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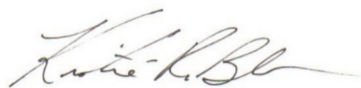
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FRAMING CRIME AND SOCIAL PROBLEMS: HOW STUDENTS PERCEIVE THE  
LEGALITY OF DIGITAL PIRACY

BY

JORDAN KYLE HENSON

THESIS APPROVED:



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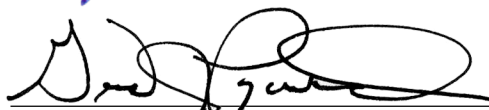
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FRAMING CRIME AND SOCIAL PROBLEMS: HOW STUDENTS PERCEIVE THE  
LEGALITY OF DIGITAL PIRACY

BY

Jordan Kyle Henson

Submitted to the Faculty of the Graduate School of  
Eastern Kentucky University  
in partial fulfillment of the requirements for the degree of  
MASTER OF SCIENCE

2020

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## ABSTRACT

The current information age has seen a shift from analog product manufacturing to the production of intellectual property (e.g., software and digital media); property that is stolen at alarming rates. Much of the research concerning the modern phenomenon of digital piracy, as defined by Al-Rafee and Cronan (2006, p. 237) as “the illegal copying/downloading of copyrighted software and media files,” has stemmed from various fields, including business, ethics, marketing, and information systems. What is lacking in the literature is a notably criminal justice lens in which to view a controversial topic that is growing in popularity among the media and researchers alike.

While the severity of digital piracy as a social problem has fluctuated over time, its influence on the entertainment industry cannot be overstated, and it has directly shaped how the criminal justice system reacts to digital crime as a whole. In fact, much of the way that people enjoy music or movies today (i.e., available instantly at the touch of a button through digital streaming services like Spotify and Netflix) grew out of the effectiveness and success of digital piracy endeavors. The ability to stream millions of songs and movies from virtually any internet connected device feeds a culture of instant gratification that has pushed forward a profound change, not only in the way Americans consume media, but also in the way they learn, socialize, and even commit crimes.

The purpose of this study is to address the research question, “what ‘sociological lens’, or frames, do potential criminal justice practitioners use to make sense of the legality of digital piracy crimes?” Given the still relatively new data around the field of digital crimes, most research fails to focus on criminal justice and police studies students as a source of future media and legislative discourse that may well shape how digital

crime laws are formed, in particular by those empowered to create and enforce those laws. Peer group discussions with criminal justice students were utilized to explore the feelings and beliefs of future criminal justice practitioners by allowing them to talk through complicated topics like digital piracy with their peers in a structured approach guided by a trained facilitator. This exploratory research found support for four frames in which to view the perceptions of criminal justice students concerning digital piracy, and the data and methods presented can hopefully add to the growing research on crime and the digital world.



## TABLE OF CONTENTS

CHAPTER	PAGE
INTRODUCTION .....	1
LITERATURE REVIEW .....	6
General Theory of Piracy.....	6
Digital Piracy Trends .....	8
Framing Social Problems and the Constructionist Paradigm .....	11
Attitudes.....	14
Illegality, Impact, and Prevention.....	17
Advantages of Focus Groups and Peer Group Discussions.....	20
Perceptions of Legality Concerning Digital Piracy .....	21
METHODS .....	26
Procedure .....	27
RESULTS .....	33
NEUTRALIZATION.....	35
Supportive Arguments: Denial of Injury .....	38
Supportive Arguments: Denial of Victim.....	40
Supportive Arguments: Condemnation of the Condemners .....	42
SOCIAL ACCEPTANCE.....	45
Supportive Arguments .....	46
ANONYMITY .....	50
Supportive Arguments .....	51
SELF-INTEREST .....	53

Supportive Arguments .....	54
DISCUSSION AND CONCLUSION.....	59
Rebuttals .....	59
Policy Implications .....	61
Limitations and Conclusions.....	62
APPENDIX A: SCHEDULE OF PEER GROUP DISCUSSION QUESTIONS.....	72

LIST OF TABLES

TABLE	PAGE
Table 1 - U.S. Recorded Music Revenues (CD Format): Annually .....	9
Table 2 - Frame Performance in Discussions .....	38

## CHAPTER I

### INTRODUCTION

The current information age has seen a shift from analog product manufacturing to the production of intellectual property (e.g., software and digital media). Much of the research concerning the modern phenomenon of digital piracy, as defined by Al-Rafee and Cronan (2006, p. 237) as “the illegal copying/downloading of copyrighted software and media files,” has stemmed from various fields, including business, ethics, marketing, and information systems. What is lacking in the literature is a notably criminal justice lens through which to view a controversial topic that is growing in popularity among the media and researchers alike. One real-world example of the impact digital piracy has on the legitimate market is the unprecedented drop in revenue experienced by the music recording industry. According to the Recording Industry Association of America (2020), recorded music revenues peaked in 1999 at \$14.8 billion. Just 15 years later, revenue from recorded music across all formats reached only \$6.7 billion (over two billion of which came from revenue formats that did not exist in 1999, such as ad-supported on-demand streaming or paid music subscription services). As of 2019, revenue from music formats that existed in 1999 (e.g., CDs) made up only \$1.1 billion of music revenue, or just 10 percent of total revenue for the year.

The idea of piracy is not a new one, nor is its repercussions on the criminal justice system. It is a term that is easily recognized in American society, even by children at a very young age. Piracy is often synonymous with a sense of freedom and anonymity, and

has been popularized by romanticized characters in books, TV series, and movies. The emotional impact of sensationalized media such as that created by daring stories of Blackbeard or Disney's Pirates of the Caribbean movie franchise extends beyond the pirates of the high seas and now applies to pirates of a much different type: digital pirates.

The trend of digital piracy began in the late 1980s and peaked in the mid 2000s. While the severity of digital piracy as a social problem has fluctuated over time, its influence on the entertainment industry cannot be overstated, and it has directly shaped how the criminal justice system reacts to digital crime as a whole. In fact, much of the way that people enjoy music or movies today (i.e., available instantly at the touch of a button through digital streaming services like Spotify and Netflix) grew out of the effectiveness and success of digital piracy endeavors. The ability to stream millions of songs and movies from virtually any internet connected device feeds a culture of instant gratification that has pushed forward a profound change, not only in the way Americans consume media, but also in the way they learn, socialize, and even commit crimes.

In response to this dynamic shift and in an effort to understand this phenomenon, scholars have proposed diverse models for understanding digital piracy behavior and the factors that influence attitudes and inclinations to commit digital piracy. Two of the most significant types of theories used in this literature are behavioral theories and ethics theories. Behavioral theories focus on Fishbein and Ajzen's (1975) theory of reasoned action (TRA) and Ajzen's (1991) theory of planned behavior (TPB). Ethics theories emphasize Hunt and Vitell's (1986) general theory of marketing ethics and Rest's (1986) four-component model of ethical decision-making. Some authors, like Cheolho Yoon

(2011) have worked to create an integrated model, combining both major types of theories, and finding support for the idea that attitude, perceived benefit, and perceived risk, among other factors, were influential as a means for understanding the behavior and intentions to commit digital piracy.

Others, such as Moore and McMullan (2009) applied a qualitative approach, utilizing the neutralization theory first popularized by Sykes and Matza in 1957 to better understand the rationalizations of individuals motivated to commit digital piracy crimes. This approach was successful in helping to build a better understanding of the ways in which individuals neutralize or justify guilt associated with acts of digital piracy, and that most have little intentions of stopping. For the criminal justice system to be most effective, it is imperative to fully understand the rationale and behavior behind crimes, and this is often easiest through qualitative studies focused on intentions or behavior. Much like the work of Sasson (1995) in helping to define how citizens construct their opinions of crime, this study will attempt to use a similar approach to frame how criminal justice students view the legality of digital piracy. Criminal justice students are the ideal candidates for such research, as it is reasonable to assume they will one day hold positions of power directly responsible for the creation or enforcement of laws relating to digital piracy crimes.

Much of the research in this field has been about how to stop it, or focused heavily on its impact on business, ethics, legislation, or intellectual property rights (Ruiz de la Torre, 2006). What is needed to add to the broadening of knowledge in this area is a focus on criminal justice, specifically attitudes of potential criminal justice practitioners and their perceptions of legality concerning digital piracy. To better understand this

intrinsic phenomenon and how it plays out in the real world for students seeking to be professionals in the criminal justice and law fields, a qualitative approach must be undertaken. Understanding how people make sense of the world around them is critical to creating a fuller understanding of any social problem (Sasson, 1995). To that end, this exploratory research analyzed data obtained through peer group discussion interactions with students seeking careers in the criminal justice field in order to better understand their perceptions of legality concerning digital piracy.

Creating a detailed understanding of how future criminal justice practitioners make sense of a complicated concept like digital piracy can provide an important gateway into understanding future political discourse on the subject, including the undercurrents that will direct public policy (Sasson, 1995). Crime is an essential element of public discourse and media in American culture, and often takes center stage in political battles and in times of civil unrest. If nothing else, this study hopes to add to the understanding of the world around us and the motivations of crime and criminality so as to help future policy makers and criminal justice practitioners make informed decisions concerning digital piracy crimes. Analyzing peer group discussions provides an opportunity to better understand why individuals engage in digital piracy crimes, or why they appear to support others in their social circles that engage in similar actions. The way in which we construct meaning shapes the way we approach everything related to that subject, including our thoughts, conversations, and ultimately the decisions we make. Understanding why someone commits crimes of any kind can have a significant impact on future prevention strategies. As more aspects of social life move online into the digital world, the need to understand inclinations to commit digital crimes is more important

than ever before. Therefore, the purpose of this study is to apply the methodology of peer group discussions and frame analysis popularized by Sasson (1995) to criminal justice students to gain a better understanding of the way in which they frame the legality of digital piracy.



## CHAPTER II

### LITERATURE REVIEW

Few studies have been conducted that evaluate how students of criminology view the legality of crimes classified as digital piracy. Specifically, there is a lack of understanding for how students of criminal justice, whom it can be reasonably assumed may one day be responsible for enforcing the law of the land and shaping legal discourse and policy, can actively and knowingly break laws concerning the unauthorized use and distribution of digital material, and how they make sense of this social problem. It may be possible to develop a set of factors, or frames in which to guide understanding of criminal justice students' views on the idea of digital piracy. Therefore, a general theory of modern piracy is an effective starting point for explaining the phenomenon of digital piracy and the perceptions that use of the word 'piracy' evokes.

#### *General Theory of Piracy*

Acts of piracy have plagued maritime activities for centuries, and many theories have been developed over the years attempting to understand this phenomenon. For criminologists, environmental and ecological theories are most adept at explaining the etymology and legal ramifications of piracy. Shane and Lieberman (2009) undertook an analysis of modern maritime piracy attacks and found social elements and environmental factors play a huge part in determining piracy intentions. They describe social controls

which are increasingly ineffective in situations where modern norms and institutions have broken down due to conflict and delinquency. While I acknowledge the complicated political history of maritime piracy as it relates to state involvement, my focus here is the literature that focuses on the economic and situational motivational factors of those that choose to engage in acts of piracy. Piracy culture, defined by deviant behaviors born out of necessity, becomes a part of everyday life for individuals in the right social circumstances, propagated by a desire to survive, and amplified by the possibility of substantial financial windfall. “When someone sufficiently motivated by social circumstances (e.g., inherited traits, hunger, poverty, unemployment and lack of conventional lifestyle) comes into contact with durable goods that are easily converted to cash and often insufficiently protected, piracy becomes a viable economic pursuit” (Shane and Lieberman, 2009, p. 1-2).

