Harmless to who? Navigating the implications of piracy and motivating factors in contemporary discourse around open access.

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COMM 3010: Communication Perspectives

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May, 10, 2023

**Introduction**

Piracy can be defined as illegal downloading and distributing online material including unauthorized streaming and downloading websites. Consumers and commercial publishers of media are at odds with each other. Consumers feel as if they are overpaying for digital content; similarly, textbook prices have risen far faster than the inflation rate. (Morris-Babb, 2012) Research regarding piracy relies on and fails to consider other factors besides social influence, better value alternatives or a lack of self-control as genuine reasons for people to engage in piracy. (Nguyen, 2017; Phan, 2018; Kos Koklick, 2016; Morris-Babb, 2012; Phau, 2016) Consumers can encounter viruses that ruin computers while also facing personal, professional, and legal risk. (Kos Koklick, 2016) Large publishers and governments eager to make examples out of people through sentencing and legislation do almost nothing to hinder piracy. (DI SALVO, 2017) Researchers have used the Theory of Planned Behavior and the Theory of Reasoned Action to explain why and how people engage in piracy even if they know it is illegal, also known as rationalization. (Kos Koklick, 2016) Neutralization Theory can explain how people do things with the assumption that they know what they are doing is wrong while overlooking the reality that people pirate for reasons such as convenience. Some rationalizations fall under “hacktivism” and open access advocacy. In some cases, people find it morally acceptable or unacceptable to pirate, such as stealing from small businesses. (Kos Koklick, 2016) Researchers studying textbook reproduction in Vietnam found that one reason for purchasing photocopied textbooks, aside from greater perceived value, was convenience. (Nguyen, 2017) There is an assumption that in a world without financial constraints, piracy would simply vanish. This aligns itself with the misconception that commercial publishers and researchers have that people only pirate because they do not want to spend their money while disregarding the fact that people value convenience and justifiable prices. (Nguyen, 2017) This is not the case because one of the allures to piracy is convenience.

Research needs to be done with these findings on other mediums of consumptions such as movies, but with a different theoretical framework. By painting consumers as having a lack of self-control and susceptibility to social norms as their defining attributes when it comes to piracy, research fails to recognize how these social norms change and appear in the first place. Instead using Neutralization Theory which seeks to explain why people can live with themselves when doing something they know is wrong, researchers need to apply different frameworks such that map out how attitudes and social norms around how piracy change. Some theories that should be applied to piracy as well as have a model made describing them are the Elaboration Likelihood Model, the Theory of Social Learning, and Standpoint Theory. Much of the research acknowledges damage to industry revenue while also aiming to curb piracy rates for better advertised campaigns against piracy on behalf of commercial publishers. (Nguyen, 2017’ Kos Koklick, 2016; Akbulut, 2018)

Researchers also need to investigate how piracy can functionally give power to consumers against businesses that raise prices on goods such as textbooks. There is a miscommunication between researchers and people surveyed because research based on the Theory of Planned Behavior which asks questions aimed to answer whether social influence and perceived risk influenced subjects.

I propose a study that asks in what ways do people in online spaces engaging in piracy intend to use downloaded content, and in what instances do they find it morally wrong to pirate.

Literature Review and Section 1

**Introduction**

Digital Piracy is a concerning issue for consumers, corporations, and creatives which all lose in the long run when piracy is an appealing enough option to consumers. Prominent literature surrounding piracy aims to diminish financial loss for publishers and guide anti-piracy campaigns. (Nguyen, 2017; Phan, 2018; Kos Koklick, 2016; Morris-Babb, 2012; Phau, 2016) These articles use theories such as The Theory of Planned Behavior and Neutralization Theory which seek to answer questions based on ethical consistency and social influence in hope to deter piracy. This framing undermines its goals because it paints consumers as irrational by having a lack of morals and self-control. (Phau, 2016; Kos Koklick, 2016) Studies like these frame piracy as an issue which consumers are solely responsible for. To better understand piracy, Research surrounding Piracy should adopt the Elaboration Likelihood model which asks how attitudes and social norms form in the first place through persuasion as well as seek qualitative interviews from representatives of large produces to better understand the communication between consumers and producers.

