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De Kaminski, Marcin; Svensson, Måns; Larsson, Stefan; Alkan Olsson, Johanna; Rönkkö, Kari

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Chapter 18

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Marcin de Kaminski, Måns Svensson, Stefan Larsson, Johanna Alkan Olsson, Kari Rönkkö

Introduction

The fact that the debate concerning copyright in a digital society has been both intense and filled with polemic conflicts ever since the late 1990s makes it clear that it is a most complicated issue to solve, or even grasp. Basically, both the legal and societal discussion and development are explicitly dependent on a greater understanding of the on-going processes surrounding copyright. This presents a well-suited point of departure for research such as the one conducted within the Cybernorms research group – both in terms of providing valuable insights into the field of sociology of law when it comes to understanding how to relate to the framework provided by digitalization in general and the Internet in particular, and in terms of providing more accurate knowledge and toolsets to legislators in related fields.

Several perspectives on the issue of online copyright have been covered, such as the incompatible relationship between online behaviour and copyright regulation (Lessig, 2006 and 2008; Litman, 2006 and 2010; Morris, 2009; Vaidhyanathan, 2003), law and social norms (Altschuller and Benbunan-Fich, 2009; Feldman and Nadler, 2006; Jensen, 2003; Larsson, 2011b; Moohr, 2003; Schultz, 2006b and 2006a; Strahilevitz, 2003a and 2003b; Svensson and Larsson, 2009 and 2012; Tehranian, 2007; Wingrove, Korpas and Weisz, 2010) and the digitized era of networks, which several scholars have verified (for instance, Boyle, 2010; Jensen, 2003; Larsson, 2010; Lessig, 2008; Litman, 2006; Vaidhyanathan, 2003; Netanel, 2008). By tracking and analysing changes in legal and social norms in online environments, sociology of law can be properly equipped to face a digitalized world. This is of relevance for issues of legal enforcement in an online environment (Larsson and Svensson, 2010) that are particularly related to identification, methods of encryption and other anonymity practices (Larsson, Svensson and Kaminski, 2012; Larsson et al., 2012). The clearly observable conflicts between copyright legislation and its enforcement, on the one hand, and a seemingly non-compliant online community, on the other, will not decrease in the near future. Therefore, it is

imperative to scrutinize the inter-normative relations and conflicts in order to find a working model for understanding historical, current and future developments. It is within this context that this chapter presents a practical application of a four-dimensional socio-legal model to explain one of the major contemporary fields of conflict.

This chapter collects results from five different studies, all conducted by scholars active within Cybernorms. Cybernorms is a research group founded by sociologists of law with a specific focus on exploring social and legal norm structures that appear in the wake of technological and social change. The emphasis within the group is on the gap that currently runs the risk of emerging between traditional society's rules and the social norms that are generated in connection with young net cultures. Based on the underlying understanding that the digitalization of society is producing a growing divide between legal and social norms, the Cybernorms research aims to identify and analyse norm-related conflicts between law and common online practices. The issue of file-sharing is clearly an ever-present case to illustrate these conflicts.

Therefore, the overall research question asks how a deepened and thorough understanding of the norm-related conflicts surrounding copyright and its enforcement, as well as of unauthorized file-sharing, may be used to provide a useful set of tools for dealing with the growing gap problem between legal and social norms in a digitised world.

Previous research

The literature regarding the effects of the enforcement of intellectual property, and the punishment for unauthorised file-sharing related to actual online behaviour and strategies, is contradictory. In scenario-based survey studies, Kwong and Lee (2002) suggest that laws related to unauthorised file-sharing have some impact on the downloading of CDs, which is also supported by Levin et al. (2007). On the one hand, this suggests that 'the use of severe threats seems to be an effective way to diminish downloading'. On the other hand, Hsu and Shiue (2008), in scenario-based studies, found no increased willingness to pay for software due to a high or raised risk of prosecution. Nevertheless, when carrying out statistical and quantitative research, Lysonski and Durvasula (2008) point out that lawsuits do not seem to slow down the rate of unauthorized file-sharing or solve the issue. Combined studies, covering enforcement and prosecution of intellectual property infringement, show that severe punishment seems to have an impact. However, the current level of lawsuits is not perceived as being sufficient to dissuade Internet users from engaging in the sharing of unauthorised digital material. A survey study by Karaganis, Grassmuck and Renkema (2012), in which Internet users were asked about appropriate penalties for unauthorized file-sharing, shows that there is broader support for minor fines or warnings than for jail time or disconnection from the Internet.

The Swedish context has been thoroughly described in the annual demographic study 'Svenskarna och Internet' (Findahl, 2012). Findahl reports that 25 per cent of the Swedish population engaged in file-sharing activities in 2011, which is a notable increase from previous years during which the same study was performed: in 2004, 8 per cent said they file-shared; in 2007, 15.3 per cent; in 2008, 19.1 per cent; in 2009, 17.6 per cent; and, in 2010, 20 per cent (Findahl, 2011). Youths and young adults are more active when it comes to file-sharing: 53.5 per cent claim to file-share at least once per week (Findahl, 2012). This is somewhat in accordance with the studies performed by Svensson and Larsson in 2009 (Svensson and Larsson, 2009 and 2012) and Svensson, de Kaminski and Larsson in 2012 (Svensson, Larsson and de Kaminski, 2013 (forthcoming)), as presented below in this chapter.

Theoretical framework

The on-going research within the Cybernorms research group draws much of its theoretical understanding from the norm perspective within sociology of law. Hence, its focus lies mainly on understanding the interrelationships between social and legal norms. The core of this perspective is presented in Chapter 3 of this volume. According to this perspective, there is no ontological difference between law and other norms (Ehrlich, 2001). All norms, regardless of category, share the same basic essential attributes: they are (a) normative statements that (b) are socially reproduced and (c) represent the individual's perception of the expectations surrounding their own behaviour.

