software – were analysed separately in order to establish whether individuals neutralise their actions differently depending on the product.

Surveying university students was consistent with previous studies into piracy that also focused on a similar demographic (Ingram and Hinduja, 2008; Yu, 2012).

In order to gather data about student piracy, a 'mixed methods' research model was utilised – collecting both qualitative and quantitative data. Through triangulation, a researcher can compare the quantitative data to the qualitative data to ensure validity of results and extinguish potential bias (Denscombe, 2010). The quantitative research method used for this study was a self-report questionnaire, chosen as it would not attempt to change people's preconceptions, but merely discover the respondent's feelings about the topic (Denscombe, 2010). From a more practical standpoint, the standardised format of a questionnaire lent itself to surveying a large number of respondents and streamlined the analysis of the answers (Denscombe, 2010). An internet questionnaire was used which allowed the researcher to design and easily distribute a survey that, through its simplicity, resulted in a higher response rate than anticipated. The qualitative research method used for this research was a focus group and was designed to complement and expand upon the answers given in the questionnaire.

This research was designed so that its results may reflect a theoretical population of all undergraduate students in the United Kingdom. The accessible population was students at Plymouth University. Using non-probability convenience sampling, students were selected from this accessible population by distributing the questionnaire via student email addresses and social networking channels. Convenience sampling was chosen due to limitations on both time and budget for the researcher. This method of sampling obtained 114 complete data sets for analysis. A sample for the focus group was attained through an optional data capture form at the end of the questionnaire requesting further assistance with the research. The use of existing respondents for the focus group provided the research with increased internal validity and accuracy (Henn, et al., 2009).

4 Students, Piracy and Neutralisation

In the online questionnaire, respondents were presented with a number of statements. Using a Likert scale, respondents indicated the extent to which they agreed with each statement. The levels of agreement with a statement or group of statements indicated their general acceptance of each type of neutralisation. This acceptance or rejection of each technique could then be examined by the type of

media pirated (music, video and software) and correlated with comments from the focus group.

4.1 ‘Denial of responsibility’

Results for students’ use of denial of responsibility were split between agreement and disagreement for all three types of piracy and as a whole. This was the result of vastly differing opinion on the four statements constituting acceptance of this technique. The statements “I commit piracy because I can’t afford it/justify paying for it” and “I commit piracy because it is readily available online for free” both had a strong level of agreement with the statements with over 70% agreeing or strongly agreeing with the former and over 80% with the latter. Agreement with these statements, relating to the relative cost of purchasing the media over pirating it, were reinforced by comments in the focus group, such as one respondent who indicated that some of the software he pirated would have cost “about [£1000] so obviously couldn’t have afforded that”. Another stated that there was “no way [he] could afford [his] iTunes library without pirating”. When asked why they stopped committing piracy, questionnaire respondents indicated that a change in financial circumstances led to reduced levels of piracy. For example, one student stated that, as they had recently got a part-time job, “buying the music is not a problem”.

However, the statements “I commit piracy because the laws regarding it are unclear” and “I commit piracy because I did not know it was illegal” both had strong negative responses with over 50% disagreeing or strongly disagreeing with the former and 80% with the latter. Disagreement with these statements implies that students are still prepared to commit piracy despite knowing it is illegal. A participant in the focus group stated that they knew it was illegal but “haven’t got a clue why or what the penalties are” and another held a belief that, because it was based on outdated copyright laws, the law’s relation to digital piracy was unclear.

The vast discrepancy between these statements implies that the denial of responsibility technique may be too broad to adequately explain digital piracy, or that only some elements of it hold true. However, if a narrower definition is used, such as ‘denial of responsibility relating to financial issues’, ‘denial of responsibility’ is near unanimous. This echoed the findings of Ingram and Hinduja (2008) and Yu (2012) who found strong evidence for the use of this technique.