Similar circumstances can also be applied when attempting to understand the connection between historical maritime piracy and today’s online digital pirates. Thanks to popular culture appetites for the romanticized notions of swashbuckling pirates and images like that of Disney’s Pirates of the Caribbean movie series, society has increasingly developed idealized perceptions concerning pirates and piracy. Dawdy and Bonnie (2012) address the question: what, if anything, links the classic Caribbean pirate to the modern-day notions of digital pirates and digital piracy? They found that compelling parallels exist between the early conditions that created what we think of as piracy (e.g., Blackbeard, Captain Morgan) and the conditions today that create modern digital piracy. They even argue that the Internet creates an even less lawful space than the open ocean created for historical pirates. Intellectual piracy and sea piracy share a

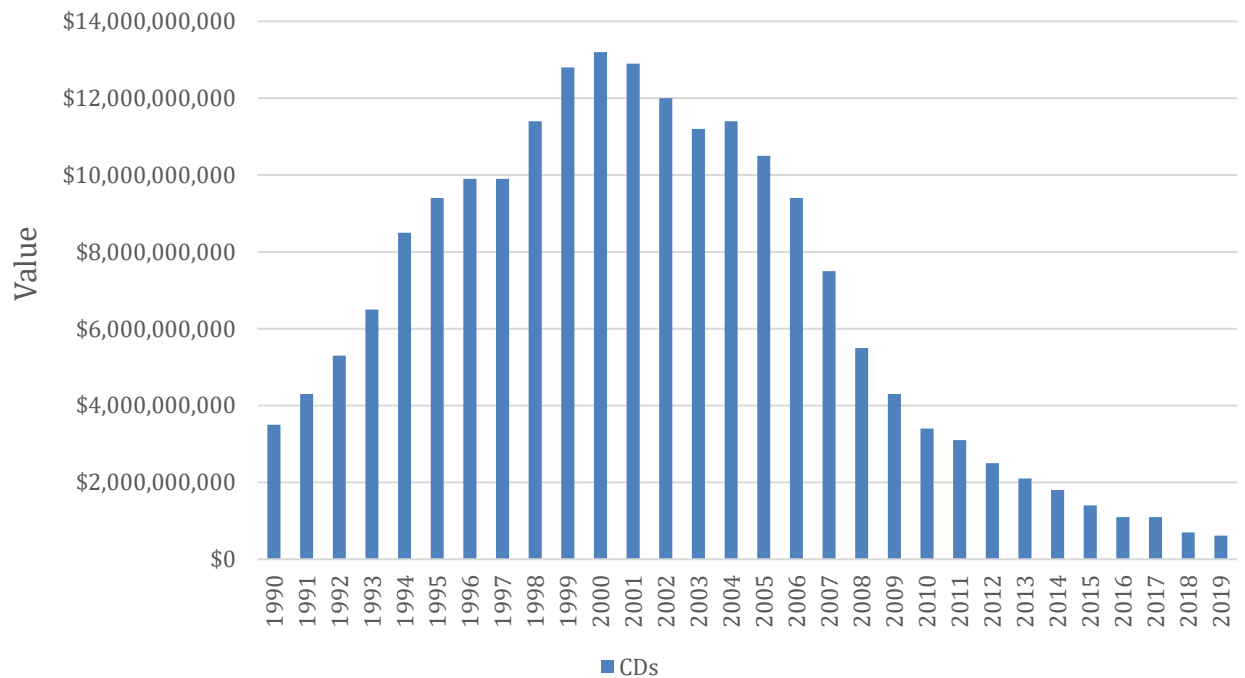
significant level of legal uncertainty and is easily justified by perpetrators who offer “clear moral justifications for their actions; virtual pirates, like Golden Age pirates, can become heroic social bandits when the legitimacy of the political-economy begins to break down due to the system’s own contradictory excess” (Dawdy & Bonnie, 2012, p. 694). What is most important from their expansive work is that pirates, especially in the sense in which it is used to describe digital law breakers today, symbolizes organized social outlaws that, despite the physical time and space that separates traditional maritime pirates from digital pirates, are “united in their attempt to resist the most monopolistic phases of capitalism’s cycles” (Dawdy & Bonnie, 2012, p. 696).

### *Digital Piracy Trends*

Much like the ocean waves that rocked Dawdy and Bonnie’s swashbuckling pirate ships up and down, the history of modern digital piracy has ebbed and flowed in a similar manner. Through most of the late 90s and 2000s, the music entertainment industry struggled to make the slightest impact on the existential threat of digital piracy. Would be “pirates” used online platforms like Napster, BitTorrent, LimeWire and other peer to peer (P2P) services to download music content at an incredible rate, rarely deterred or even inconvenienced by the industry’s efforts to stop them. According to the Recording Industry Association of America (2020), recorded music revenues peaked in 1999 at \$14.6 billion, 87.9 percent of which (\$12.8 billion) came from sales of physical CDs (as shown in Table 1 below). Then music revenue fell off the map; an unprecedented disruption to the industry that has yet to be fully recovered from. Ten years later in 2009,

revenues topped just \$7.8 billion in total, with sales of the dying CD format responsible for only \$4.3 billion, a 66.4 percent drop in revenue. At its lowest point, total music revenues in all formats reached only \$6.7 billion, and today CD sells are basically non-existent, making up only \$614.5 million, or 7.1 percent of total music revenue in the U.S. in 2019.

Table 1 - U.S. Recorded Music Revenues (CD Format): Annually



Source: RIAA. (2020). U.S. recorded music revenues by format. Retrieved from <https://www.riaa.com/u-s-sales-database/>

During the high point of internet piracy in the early to mid 2000s, lawsuits and other legal recourse had little to no effect on declining revenue. After nearly a decade of attempting (and failing miserably) to individually sue internet pirates out of existence, the Recording Industry Association of America and the Motion Picture Association of America, among others, teamed up with the largest internet service providers (ISPs) by

the likes of AT&T, Verizon, Comcast, Time Warner Cable (now Spectrum), and Cablevision to introduce a new tool in the war on digital piracy: the Copyright Alert System. This system, announced in July of 2011 and rolled out in 2013, was a six-stage notification system that electronically alerted internet users if their account was being used for illegal downloading of copyrighted material, usually through email (Murph, 2011). This cooperation between ISPs and major digital intellectual property associations, while unprecedented, was ultimately unsuccessful because it carried no real consequence, or even threat of consequence with notifications sent to internet users. No threat of terminating a user's service was included in the agreement, as ISPs were unwilling to consider terminating their own paying customers. While some might go so far as to slow down a user's internet speed, the Copyright Alert System did little to deter or slow the growth of online piracy and was ended just four years later in 2017.

For many years, it seemed as if the theft of copyrighted material would continue to balloon out of control until Spotify entered the U.S. market in 2011. Even then, it took until 2016 for the music industry to see a growth in year-over-year revenue instead of continued decline. As a music streaming service unlike anything before it, Spotify was originally built and beta-tested as a service for streaming unlicensed music (essentially a tool for piracy), but eventually it moved to a different model providing consumers what they had previously only been able to get through piracy: an all-inclusive library of songs on an easy to use, convenient platform, at minimal to no cost, this time through a platform offering fully licensed content.

As a result of the popularity of Spotify and other music streaming services such as Pandora and Apple Music, coupled with the rise of TV/movie streaming giants like

Netflix, the entertainment industry actually began to see a significant decline in piracy in the 2010s. Over a four-year period beginning in 2011 (the year Spotify launched in the U.S.), the internet traffic occupied by BitTorrent, one of the most common P2P file sharing protocols, fell 48.4 percent. More recently in 2018, visits to piracy websites had dropped nearly eight percent over the year previous (Theisen, 2019). But it seems that unlike the music industry, which has had services like Spotify provide essentially all the music one could ever need within one platform, the TV/movie industry is finding its content more and more fragmented across an ever-growing list of pricey subscription services. As this trend continues and the fragmentation of access to movies across various platforms grows, it is not so hard to imagine that piracy of these movies will not grow with it.

### *Framing Social Problems and the Constructionist Paradigm*

Serving as the main inspiration for this research is Theodore Sasson's (1995) *Crime Talk: How Citizens Construct a Social Problem*. Sasson explores how crime is "constructed"—how it is explained or rationalized by society as a whole—seeking to understand why crime holds such a prominent place in American culture and how typical Americans make sense of common social problems related to crime. Making use of the constructionist paradigm for social research, Sasson avoids contemplating the "causes" of crime, the sources of crime, or possible solutions. Instead he, as a constructionist researcher, focuses on "how problems come to be constructed or 'framed' in particular ways" (p. 2). The constructionist view has widespread implications, particularly to the

fluctuations that impact public policy. How social problems related to crime are framed by individuals and social mechanisms alike impact legislation decisions and government response to crime, and “ultimately, how Americans understand their social world” (p. 3). In Nigeria, for example, audio music piracy is a recurring problem with complicated social outcomes. A recent qualitative analysis conducted by Tade and Akinleye (2012) in Lagos, an alleged marketplace for pirated products, found that digital pirates and upcoming artists enjoy a symbiotic relationship. While piracy is easily recognized as a consistent problem in Nigeria, the government is apathetic and serves as a passive enabler to audio piracy in the region, in effect harming other innovations and stifling the level playing field needed for legitimate creative industries to thrive. Therefore, developing a framework in which to illustrate criminology students’ perceptions of the legality of digital piracy could provide a springboard into understanding how future policy and discourse on digital crimes may be shaped in the U.S.

People actively assemble meaning by drawing on the resources and information sources at their disposal, including popular wisdom, their own personal experiences, and popular media discourse. Herein lies the importance of the constructionist paradigm and use of a “frame analysis” to make sense of complicated social issues. According to Sasson (1995), the creation of meaning through the use of frames comes from various mediums, including academic journals, mass media, and day-to-day conversations. As a result, compelling political discourse and decisive political battles are often fought over competing frames. This has only been amplified by the advent (and almost ubiquitous adoption) of social media platforms. It is important then to understand the basic frames

that govern popular discourse related to digital piracy in order to make sense of the social and political forces impacting crime and punishment in this space.

In an attempt to understand crime's place in American public life, Sasson (1995) tests five frames on street crime developed from a culturally available sample of 58 op ed columns on the topic of street crime. Although representative of only one type of media, op eds were chosen due to their tendency to state their ideological message more explicitly than entertainment media, and their tendency to be more varied in their ideological postures than standard news reporting. The five frames used were labeled *Faulty System*, *Blocked Opportunities*, *Social Breakdown*, *Media Violence*, and *Racist System*. The *Faulty System* frame describes crime as a result of impunity: people commit crimes because they are convinced they can get away with it. *Blocked Opportunities* describes crime as a result of diminished or non-existent opportunities due to inequality or even discrimination (e.g. poverty, unemployment rates, etc.). The *Social Breakdown* frame depicts crime as the dissolution of family and community values and principles, while the *Media Violence* frame represents crime as a result of violent material in mass media, such as violent images or language used in popular TV, movies, and music. The fifth and final frame, *Racist System*, portrays the criminal justice system as a broken, racist system of oppression whose purpose is not that of protection, but is to "suppress a potentially rebellious underclass" (Sasson, 1995, p. 16).