This set of common ontological attributes admits analytical comparisons between social control emanating from law, on the one hand, and social control emanating from society, on the other (see, for example, Ellickson, 1991). Furthermore, both social and legal norms can be viewed from their normative and/or factual dimension. This gives us the four categories or, rather, the four-dimensional socio-legal model (the FDSL-model) (Svensson, 2013) that forms the basic structure of the research presented here: (1) the normative dimension of social norms; (2) the factual dimension of social norms; (3) the normative dimension of legal norms; and (4) the factual dimension of legal norms. These four dimensions constitute the framework for the choices of scientific method. The normative dimension of social norms is preferably studied through qualitative methods; and, in order to describe the factual dimension of social norms, quantitative methods are superior. The normative dimension of legal norms requires text analysis of some sort, either purely jurisprudential or socio-legal. In this study, we apply a socio-legal metaphor analysis to understand some of the cognitive content of law. We also theorize about 'path dependency' in order to analyse and understand the legal development in this field and its lock-in effects over time. In addition, an understanding of the factual dimension of legal norms requires empirical studies of how the law is actually executed within society. This four-dimensional

approach to socio-legal research allows for a complex instrument for analysing interrelationships between social and legal norms. In the research presented in this chapter, this instrument is used primarily to understand different aspects of what has been described as the gap problem in sociology of law – in this case, in relation to the emerging digital net cultures that form new challenges for the rule of law.

The gap problem has classically been viewed from two distinct perspectives (Tamanaha, 2008) within socio-legal studies. The first perspective was originally described by Roscoe Pound (1910) as a gap between law in books and law in action. In the FDSL-model (see Chapter 3 in this volume), this gap can be described as a disparity between the normative and the factual dimensions of law (or legal norms). On the one hand, there is law as it is declared via the legal rules; and, on the other hand, there is law as it is conducted by its officials (such as judges and the police). The second classic view of the gap problem deals with the gap between law in books and living law – the rules of conduct adhered to in society (see, for example, Ehrlich, 2001). One reason for this gap is that rules of social behaviour constantly evolve, while the law remains more conservative, path-dependent and slower to change. In the FDSL-model, this classic viewpoint is best illustrated through the disparity between the normative dimension of legal and social norms. In addition to the two distinct angles of the gap problem identified by classical sociology of law, the FDSL-model indicates that the gap problem is actually much more complex than that. Theoretically, disparity can occur between the four dimensions (shown above) in six different ways. Hence, there are six theoretically possible variants of the gap problem:

Normative Dimension of Social Norms	Factual Dimension of Social Norms	Normative Dimension of Legal Norms	Factual Dimension of Legal Norms
←————→ ←————→ ←————→			
←————————————→			
		←————————————————————→	
←————————————————————————————→			

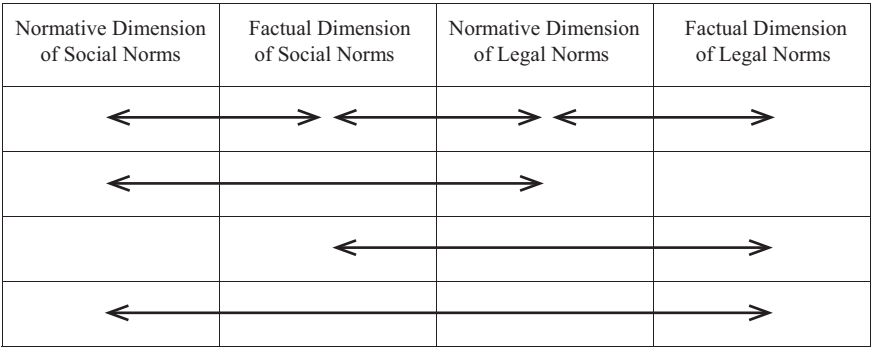**Figure 18.1   The Four Dimensional Socio-Legal Model (FDSL-model) – illustrating a multidimensional understanding of the gap problem in sociology of law**

This added complexity to the classic gap problem provides a set of tools for socio-legal analysis to utilise in order to better understand the phenomenon of law in a digital context. In the following, we account for data collected to describe

all four dimensions of the FDSL-model and then analyse the results in order to discuss the six theoretically possible variants of the gap problem.

Methodology

In this chapter, the case of illegal file-sharing on the Internet (and the imminent challenges to IP law) is utilized to illustrate and examine different aspects of socio-legal consequences due to digitalization of society. The various studies conducted within the Cybernorms research group are all related to the model presented above, by which legal and social norms are analysed from both a normative and a factual dimension. By using such a well-arranged model, it becomes possible to place the findings from the different studies into a relevant context within the norm studies field of research.

Study 1 – The global file-sharing community

The Research Bay is an immense quantitative study that aims to provide an inside look into one of the world's most active file-sharing communities. To establish a descriptive overview of the field of file-sharing, a strategic cooperation was set up with the global file-sharing community, The Pirate Bay. In April 2011, the logo of the site was complemented with a picture of a magnifying glass, and the site's name was changed to The Research Bay. Visitors who clicked on the altered logo were transferred to an online survey and, during the 72 hours that the study ran, 75,000 file-sharers filled out a questionnaire. This makes it the largest survey ever conducted within a file-sharing community. The survey was conducted in English and contained both multiple choice and open questions. The aim of the online study was to descriptively examine the demographics in the global file-sharing community, to describe a file-sharing community from within, and, to some extent, to shed light on the question of why illegal file-sharing persists, despite it being illegal. By using methods that allow us to learn a little more about the people conducting file-sharing, their opinions and norms – social norms that clearly differ from the ones stipulated in law – we may examine the underlying demographics and social structures of a phenomenon that has emerged as one of the greatest challenges to IP law ever (Svensson, Larsson and de Kaminski, 2013b; Larsson, Svensson and de Kaminski, 2012). This was accomplished by asking questions related to file-sharing habits and practices related to the use of The Pirate Bay and to other file-sharing techniques, as well as possible counter-strategies to the activities of law enforcement and copyright holder organizations.

Study 2 – Interviewing young Swedes

To more deeply explore the living Internet culture of today's youth, a number of focus group interviews among ninth-graders were conducted. The interviews,

to be repeated on a yearly basis, aimed to identify the on-going movements and emerging trends within what has been defined as young net cultures and, furthermore, to be a qualitative addition to the more quantitative survey studies. The focus group interviews, ten in all, were conducted at five public schools in Linköping County, a medium-sized county in the south of Sweden (Svensson, Larsson, and de Kaminski, 2013b).

The interviews were conducted in accordance with a semi-structured model, using an interview template with open questions. Due to the flexible form of the focus group interview, the essence of the interviews shifted, depending on what each group collaboratively chose to focus on. The study attempted to establish four main themes: 'social life online', 'file-sharing', 'publication of images' and 'news consumption'. The questions focused on solution aspects, and were intentionally kept very open to try to maximize the synergy effects of the focus groups. Discussions between respondents were encouraged as much as possible. Regarding the overall structure of the interview, questions were presented to the respondents and discussion was stimulated. Quite often, letting each and every one of the respondents answer the same question, and then allowing them to comment on the answers given, opened up the discussions. One example of opening questions regarding file-sharing was, 'when did you last watch a movie?', which encouraged the respondents to reflect on and compare the answers within the group.