4.2 'Denial of injury or victim'

Results for students' use of denial of injury or victim were similarly as inconclusive as those for denial of responsibility, showing only a weak correlation towards agreeing with the technique. In this situation, the constituent statements also proved indecisive. The statement "I commit piracy because I believe the industry can afford the loss" showed the most overtly positive responses, especially for video and software piracy where over 50% agreed or strongly agreed. Respondents in the focus group generally reflected this viewpoint. One respondent stated that piracy is okay as long "as there's money in the industry". Another participant mentioned that despite piracy, the industry is "still reporting higher profits" and therefore "it wasn't a massive problem for them." In contrast, the statement "I commit piracy if I believe the talent (for example, the actor) can afford the loss" was met with largely negative responses. The statement "I commit piracy because it appears the authorities do not care" also received mixed responses. Those who pirate music gave a generally positive response to this statement implying they believe that the authorities do not care about their piracy, supported by comments from the focus group that "the government don't care about it at all". However, for video and software piracy, respondents believe that the authorities do care but this does not impact their piracy. The discrepancy between types of piracy may be related to the price of the goods with music tending to be low-priced and video and software as high-priced.

The final statement, "I commit piracy because no one gets hurt", was also divisive and inconclusive with music and video piracy showing a similar amount of respondents agreeing and disagreeing. However, the results for software piracy showed that over 50% disagreed or strongly disagreed with the statement indicating these students are aware of the damage caused by their actions but it does not stop them from committing piracy. Taken separately from the questionnaire, it appears from the qualitative data that some element of rationalisation informs an individual's decision to commit piracy and of what to pirate, based on the perceived amount of harm done. This rationalisation is informed by the alleged success and financial situation of the talent; focus group participants considered an illegal download of a popular song or film as a "drop in the water" for the talent behind them. Another participant compared the harm done to other forms of crime stating that with piracy, "even if you are affecting them, you can still see that they're doing so well without it" whereas "theft of a purse, that's something emotional, and cars, that's an investment that someone has made".

If the slight overall agreement present in the qualitative data is examined alongside comments from the focus group, there is an implication that a proportion of students utilise denial of injury/victim when committing piracy, reflecting findings from Moore and McMullan (2009) and Ingram and Hinduja (2008).

4.3 ‘Condemnation of the condemners’

Results for condemnation of the condemners also showed only a weak correlation in favour of its use. The first statement, “I commit piracy because I feel the industry rips off their customers”, was met with strong agreement in relation to the music and software industries, implying that, for these types of piracy, students feel their actions are justified because the products are otherwise overpriced. Results for video piracy showed a less strong correlation but also indicated some level of dissatisfaction with price leading to piracy. Focus group participants acknowledged that cinema tickets are “overpriced” and it was difficult to justify spending “seven or eight quid every time”.

The second statement, “I commit piracy because the methods designed to stop piracy are too restrictive”, saw an almost even split of opinion for all three types of piracy. This implies that, for some, the restrictions imposed upon products are easily negated through piracy. For example, one focus group participant said that for “films, you download them online [using piracy] and can put them on your iPod whereas if you buy a DVD you can’t get it on. It’s impossible.” As more people possess handheld devices capable of playing music, displaying video and running software, restrictive use has become a greater issue for consumers. However, some disagreed with the statements implying that some students found little difference between authentic and pirated goods and, therefore, this did not affect their levels of piracy.

The implication from these findings is that some students use condemnation of the condemners when committing piracy and some do not. Similar to the findings in Moore and McMullan (2009), it seemed to be a unanimous agreement that the industries were quick to blame the culprits for piracy but were reluctant to change their own practices or invest money in extinguishing the problem at its source. As with this study, Ingram and Hinduja (2008) found a slight agreement with this statement but with a high level of deviation between respondents.

4.4 ‘Appeal to higher loyalties’

Results for students using an appeal to higher loyalties showed a strong agreement for its use, with over 50% of respondents either agreeing or strongly agreeing. Both of its constituent statements, “I commit piracy if more than just I will be using it” and “I

commit piracy if it will be used for a piece of university work other project” had strong positive responses for all types of piracy, especially software for the latter statement where agreement was over 90%. The focus group also agreed strongly with the first statement: a participant who watches *The Walking Dead*, the sixth most pirated television show in the world (Ernesto, 2012), considered their actions justified because they held a group showing of it. Likewise, comments in the questionnaires indicated that individuals often shared media with each other. One respondent claimed they no longer pirate music because they just copy their friends’ pirated media instead. Agreement with the second statement was also reflected in the qualitative elements of the study where students cited software such as a Microsoft Word as essential to university work but prohibitive purchase costs led to them pirating it. One focus group participant pirated Microsoft Word and Autodesk for their degree, pieces of software that “would have cost about a grand between them so obviously couldn’t have afforded that”.