Sasson (1995) then studied the performance of these five frames in the discourse of peer group discussions and found that the *Faulty System* frame had a strong performance, while *Blocked Opportunities* resulted in a relatively weak performance and *Media Violence* was the least successful. "Most of the discussion participants did indeed



argue in favor of a more vigorous and punitive criminal justice system, and most rejected the notion that crime stems from economic hardship or discrimination” (p. 161). The *Social Breakdown* frame, which attributes crime to declining moralities, bad parenting, and a breakdown in social values performed most successfully in the discussions, broadly resonating with nearly all participants. The discourse required to illicit this frame implies that parents, neighbors, and friends are all individuals responsible for their own actions, and therefore are responsible for whatever actions come as a result, be it criminal or otherwise (e.g., the failure of parents to discipline their children). As Sasson (1995) put it, “[*Social Breakdown*’s] strong performance is thus consistent with the conventional wisdom that people regard individuals (and not social arrangements) as principally responsible for crime” (p. 162).

Sasson’s (1995) conclusions go on to highlight that the apparent entrenched unwillingness to apply blame to social structures, and instead blame individuals, describes very specific attitudes towards crime that affect popular discourse and therefore policy and legislative decision-making. The perceptions and attitudes that are used within everyday language and discussion on a crime topic can help provide an understanding of the notions that ultimately govern people’s actions and beliefs; a central idea to this study.

### *Attitudes*

In order to accurately create frames for how criminal justice students view digital piracy, it is also important to understand their attitudes concerning digital piracy. Al-

Rafee and Cronan (2006) developed a model of factors that influence an individual's attitude toward pirating digital material. Their model focused on the Theory of Planned Behavior (TPB) and Theory of Reasoned Action (TRA) and identified eight factors that suggested a relationship with attitude towards digital piracy: moral judgment, gender, age, Machiavellianism, cognitive beliefs, affective beliefs, perceived importance, and subjective norms. Their findings suggest that age, Machiavellianism, cognitive beliefs, affective beliefs, perceived importance and subjective norms were all significant variables, with subjective norms being the most significant. The subjective norms finding implies that the opinion of important others can strongly affect one's attitudes toward pirating digital material. The final results of their analysis supported their digital piracy model, explaining 43.6 percent of the variance in attitude toward digital piracy. They also found that within cognitive beliefs, the view that an individual could save money by pirating digital material was the most relevant understanding, relating to the common belief that digital media is often overpriced. Al-Rafee and Cronin (2006) also found that subjects had no fear of getting caught, translating to an obviously low deterrence factor towards this particular crime.

In 2008, Cronan and Al-Rafee updated their study, focusing on factors that influence the intention to pirate software and media in a similar manner to their earlier study concerning attitudes. They found that attitude, past piracy behavior, perceived behavior control, and moral obligation explained 71 percent of intentions to pirate software and media. Cronan and Al-Rafee are building upon the work of Straub and Collins (1990), who identified digital piracy as a major problem facing the technology industry, as well as Feuilherade (2004) who shows a decline of 31 percent in music sales

from 1999 to 2002, based on the numbers provided by the Recording Industry Association of America (2020). That decline has continued to grow. According to a recent 2019 report titled *Impacts of Digital Video Piracy on the U.S. Economy*, by Blackburn, Eisenach, and Harrison Jr., of National Economic Research Associates, Inc., more than 80 percent of piracy may now be attributable to illegal online streaming, overtaking the traditional downloading of material through P2P networks. The report also estimates that online piracy around the world costs the U.S. economy at least \$29.2 billion in lost revenue each year.

Cheolho Yoon (2011) took Al-Rafee and Cronin's (2008) study even further, by adding an ethics theory basis to the equation. She proposes an integrated model to fully understand the behavior and intentions to commit digital piracy. Her study employs the TPB and normative ethics theories, including the general theory of marketing ethics (Hunt & Vitell, 1986) and Rest's (1986) four-component model of ethical decision-making. She develops 10 hypotheses testing eight factors to attempt to explain digital piracy behavioral intentions: subjective norms, attitude, perceived behavioral control, moral obligation, justice, perceived benefit, perceived risk, and habit. These factors were explored through factor analysis and all were found to be supported by her findings. Moral obligation was established to be the most influential concerning intention to commit digital piracy, which means that digital piracy as a behavior is considered just as unethical as lying to get out of work, shoplifting or even cheating on an exam. Perceived benefit and perceived risk also had significant impacts on attitude toward digital piracy. This integrated model works well in taking the grounded theories of Al-Rafee and Cronin

(2008) and provides a more comprehensive understanding of behavior and intentions to commit digital piracy.

### *Illegality, Impact, and Prevention*

Current measures being taken by the criminal justice system to prevent and deter digital piracy are having little to no effect. Despite varying legal action, illegally downloading music and other digital media products has persisted. Robertson, McNeill, Green and Roberts (2012) developed a study that focuses on one specific type of digital piracy, namely the illegal downloading of music through peer-to-peer (P2P) computer networks and examines the efficacy of one approach to prevention: the message that digital piracy is illegal. To do this, they assessed the individual characteristics of downloaders compared to non-downloaders in order to explain why they are not dissuaded by messages that downloading is just as illegal as walking out of a store without paying for a CD. They compared whether downloaders were specifically characterized by less ethical concern, engagement in other illegal behavior, and a predisposition toward stealing a CD from a music store under changing degrees of risk. They found that downloading was highly prevalent, with 74.5 percent of the student sample downloading music through P2P networks, and that men and women were equally likely to engage in the behavior. They also found in the comparison of downloaders to non-downloaders that downloaders were less concerned with the law, exhibited less ethical concern and indicated engagement in other illegal behaviors. They were also more likely to denote that they would be willing to steal a CD when the risk of

being caught was little to none. Robertson et al. (2012) conclude that messages regarding the illegality of digital piracy are unlikely to deter downloaders in any measurable sense.

Bender and Wang (2009) conducted a cross-country analysis looking at the impact of digital music piracy across countries by examining macro-level information. The study explored 53 countries, 27 of which are members of the Organization for Economic Co-operation and Development (OECD). The issue of music piracy was directly related to the growth of Internet usage in any given country, so they utilized Internet penetration rates, taken from the International Telecommunications Union, to measure the availability of the Internet in each country. Using a random-effect model, they estimate that a one percent increase in the piracy rate would result in a 0.6 percent decrease in music sales. They also found that Internet penetration had an even bigger impact on record sales, in that a one percent increase in the internet penetration rate led to more than a one percent decrease in record sales. In essence, these findings show that the rise of digital technology and specifically that of digital piracy has had a negative effect on music sales within the cross-country sample used in this study.

Sinha and Mandel (2008) undertook a more micro approach, developing a study to determine the factors that direct individual consumers' willingness to pirate digital products, such as digital music and media. Their study involved assessing the tendency to pirate through indirect measures, such as willingness to pay for the legal alternative, and direct measures, such as piracy prevention. Their findings indicate that, whether it is measured indirectly or directly, the propensity to pirate depends in varying degrees on three key points: positive incentives (e.g., improved functionality of legal products and

media), negative incentives (e.g., the perceived risk of consequences), and individual consumer characteristics.

Ruiz de la Torre (2006) looks at piracy prevention from the business model and legislation perspective, rather than the individualistic perspective. He compares eradicating illegal file sharing to the task of trying to sandbag a flooding Mississippi River, and offers a different assessment of prevention measures and potential strategies. He points out that current strategies to discourage piracy aren't enough, and suggests the music/movie industry and policymakers must create a marketplace that offers legal downloading services as a more attractive option than that of illegal services. In other words, in order to truly slow the impact of piracy, the industry must radically rethink its model and find a way to provide the ease of use and financial benefits of piracy to legitimate entertainment sources. Ruiz de la Torre (2006) offers a new business model for legal downloading services to make their services more attractive and able to compete with the illegal equivalents, and then compliments that with a layout of all the legal impediments that must be overcome in order to meet the goals of the industry and his new business model. These impediments include difficulties in clearing licenses and the licensing process in general, and U.S. copyright law expressly preventing the reverse engineering process of digital rights management (DRM) technologies that would allow competitors to gain access to proprietary music files and digital phonorecord delivery (DPD) playback devices. It would seem that Ruiz de la Torre (2006) was on to something, as evidenced by the decline in music piracy brought on by the advent of Spotify and other legitimate music streaming services offering cheap, easy-to-use alternatives to music piracy.

### *Advantages of Focus Groups and Peer Group Discussions*

Consistent with several other studies, Hendershott and Wright (1993) found that focus groups continue to be a popular and effective tool for sociological research. There have been concerns in the past about the reliability and validity of focus groups, but applied sociologists now consider focus groups “a highly appropriate means of obtaining an in-depth look at motivations behind human behavior” (Hendershott & Wright, 1993, p. 154). Most important to this study, Hendershott and Wright (1993) point out that sociological practitioners are increasingly useful in attaining data on *perceptions*, attitudes, and beliefs. Some of the hallmark advantages of focus groups that they point out include the production of data that would have been less accessible through other means like one-on-one interviews, fairly high levels of participant involvement and therefore relatively spontaneous responses, and flexibility that allows interactions to provide greater access to participants’ true points of view. David Morgan (1996) provides a more in-depth look at focus groups and group interviews as a whole, underscoring the importance of group interaction to focus groups as a mechanism of study. One of the leading mixed methods approaches to sociological study involves the use of quantitative, time tested survey techniques paired with the qualitative focus groups approach. This provides the reliability and validity specialties of both methods, giving the most comprehensive understanding of a research question possible. Exploratory research, like this study, is an important strength of focus groups according to Morgan (1996), and that the most valuable aspect of focus group research is its ability to provide insights into the sources of complex behaviors and motivations.

The advantages that focus groups create when studying perceptions and motivations can be extended even further through the same strategies applied within peer group discussions, a variation on the traditional focus group. One of the major limitations of traditional survey research is particularly applicable to this research of perceptions, in that it assumes human opinions are fixed or unwavering, when in fact Potter and Wetherell (1987), as well as Bennett (1980), describe opinions as a moving target that often change with context or through social interaction. Sasson (1995) takes their work further and recommends that the best way to understand someone's true opinion or perceptions on a topic as complicated as crime, is to understand people as "orators" and examine their conversations within the context of discussions held among their peers. Due to the fact that peer group participants are acquainted with one another outside of the research setting, they will often feel more comfortable sharing as the discussion progresses. This allows participants to use language they are comfortable with and feed off of the group conversation to create collective meaning.

### *Perceptions of Legality Concerning Digital Piracy*

Perceptions (i.e., how people view their world), or more specifically how people view the criminal justice system and legality in general is of extreme importance to this study. Much of the perception based literature typically looks at the differences in intentions to commit crime, as the above scholarship has done, and it also focuses on the likelihood that someone will engage in crime given certain circumstances or opportunities, but most of the literature does not measure the effects of belief on actual



criminal outcomes. As Lance Lochner (2007) points out in his work *Individual Perceptions of the Criminal Justice System*, “the evolution of beliefs plays an important role in different theories of crime” (p. 444). Lochner’s (2007) study empirically examines perceptions of the criminal justice system held by young males from data in the National Longitudinal Survey of Youth 1997 Cohort and the National Youth Survey. Lochner (2007) found little support for Wilson and Kelling’s (1982) ‘broken windows’ theory, but did find that perceptions of the probability of arrest do respond to changes in an individual’s own criminal and arrest history. For instance, those individuals that manage to commit crimes and avoid arrest are likely to reduce their supposed chances of arrest, and those that engage in crime but are arrested tend to raise their perceived probability of arrest. He also shows strong evidence to support deterrence theory based not on the actual local arrest rates, but on individuals’ perceived probability of arrest. This goes to show how important perceptions can be within the criminal justice system, and particularly within legality and inclinations to commit crime itself.