Study 3 – Measuring social norms

The norm study is a series of three studies, so far, that aim to measure, among other things, Social Norm Strength (SNS). In these studies, this is closely linked to the theory of planned behaviour (TPB) developed by Icek Ajzen (2005) and Martin Fishbein and Icek Ajzen (Fishbein and Ajzen, 2009). This theory explains how subjective norms play a crucial role when people form intentions. In the following, we show how the model for calculating subjective norms developed by Fishbein and Ajzen can be used, together with the socio-legal definition of norms (described above), to calculate the strength of social norms. The socio-legal method used in this study, inspired by Fishbein and Ajzen, has been employed in numerous studies (for a more thorough description, see Svensson, 2008; Svensson and Larsson, 2009 and 2012; Larsson, 2011b). We conducted three surveys of approximately 1,000 Swedish Internet users between 15 and 25 years of age (Larsson and Svensson, 2010; Larsson, Svensson and de Kaminski, 2012). The first survey was conducted in January and February 2009. After the implementation of IPRED (Directive 2004/48/EC) in Sweden on 1 April 2009, it was followed up with the repeat study in October 2009; and, most recently, the third, long-term follow-up study in January 2012.

Study 4 – Studying law

Legal norms are often studied using what is commonly described as traditional legal method. It is frequently described as a deductive method used by lawyers

and jurists, which means that the methodological approach of this profession is to analyse, debate, discuss and theorize law as doctrine – norms, rules, principles, concepts – and analyse the modes of their interpretation and validation (Cotterrell, 1998). The aim of much legal scholarship is to clarify and influence legal reasoning within a self-referential system, rather than to further public understanding of law, legal institutions or processes (Hillyard, 2007). Many of the studies conducted by the Cybernorms research group have examined copyright law in Sweden and Europe. Some studies have explicitly dealt with the legal setting and its development (Larsson, 2011a and 2011c). Others have dealt with its relation to social norms (Svensson and Larsson, 2009 and 2012), enforcement issues and online anonymity (Larsson and Svensson, 2010; Larsson, Svensson and de Kaminski, 2012; Larsson et al., 2012) or societal change (Larsson, 2012a; Larsson and Hydén, 2010). In addition, the Cybernorms research group has also studied some of the central, underlying conceptions at the heart of copyright regulation (Larsson, 2011b) and its specific terminology by applying conceptual metaphor theory (Larsson, 2011c and 2011b). Of the legal sources studied for this chapter, the most important have been IPRED, the EU Data Retention Directive and the court cases against ePhone, TeliaSonera and The Pirate Bay.

Study 5 – Studying the legal practice

In an effort to analyse the factual dimension of the legal norms in terms of copyright enforcement, several judicial cases or processes have been thoroughly studied and analysed. One of the most vital components of such an analysis would be the official evaluation of the Swedish implementation of the IPRED law (SOU 2012:51). This evaluation was presented as a public report in mid-August 2012 and constitutes a detailed presentation of how the implementation of IPRED has affected different parts of Swedish legislation, along with fluctuations in file-sharing practices, but also includes comments from different stakeholders directly or indirectly affected by the legal developments.

Besides the official evaluation, the few court cases regarding IPRED-related indictments have been identified and analysed (Larsson, 2011c). In particular, two cases (those against the Internet service providers TeliaSonera and ePhone) have been closely studied. This is because not only were these the first IPRED-related cases to be tried in Swedish courts, but also they were both appealed through the Swedish court system. The ePhone case is still being processed in the European Court of Justice, to establish how well the IPRED law corresponds to the EU Data Retention Directive. As one of the most high-profile file-sharing court cases in Sweden, and possibly globally, it is also essential to review and relate this to the case against the operators of The Pirate Bay.

Law in action is not only about the factual implementation of the legal rules, but also how the legal practitioners interpret the implementation. During the last couple of years, the Swedish Prosecution Authority has explained its intention to intensify efforts in identifying and prosecuting alleged file-sharers (Larsson,

Svensson and de Kaminski, 2012). Currently, there have been 28 cases, all of which have generated lawsuits and verdicts, but also some appeals and other legal documents that are of great interest. Representatives for the Swedish Prosecution Authority have stated that there are several cases coming up, making this field more active than ever when it comes to court cases.

Findings

Study 1

The study made on the file-sharing site The Pirate Bay (TPB) rendered a huge respondent database. In the 2011 study, a total of 75,901 file-sharers answered the survey, which gives us a good demographical base to proceed from. Surprisingly, of the 75,616 file-sharers that answered the question of gender, 93.8 per cent are male (70,938) and only 6.2 per cent (4,678) are female. This overrepresentation of men is consistent throughout all age groups. Furthermore, file-sharers tend to be young. Almost half of the respondents (32,301) are between 18 and 24, and about 5 per cent of them are over 46 years old (Svensson, Larsson and de Kaminski, 2013b and 2013a); see table 18.1.

When it comes to geographical location of the file-sharers, Europe is clearly predominant with 54.7 per cent of all respondents, and North America with almost 27.7 per cent of all respondents. Of the remaining 17.8 per cent, Asia has the most respondents with 7.3 per cent, followed by Oceania (4.8), Central and South America (4.1) and Africa (1.6).

It is clear that BitTorrent is not the only technique used for sharing files. For example, so-called 'one click' hosting sites, where you can share a folder or upload files for others to download via a specific link, are used by almost half of the respondents (47.6 per cent); see table 18.2. Note that more than half of the respondents (53.3 per cent) claim to use offline sharing (for example, USB sticks, mobile phones and CDs); see table 18.2. This is likely a sign that other social networks are important too, which we return to below.