The strong positive results for this technique imply that the majority of students neutralise their guilt through an ‘appeal to higher loyalties’ when pirating any form of media. This form of neutralisation is more situational and is generally utilised in conjunction with other techniques of neutralisation (Maruna and Copes, 2005) as not all piracy can be committed for the potential benefit to others or for work. An ‘appeal to higher loyalties’ received similarly strong support in Ingram and Hinduja’s (2008) study where it was found to be the second most common neutralisation method. They also found it to be substantially linked to the creation of group norms (Ingram and Hinduja, 2008), a possibility that is discussed below.

4.5 ‘Everyone else does it’

Results for students neutralising their guilt through a belief that everyone else does it show a generally strong agreement with just over 50% either agreeing or disagreeing. The three statements, “I commit piracy because I believe that my peer-group also does it”, “I commit piracy because I believe that other students do it” and “I commit piracy because I believe other members of society do it” all showed a strong level of agreement of over 50%. Members of a student’s peer-group committing piracy may be the method by which the individual learns how to commit piracy and, as proposed by Sykes and Matza (1957), the method by which the individual learns to neutralise their guilt. This is supported by a comment in the focus group where a participant indicated that they “found out how to do it through friends.” In relation to the second statement, the general agreement is supported by Ingram and Hinduja (2008: 358)

who postulated that “an informal climate exists within university settings that facilitates unauthorized downloading” implying that the presence of other students committing piracy creates a social norm in university society.

The strong agreement with this neutralisation technique implies that the problem is so widespread that it is no longer considered a crime and the laws against it are unnecessary (Coleman, 1994). Comments in the focus group also seemed supportive of this technique. One participant said “if everyone’s doing it, you kinda think... “Yeah, it’s alright” as well. I definitely do! What are the chances of being caught if everyone’s doing it?” and another stated that “if no one else did it, then I don’t think I’d do it”. These findings mirror Moore and McMullan’s (2009).

4.6 ‘Necessity’

In order to assess whether respondents rationalised digital piracy through the ‘necessity of their actions’, they were given one statement related to the use of the defence of necessity. This statement was “I pirate media when I feel it is personally or socially necessary that I own the media in question”. This interpretation of the theory was consistent with the theory’s application to white-collar crime (Benson, 1985; Copes, 2003) and Moore and McMullan’s study (2009).

The use of this technique differs by type of piracy. For music and video piracy, the results generally show a disagreement with the use of this technique indicating that most students do not feel the results of their piracy are necessary. This was reflected by a questionnaire respondent who stopped downloading videos and stated that the risk of pirating was greater than the necessity in owning it and “would rather wait or go without”. However, participants in the focus group appeared to disagree. They indicated that it was an important part of their social life to be up-to-date on the latest music and make sure their “iPod is up-to-date”. Financial considerations were an important factor for this, as the alternative to piracy “would be just not listening to music and not watching loads of movies.” Another cited the wait between US and UK broadcast for TV shows (typically anything from a few days to a year) as being a necessary reason to pirate it. It is clear that in the 21st century, when it is the norm to be able to instantaneously consume media, restrictions upon this freedom lead to individuals finding other methods of consumption to retain their social and cultural connection to society.

The results for software however, show a strong positive correlation, indicating that there is some element of ‘necessity’ to these individuals’ actions. This may relate to the element of ‘appeal to higher loyalties’ where students would more readily pirate

software for a piece of work. However there were inadequate qualitative comments to explain the discrepancy between this and music or video piracy. Overall findings for the defence of necessity showed mixed results, indicating some students do utilise this technique of neutralisation but some do not. Moore and McMullan (2009) also found inconclusive results for this technique of neutralisation.