A study of perceptions and inclinations to commit crime is not complete without first understanding Neutralization Theory and its impact on criminology. The 1957 Neutralization Theory was first put forth by noted criminologists Gresham Sykes and David Matza. In their famous work “Techniques of Neutralization: A Theory of Delinquency”, Sykes and Matza disagreed with the previously held belief that juveniles “adhered to a code of values and beliefs that was distinct from those of the general population” (Moore & McMullan, p. 443). Instead, they argued that juveniles were governed by the same values and beliefs as the general population but would “drift” away from those beliefs when engaging in delinquent acts after using certain techniques that

“neutralized” guilt related to deviant behavior. Sykes and Matza (1957) identified five specific techniques of neutralization – the first is referred to as denial of responsibility, whereby an individual’s behavior was the result of factors beyond their control, such as environmental factors or one’s family structure. The second technique is referred to as denial of injury and is based on the idea that no one is injured or harmed by the delinquent behavior, or that if harm was done, then it was inconsequential because the victim could afford it. The third neutralization technique is denial of victim, which expands on the denial of injury idea. This technique accepts that there was a victim to the crime, but that any resulting injury was justified because the victim deserved it for a variety of reasons. The fourth technique of neutralization identified by Sykes and Matza (1957) is called the condemnation of the condemners, which has an individual justify their illegal behavior on the grounds that any resulting victims are not real victims because they are hypocrites or are presumed to engage in similar activities when given the opportunity. The last technique, dubbed appeal to higher loyalties, resulted when delinquent behavior was justified by the idea that one’s immediate social group would benefit from the delinquent behavior (Moore & McMullan, 2009; Sykes & Matza, 1957).

In later years, the neutralization theory has been expanded to include other techniques, one of which was introduced by James Coleman in 1994 and is particularly relevant to this study: the claim that everybody else is doing it. This technique was used when individuals felt that disrespect or irreverence for a law was so widespread that common knowledge would say that the law was unimportant or should be nullified (Moore & McMullan, 2009). The neutralization theory has ultimately been applied to a variety of criminal behaviors through the years, and even applied by Agnew (1985) to

examine the impact of neutralization techniques on an individual's perception of victimization.

Moore and McMullan (2009) offer a more qualitative approach to understanding the rationalizations and neutralizations of those inclined more specifically to digital piracy. Their study conducted qualitative interviews with 44 university students in order to examine the use of neutralization techniques used by students who share copyrighted files through the use of P2P file sharing technologies. Each participant indicated support for at least one of six neutralization techniques, while indications did show that multiple neutralizations were used by a smaller number of the participants. The most commonly used neutralization or justification techniques were: denial of victim, denial of injury, and everyone else is doing it (Moore & McMullan, 2009). This research has two very telling implications: 1) individuals who engage in the sharing of copyrighted digital media likely neutralize and justify any guilt that would otherwise be associated with engaging in illegal activities, and 2) these individuals appear to have little or no intentions of stopping their illegal behaviors (Moore & McMullan, 2009).

Morris and Higgins (2010) look to add to a gap they noticed in the literature by applying existing theories of crime to technology driven crimes, something that is not too often done, despite the overwhelming prevalence of technology in today's world. More specifically, they explore Aker's social learning theory as it applies to engagement in digital piracy. They find that social learning theory does seem to explain a reasonable amount of variation in the likelihood that college students will pirate digital material. They also accurately point out that "reality calls into question whether social learning theory, or any general theory of crime for that matter, is adequate in accounting for

crimes that take place in the digital environment” (p. 477).

## CHAPTER III

### METHODS

As demonstrated in the literature review, there is a need to further explore attitudes and perceptions of legality as it relates to digital piracy crimes, especially in criminal justice students seeking careers in criminal justice and police related fields. The purpose of this study is to address the research question, “what ‘sociological lens’, or frames, do potential criminal justice practitioners use to perceive the legality of digital piracy crimes?” Given the still relatively new data around the field of digital crimes, most research fails to focus on criminal justice and police studies students as a source of future media and legislative discourse that may well shape how digital crime laws are formed, in particular by those empowered to create and enforce those laws.

As Dawdy and Bonnie (2012) and Morris and Higgins (2010) have shown, the online world in which digital crimes takes place is akin to the Wild West, or perhaps even the “High Seas” that historical pirates once ruled over. Much of the “digital world” is unknown and is changing more rapidly than societal forces like the criminal justice system can keep pace, thereby limiting the effectiveness of any one general theory of crime in explaining crimes that take place in the “digital world”. Therefore, in order to look ahead and attempt to anticipate future discourse on this fast-growing subject, a study of the thoughts and feelings of students that will one day be the judges, lawyers, legislators, and police officers making decisions around the legality of digital issues and crimes is necessary.

## *Procedure*

The research strategy adopted for this study builds on the work of Sasson (1995), Moore and McMullan (2009), Morris and Higgins (2010), and others to attempt to develop a set of frames in which to view the perceptions that criminal justice students have with regards to the legality of digital piracy. Many studies have been conducted and frames created to understand numerous aspects of criminology, but little discourse has occurred around this central question, and most theories focus on crimes of more perceived severity than those of the still relatively new digital world (e.g. violent crimes, illicit drug use, etc.). Through application of Sasson's frame analysis methods and insights, along with the work of Moore and McMullan to understand neutralization techniques used to rationalize digital piracy, it is possible to identify some common themes and potential frames in which to view this issue of perception and digital piracy based on the discourse of criminal justice student peer group discussions.

Data for this study were collected through peer group discussions conducted with five diverse groups of Eastern Kentucky University students, each of whom declared his or her intentions to seek a career in the criminal justice field and interest in participating in a study concerning perceptions of legality and digital piracy. The shortcomings of traditional survey research when attempting to study perceptions and opinions is well-documented, in that it treats human opinion as fixed, instead of a moving target based on the situation or context (Bennett, 1980; Potter & Wetherell, 1987). It also assumes that individuals walk around with a defined and unwavering attitude about all subjects in their head, when in fact the human consciousness is far more complex, drawing meaning and

opinions from social context and the symbolic nature of social language (Sasson, 1995). According to Sasson (1995), “the best way to analyze [public conversation and private thinking] is to regard people as orators and to examine the rhetorical components of their arguments” (p.19).

Therefore, a qualitative approach was needed to handle this same level of symbolic social complexity for this study. Peer group discussions, a variation on the conventional focus group, were thereby selected as the main research tool because of the benefits outlined by Sasson (1995) in a similar study:

[Peer group discussions] permit the researcher to listen in as subjects use their own categories and vocabularies to cooperatively create meaning. But unlike conventional focus groups, the participants in the peer group are acquainted with one another *outside* of the research setting. This difference offers two advantages: First, peer group participants typically interact with greater intensity and less reserve than their focus group counterparts. This, in turn, permits the facilitator to minimize his or her involvement in the discussion and results in richer transcripts. Second, because the peer groups have a social existence independent of the sociologist’s contrivance, their discourse can be regarded with greater confidence as reflective of the particular subcultures from which they are drawn (p. 20).

In addition, providing students the opportunity to collaborate with their peers to develop meaning on a complicated subject has cognitive benefits for the participants as well. Peeragogy, an emerging field of collaborative learning techniques and best practices highlights the importance of peer collaboration for intellectual discovery and the acquisition of basic knowledge beyond what is learned with a traditional pedagogy, or

one-directional learning model. Students that are engaged intellectually in a collective project have been found to increase their sense of ownership over their own learning and are therefore more motivated and engaged (Damon, 1984).

Rubin and Hebert (1998) analyzed the social context of learning and found that dialogue characterized by interaction and cooperation create a secure learning environment most conducive to higher-order learning. The benefits of peeragogy are well documented, and include increased comprehension and retention, as well as improved application of knowledge and skills to new situations (Schunk, 1987). For this exploratory study, student participants shared a collective college major, and were already acquainted with each other as classmates and friends, thereby creating stronger interactions and social dynamics than what would have been observed from a randomized set of students across the various university departments, or even outside the university setting.

In order to obtain meaningful conversation and interaction within the groups, it was important that the participants share a sub-culture, or accepted beliefs about the world and the subject of discussion which tends to reduce the impact of “outliers” in the study and instead creates a collective consensus among group participants (Sasson 1995). To that end, the study included 21 participants; a convenience sample of undergraduate, mostly second or third year full-time university students selected from Criminal Justice classes on the basis that they will have strong, if undeveloped feelings about crime, criminality and what is legal or illegal that have not been skewed by advanced knowledge and experience in graduate-level classes or the experience of working in the field. Students were recruited for participation on a voluntary basis in partnership with their



class professor, in which they were provided the option to participate in the study to earn extra class credit. The study includes only those students that volunteered to participate and the only compensation or reward they received for participation was extra credit towards their class grade.

Given the involvement of students, approval from the Institutional Review Board was obtained prior to conducting the study. In the selection of college students, it was important to include as wide a variety of backgrounds and lifestyle experiences as possible among the criminal justice cohort available. College students were utilized because they are most often considered the target population, since it has been shown that a high proportion of students pirate digital media (Al-Rafee & Cronin, 2006). They also have some of the highest rates of access to computers and are more likely to have moderate to advanced computer skills (Moore & McMullan, 2009).

Peer group discussions were conducted in person on campus, with each group of participants at separate times, on separate days with time in between each session. The facilitator did not participate in the discussions beyond asking the interview questions and to encourage individuals to share more on a particular topic of importance, thereby allowing them to develop their own frames and language as the discussions developed. Upon arrival at each session, the facilitator explained the purpose and process of the study, and that the discussion's audio would be recorded, and the facilitator would be taking notes in order to keep track of who was speaking and to later create a transcript of the discussion for analysis. A short, four question demographics questionnaire was administered prior to the start of each discussion in order to better understand the demographics represented in each group.

Participants were then questioned about illegal activity and the ways in which they justify certain actions related to piracy of online material. More specific questioning centered around the various mediums used by participants for music and movie entertainment, as well as their general awareness of digital piracy issues and policies. The discussions ranged in length from 29 minutes to 45 minutes, averaging 38 minutes. Throughout the interviews, participants were asked various other questions relating to their history with digital piracy, the frequency in which they pirate digital materials, whether they perceive it as something that is breaking the law or not, how they perceive the law in general, and if they feel that, given their implied future profession, they should reevaluate their stance on digital piracy. A copy of the peer group discussion instrument is available in Appendix A.

In order to thoroughly evaluate all peer group discussion comments for development of potential frames, each discussion was recorded (with written consent from all participants) and later transcribed into written text for analysis. In order to maintain consistent controls and conditions, the facilitator followed the same general script for each group discussion, and prompted discussion using the same questions for each group (Appendix A). This remained constant for each peer group, only extemporizing from the discussion instrument when necessary to encourage elaboration or clarification of comments. Each transcript was then reviewed and coded for themes and commonalities, applying the work of Sasson (1995) and Moore and McMullan (2009) to generate a list of four frames to categorize the discussions and perceptions of the participants which are best suited to capture their overall understanding and framing of this social problem. A systematic approach was used to ensure consistency across the

transcripts. Each individual comment was treated as a standalone statement and reviewed for its content, tone, authoritative nature, and the general acceptance or rejection of the comment by other participants. Initial reviews of the transcripts created general categories of common perceptions and opinions held by the participants, and comments were assigned a label to match them up to their corresponding emerging theme. Subsequent reviews and analysis of the context of comments narrowed the field and each individual comment was reassigned to the most appropriate label best describing the underlying meaning conveyed by the comment, helping to focus this study on the four most common themes found throughout the discussions as presented in the following chapters.