Table 18.1   Age of respondents to The Pirate Bay survey

	up to 17	18–24	25–29	30–36	37–45	46–52	53–65	66 and over	No response	Total
Count	11,345	32,301	13,934	8,671	4,566	1,663	1,409	571	1,441	74,460
Per cent	15.2	43.4	18.7	11.7	6.1	2.2	1.9	0.8		100

Table 18.2   Other file-sharing techniques that are used (besides TPB)

	Count	Per cent
Other/Private BitTorrent Trackers	39,395	57.1
Other peer to peer networks	17,824	25.8
'One click' hosting sites (such as Dropbox, Rapidshare, Megafile)	32,850	47.6
FTP servers	11,367	16.5
Instant messaging (such as MSN, Skype; Gtalk)	17,546	25.4
E-mail	16,120	23.4
Offline file-sharing (USB sticks, mobile phones, CDs/DVDs)	36,823	53.3
Other	8,495	12.3
None	7,724	11.2
No response	6,859	
Total	69,042	

One particular area that is important to highlight is the frequency of usage of anonymity services. This is especially interesting, due to this being the nature of a typical counter-measure against different forms of increased enforcement (Larsson and Svensson, 2010; Larsson, Svensson and de Kaminski, 2012; Larsson et al., 2012). In the study carried out at The Pirate Bay, the respondents were asked if they 'use a VPN or similar product to protect their anonymity', with a range of given alternative responses. A number of results stand out; for example, when it comes to uploading new material to the file-sharing community, the users that upload more frequently are also more inclined to use some kind of anonymity service. Among those that upload every day, or almost every day, 31 per cent use either a free or paid version of anonymity services, which can be compared to the average of 17.8 per cent (see Larsson, Svensson and de Kaminski, 2012).

Study 2

The focus group interviews conducted with ninth-graders give us a good picture of the position that file-sharing holds in young net cultures, as it is clearly a very common practice and most of the respondents can handle the technologies that are available (Svensson, Larsson and de Kaminski, 2013b). Most common, without doubt, is the BitTorrent technology, which is the technology used by file-sharing sites such as The Pirate Bay and others. Aside from The Pirate Bay, all respondents are familiar with other similar sites. At each interview, they collectively presented three or four other sites that offer illegal downloads using BitTorrent technology. Two frequent sources are tankafett.com (no longer using BitTorrent) and tankafetast.com, which both have names encouraging downloads, as well as either focusing exclusively on Swedish or subtitled material. In some cases, respondents

used technologies and services such as Direct Connect and Mega Upload (no longer using cyberlocker).

A number of respondents also use USB sticks to pass on downloaded movies when planning to see something together with friends, so-called 'sneakernet' solutions or offline file-sharing. Bluetooth file-sharing is considered to be an old and outdated technology. It turns out that this is because many people own iPhones that do not allow bluetooth sharing of all sorts of files (for instance, music files). Those who use smartphones with the Android operating system, however, still have ample possibilities to download straight to their mobile phones and share with friends, since the phones have applications for these specific tasks.

Nonetheless, there is concern among interview participants regarding the legislation. Some respondents are aware of the fact that BitTorrent clients automatically and simultaneously, by default, also share the files that are being downloaded. Still, file-sharing generally tends to be a hit-and-run activity, in which users download what they want and then, as a precautionary measure, turn off file uploading completely. It is basically the only safety measure mentioned in the interviews. A few respondents mention anonymization, which several expressed interest in using; but, out of the entire group, only one respondent claimed to use VPN services to de-identify their IP address, thereby making browsing and file-sharing more anonymous. The respondents who lack the skills to handle such technologies, or are too anxious to dare to share files from home, usually arrange for someone else to conduct the file-sharing in their place. This user is often a technologically skilled or less than cautious acquaintance or relative, or – since many of those who lack the interest to share files are girls – a boyfriend.

This concern does not appear to be based on more than hearsay, it seems. None of the respondents know anyone who has been prosecuted for copyright violations or file-sharing. The case most often referred to concerns the allegations levelled against the administrators of The Pirate Bay, which does not really involve direct file-sharing – but, rather, the administration of a file-sharing service. Nevertheless, concerns lie at the back of the minds of many respondents. It is noteworthy that this concern seems to have a large enough impact for some of the respondents to actually refrain from illegal file-sharing. Interview participants commonly mention that they no longer download as much as before, but nobody seems to have completely given up the practice.

File-sharing is a very significant part of the respondents' media consumption. With some important exceptions, it is clear that the media should preferably be free or, at least, very cheap. The exceptions are cinema visits and mobile music; that is, the respondents value the social aspect of watching movies outside the home in the company of friends, and the freedom and mobility that music on mobile phone offers – to the extent that it seems worth paying for (see Svensson and Larsson, 2009). Participants in the focus groups do not adhere to any particular ideological or theoretical reasoning as regards their file-sharing. At some point, the question arises as to who actually earns money on the purchased music, but it is not an issue that seems crucial to legitimizing illegal downloading. Instead, it is, above

all, the price for purchased media that keeps the respondents from legally buying music and movies. Since there is an urge to listen to music at all times and to watch movies, if not daily then at least several times a week, it would be impossible to maintain such habits if actually paying for everything. A reasonable argument raised is that the unit price of single songs via any of the available digital services is so high that it becomes absurdly costly to put together a good collection or, for instance, fill a phone of normal storage capacity with music (see Larsson, 2011c).

Ready accessibility to legitimate services comes into play here. Legitimate streaming services, such as Voddler and other video-on-demand services, do not have interesting enough catalogues to be a serious alternative, at this time. The respondents agree that the movies offered within the lower price ranges are too outdated to even be considered. This, together with the overall pricing, constitutes an important listed reason for downloading movies illegally.

Overall, however, the issue of legal versus illegal file-sharing seems be a non-issue. The direct question of whether the illegality of file-sharing matters was posed to all focus groups. The general response was that it does not matter at all. The legality is not a factor that is taken into consideration when searching for media or other types of content. Although there is a clear concern for being caught file-sharing, the fact that file-sharing is both illegal and, for the moment, a high-profile crime is not enough to discourage the respondents from their file-sharing habits.

Study 3

The surveys of 1,000 Swedish respondents are of particular interest because they were conducted before and after implementation of IPRED in 2009, and in early 2012 (Larsson and Svensson, 2010; Svensson and Larsson, 2009 and 2012). Table 18.3 shows the respondents' reports on how often they file-share – both in the survey conducted before the implementation of IPRED and the two conducted afterwards. The data in this table can therefore be regarded as a self-reported effect study. The changes are statistically significant.

Before the implementation of IPRED, 21.6 per cent of the respondents reported that they never file-shared and, six months after IPRED, this figure was almost 38.9 per cent. Two and a half years after IPRED, 38.7 per cent of the respondents reported that they never file-share, which is at the same level as six months after IPRED. At the same time, the percentage of respondents who claimed to file-share on a daily basis decreased from 10.6 per cent to 6.4 per cent, and then increased slightly again to 7.4 per cent. Both the increased number of those who never file-share, and the changes in the group who reported file-sharing on a daily basis, are statistically significant. In conclusion, table 18.3 suggests that IPRED had an effect on file-sharing around the time it was implemented.