4.7 ‘Denial of the necessity of the law’

Results for denial of the necessity of the law showed a profound negative correlation with over 50% of respondents disagreeing or strongly disagreeing with the use of the technique, implying that the majority of students do not neutralise their piracy in this way. The two constituent statements “I pirate media because I believe the law against it is unnecessary” and “I pirate media because I believe the law against it is harsh or unjust” were both similarly dismissed and disagreed with. The subject was not addressed directly in the focus group, further indicating disagreement with these statements. However, one participant did believe that “with everything else that’s going on [...] at the moment,” piracy shouldn’t be so “high on the list of priorities.” This indicates that whilst the individual sees the necessity of the law, they believe that other illegal activities are more pressing to legislate against. Whilst these results disprove this hypothesis, it strengthens the support of other techniques, as students appreciate the necessity of the law but continue to defy it. Moore and McMullan (2009) also found little support for this technique.

4.8 ‘Entitlement’

Results for students feeling a sense of entitlement showed a very strong negative response with almost 60% of respondents either disagreeing or strongly disagreeing with the statement. This result had the lowest agreement percentage of all the techniques indicating it was the least used method of neutralisation. The statement given was “I feel a sense of entitlement when it comes to pirating media” and received negative results on all types of piracy.

However, contrary to the questionnaire, findings in the focus group found support of this technique. Most participants agreed that there was some element of karmic justification for piracy and that it was acceptable to pirate provided “you’ve already contributed something” as there will be “money in the industry”. This was backed up by another participant’s example where they “lost a few DVDs and [...] pirated them because [they] wanted them back”. Many also seemed to support the idea of trying a product by pirating it before buying it. One participant said they “hear about bands

through pirating” and then “go out and buy their CDs and things just to support them”. Moore and McMullan (2009) also found this technique to be one of the most common. The discrepancy between the results in the questionnaire and those found in other studies and the focus group raises a question of the validity of the results for this technique. There was some confusion by respondents as to the nature of the statement in the questionnaire, and this was an area of the study that could have been better explained with examples.

Conclusion

This study asked whether students commit digital piracy because they neutralise their guilt through Sykes and Matza’s (1957) techniques of neutralisation. To answer this question, eight hypotheses were proposed. When these were initially posited, it was expected the findings of the study would provide more absolute results indicating accordance with each technique of neutralisation or otherwise. However, the design of the study allowed for a range of opinions to materialise that could be explored. Neutralisation techniques demonstrating a significant positive correlation were ‘appeal to higher loyalties’ and ‘everyone else does it’, with each technique frequently engaged by respondents to rationalise digital piracy. Both of these techniques place the blame for the crime on norms created by social situations. The use of these techniques does not imply that the individual “repudiates the imperatives of the dominant normative system” (Sykes and Matza, 1957: 669; Coleman, 1994), but that they are more concerned with conforming to more immediate norms. The strong agreement with the statement ‘I commit piracy because I believe other members of society do it,’ combined with the disagreement for the ‘denial of the necessity of the law’ and other statements applying to piracy’s legality, implies that students appreciate the existence of the laws against it, but commit piracy because they believe that it has become socially accepted across society.

Whilst ‘appeal to higher loyalties’ and ‘everyone else does it’ were the techniques most explicitly used by most respondents, all techniques had at least some positive responses, indicating that all neutralisation techniques were used by a portion of the sample. Results for ‘denial of responsibility’, ‘denial of victim/injury’, ‘condemnation of the condemners’ and ‘necessity’ all had a fairly balanced response ratio between those who agreed and disagreed with their use. Results for ‘denial of responsibility,’ for example, suggested that students were propelled into a situation where piracy was an option by lack of money and how freely available the media was, but were not influenced by the clarity of the law. This suggests that students do deny responsibility,

but only in relation to specific factors. The statements with a positive correlation thematically link to the defence of 'necessity' whereby the rewards of the crime were deemed necessary and therefore the individual denied responsibility for their actions when committing them. There is evidence to suggest that those who deny responsibility for their actions are more likely to re-offend than those who do not (Hood, et al., 2002; Maruna and Copes, 2005) which would explain high levels of piracy.

'Denial of victim/injury' and 'condemnation of the condemners' also have inconclusive results. In regards to piracy, both of these neutralisations blame the crime on the victim, as it is the industries affected who most heavily condemn the act. As stated previously, there appears to be an element of rationalisation as to which media is pirated. These rationalisations are informed by the individual's sense of worth of the product, their opinion of the producers of the product, and how much they are willing to pay for it. This forms a subjective opinion of an injury's existence or the victim's status as a victim. This is a theme that ran strongly through the focus group. These feelings may be fuelled by the anonymity provided by the internet and the abstract nature of both the harm done and the victim (Maruna and Copes, 2005). It may also stem from the intangible nature of 'copyright' and the belief that the product they are stealing is not physical and is therefore of 'uncertain ownership' (Horning, 1970).