**Current state of Piracy and Research**

The Elaboration Likelihood model explains how there are two main routes of persuasion, central and peripheral. (Petty & Cacioppo, 1983) The central route is data fact driven which can change long held attitudes, while the peripheral route works off emotions and attitudes and exhibits shorter lived changes in opinion. Social media’s impact on attitudes towards piracy and social change has profound potential. (Burkart, 2016) It is accessible to almost everyone even with financial constraints. Social media users lift marginalized voices because of their valuable perspective. (Murphy, 2022) Marginalized voices on social media can be the impoverished. Like online reviews left by customers, social media allows for many voices to be heard and influence the opinion of many. Consumers with a lower amount of skepticism towards online reviews were more influenced by the peripheral route, or the quantity of reviews when shopping online. (Sher, 2009) This is like seeing a viral post on social media condoning piracy. A study that surveys people who spend time online could better create an accurate image to help reduce the negative effects of piracy. There is a limitation to this however, Phau, (2017) concluded that internet usage and time spent on the internet do not determine intent to pirate. They also concluded that campaigns against piracy should invoke guilt purposely in order curb rates of piracy, but this would be a peripheral change through the model of Elaboration Likelihood which could not be effective in the long run. Phau also calls for stronger penalties against everyone who pirate content, but countries either cannot or will not enforce anti-piracy laws. (Kos Koklick, 2016)

While piracy does have negative effects on stockholders and industry profits, it does not only affect them. Research surrounding piracy mainly focuses on financial losses of industries as the rational while infrequently mentioning harm experienced by consumers such as exposure to viruses and malware. (Akbulut, 2018) Total financial loss was around $400 Billion 2015. While piracy increases the chance of these risks happening, this financial loss is not solely attributed to piracy. The world would be better without piracy being an appealing option for consumers because of other incalculable losses such as development of research and information across the world.

Some problems with rising costs of education can be addressed by addressing piracy. The price of education has been a problem which keeps generational wealth gaps consistent. Education is strongly associated with higher wealth. (Vo, 2022) A team of researchers sought to understand the main motivators of why piracy was so common in Vietnam. One form of textbook piracy they observed was the purchase of photocopied textbooks. Since this form of piracy was very common, a decent percent of students surveyed did not know that this was illegal. (Nguyen, 2017) Due to textbook prices rising much faster than inflation rates, (Morris-Babb, 2012) Other researchers found that 64% of students prefer to purchase their textbooks at the university bookstore, and 24% order their books online. (Phan, 2018) Because these textbooks are necessary to be successful in the classroom, companies have gotten away with this until piracy of textbooks became commonplace. Textbook piracy is a problem for the supply chain because the number of textbooks needed per semester changes drastically. (Nguyen, 2017) Newer editions of textbooks provided nothing noticeably different for students. (Phan, 2018) Piracy functionally gives power to consumers with a cost in the long term. The cost of piracy in this example is students receiving photocopied textbooks instead of new ones because of price points set by sellers as well as possible shortages due to the fluctuating estimates of textbooks needed. Both consumers and publishers lose in this situation.  A store selling photocopied textbooks near the university allowed for ease of access to a textbook even if the university bookstore ran out of licensed textbooks. Keeping educational material behind financial barriers leaves the underprivileged with even less advantage.

Copyright laws can negatively impact the world. Open Access is the movement that aims to allow access of academic journals to everyone. Research is not useful if people do not read it, which is why Open Access increases how many people can see and cite an article, as well as accelerates scientific dialogue. (MacCallum, 2006) Open Access in theory could help mitigate the wealth gap among developing countries. An example of how Open Access can help more than just readers is the example of Icahn School of Medicine at Mount Sinai. Their program gave students the opportunity to publish and manage their own academic articles. (Halevi, 2018) This program was aimed at giving students experience with scientific publishing and the opportunity to learn before graduate school. This gave students practice to an integral part of graduate school which is scientific publishing.

Literature Review Section 2

**Deterring Piracy**

Companies can combat piracy through different ways that benefit or target consumers. A famous example of a company correcting their course of action to deal with piracy is a video game publishing company Steam, the largest distributor and publisher of computer video games. It has 51,000 titles, and 53,000 titles in China and distributes to everywhere in the world including many countries other where piracy is high such as Russia. (Hudson, 2021) Gabe Newell, the president of Steam, says that “piracy is a service problem.”  He argues that piracy is appealing because it is free and convenient. (Tassi, 2014) Tassi gives examples of how companies are combating piracy through less expensive means such as making their content more available and cheaper such as Netflix and Spotify while also making the distinction of people who typically pirate. Tassi makes a distinction by explaining how because someone cannot afford a product, their piracy cannot be counted as a loss of a sale because they could not buy the product in the first place as many measurements of financial losses to piracy do. Instead, Gabe places blame on companies that provide worse service to consumers. This means that if piracy is worth doing in the eye of consumers, they receive worse service while companies simultaneously lose out on sales. One major factor aside from willingness to pay and convenience that influenced the decision to pirate was perceived risk.