In the following section, we show the Social Norm Strength (SNS) data collected before, and then twice after, the implementation of IPRED. First, the respondents' perceptions of important referents are presented in terms of the strength of

Table 18.3   Frequency   of   illegally   downloading   copyright-protected material

	Study 1 (before IPRED)	Study 2 (6 months after IPRED)	Study 3 (2.5 years after IPRED)
Never	21.6% (217 persons)	38.9% (383 persons)	38.7% (392 persons)
Once a month at a maximum	24.0% (242 persons)	26.1% (258 persons)	25.0% (253 persons)
Once a week at a maximum	22.0% (222 persons)	16.1% (158 persons)	16.0% (162 persons)
More than once a week	21.6% (218 persons)	12.5% (124 persons)	13.0% (132 persons)
Daily	10.6% (107 persons)	6.4% (63 persons)	7.4% (75 persons)
Chi-Square Tests: Asymp. Sig. (2-sided) .000.			

normative belief (n) and the motivation to comply (m). Then, the SNS is calculated, which represents the capacity of a social norm to influence behaviour towards legal compliance. All SNS data are presented on a scale from 1 to 7. SNS values below 1 indicate that there is no significant Social Norm Strength. Table 18.4 shows the SNS data for all the respondents before and after IPRED.

Table 18.4 shows, in general, that there are only very weak social norms promoting compliance with the law in the case of file-sharing. In fact, the respondents feel no substantial social pressure from any of the important referents, and furthermore, the respondents claim that they only care slightly about the opinion of any of the important referents, with regard to file-sharing. Moreover, it is significant that there is no major change in Social Norm Strength between Study 1 prior to IPRED, Study 2 after IPRED, and Study 3 after IPRED. When analysing the results, we can see that neither of the two extremes (that is, file-sharing daily and never file-sharing) experience that their decision on whether or not to file-share is influenced by any social control. Even those who never file-share report a minimal Social Norm Strength of 1.04 on a scale of 1–7; furthermore, there is no statistically significant increase after the implementation of IPRED. The respondents are all young people, between 15 and 25 years old, and there are no indications in the data that society is applying any social pressure on them to comply with the law. Those who choose to never file-share obviously do so for reasons other than social norms. With regard to whether the respondents believe that copyright enforcement laws would stop them or others from file-sharing illegally, 28.5 per cent thought they would, while 71.5 per cent thought they would not, in the first pre-IPRED study (Svensson and Larsson, 2009). This can be compared to the slightly increased figure of 38.1 per cent who responded affirmatively and, hence, the slightly decreased figure of 61.9 per cent who stated no, respectively, in the second post-IPRED study (Svensson and Larsson, 2012).

Table 18.4   Social Norm Strength before and after implementation of IPRED

Important referents	Study 1 (before IPRED)		Study 2 (6 months after IPRED)		Study 3 (2.5 years after IPRED)	
	Strength of normative belief (n)	Motivation to comply (m)	Strength of normative belief (n)	Motivation to comply (m)	Strength of normative belief (n)	Motivation to comply (m)
a) Mother	2.42	2.97	2.95	3.22	3.17	3.27
b) Father	2.28	2.96	2.82	3.20	2.88	3.25
c) Other close relatives	2.06	2.23	2.26	2.42	2.42	2.49
d) Partner	1.57	3.29	1.97	3.46	2.03	3.19
e) Friends	1.53	2.96	1.86	3.03	1.81	2.91
f)Internet acquaintances	1.44	1.88	1.75	2.04	1.74	1.99
g) Teacher/bosses	2.62	2.11	2.98	2.24	3.16	2.29
h) Neighbours	1.72	1.50	1.98	1.74	2.03	1.75
i) Casual acquaintances	1.64	1.55	1.86	1.72	1.91	1.70
Mean	1.92	2.39	2.27	2.56	2.36	2.54
Statistically significant change (2-tailed)			No (p = 0.135)	No (p = 0.580)		
Social Norm Strength	<1		<1		<1	

In the third study, the numbers have returned, if only slightly, towards the starting point: 29.8 per cent think copyright enforcement laws will stop them or others from file-sharing, while 70.2 per cent do not (Svensson, de Kaminski and Larsson, forthcoming).

Concerning whether the respondents think that it is wrong to file-share merely because it is illegal, 24 per cent answered 'yes' and 76 per cent 'no', in the first study. In the second study, 30.1 per cent answered 'yes' to that question and 69.9 per cent 'no'. In the third study, 32.2 per cent answered 'yes' and 67.8 per cent 'no'. These changes in beliefs and opinions are statistically significant ($p < 5\%$) and could be an indication that norms may gain acceptance over time if legal pressure is continuously applied.

The most interesting data from the repeat study demonstrate both that the correlation between high-frequency file-sharing is still very strong, and that the biggest increase in use of anonymity services is seen among the groups that file-share less frequently. For example, from survey 2 (October 2009) to the repeat study (January 2012), the increase in use of anonymity services is significant for the combined group of those who 'never' file-share and those who file-share 'once a month at the most' (Larsson, Svensson and de Kaminski, 2012).

The proportions of those who file-share the most frequently, in categories 4, 5 and 6, are continuously high, and the share is between 24.3 per cent and 29.7 per cent. It is also interesting to note that the increase in use of anonymity services for the entire group of respondents, from survey 2 to survey 3, is statistically significant.

Study 4

The main analyses of copyright regulation conducted by the Cybernorms research group regard either its development over time in the last 10 to 15 years (Larsson, 2011a and 2011c) or its conceptual expansion and transition in the digital environment. The development of copyright is directly connected to contemporary technological development. Copyright is a component of what is called intellectual property, which also includes, for instance, patents and trademarks. Copyright is the right that authors, composers, artists and other originators have to their literary or artistic work. This right needs no registration, unlike innovations that require patents. This is a key idea of the Berne Convention for the Protection for Literary and Artistic Works.[1] The economic rights are the rights of reproduction, broadcasting, public performance, adaptation, distribution and so on, and the moral rights – *droit moral* – include the author's right to object to any distortion, mutilation or other modification of his work that might be harmful to his honour

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1   Berne Convention for the Protection for Literary and Artistic Works, last amended at Paris on September 28, 1979. Sweden signed the Convention on the 1 August 1904 and has adopted all the amendments of the Convention since then. Agreement on Trade-Related Aspects of Intellectual Property Rights signed in Marrakech, Morocco on 15 April 1994.

or reputation. The national copyright regulations are connected to international treaties and, in the Swedish case, also to EU law.