The only results that had an overtly negative correlation and indicated that the majority of students did not neutralise their piracy in these ways were 'denial of the necessity of the law' and 'entitlement', although the latter did have moderate support in the focus group. These two techniques are similar in that they "both advocate rights to usurp the law based on the experiences and knowledge of offenders" (Enticott, 2011). The general disagreement with these terms implies that piracy is an act committed based on the individual's opinion at that time and is not informed by prior experiences. This could be supported by participants in the focus group citing situations that may provide a sense of entitlement only when prompted, indicating that students do not call to mind these situations when committing piracy.

While few respondents engaged all eight of the techniques of neutralisation examined simultaneously, it is apparent that all students who pirate media used at least one technique of neutralisation, with many engaging at least two. Widespread agreement with the techniques implies that students in general neutralise their guilt when committing the act despite knowing it to be illegal. This suggests piracy has become a wider problem, no longer typified by a select few with the expertise to

commit it, instead undertaken by a large portion of society who see no negative moral implications of their actions. This reflects Schlenker, et al.'s (2001: 15) assertions that neutralisations are "universally condemned while being universally used" and their use has become normative behaviour (Maruna and Copes, 2005).

A significant implication of this normalisation is that the complete eradication of digital piracy will be very difficult to achieve. Based upon insights into the norms and values underpinning digital piracy evident in the data from this study, it may prove more effective for industries to develop business practices that complement the current culture rather than to actively go against it. Services such as Spotify and Netflix, as mentioned in the focus group, offer instantaneous access to media in much the same way that piracy does and effectively negate many neutralisation techniques. Further steps in this direction can only serve to reduce levels of digital piracy, and therefore reduce harm done to the industries. To develop these new methods of media distribution, the researcher suggests that further criminological research is conducted into the aetiology of digital piracy to discover which practices will be best received.

References

A&M Records, Inc. v Napster, Inc. 239 F.3d 1004 (2001)

Akers R.L., 1985. *Deviant Behavior: A Social Learning Approach*. 3rd ed. Belmont, CA: Wadsworth

Baggili, I. and Rogers, M., 2009. Self-Reported Cyber Crime: An Analysis on the Effects of Anonymity and Pre-Employment Integrity. *International Journal of Cyber Criminology*, 3(2), pp.550-565

Barnes, B., 2012. Hollywood Rebounds at the Box Office. *The New York Times*, [online] 23 December. Available at: http://www.nytimes.com/2012/12/24/business/media/hollywood-rebounds-at-the-box-office.html?_r=0 [Accessed 6 March 2013]

BBC News, 1999a. Melissa virus goes global. *BBC News*, [online] 30 March. Available at: <http://news.bbc.co.uk/1/hi/sci/tech/307162.stm> [Accessed 12 November 2012]

BBC News, 1999b. Hackers hit Hotmail. *BBC News*, [online] 31 August. Available at: <http://news.bbc.co.uk/1/hi/sci/tech/434120.stm> [Accessed 12 November 2012]

BBC News, 2000. Napster shut down. *BBC News*, [online] 27 July. Available at: <http://news.bbc.co.uk/1/hi/852283.stm> [Accessed 6 March 2013]

BBC News, 2012a. When Charles Dickens fell out with America. *BBC News*, [online] 14 February. Available at:

<http://www.bbc.co.uk/news/magazine-17017791> [Accessed 25 February 2013]

BBC News, 2012b. Megaupload file-sharing site shut down. *BBC News*, [online] 20 January. Available at:

<http://www.bbc.co.uk/news/technology-16642369> [Accessed 6 March 2013]

BBC News, 2012c. The Pirate Bay must be blocked by UK ISPs, court rules. *BBC News*, [online] 30 April. Available at:

<http://www.bbc.co.uk/news/technology-17894176> [Accessed 6 March 2013]

BBC News, 2012d. Pirate Bay block effectiveness short-lived, data suggests. *BBC News*, [online] 16 July. Available at:

<http://www.bbc.co.uk/news/technology-18833060> [Accessed 6 March 2013]