## CHAPTER IV

### RESULTS

An analysis of participants' answers to the demographic questionnaire shows 71 percent were between 20 to 22 years old, with 38 percent male and 62 percent female. The most significant characteristic of the sample is that all 21 participants indicated their current major as either criminal justice or police studies. While this criterion was created by design given the sample used, it is important to take note of so as to correctly understand the frame of mind used by many of the participants and their responses given. Although restricting the study to such a finite and specific group has its limits when attempting to apply the resulting frames to the general population, the tradeoff is a stronger understanding of the views and perceptions of individuals that will one day create, enforce, and adjudicate the laws being discussed. As is often the case with this type of qualitative research strategy, greater accuracy is produced for the given sample population (criminal justice students), but at the cost of the ability to generalize to a larger population.

Almost equally as important was an understanding of their average time spent on the internet each week, whereby 43 percent of participants estimated they spend seven-to-nine hours each week, while only 24 percent indicated 10 or more hours, and the remaining 33 percent indicated they spend four-to-six hours on the internet each week. Interestingly, these numbers are almost certainly much lower than the actual time these students spend on the internet given the prevalence of internet connected devices these days. A recent 2017 study by the University of Southern California found that people are

using the internet far more than the above participants answers would suggest, with American's averaging 24 hours a week online (p. 5). While this study is not set up to provide an understanding as to why students perceive their usage of the internet to be lower than actual time online, it is a noteworthy finding worth further exploration beyond the scope of this study.

Given these results and the sample selected, it is reasonable to assume that these study participants represent the typical American college student, seeking a career in criminal justice or police studies. This means young students that do not yet have fully formed opinions regarding every aspect of the criminal justice system, and especially the still relatively new world of digital crimes. It means students that have prevalent and almost endless access to technologies that facilitate a connected and "always on world" through instant connection to social media, news, and media at their fingertips. Since these students were peers that were acquainted outside of the research setting, the answers and discussion held tended to reflect a collective response from the group in many ways. It was rare to find someone that would strongly disagree with others in the room or present an outlying viewpoint, highlighting the success of the peer group discussion strategy in reflecting the unspoken subculture of the participants. As Gamson (1992) explains, "meaningful interaction within a group is only possible to the extent that its members share taken-for-granted assumptions about the world" (p.192).

While individual comments varied, there was plenty of consistency across each discussion group, with comments representative of a particular frame often appearing in similar locations or sections of each transcript. Some groups were more talkative than others, elaborating more on their perceptions or feelings in specific areas they found

engaging. Noticeably quiet participants were often encouraged to add their thoughts to the conversation. Discussion Group One could be considered somewhat of an outlier, in that this group interview was conducted first and had noticeably fewer comments than the other groups. This may have been due to the groups comfort level with speaking in front of others, as well as comfort with English as a secondary language. However, this group still conjured comments that could be coded to each of the four frames, albeit just more succinctly than some of the other groups. Otherwise, the results of the discussion groups were surprisingly consistent.

All told, the five peer group discussions resulted in 611 individual comments made by the 21 student participants, of which 410 (67%) were able to be coded to one of the four frames identified in this study. Though the remaining 201 comments did not fit well within the constructed frames, they were far from useless. Many of the un-coded comments provided interesting information for further analysis, such as the lack of participants that still buy CDs, or helped to ease participants into the conversation and generate a comfort-level with the group and discussions in order to encourage more conversation around the more controversial topics. These comments also point to some of the apps and software tools participants used to get entertainment in a variety of legal and illegal means.

## NEUTRALIZATION

The *Neutralization* frame has its roots in the 1957 Neutralization Theory first put forth by Sykes and Matza (1957) and more recently updated by Coleman in 1994. This

frame regards digital piracy as something of little consequence, invoking multiple neutralization techniques with regularity throughout the discussions: denial of injury, denial of victim, condemnation of the condemners, and everybody else is doing it (an element of neutralization that will be explored later as an element of the *Social Acceptance* frame). Criminal justice students then, it stands to reason, commit digital piracy crimes because of several inherent beliefs and rationalizations that reduce or nullify their perceived responsibility, or the resulting harm done.

The first, denial of injury, highlights a belief that ultimately little to no harm or injury is caused to those affected by their criminal behavior. Instead, record labels, movie studios, artists and other large social figures crying foul from digital piracy are simply over-reacting and exaggerating a problem of little impact. In addition, the laws designed to protect these powerful groups and figureheads and in-turn punish those responsible for delinquent behavior that harms these groups are too punitive and are equally an overreaction. The second, denial of victim, acknowledges a perception that the action may be harmful, but the victims (e.g., artists, record labels, movie studios, etc.) brought it upon themselves, in effect almost deserving it, because they made it so easy to acquire their material illegally. The third neutralization technique that contributes as an element of the *Neutralization* frame is condemnation of the condemners, which has participants deny all responsibility for their criminal actions and point the finger at the victims of digital piracy as being the true source of the problem.

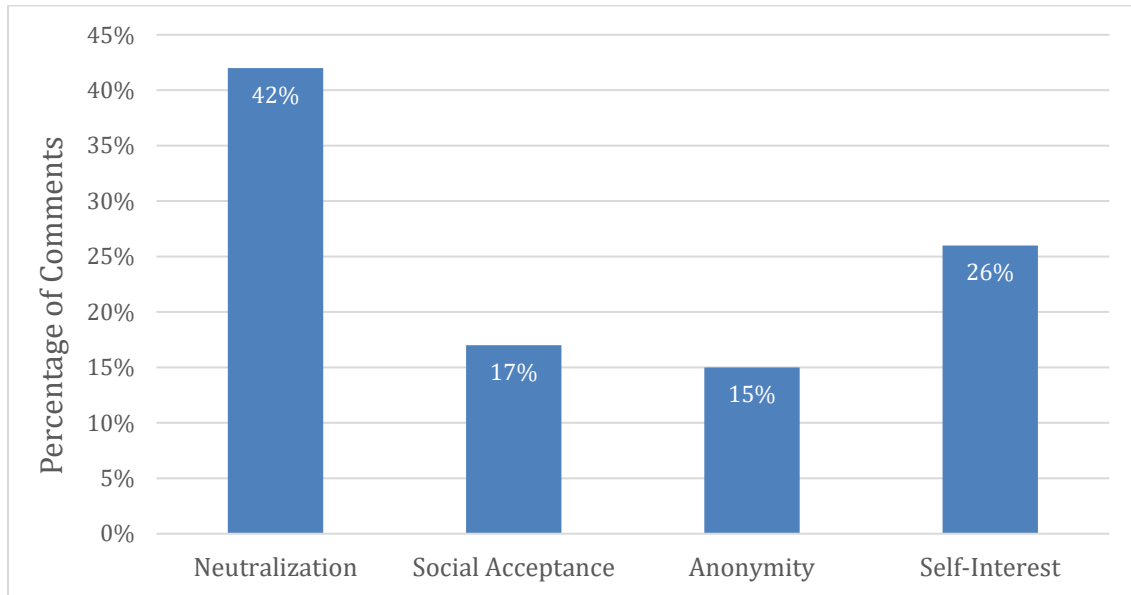
Participants in all five peer group discussions expressed support for the *Neutralization* frame, evoking comments related to each of the neutralization techniques that make up this frame. *Neutralization* performed strongest among all four frames by far

and, as Table 2 (below) shows, was evoked in 42 percent of the coded comments. Table 2 also shows the performance of *Neutralization* in comparison to the other frames, more than doubling the performance of *Social Acceptance* and *Anonymity*, but surprisingly only 63 percent better than *Self-Interest* (more on this later). Participants were often so eager to agree and show support for this frame that they would occasionally interrupt each other, or the reading of the facilitator's questions just to express comments in support of this frame. In addition, discourse supporting this frame would often elicit laughter or jokes from the majority of participants. In terms of sheer volume, the discourse coded as supportive of this frame takes up roughly twice as much space in the transcripts as discussion supporting the next highest frame, *Self-Interest*. Only one discussion group resulted in discourse that had a higher number of comments for a frame (*Self-interest*) other than *Neutralization*, and even then, it was only by one comment.

Rebuttals of this frame were rare, and did not carry much weight with participants, acting more as side comments or just an acknowledgement of a different point of view rather than a true rebuttal of the underlying frame support. The strong performance of this frame across the discussions not only adds support for Sykes and Matza's Neutralization Theory, but also supports the work of Moore and McMullan (2009) in highlighting denial of victim, denial of injury, and everyone else is doing it as some of the most common neutralization techniques used by university students that pirate digital material. This goes a long way towards an understanding of how criminal justice students construct their feelings and perceptions of digital piracy as a social problem.



Table 2 - Frame Performance in Discussions



*Supportive Arguments: Denial of Injury*

The “denial of injury” element of this frame is typically expressed by a view that, even if some harm is caused, the harm is “no big deal” because the perceived victim can afford it. In this case the victim is assumed by discussion participants to be large entertainment corporations and the super-rich, globally popular actors and music artists. Denying that any harm comes from digital piracy actions was the most common element of the *Neutralization* frame. What is often forgotten or ignored by this perception are the “small fish” in the giant entertainment pond: artists that have not reached international fame and that truly can’t afford the significant losses due to digital piracy, mom-and-pop stores relying on sales of physical entertainment mediums to stay in business, or up-and-coming movie studios trying to compete with Hollywood studios. There are many contradictions and significant amounts of evidence and media discourse on the impact that digital piracy has on the entertainment industry as a whole, and yet the discussion

comments clearly showed that the participants tend to focus on the perceived lack of harm to the victims they feel can afford it. Consider the following example from Discussion Group Three, when asked about their overall attitude towards digital piracy:

*Speaker 2:* They're making like millions of dollars. I could care less if I illegally download. Like, I don't make millions of dollars too bad. Like you can make as much as the rest of us.

*Speaker 1:* I'm with both of them like it hurts the artists I get that, but I mean at the same time they make a lot of money. I'm a poor college kid.

This same group goes on to reiterate this sentiment further when asked if they are personally bothered by the idea that file sharing or illegal downloading of music might harm the artist themselves financially:

*All:* *In unison:* No

*Speaker 1:* Doesn't bother me. I get what they're saying it's a business to them too. That's like their job.

*Speaker 4:* To me, if you think about it, they've got merchandise sales, sales of other forms of like CDs and stuff because people are still buying those at concerts, concerts, appearances, places they charge \$25-\$30,000 just to come and speak. So, to me, \$1.29 that I'm not paying on iTunes isn't going to hurt.

*Speaker 3:* Yea, they're still making money regardless.

In fact, three of the five peer group discussions immediately answered "no" in unison in response to the facilitator's question of harm to the artist, which speaks to the level of taken-for-granted assumptions and agreement with the denial of injury rationalization.