Depending on how copyright is conceptualized, debates and arguments follow naturally in its wake (Larsson, 2011b, 2012a and 2012b; Yar, 2008). Potential legislative amendments will always be hopelessly trapped within the logical walls inherent in prevailing ideological structures. It is in this sense that the concept of 'copy' in copyright is renegotiated within a digital context to also include digital copies, which are conceptualized in a similar way to physical copies. This negotiation is rhetorically supported by other concepts, mainly relating to physical property, in order to make this renegotiation seem just and for the ensuing means of enforcement to seem meaningful.

During the last decade, the trend in Europe with regard to copyright has been concluded as 'path dependent', in that it follows a set of key concepts of creativity, property and incentives that are also applied to a digital context (Larsson, 2011a and 2011c). This comes with some rather repressive consequences, in terms of adding centrally located control of data, in order to make individuals and their online actions more traceable (Larsson, 2011c). In a global perspective, the European Union has played a leading role in creating stronger copyright protection. Key regulatory initiatives in this area within the European Union are INFOSOC (Directive 2001/29/EC) and IPRED (Directive 2004/48/EC). However, other legislation also affects the enforcement of copyright, such as the Data Retention Directive (Directive 2006/24/EC).

A vital point of focus is to understand the continuation of the particular development that copyright law has had in this context, even under the extreme challenge of non-compliance by, what is often perceived as, the majority of the younger generations. Larsson uses the concept of 'path dependence' in order to explain at least part of the lock-in effects that the legal development suffers from (2011a and 2011c). Larsson concludes with a number of findings in a path dependence analysis of European copyright development; and one of them, the legitimacy issue, 'deals with the fundamental conflict between social and legal norms, making the path dependence analysis important in the first place' (Larsson, 2011c: 24). The issue of how copyright 'colonizes' other paths of law is interesting, not least in terms of privacy and integrity in relation to increased governmental tracking of traffic data and online surveillance, sometimes for copyright enforcement purposes. This connects to aspects of online anonymity, outlined above, as well as the ongoing debate on the extent to which Internet service providers should be liable for the data that they traffic.

Study 5

The governmental IPRED evaluation is interesting from a variety of aspects (SOU 2012:51). It acknowledges the fact that the number of file-sharing-related court cases has grown during 2011. During 2011, a total of 125 copyright-related indictments were reported, of which approximately half related to file-sharing. Out of 21 cases,

which went as far as to legal action and prosecution, 15 were file-sharing related. The majority of the indictments were initiated by copyright holders and their legal representatives. The number of specific IPRED-related cases has been very low. In the proceedings prior to the implementation of the directive in Swedish law, the Swedish Prosecution Authority prepared to handle at least 400–800 cases per year; but, by June 2012, only 11 cases had been registered at Swedish courts, of which only four have actually been tried in court. A general understanding is that the copyright holders are waiting to see clear results from previous cases before filing more reports. Since the courts have had a hard time handling the current cases, this has caused a significant, practical bottleneck problem. One of the major issues has been the integrity factors surrounding the personal information of Internet users – and, in these cases, alleged file-sharers. There have been legal discussions concerning whether the Data Retention Directive puts restraints on how user data is to be handled, and whether that might be counter-productive when it comes to the IPRED legislation. The Swedish implementation of the Data Retention Directive contains strong limitations concerning when user data can be retrieved from Internet service providers. It has only been possible when suspicions of criminality have been related to crimes that could generate more than two years in prison, which has excluded file-sharing-related cases. In early 2012, this issue was included in the new Electronic Communications Act, which stipulates that even minor offences can be enough to force Internet service providers to release user data upon request. However, the providers are still not obliged to actually save user data – at least, not for any particular IPRED-related reason – which continues to present some obstacles to the realization of the legislation.

Data from the studies conducted by the Cybernorms research group are present throughout the report evaluating IPRED. In particular, the studies related to social norms, presented as Study 3 in this chapter, have been relevant in understanding whether the current enforcement strategy is functional.

Conclusions

Central to this chapter is the gap between the social and legal norms within the field of copyright-related behaviour in an online context. Many of the studies mentioned in this chapter have pointed out this gap and displayed the lack of social norms that correspond to those parts of copyright that deal with control over reproduction and distribution (see, for example, Svensson and Larsson, 2012). The overall and long-lasting consequences of the gap between social norms and copyright law are hard to predict but, by using the FDSL-model, they may be both highlighted and analysed in a meaningful way. By addressing the gaps between the different dimensions of socio-legal norms that are presented in the model, a greater understanding of the on-going gap-related processes could be achieved.

A multidimensional gap problem

The gap between the normative and the factual dimensions of social norms relates to the difference in societal norms concerning file-sharing and the actual inter-group norms within groups involved in file-sharing. While the factual dimensions are measurable through the use of quantitative studies, the normative dimension of social norms needs to be penetrated and explored with a more qualitative approach. The social norms related to file-sharing are somewhat consistent; the findings in Study 2 (interviews with young Swedes) confirm that social pressure and norms measured in Study 3 are not strong enough to dissuade young people from illegal file-sharing activities. However, the findings in Study 2 suggest that this is mainly due to an internalized pattern of behaviour, where file-sharing tends to be handled as unproblematic. The legal status of file-sharing of copyright-protected material overall is a non-issue to the respondents of the focus group interviews of Study 2. This suggests that the findings in Study 3 related to Social Norm Strength have a real impact on young file-sharers; but also, that this lack of norm pressure concerning these issues means that it is generally of little interest to even relate to the legal grounds of file-sharing.

This may also be understood by the findings in both Study 2, as well as the descriptive Study 1 (global file-sharing community), regarding the different methods of acquiring file-shared material. This suggests that the file-sharing methods are not a key factor, but rather a sign of an on-going professionalization or specialization, including different roles in the 'eco system' of sharing files, further supported by Svensson, Larsson and de Kaminski (2013b and 2013a) and Larsson et al. (2012). This means that those informants we have found via The Pirate Bay website may represent a link in a bigger chain, as a technologically competent and vital link for a bigger eco system of file-sharing. This professionalization hints at a larger, structured organization within the file-sharing community, of which BitTorrent plays an important, but not all-encompassing, role. It is not a result of a planned form of organization; nonetheless, it constitutes a structure for content dissemination, where gender plays a significant role (Svensson, Larsson and de Kaminski, 2013a and 2013b). This is supported in the focus group interviews in Study 2, where respondents not feeling competent enough to handle technical file-sharing solutions often fall back on 'sneakernet' methods, such as USB sticks or offline social gatherings, to gain access to file-shared media.