BBC News, 2012e. Sopa and Pipa bills postponed in US Congress. *BBC News*, [online] 20 January. Available at:

<http://www.bbc.co.uk/news/world-us-canada-16655272> [Accessed 6 March 2013]

BBC News, 2012f. Digital Economy Act's anti-piracy measures are delayed. *BBC News*, [online] 26 April. Available at:

<http://www.bbc.co.uk/news/technology-17853518> [Accessed 6 March 2012]

Benson, M. L., 1985. Denying the Guilty Mind: Accounting for Involvement in White-Collar Crime. *Criminology*, 23, pp.583-607

BitTorrent, 2012. BitTorrent and µTorrent Software Surpass 150 Million User Milestone; Announce New Consumer Electronics Partnerships. *BitTorrent*, [online] 9 January. Available at:

http://www.bittorrent.com/intl/es/company/about/ces_2012_150m_users [Accessed 25 February 2013]

Bossler, A. M. and Burruss, G. W., 2011. The General Theory of Crime and Computer Hacking: Low Self-Control Hackers?. In: T. J. Holt and B. H. Schell, eds., 2011. *Corporate Hacking and Technology-Driven Crime: Social Dynamics and Implications*. Hershey, PA: Information Science Reference, pp.38-67

British Society of Criminology, 2006. *Code of Ethics*. [online] February. Available at: <http://www.britsoccrim.org/codeofethics.htm> [Accessed 6 February 2013]

Business Software Alliance, 2012. *Shadow Market: 2011 Global Software Piracy Study. 9th Edition, May 2012*. Washington, DC: BSA Worldwide

Cheung, C. K., 2012. Understanding factors associated with online piracy behaviour of adolescents. *International Journal of Adolescence and Youth*, 1(11),

<http://dx.doi.org/10.1080/02673843.2012.669837>

Cohen, E. and Cornwell, L., 1989. College Students Believe Piracy is Acceptable. *CIS Educator Forum*, 1(3), pp.2-5

Cohen, L. and Felson, M., 1979. Social change and crime rate trends: A routine activity approach. *American Sociological Review*, 44, pp.588-608

Coleman, J. W., 1994. *The criminal elite: The sociology of white-collar crime*. New York: St. Martin's Press

- Copes, H., 2003. Societal attachments, offending frequency, and techniques of neutralization. *Deviant Behaviour: An Interdisciplinary Journal*, 24, pp.101-127
- Danquah, P. and Longe, O. B., 2011. An Empirical Test of The Space Transition Theory of Cyber Criminality: The Case of Ghana and Beyond. *African Journal of Computing & ICT*, 4(2), pp.37-48
- Dekker, T., 1603. *The Wonderfull yeare. 1603*. Reprinted by University of Oregon
- Denscombe, M., 2010. *The Good Research Guide for Small-Scale Social Research Projects*. 4th ed. Maidenhead: Open University Press
- Dowland, P. S., Furnell, S. M., Illingworth, H. M. and Reynolds, P. L., 1999. Computer Crime and Abuse: A Survey of Public Attitudes and Awareness. *Computers & Security*, 18(8), pp.715-726
- Enticott, G. P., 2011. Techniques of neutralising wildlife crime in rural England and Wales. *Journal of Rural Studies*, 27(2), pp.200-208
- Ernesto, 2012. Game of Thrones Most Pirated TV-Show of 2012. *TorrentFreak*, [online] 23 December. Available at: <http://torrentfreak.com/game-of-thrones-most-pirated-tv-show-of-2012-121223/> [Accessed 4 March 2013]
- Foster, D. R., 2004. *Can the General Theory of Crime Account for Computer Offenders: Testing Low Self-Control as a Predictor of Computer Crime Offenders*. Masters thesis. University of Maryland
- Gemignani, M., 1989. Viruses and Criminal Law. *Communications of the ACM*, 32(6), pp.669-671
- Goode, S. and Cruise, S., 2006. What motivates software crackers?. *Journal of Business Ethics*, 65, pp.173-201
- Gopal, R. D., Sanders, G. L., Bhattacharjee, S., Agrawal, M. and Wagner, S. C., 2004. A Behavioural Model of Digital Music Piracy. *Journal of Organizational Computing and Electronic Commerce*, 14(2), pp.89-105
- Gottfredson, M. R. and Hirschi, T., 1990. *A general theory of crime*. Stanford, CA: Stanford University Press
- Henn, M., Weinstein, M. and Foard, N., 2009. *A Critical Introduction to Social Research*. 2nd edition. London: SAGE
- Higgins, G. E., 2005. Can low self-control help with the understanding of the software piracy problem?. *Deviant Behaviour*, 26(1), pp.1-24
- Higgins, G. E., 2006. Gender Differences in Software Piracy: The Mediating Roles of Self-control Theory and Social Learning Theory. *Journal of Economic Crime Management*, 4(1), pp.1-30
- Higgins, G. E. and Makin, D. A., 2004a. Does Social Learning Theory Condition the Effects of Low Self-Control on College Students' Software Piracy?. *Journal of Economic Crime Management*, 2(2), pp.1-22
- Higgins, G. E. and Makin, D. A., 2004b. Self-control, deviant peers, and software piracy. *Psychological Reports*, 95, pp.921-931