*Supportive Arguments: Denial of Victim*

Denial of victim comments in the discussion were less common than those of denial of injury but were often implied by the idea that victims of digital piracy brought it upon themselves or were taking steps to mitigate its impact and therefore weren't really victims at all. Discourse conjuring the denial of victim element of *Neutralization* was often more implied than explicit and focused heavily on how easy it is to pirate digital material and how it is probable that even the "victims" of digital piracy also commit the same or similar acts. While the language used was often open to interpretation, the tone and way in which the conversations were presented showed an "othering" of the victims that was very dismissive of the potential impact digital piracy crimes can have on them. The following excerpt displays an example where Discussion Group Four is asked if they are bothered by the fact that digital piracy can be harmful to musicians and the people involved in recording a song:

*All:*            *In unison:* No

*Speaker 3:* It doesn't bother me.

*Speaker 5:* It doesn't bother me.

*Speaker 1:* If it does affect them in any way it doesn't bother me.

*Speaker 2:* That sounds so rude.

*All:*            *(Laughter)*

*Speaker 5:* They make so much money anyways.

*Speaker 1:* Yea they do. They're probably illegally downloading music too,  
from other ways.

The next example of discourse critical of the victims of piracy comes from Discussion Group Two when asked how important it is that artists or musicians might lose money due to the prevalence of current digital piracy trends. This short excerpt suggests that the victims of digital piracy and the media are at the very least exaggerating themselves as victims, if not flat out lying about it:

*Speaker 1:* I don't think it's that important.

*Speaker 4:* I don't really think that they are losing money like it's being insinuated.

In addition to exaggerating the consequences, the victims of digital piracy must not be real victims, otherwise they would do more about the problem, at least that is the general sentiment of the next couple of examples. The prevalence of piracy is therefore a side effect of the lax laws and acceptance by its victims, and therefore there must be no real victims at all. The following conversation from Discussion Group Two is in response to the question "you are students in the field of criminal justice, yet you willingly circumvent and break the law in order to downloading music for free. Have you ever thought about that before? Before anyone actually responded to the question however, one participant joked that they had never thought about it until right in that moment, and several jokes were made about participants' college degrees "going down the drain" because they had never thought about the consequences of digital piracy before the interview. After the laughter subsided, participants said:

*Speaker 4:* It doesn't feel illegal. It feels like that is, that is today's way of getting music, is streaming and downloading.

*Speaker 2:* I think if it was harder to get, harder to download that will feel like it

was, like it would feel like illegal but because it's so easy, it's like, it don't really, it doesn't cross your mind.

*Speaker 3:* It's a common thing that everybody does. I think if it was more frowned upon then people would think about it.

In response to the question “Do you think digital piracy should be illegal?”, a participant from Discussion Group Five also summed this sentiment up well by saying “If we are able to access stuff, even if we have to go through all these different steps, then I think it should be legal because if we can actually reach it...if they wanted it to be illegal they should’ve took better measures”. In other words, digital piracy victims have it coming because they make it so easy to accomplish.

#### *Supportive Arguments: Condemnation of the Condemners*

The third technique of neutralization that was invoked by discussion participants is condemnation of the condemners, which claims many artists, corporations, and law enforcement entities are “just as bad”, engaging in similar hypocritical activities themselves. While this neutralization technique was evoked with far less regularity than denial of injury and denial of victim, it depicts law enforcement officers illegally downloading music or movies and laughing about it, or the predatory nature of large record labels towards small artists. This has created a view that the world is full of hypocrites who claim that digital piracy is morally wrong, but their actions do not always support the moral high ground. Students then justify their behavior and deny responsibility because those that claim to be victims are not real victims due to their

hypocritical actions. Consider the following example from Discussion Group Two, in which participants were asked about their future plans to seek careers in law enforcement, and the responsibility of law enforcement officers to uphold all laws, even those that they do not agree with:

*Speaker 1:* That's true but they're going to do it anyway. I interned with a police station, and they like, I love them to death, but like, they don't want to do paperwork at the end of the day. So, they're gonna give... I would, I went on, like for a ride along and they would give tickets very rarely, like, so sometimes you just, like I said, the discretion thing. Like, is it really that big of a deal that someone was going 10 over? You know, I mean...

*Speaker 3:* I'm just talking about like, law enforcement officers breaking the laws themselves.

*Speaker 1:* Oh, yeah. Gotcha.

*Facilitator:* So, you're saying that you don't think it'd be right if they were law enforcement officer's downloading music or excessively speeding or something along those lines?

*Speaker 3:* No, because I mean, I think it's being hypocritical breaking the laws that you're making others enforce.

*Speaker 1:* I agree with that.

*Speaker 4:* That's kind of crazy. Yeah. I remember whenever I first came here, our, it was on the news about the sheriff getting pulled over for drinking and driving. And I was like, what are you saying for the

community? They like, you're the sheriff. You know, like, you're supposed to be the one that's out here like, cleaning this community up. Making sure that there's nobody bad on the road? That's okay? And they just pulled you over for drinking and driving.

*Speaker 1:* I want to be a cop, but I don't think it makes me a bad person that I'm still probably going to download music as a cop. I mean, like I said, I really don't do that much anyway, but like the movies, I guess I did. So, like, I'm still probably going to do it.

Along those same lines, a participant from Group Three provides a similar example even more explicitly:

*Speaker 2:* If police departments weeded out every person who did, who downloaded illegal music, they wouldn't have anybody left. I have a friend that's a cop. And she has like, 3000 illegal songs on her iPod. They don't give a shit if you take music, and I don't care either. It's like what he was saying, the tiers of wrong and stuff, you know. I just feel like it's just like right at the bottom. Don't worry about so much stuff. And then it just becomes ridiculous.

Put differently, it is easy to neutralize piracy as not that big of a deal, especially when those officials who should be condemning the action are instead participating in it and not hiding it. Other comments highlighted how participants do not know how it would be possible to catch people illegally downloading music, especially for everyday law enforcement. If law enforcement officers are hypocrites, and are participating in blatant illegal activity, then why should college students, even college students seeking a career

in law enforcement, care about it? The law itself must therefore be hypocritical by its very nature, and consequently begging to be nullified and ignored.

## SOCIAL ACCEPTANCE

The *Social Acceptance* frame builds off the work of Al-Rafee and Cronan (2006) in identifying factors that influence attitudes of digital piracy, particularly their findings related to subjective norms and the implications that the opinion of others can strongly affect one's attitudes toward pirating digital material. This frame argues that important people in an individual's life, as well as societal forces as a whole are accepting of the criminal behavior, and therefore the behavior is not an inherently bad thing. It also depicts digital piracy as something that "everybody else is doing", and its criminality is therefore nullified by the general consensus that it is a ubiquitous activity across social norms. While the idea that everybody else is doing it is one of the neutralization techniques added to the theory by Coleman in 1994, and it could be argued is better suited for inclusion in the *Neutralization* frame described in Chapter V, the prevalence and conviction of comments related to the acceptance of digital piracy by society, and comments highlighting how peers and important individuals in their lives view this issue are so deeply connected within the discussions that it underscored the value of *Social Acceptance* as a standalone frame, and not as a subframe of *Neutralization*. Therefore, *Social Acceptance* should be viewed as its own frame, including comments of "everyone is doing it" as well as comments showing the acceptance of the practice by important social others in the participant's lives.



All five peer group discussions included discourse eliciting support for the *Social Acceptance* frame, accounting for 17 percent of the coded comments as outlined in Table 2 (above). Claims included assertions that all their friends are doing it, as well as that their parents do it or don't care if they do it. Even claims of knowing police officers or bosses that pirate digital material regularly showed a clear belief that society as a whole perceives digital piracy as a socially accepted practice. Rebuttals did pop up on occasion during the discussions, as participants would share that their parents tell them to stop doing it regularly. In addition, the occasional presence of participants in the room that did not pirate digital material served to undermine the idea that everyone is doing it and is comfortable with it as a social norm. While *Neutralization* may have manifested in a greater number of comments than the other frames, *Social Acceptance* had arguably the strongest performance in terms of intensity of comments and agreement as conventional wisdom. It also had far fewer rebuttal comments and was rarely contradicted by later discourse.

### *Supportive Arguments*

*Social Acceptance* was often conjured during discourse occasioning from questions asking about the feelings of important people in their lives. Rarely did participants acknowledge that the people they consider to be important to them, (e.g. parents, bosses, friends) would be bothered by the knowledge that the student steals or supports the theft of digital material. The first example of this comes from Discussion Group One, which turned out to be somewhat of an outlier in comparison to the other

discussion groups in terms of their age and background. Participants in Group One all indicated they were 23 years of age or older, and some shared during the conversation they were originally from the United Arab Emirates and were attending college in the U.S. Given this information, it is reasonable to assume that participants in this group share different backgrounds and experiences than those of the younger American students in the other groups. However, when discussing elements of *Social Acceptance*, Discussion Group One created discourse very similar in nature to that of the other groups. In the following excerpt, the participants are responding to the question “do you think important people in your life would want you to pirate digital material?”

*Speaker 4:* I don't think like anyone I know views it as like that big of a deal.

*Speaker 2:* I don't think they mind. It's not a big deal for them.

*Speaker 1:* I can't say. My Uncle's a lawyer, so I can't really do much about that. So, I don't think he would very much appreciate that but, probably they wouldn't. They would say as long as you didn't get in trouble or get caught. I don't think, really, they know or understand what it really does and what the consequences are.

A second example of discourse on the prevalence and acceptance of digital piracy comes from Discussion Group Two, highlighting a parental figure that engages and encourages this type of behavior:

*Speaker 1:* I don't think anybody important to me would care. I'm pretty sure my Mom watched some website the other day to watch Fast and Furious 7.

*Speaker 4:* I use to buy movies off people. Like the \$5 movies or something,

and you'd have to buy different, you'd have different copies and some of them would be awful.

*Speaker 1:* Yeah, she said she watched it and part of it was in like Japanese. I had to tell her what happened when I went to see it in theater.

One page later in the transcript, when asked if they ever think about family and friends when they are pirating music or movies, Discussion Group Two responded:

*Speaker 1:* I never think about it.

*Speaker 3:* I don't think most people really consider it as a tough crime, right? I mean I don't think people view it that way.

*Speaker 2:* I don't think a cop is going to come knocking at your door...time out, you're arrested for piracy? What? (*Laughter*)

*Facilitator:* Anything else?

*Speaker 5:* When I get stuff, they want it. So, they want me to download it cuz they want to listen to it too.

*Speaker 1:* That's true. I just told my Mom about Putlocker the other day. I was like this website isn't half Japanese. There you go.

Occasionally, *Social Acceptance* discourse would be interwoven with other frames, usually *Neutralization*, as participants downplayed its impact because "everyone is doing it". It was also coded along with *Anonymity*, because it is easy to hide your criminal actions when everyone else, including your neighbor, is presumed to be doing the same thing. In other words, you won't be singled out. In all, the argument that "everyone does it" and the idea that it is a socially accepted practice appeared in all five discussion groups. The most passionate and cogent argument came from Discussion

Group Three in the following excerpt resulting from a question that regularly triggered this frame:

*Speaker 2:* Sure, my Mom buys it for me and mails them to me. She don't care like... I was saying they're making 10 times more than me or my parents, if not more than that. So, I could care less.

*Speaker 4:* I don't think, this may be just me speaking, I don't think my parents or family really care about that.

*Speaker 1:* I don't think it's just our generation that does it either. I think the older generation does it too. Now that they...once they figure out how to do all that.