In a more cognitive theoretical terminology (see Larsson's contribution in Chapter 8 of this volume), the gaps may be described as portraying the changing conceptions of right – and wrong – (Larsson 2011b), along with the means for achieving accepted goals, visible in the case of file-sharing norms (Larsson, 2011b; Larsson, Svensson and de Kaminski, 2012) and the ways that file-sharers justify their behaviour (Andersson and Larsson, 2013). The latter is confirmed in Study 2, in which the respondents in general do not consider file-sharing to be an actual crime. Differentiated from the legal formulations described in Study 5, file-sharing is – at least, in young age groups – not regarded as a criminal

act. Rather, it is a normal way of consuming media, where accessibility is more important than legal status. Several of the respondents claim to use different streaming solutions that are still legal for the receiving party within this technical solution, pointing to the fact that simplicity – not legality – is a major issue in contemporary media consumption. Still, a fundamental reason why social norms are relevant to study in this field is the fact that the corresponding legal regulation is completely locked to a number of key conceptions that will not easily change in the globally homogeneous copyright regime. On the contrary, as Study 4 shows, legal development has proven to further emphasize more control over a longer time and harsher enforcement strategies.

The respondents of Study 2 are, in broad terms, aware of the legal situation as presented in Study 4. They have kept themselves informed of legal reinforcements during recent years, but the discussions tend to return to the fact that the number of cases, as referred to in Study 5, remains very low and that no-one personally seems to know anyone who has been charged with anything related to file-sharing. In Studies 1 and 3, we clearly see an increased awareness of encryption technologies and services to ensure that the user is less identifiable online (Larsson and Svensson, 2010; Larsson, Svensson and de Kaminski, 2012; Larsson et al., 2012; Svensson and Larsson, 2012). This is an issue that is also mentioned in Study 5, in which the legal rapporteurs write about the problematic increase of anonymity services. However, the respondents in Study 2 do not see this as a major issue, since they generally do not reflect in those terms at all. They do not feel the same legal pressure as the respondents in the other studies.

Therefore, this relates to the conceptions of reality in terms of legality, distribution and reproduction of media content, which create a collision between social and legal norms of copyright, analysed in Larsson (2011b). These conceptions of reality are likely to form a basis for how file-sharers justify their behaviour and relate both to its illegality and to what the digitalization of society entails (Larsson, 2012a; Andersson and Larsson, 2013). Such cross-model conflicts and relationships generate unbalanced gap problems, where the distance between different norm-sets is seemingly uneven. The four fields of the FDSL-model suggest six possible relations between different parts of the model. As shown, the relations are often multi-party processes, making both the understanding, as well as the solutions to potential problems, difficult. The outcome of a process in which new norms emerge can only be understood if all parts of the model are taken into consideration, thus showing the relation between the different parallel processes.

References

Ajzen, I. 2005. *Attitudes, Personality and Behavior*. 2nd ed. Maidenhead: Open University Press.

Altschuller, S., and Benbunan-Fich, R. 2009. 'Is Music Downloading the New Prohibition? What Students Reveal Through an Ethical Dilemma', *Ethics and Information Technology* 11(1) (17 January), 49–56.

Andersson, J. and Larsson, S. 2013. 'On the justifications of piracy: Differences in conceptualization and argumentation between active uploaders and other file-sharers', in Arvanitakis, J. and Fredriksson, M. (eds), *Piracy: Leakages from Modernity*. Los Angeles, CA: Litwin Books.

Boyle, J. 2010. *The Public Domain: Enclosing the Commons of the Mind*. Yale University Press.

Cotterrell, R. 1998. 'Why Must Legal Ideas Be Interpreted Sociologically?', *Journal of Law and Society* 25 (2), 171–92.

Directive 2001/29/EC. Directive of the European Parliament and of the Council of 22 May 2001 on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society, OJ L 167, 22.6.2001, 10–19.

Directive 2004/48/EC. Directive of the European Parliament and of the Council of 29 April 2004 on the Enforcement of Intellectual Property Rights. OJ L 157, 30.4.2004, 45–86 (known as 'IPRED').

Directive 2006/24/EC. Directive of the European Parliament and of the Council of 15 March 2006 on the Retention of Data Generated or Processed in Connection with the Provision of Publicly Available Electronic Communications Services or of Public Communications Networks, and Amending Directive 2002/58/EC. OJ L 105, 13.4.2006, 54–63 (known as the 'Data Retention Directive').

Ehrlich, E. 2001. *Fundamental Principles of the Sociology of Law*. London: Transaction Publishers.

Ellickson, R.C. 1991. *Order Without Law : How Neighbors Settle Disputes*. Cambridge, Mass; London: Harvard University Press.

Feldman, Y, and Nadler, J. 2006. 'The Law and Norms of File Sharing', *The San Diego Law Review* 43 (3), 577–618.

Findahl, O. 2011. *Svenskarna och Internet 2010*. Ödeshög: .SE.

Findahl, O. 2012. *Svenskarna och Internet 2011*. Ödeshög: .SE.

Fishbein, M. and Ajzen, I. 2009. *Predicting and Changing Behavior: The Reasoned Action Approach*. New York; Hove: Psychology Press.

Hillyard, P. 2007. 'Law's Empire: Socio-legal Empirical Research in the Twenty-first Century', *Journal of Law and Society* 34 (2), 266–79.

Hsu, J.L. and Shiue, C.W. 2008. 'Consumers' Willingness to Pay for Non-Pirated Software', *Journal of Business Ethics* 81 (4), 715–32.

Jensen, C. 2003. 'The More Things Change, the More They Stay the Same: Copyright, Digital Technology, and Social Norms', *Stanford Law Review* 56 (2), 531–70.

Karaganis, J., Grassmuck, V. and Renkema, L. 2012. *Copy Culture in the US and Germany*. Columbia University: The American Assembly.

Kwong, T.C.H. and Lee, M.K.O. 2002. 'Behavioral Intention Model for the Exchange Mode Internet Music Piracy', in *Proceedings of the 35th Annual Hawaii International Conference on System Sciences, 2002. HICSS*, 2481–90.