- Higgins, G. E., Wolfe, S. E. and Ricketts, M. L., 2009. Digital Piracy: A Latent Class Analysis. *Social Science Computer Review*, 27(1), pp.24-40
- Higgins, G. E., Wolfe, S. E. and Marcum, C. D., 2008. Music Piracy and Neutralization: A Preliminary Trajectory Analysis from Short-Term Longitudinal Data. *International Journal of Cyber Criminology*, 2(2), pp.324-336
- Hinduja, S. and Ingram, J. R., 2008. Self-Control and Ethical Beliefs on the Social Learning of Intellectual Property Theft. *Western Criminology Review*, 9(2), pp.52-72
- Hollinger, R. C., 1988. Computer Hackers Follow a Guttman-Like Progression. *Sociology and Social Research*, 72(3), pp.199-200
- Hollinger, R. C., 1991. Hackers: Computer Heroes or Electronic Highwaymen?. *Computers & Society*, 21(1), pp.6-17
- Hollinger, R. C., 1992. Crime by Computer: Correlates of Software Piracy and Unauthorized Account Access. *Security Journal*, 2(1), pp.2-12
- Holt, T. J., Bossler, A. M. and May, D. C., 2012. Low Self-Control, Deviant Peer Associations, and Juvenile Cyberdeviance. *American Journal of Criminal Justice*, 37(3), pp.378-395
- Hood, R., Shute, S., Feilzer, M. and Wilcox, A., 2002. Sex Offenders Emerging from Long-term Imprisonment: A Study of Their Long-Term Reconviction Rates and of Parole Board Members' Judgements of Their Risk. *British Journal of Criminology*, 42, pp.371-394
- Horning, D., 1970. Blue Collar Theft: Conceptions of Property, Attitudes toward Pilfering, and Work Group Norms in a Modern Industrial Plant. In: E. O. Smigel and H. L. Rowell, eds., 1970. *Crimes against Bureaucracy*. New York: Van Nostrand Reinhold
- Ingram, J. R. and Hinduja, S., 2008. Neutralizing Music Piracy: An Empirical Examination. *Deviant Behaviour*, 29(4), pp.334-366
- Maruna, S. and Copes, H., 2005. Excuses, Excuses: What Have We Learned from Five Decades of Neutralization Research? *Crime and Justice*, 32, pp.1-100
- Minor, W. W., 1981. Techniques of Neutralization: A Reconceptualization and Empirical Examination. *Journal of Research in Crime and Delinquency*, 18, pp.295-318
- Moon, B., McCluskey, J. D. and McCluskey, C. P., 2010. A general theory of crime and computer crime: An empirical test. *Journal of Criminal Justice*, 38, pp.767-772
- Moon, B., McCluskey, J. D., McCluskey, C. P. and Lee, S., 2012. Gender, General Theory of Crime and Computer Crime: An Empirical Test. *International Journal of Offender Therapy and Comparative Criminology*, unpublished.
- Moore, R. and McMullan, E. C., 2009. Neutralizations and Rationalizations of Digital Piracy: A Qualitative Analysis of University Students. *International Journal of Cyber Criminology*, 3(1), pp.441-451