*Facilitator:* What about other important people; doesn't have to be family, could be friends or teachers.

*Speaker 4:* They all do it. One example, I keep thinking teachers show movies all the time. And you know, they're not getting those. Not every movie they show in class or something is from a legit place.

A few lines later in that same transcript:

*Speaker 2:* Like, if I bought all my stuff, they'll be like, my friends and family and everyone would be like: What are you doing? Are you crazy? Like, no one does that. Like, why are you paying all that money when you can get it for half that cost?

*Speaker 4:* I think it's a part of life anymore. It's become so popular and so widely done, that its...(participant trailed off).

In only two comments from all five discussions was this concept directly challenged by a

participant who felt that their parents would not be thrilled if they knew. For the most part, *Social Acceptance* was treated as conventional wisdom.

## ANONYMITY

The *Anonymity* frame also has its roots in the work of Al-Rafee and Cronin (2006), drawing from the idea that perpetrators of digital piracy crimes have no fear of getting caught, which in-turn translates to an obviously low deterrence factor for the crime. This frame highlights an important aspect of digital crimes in general: there is a sense of being anonymous, whether correct or not, when sitting behind a computer screen, and therefore actions taken online generate less fear of negative consequences. This is also evidenced by the stunning failure to deter digital piracy even a little bit through traditional legal means of deterrence (i.e., imposing harsh penalties, generating high-profile cases, or adding strongly worded FBI warnings to the beginning of DVD home movies). As the piracy trends of recent years have shown, law enforcement actions to address this problem have had no real impact on the crimes prevalence and has since faded into an afterthought in most cases.

While *Anonymity* showed up in some fashion within all five peer group discussions, it did so with less regularity and detail than its frame counterparts, resulting in the weakest performance of the frames. Table 2 (above) compares the performance of *Anonymity* to the other frames, whereby discussion suggesting a lack of fear of getting caught was found in only 62 individual comments (15%). It should also be noted that *Anonymity* did outperform two other frames within Discussion Group One. In the four

other discussion groups, *Anonymity* had the weakest performance. None the less, *Anonymity* had significant support by those making the comments and required little interpretation to conjure this frame. It was often very clear that participants felt, even internalized, an inherent sense of comfort with the illegal actions necessary to pirate digital material.

### *Supportive Arguments*

*Anonymity* was most often conjured when directly provoked by questions regarding the fear of getting caught, or when comparing theft of digital material to theft of products from a physical store. The following excerpt from Discussion Group Three summarizes the general sentiment of *Anonymity* well:

*Speaker 4:* I feel like at first, when the whole piracy stuff started to really pop up, you would think oh, what if it was me that got caught, but now you're like a million people do it in New York alone, so why am I worried?

*Speaker 1:* If they really started cracking down, they would have to arrest a lot of people.

When discussing the comparison of stealing digital material to stealing a CD from a store, many participants appeared to be considering this question for the first time, and the resulting discourse often evoked elements of *Anonymity* along with it. As an example of the latter, consider the following excerpt from Discussion Group Five when asked if they would ever steal a physical CD from a store:

*All:* *In unison:* No

*Facilitator:* Why is that a resounding no?

*Speaker 3:* It's easier to get caught.

*Speaker 2:* Yea, that's like way more personal.

*Speaker 1:* Yea, that's just a whole different level.

*Speaker 2:* Online you're just like one of the other people doing it.

*Facilitator:* Some people might say that stealing a physical CD from a store is no different than stealing a movie or music online. Do you agree with that statement?

*Speaker 1:* No. It's tangible. It's something you're actually doing. It's an act. If you're, well, I guess either way, but still, if you're going to do it then that shows more of your character, I think.

*Speaker 3:* And I feel like if you do it in a store then that also effects like the storeowner too, not just the artist.

*Speaker 1:* Yea, you don't have a figure when you're just doing it online. You don't see a person, it's just...

On the rare occasion that the *Anonymity* frame entered the conversation spontaneously, it did so as a secondary thought, usually when discussing the legality of the issue, or law enforcement's efforts (or lack thereof) to do something about the problem. An inherent understanding that almost everyone is getting away with it was usually implied by the comments and expressed an air of nonchalant dismissiveness when speaking about the likelihood of being caught online.

*Facilitator:* Do you think it should be illegal, or do you think we should do away

with the laws that concern digital piracy?

*Speaker 1:* I understand why it's illegal, but I feel like they're not doing very much about it. Because people get away with it all the time.

## SELF-INTEREST

The *Self-interest* frame is best summarized by the colloquial phrase “what’s in it for me?” This frame does not shy away from the responsibility of criminal actions, but instead assumes an implied value to the actions of digital piracy for the individual responsible; a value that often outweighs or overshadows any feelings of guilt or consequence associated with the delinquency. While *Self-interest* can also trace some of its foundational elements to the work of Al-Rafee and Cronin (2006), it should be viewed as unique when compared to the previous three frames, in that when this frame entered the conversations, it did so spontaneously as a result of questions originally intended to evoke discussion on deterrence and attitudes or beliefs held towards the cost of digital piracy to society or to the individual. In fact, this frame was not part of the initial analysis, and was only coded for in the transcripts after identifying it late in the analysis as a common theme throughout. This frame supports Al-Rafee and Cronin’s (2006) model for understanding the factors that influence an individual’s attitude toward pirating digital material, which, among other things, found that digital media is commonly believed to be over-priced, and that it is frequently assumed pirating digital material will save an individual money. This in turn creates a tangible benefit to the self that can attract individuals to pirate digital material.



As a result of *Self-interest's* unexpected appearance as a viable frame, it is equally surprising to see its overall performance among the discussions. As Table 2 (above) shows, *Self-interest* was the second strongest performing frame, almost doubling the performance of *Anonymity*, and only 64 comments (38%) behind that of leading frame *Neutralization*. In fact, when counting the number of coded comments, *Self-interest* outperformed *Neutralization* in Discussion Group Four, and tied with *Neutralization* in Discussion Group Five. While *Self-interest* had plenty of support when provoked by questions regarding the cost of digital material, it also showed up spontaneously with regularity throughout the discussions, often prompted by discussions among the participants without a direct question from the facilitator. Rebuttals of this frame were also the most common among the frames, as it seemed clear that most participants felt money could be saved by pirating digital material, but this cost savings comes at the expense of time and quality of the resulting product. In fact, the lack of quality in pirated material and the significantly more time and effort required occasionally occupied more space on the transcripts than discourse in support of this frame. However, even discussion of the negative aspects of pirated material implies the opposite, that there is a benefit in saving money, otherwise no one would ever do it. This suggested a level of contradiction inherent to this frame that was not matched in the other frames.

### *Supportive Arguments*

The strongest evidence in support of this frame comes from the resulting answers to the question “Do you feel like you save a significant amount of money by pirating

digital material?” All 21 participants across the five discussion groups unanimously agreed with this statement. There was also unanimous agreement that legitimate digital material was significantly overpriced, which in turn leads at least partially to the prevalence of digital piracy. In addition, there was very strong support for the notion that although pirating material can save money, it does not save time. This contradiction often came up spontaneously throughout other parts of the discussion, without being triggered by a question. Consider the following excerpt, which is a strong example of the enthusiasm from saving money, and yet also highlighting the contradictory nature of this frame as well due to the resulting negative consequences:

*Facilitator:* Do you feel you save a significant amount of money?

*Speaker 3:* Hell yeah!

*Speaker 2:* Right! I like your answer.

*Speaker 1:* Even a movie ticket in Richmond is outrageous.

*Speaker 3:* Except for on Tuesdays.

*Speaker 1:* Yeah, I know. That’s the only time I go to the movie theater.

*Speaker 4:* I think it’s also though piracy drives up the prices of everything else, which leads to more.

*Speaker 1:* That could very well be. Since they’re not making as much off people buying the stuff.

*Speaker 4:* Yeah. They have to make the money up somewhere.

Rarely, if ever, did the other frames conjure such strong, animated support and then immediately provoke a rebuttal of similar acceptance that disagreed with the idea of piracy being beneficial to them.

In regard to overall attitudes towards digital piracy, it is clear that participants felt strongly that digital piracy was personally beneficial, regardless of the many comments indirectly contesting this idea which they produced along the way during the discussions.

This was best personified by the following discourse from Discussion Group Five:

*Speaker 1:* It's beneficial for us.

*Speaker 2:* Yeah, definitely beneficial for us. We're poor, they're not.

*Speaker 1:* They make money from concerts and other things. They don't really...

*Speaker 2:* Yeah, \$1.99 is not going to hurt them. I think it's more harmful like when their stuff gets hacked, like, before it gets released, like, I think that's more harmful than it being released and us downloading it.

Some participants also struck the theme that they understand both sides of the argument, but still ultimately feel that the material is overpriced and therefore they benefit from digital piracy on a personal level. Consider this example:

*Speaker 5:* It's pretty beneficial to me.

*Speaker 1:* Yeah. I don't think it really affects them either.

*Speaker 5:* They get such a small cut anyways that...

*Speaker 1:* Yeah.

*Facilitator:* What else?

*Speaker 2:* I mean if everybody downloaded it and nobody had to pay for it that would hurt. But, like myself, I don't. I'm so behind on technology so I don't. I can't figure it out.

*Speaker 4:* I can see both sides if you keep buying music it gets really

expensive.

*Speaker 1:* It's like a dollar per song or something.

*Speaker 5:* \$1.30, yeah.

*Speaker 1:* Yeah, that's crazy.

*Facilitator:* Do you think it's a good or bad thing? What was the first thought that popped into your head?

*Speaker 2:* Good or bad thing, like piracy?

*Facilitator:* Yes.

*Speaker 3:* I mean, I guess it's good if like you're on a budget.

*Speaker 5:* Yea, it's good for us.

To the extent that the price of digital material is the cause of digital piracy crimes, the conjurers of this frame offer an easy solution: simply lower the cost of digital entertainment media and piracy would disappear overnight. All that is needed by the entertainment industry, is to find a way to provide the material in a cheap, efficient manner that reduces the need or perceived benefits of pirating the material instead. As the literature review described above, this is largely the phenomenon being seen across the music industry, with centralized music streaming services like Spotify offering 50 million songs for free or minimal cost. The movie industry, on the other hand, is taking the opposite approach and fragmenting their products into numerous online streaming services, thereby increasing the cost of legitimate movie streaming and increasing the perceived benefit of finding illegitimate alternatives.

The prevalence of cost vs. benefit analysis discourse throughout the transcripts highlights how strong of a factor price can be in the decision to commit digital piracy

crimes. Of course, what is almost always lost on participants in these discussions is the actual value of the material. Many of the comments show a general lack of value being placed on the material by the students. The idea that paying \$1 or more for a song is outrageous, and equally so for the price of movies. It is likely, however, that the artists, producers, executives and hundreds of people regularly involved in the production of popular movies and music would strongly disagree with this notion.

## CHAPTER V

### DISCUSSION AND CONCLUSION

#### *Rebuttals*

It is important to note that each of the four frames identified in this study also experienced rebuttals throughout the discussions. *Self-interest*, for example, is refuted most frequently by comments that the quality of pirated material is usually poor, and the time spent to source and access pirated material is often far greater than the time required to purchase the same material through legal channels. The increase in time spent and lack of quality directly contradicts the perceived value associated with pirating material. This implies that students often weigh the benefit of saving money versus saving time, with one participant even claiming, “I have more time than money.” *Social Acceptance* was rebutted by the attendance of participants that did not pirate digital material at all, or comments that some important people in participants’ lives might not understand or support the idea of stealing online material. It is hard to fully support the idea that “everyone is doing it” when in fact there are people in the room that do not. The *Anonymity* frame was occasionally negated late in the discussions, as some participants, realizing that acts of blatant piracy on campus computers and networks could increase their risk of getting caught, would express a realization that the likelihood of getting caught was higher than they originally thought prior to participation in the discussion.