Larsson, S. 2010. '459 miljarder kronor – om metaforer, flöden & exemplar', in *Efter The Pirate Bay*, edited by J. Andersson and P. Snickars. Stockholm: Mediehistoriskt arkiv, Kungliga biblioteket.

Larsson, S. 2011a. 'Den Stigberoende Upphovsrätten. Om Konsekvenserna Av Rättslig Inlåsning i En Digital Tid', *Retfærd, Nordic Journal of Law and Justice* (4).

Larsson, S. 2011b. *Metaphors and Norms: Understanding Copyright Law in a Digital Society*. Vol. 36. Lund Studies in Sociology of Law. Lund: Media-Tryck.

Larsson, S. 2011c. 'The Path Dependence of European Copyright', *SCRIPT:ed. A Journal of Law, Technology & Society* 8, 1.

Larsson, S. 2012a. 'Conceptions in the Code: What "The Copyright Wars" Tell Us About Creativity, Social Change and Normative Conflicts in the Digital Society', *Societal Studies* 4(3), 1009–30.

Larsson, S. 2012b. 'Metaforerna och rätten', *Retfærd. Nordic Journal of Law and Justice.*

Larsson, S. and Hydén, H. 2010. 'Law, Deviation and Paradigmatic Change: Copyright and Its Metaphors', in *Technology for Facilitating Humanity and Combating Social Deviations: Interdisciplinary Perspectives*, ed. Miguel Vargas Martin, Miguel A. Garcia-Ruiz, and Arthur Edwards. Hershey: IGI Global.

Larsson, S., and Svensson, M. 2010. 'Compliance or Obscurity? Online Anonymity as a Consequence of Fighting Unauthorised File-sharing', *Policy & Internet* 2 (4).

Larsson, S., Svensson, M. and de Kaminski, M. 2012. 'Online Piracy, Anonymity and Social Change: Innovation Through Deviance', *Convergence: The International Journal of Research into New Media Technologies* (20 September).

Larsson, S., Svensson, M., de Kaminski, M., Rönkkö, K. and Alkan Olsson, J. 2012. 'Law, Norms, Piracy and Online Anonymity – Practices of De-identification in the Global File Sharing Community', *Journal of Research in Interactive Marketing* 6(4) 4.

Lessig, L. 2006. *Code and Other Laws of Cyberspace*. 2nd ed. New York: Basic Books.

Lessig, L. 2008. *Remix: Making Art and Commerce Thrive in the Hybrid Economy*. New York; London: Penguin Press.

Levin, A.M., Conway Dato-on, M., and Manolis, C. 2007. 'Deterring Illegal Downloading: The Effects of Threat Appeals, Past Behavior, Subjective Norms, and Attributions of Harm', *Journal of Consumer Behaviour* 6 (2–3), 111–122.

Litman, J. 2006. *Digital Copyright*. Prometheus Books.

Litman, J. 2010. 'Real Copyright Reform', *Iowa Law Review* 96 (1), 1–55.

Lysonski, S. and Durvasula, S. 2008. 'Digital Piracy of MP3s: Consumer and Ethical Predispositions', *Journal of Consumer Marketing* 25(3), 167–78.

Moohr, G.S. 2003. 'The Crime of Copyright Infringement: An Inquiry Based on Morality, Harm, and Criminal Theory', *Boston University Law Review*, Vol. 83, No. 4.

Morris, P.S. 2009. 'Pirates of the Internet, At Intellectual Property's End With Torrents and Challenges for Choice of Law', *International Journal of Law and Information Technology* 17(3), 282–303.

Netanel, N.W. 2008. *Copyright's Paradox*. Oxford University Press.

Pound, R. 1910. 'Law in Books and Law in Action', *American Law Review*, 12–36.

Schultz, M.F. 2006a. 'Fear and Norms and Rock & Roll: What Jambands Can Teach Us About Persuading People to Obey Copyright Law', *Berkeley Technology Law Journal*.

Schultz, M.F. 2006b. 'Copynorms: Copyright and Social Norms', *SSRN eLibrary* (27 September).

SOU 2012:51. *Utvärdering Av Ipredlagen* (Evaluation of the IPRED law).

Strahilevitz, L.J. 2003a. 'Social Norms from Close-Knit Groups to Loose-Knit Groups', *The University of Chicago Law Review* 70 (1), 359–72.

Strahilevitz, L.J. 2003b. 'Charismatic Code, Social Norms, and the Emergence of Cooperation on the File-Swapping Networks', *Virginia Law Review* 89 (3), 505–95.

Svensson, M. 2008. *Sociala Normer Och Regelefterlevnad*. Vol. 28. Lund Studies in Sociology of Law. Lund: Media-Tryck.

Svensson, M., and Larsson, S. 2009. *Social Norms and Intellectual Property. Online Norms and the European Legal Development*. SSRN.

Svensson, M. and Larsson, S. 2012. 'Intellectual Property Law Compliance in Europe: Illegal File Sharing and the Role of Social Norms', *New Media & Society* (10 April.

Svensson M., Larsson, S. and de Kaminski, M. 2013a. 'Professionalization, Gender and Anonymity in the Global File Sharing Community' / 'Professionalizzazione, Genere e Anonimato Nella Comunità Globale File Sharing', in *Piracy Effect*, ed. R. Braga and G. Caruso.

Svensson, M., Larsson, S. and de Kaminski, M. 2013b. 'The Research Bay – Studying the Global File Sharing Community', in *IP in Context: Law and Society Perspectives on Intellectual Property*, ed. Bill Gallagher and Debora Halbert. Forthcoming in Cambridge Studies in Law and Society. Cambridge: Cambridge University Press.

Tamanaha, B.Z. 2008. 'Understanding Legal Pluralism: Past to Present, Local to Global', *Sydney Law Review* 30, 375.

Tehranian, J. 2007. 'Infringement Nation: Copyright Reform and the Law/Norm Gap', *Utah Law Review* 2007 (3).

Vaidhyanathan, S. 2003. *Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity*. NYU Press.

Wingrove, T., Korpas, A.L. and Weisz, V. 2010. 'Why Were Millions of People Not Obeying the Law? Motivational Influences on Non-compliance with the Law in the Case of Music Piracy', *Psychology, Crime & Law* 17 (3), 261–76.

Yar, M. 2008. 'The Rhetorics and Myths of Anti-piracy Campaigns: Criminalization, Moral Pedagogy and Capitalist Property Relations in the Classroom', *New Media & Society* 10 (4), 605–23.