Morris, R. G., 2011. Computer Hacking and the Techniques of Neutralization: An Empirical Assessment. In: T. J. Holt and B. H. Schell, eds., 2011. *Corporate Hacking and Technology-Driven Crime: Social Dynamics and Implications*. Hershey, PA: Information Science Reference, pp.1-17

Musicmetric, 2012. *Digital Music Index*. [online] September. Available at: http://static.semetric.com/dmi/2012.09.17/Musicmetric_DMI.pdf [Accessed 25 February 2013]

O'Donoghue, J., 1986. *Mercy College Report on Computer Crime in Forbes 500 Companies: The Strategies of Containment*. New York: Mercy College

Panas, E. E. and Ninni, V. E., 2011. Ethical Decision Making in Electronic Piracy: An Explanatory Model based on the Diffusion of Innovation Theory and Theory of Planned Behaviour. *International Journal of Cyber Criminology*, 5(2), pp.836-859

Phau, I. and Liang, J., 2012. Downloading digital video games: predictors, moderators and consequences. *Marketing Intelligence & Planning*, 30(7), pp.740-756

Samuelson, P., 1989. Can Hackers Be Sued for Damages Caused by Computer Viruses?. *Communications of the ACM*, 32(6), pp.666-669

Schlenker, B. R., Pontari, B. A. and Christopher A. N., 2001. Excuses and Character: Personal and Social Implications of Excuses. *Personality and Social Psychology Review*, 5, pp.15-32

Schuster, W. V., 1987. Bootlegging, smoking guns and whistle blowing; a sad saga of academic opportunism. *Western Educational Computing Conference*

Schwartz, E. I., Rothfeder, J. and Lewyn, M., 1990. Viruses? Who you gonna call? "Hackbusters". *Business Week*, August 6, pp.71-72

Siponen, M., Vance, A. and Willison, R., 2012. New insights into the problem of software piracy: The effects of neutralization, shame, and moral beliefs. *Information & Management*, 2012, <http://dx.doi.org/10.1016/j.im.2012.06.004>

Siwek, S. E., 2007. The True Cost of Copyright Industry Piracy to the U.S. Economy. *Institute for Policy Innovation: IPI Center for Technology Freedom*, Policy Report #189

Skinner, W. F. and Fream, A. M., 1997. A Social Learning Theory Analysis of Computer Crime among College Students. *Journal of Research in Crime and Delinquency*, 34(4), pp.495-518

Sykes, G. and Matza, D., 1957. Techniques of Neutralization: A Theory of Delinquency. *American Sociological Review*, 22(6), pp.664-670

Ulsperger, J. S., Hodges, S. H. and Paul, J., 2010. Pirates on the Plank: Neutralization Theory and the Criminal Downloading of Music among Generation Y in the Era of Late Modernity. *Journal of Criminal Justice and Popular Culture*, 17(1), pp.124-151

Wall, D. S., 2008. *Cybercrime*. Cambridge: Polity Press

Wall, D. S. and Yar, M., 2010. Intellectual property crime and the Internet: cyber-piracy and 'stealing' informational intangibles. In: Y. Jewkes and M. Yar, eds. 2010. *Handbook of Internet Crime*. Cullompton: Willan Publishing

Warner, J., 2011. Understanding Cyber-Crime in Ghana: A View from Below. *International Journal of Cyber Criminology*, 5(1), pp.736-749

Willison, R., 2006. Understanding the offender/environment dynamic for computer crimes. *Information Technology & People*, 19(2), pp.170-186

WIPO, 2013. *Berne Convention for the Protection of Literary and Artistic Works, 1886*. [online] Available at: http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html [Accessed 25 February 2013]

Wong, K. and Farquhar, B., 1986. Computer Fraud in the UK – The 1986 Picture. *Computer Fraud & Security Bulletin*, 9(1), pp.3-11

Yar, M., 2005a. The Novelty of 'Cybercrime': An Assessment in Light of Routine Activity Theory. *European Journal of Criminology*, 2(4), pp.407-427

Yar, M., 2005b. Computer Hacking: Just another Case of Juvenile Delinquency?. *The Howard Journal*, 44(4), pp.387-399

Yu, S., 2012. College Students' Justification for Digital Piracy: A Mixed Methods Study. *Journal of Mixed Methods Research*, 6(4), pp.364-378