Even *Neutralization*, the highest performing frame throughout all the discussions

was rebutted by comments showing empathy or understanding of multiple sides of the argument, as well as knowledge of the legality of the issue; understanding that the value of pirated media was degraded and that there was a negative financial impact to the artists and entities responsible for the entertainment effectively being stolen contradicts the denial of injury element. Discussion Group One started the discussions with a strong rebuttal to the *Neutralization* frame. When asked if the group believed that digital piracy harms the artists, all agreed that it does, with one person emphatically exclaiming “Definitely!” Later in Discussion Group One, Speaker 3 made the following rebuttal comment in reference to the harm caused to artists: “I feel bad for them like, when you think of their like, money.” Another clear example of a rebuttal of *Neutralization* comes from Discussion Group Two, when three participants conjured discourse on the denial of injury element of the frame by debating the impact of piracy on musicians:

*Speaker 1:* I agree. I don't think they're losing very much money.

*Speaker 4:* I can kind of see both sides. Sorry, if I was an artist, and I wasn't getting all the money that I could be getting from my work, I would kind of be angry about it.

*Speaker 2:* Yeah, but they're making so much money. Like \$5 or \$15 isn't gonna break 'em completely as it would us.

*Neutralization* was also occasionally rebutted by participants realizing after detailed conversation brought on by the discussions that pirating a digital CD was, in reality, not all that different from stealing that same CD from the store. Consider the following informative example from Discussion Group Three, when asked if they agree with the statement that “stealing a CD from a store is exactly the same as downloading it

illegally online”, two participants provided the following rebuttal:

*Speaker 1:* But I can see how someone would say it’s the same, at the same time. You’re still stealing the same exact thing, whether you have a hard copy or digital copy.

*Speaker 4:* Two hours ago, I would have said absolutely not. But now that talking here, it’s, I mean, I still don’t think it’s the same, but I don’t think it’s that much different.

### *Policy Implications*

Opinions and perceptions of crime have a long-standing history of shaping public opinion and acting as the dividing line of many influential political battlegrounds. Though the pendulum swings back and forth between liberal and conservative leanings, crime has always been central to the political equation. How we understand the world around us influences legislation and the allocation of government resources, not to mention the impact political attention can have on elements of the criminal justice system. As way of example, Sasson (1995) references just one pertinent moment in U.S. history, the political campaigns of 1994, in which conservative candidates fought to be known as the candidate toughest on crime. A “tough on crime” persona has been an identifiable trait of conservative politics for some time, and therefore has influenced political decisions, laws, and legislative actions as a result.

Political conflicts are often fought over competing frames, and only by fulling understanding the depth of these frames can true judgements be made about their validity.



Understanding public opinions and perceptions as this study has attempted to do can often act as a predictor, or at least general indicator of the political landscape of the future. This is arguably most true when looking at the discourse and opinions of young Americans, and in this case, young criminal justice students that may one day make careers out of law enforcement and political positions that make decisions about crime. If, as this study indicates, criminal justice students view digital piracy crimes as “not that big of a deal,” then it stands to reason that future political discourse may share a similar feeling, and a tough stance on digital piracy crimes may be hard to garner support for. The dominance of *Neutralization* and *Social Acceptance* through the peer group discussions would seem to support this theory.

Both Ruiz de la Torre (2006) and the discourse of this study bolster the notion that the most effective weapon against digital piracy crimes is for the entertainment industry to find new ways of providing legitimate services to consumers that offer competitive advantages over its illegitimate competition. Much like the success of Spotify and other music streaming services seems to have reduced the prevalence of illicit music downloading, competing against piracy through consumer offerings instead of the court room seems to be a far better path forward for the industry. If the peer group discussions are any indication, criminal justice practitioners of the future are unlikely to support a punitive stance on digital piracy given the role it has played in shaping their early childhood and college lives.

### *Limitations and Conclusions*

Most exploratory research studies come with some measure of limitations that must be mentioned to provide an accurate understanding of the study, and this research is no different. First, the relatively small convenience sample of criminal justice students does not allow for generalizing the results to the larger U.S. population. A similar, yet large scale randomized study of citizens across ages and social situations would be helpful in examining if these results are also representative of the general population. Second, this study is localized to perceptions of Eastern Kentucky University students, which provides education primarily to individuals in a specific region of the country. Opinions on crime can vary across states and the different regions of the U.S., therefore this study is limited in its ability to theorize on perceptions of digital piracy crimes in other regions of the country, and particularly the world at large. Replicating this study across multiple universities in the country would go a long way towards bolstering its validity. Additionally, it cannot be assumed that criminal justice and police studies students are all destined to become criminal justice practitioners. This is of course, unlikely. Not all students end up with jobs directly related to their major, and some of the participants in these peer group discussions will ultimately go on to hold jobs wholly unrelated to criminal justice, thereby potentially limiting the effectiveness of this study to accurately judge future discourse of criminal justice practitioners. Further study could expand on this methodology and the scope of the study to do a comparative study of its applicability across wider audiences and other U.S. regions.

Another limitation is the use of volunteers as the core participants. Since students were told the topic that would be discussed prior to voluntary participation, it's possible that some of the students who chose not to participate may have done so out of fear of

consequences for their personal piracy actions, or simply did not want to discuss the topic in front of their peers and friends. It would be ideal to conduct this in a more randomized fashion with students from a variety of majors and backgrounds. Also, further research should be sure to take into consideration that the growth of music and video streaming is blurring the lines between what a student considers piracy, and some students don't fully understand where the line between legitimate and illegitimate sources lies. Despite these limitations, results of this exploratory study allow for the creation of general frames for classifying the perceptions of individuals on a given topic. Allowing peers to commiserate about crime topics while being guided by a trained facilitator can lead to very compelling discussion; discussion that can be very beneficial in understanding how people construct their opinions on a variety of crime topics. The most important advantage of this method is that it can perform very well in a variety of research settings and should be used more often to provide a more in-depth understanding of crime that other research methods cannot provide, especially for the still developing field of digital crimes.

Framing public problems is an important tool for understanding meaning and therefore adding to the science of crime and human nature. Every individual carries with them a unique personality with their own beliefs and interpretations of the world around them. The information presented herein can help answer questions like what is the conventional wisdom relating to digital piracy in public discourse? Why are some political or legal actions more successful than others in combating this social problem? Results of this exploratory study indicate that digital piracy crimes are often conducted for reasons pertaining to personal self-interest, usually financial in nature, and come with

little to no remorse for piracy victims. Much like the support for neutralization techniques found by Moore and McMullan (2009) when interviewing university students, this study also shows support for neutralization techniques among university students through the use of peer group discussions. The acts are most commonly neutralized in ways that justify guilt and severely depress intentions of stopping digital piracy crimes, thereby lessening the perceived wrongfulness of the issue in consequential ways that society seems largely fine with accepting. In addition, the research presented here also supports the work of Al-Rafee and Cronan (2006) in finding that the opinion of important others, the lack of fear of getting caught, and a view that one can save money by pirating digital material can strongly affect an individual's attitudes towards digital piracy.

If criminal justice students do not see stealing music or movies as something that is inherently wrong, they are unlikely to enforce or propose laws to fight it, even if they are in a job (e.g., law enforcement or legislative positions) that would otherwise require it. In addition, conventional legal action when wielded against digital piracy crimes does not appear to be an effective deterrent. As the use and popularity of the digital world continues to grow, so too will digital crime. It is imperative to build a foundation now for understanding how people construct meaning in the digital world as much as the physical one. These insights provide a useful glimpse into the potential future of criminal justice policy and political conversation surrounding digital piracy.

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## APPENDICES

## Appendix A: Schedule of Peer Group Discussion Questions

## APPENDIX A: SCHEDULE OF PEER GROUP DISCUSSION QUESTIONS

*The purpose of this study is to gather information from you that will help us gain a better understanding of how students seeking careers in the criminal justice field view complicated legal issues such as digital piracy.*

***Baseline questions to establish how the group acquire their entertainment media and their general knowledge/awareness of piracy:***

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1. How do you acquire music to listen to whenever you want?
2. Do you buy mostly CDs, or do you get your music digitally?
3. Do you buy music through iTunes or similar services? How about streaming?
4. What other websites or services do you use to get music?
5. (Assuming some of them answer that they get their music for free in various forms)  
Are you aware that downloading (not streaming) music from anywhere when you did not pay for it is a form of digital piracy, and is against the law?
  - 5(a). Does everyone understand what I mean by digital piracy?
6. What's your overall attitude towards digital piracy (will describe digital piracy if

needed)? Do you think it is harmful or beneficial to yourselves? What about to other people, such as the artists that recorded the song?

7. Do you think digital piracy is good or bad?

*In order to address neutralization techniques, participants will be asked various questions, including:*

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1. Do you think that file sharing of music, or downloading music without paying for it harms the musicians or people that recorded the song? Does this bother you?

2. How often do you actually buy songs after you have listened to them or tried them out on free websites or through file sharing?

3. How often do you go see artists perform live after you hear or download their music for free?

4. Do you feel like it is something you should worry about given how many people share music now or download for free from various sources?

*Questions relating to the opinions of significant others regarding digital piracy:*

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1. Do you think important people in your life would want you to pirate digital material?

2. When you are considering downloading more music, do you think about what your friends and family would think, or do you just go get the music you want without thinking about it?

***Questions relating to participants feelings and attitudes when pirating digital material:***

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1. How do you feel when you are downloading music from free services? Any different than normal?

2. Does it make you feel excited, happy, pleased, or satisfied?

3. How about anxious, fearful or nervous?

***Questions relating to beliefs toward digital piracy:***

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1. Do you believe that there is a chance that you will get caught while pirating digital media? Is this important to you and to how often you download music for free?

2. Do you find that pirated material does not work as well as the original work? For instance, mp3 files are very small files that compress the sound of audio in ways some people find undesirable.

3. Do you feel like you save a significant amount of money by pirating digital material?

What about saving time?

4. How important is it that artists and musicians might lose money due to the prevalence of current downloading in today's society?

5. Do you feel that digital material is overpriced and does this contribute to your reasoning for finding music for free?

***Questions in order to steer the conversation towards perceptions of law and perceptions of legality surrounding digital piracy:***

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1. So lets go back to the legality of this issue for a minute. Do you perceive this as something that is inherently wrong?

2. Do you feel that it should be illegal?

3. You are students in the field of criminal justice, yet you willing circumvent and break the law in order to download music for free. Have you ever thought about that before?

4. Would you ever steal a physical CD from a store?

5. Some might equate this as no different than stealing a physical CD from any store. Do

you agree with that? If so, why do you do it anyway?

6. If you plan to seek a career in law enforcement do you feel that it is your responsibility to uphold all the laws? What about laws that you do not agree with? Does this apply to downloading music for free?

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*\*Note: Discussions and interviews will end by allowing all participants free reign to discuss anything else they have on their mind, including any questions they have about the project. Each participant will be thanked for their participation and provided with contact information in order to stay in touch with the project should they choose to do so.*