Piracy deterrence varies in complexity and measurability, but researchers have found which variable have effects of intent to piracy which inform methods of combatting piracy. Many countries have high rates of piracy. (Akbulut, 2018) Researchers studying a store that sells textbooks outside of a school in Vietnam found that lack of enforcement led to a lack of perceived risk. Furthermore, a lack of enforcement resulted in perception of normalcy which contributed more to motivation to pirate. (Nguyen, 2017) The researchers in this study found that students credited a bookstore’s proximity to the school to their sale of a pirated textbook. Textbook shortages also contributed to the increased inconvenience. Researchers found that using fear and shame is unlikely to deter piracy, while those who have a tolerance to high perceived risk can increase pirating activity. (Sinha, 2008) They also found that income was the most significant variable of piracy as well as risk perception not affecting results. Another variable they tested showed piracy decreases if a licensed website offered features such as live recordings or exclusive content with the purchase of a CD. Steam’s method combats piracy effectively, however there are other methods that place blame on consumers while targeting them for behavior.

Some companies choose to combat piracy through expensive routes such as DRM software and lawsuits in effort to deter pirates. (Tassi, 2014; DI SALVO, 2017) One channel of communication between consumers and companies is news. It does not necessarily allow for back and forth; however, it allows for transmission from a sender to a receiver. Aaron Swartz was an advocate for open access that was arrested for downloading thousands of articles off of JSTOR from a school computer to a hard drive. (DI SALVO, 2017) JSTOR only wished to repossess the articles but the attorney general of the United States decided to press charges which resulted in a life sentence. Aaron took his own life 2 years after the sentencing. This is a brutal example of interests acting against piracy. This case used government resources to make an example out of Aaron, which aimed to deter other acts of large-scale piracy, however this still does not address the issue of piracy large interests wish to curb. Researchers found that news articles involving Aaron mostly portrayed him positively or neutrally as an activist which can serve as an indication that a litigious route does not necessarily result in discouragement of piracy.  (DI SALVO, 2017) Aaron must have perceived risk when downloading articles from a school computer, however he reproduced copyrighted material which is different from consuming copyrighted material. Their perception of risk likely increases for a distributor while explicitly diminishes for consumers. (Nguyen, 2017; Sinha, 2008)

Literature Review Section 3

**Justification through Piracy**

Recent writer’s strikes have brought light to the greed held by large media producers which ends by hurting everyone involved. Consumers may employ neutralization to justify their piracy. (Kos Koklick, 2016) The topic of privacy would not be complete without mentioning the creators of content. The current model of streaming services provides almost no residual payment for writers and artists. (Stutzman, 2023) The Writer’s Guild of America is asking for a minimum of around 5% of residuals between writers. Researchers set out to test which type of information-based intervention targeting piracy deters piracy most successfully in Middle Eastern countries. They tested 3 different approaches, religious, legal, and awareness. Researchers tested by telling subjects that religious scholars announced that digital piracy was against Islamic principles, explaining the illegality piracy, as well showing them the economic loss and hurt to artists. These researchers found that only awareness of how piracy can hurt people and religious justification against piracy resulted in statistically significant data in deterring future piracy, while reminder of the legality did not produce a statistically significant change. (Al-Rafee, 2010). This can better direct campaigns to stop piracy, however proponents of piracy argue that stealing from streaming services does not hurt the workers behind the streaming services.

Like the low pay for creatives observed in media based streaming services, the music industry famously pays very little per stream to artists. One way record labels can generate more income is by releasing music exclusive to a streaming service, however this exacerbates the issue of piracy which also leaves consumers with less convenient ways to listen and artists with less streams. (Meyn, 2023) Researchers examining a span of 2 years in Indonesia where Netflix failed to launch found that this resulted in a 19% increase in piracy. (Lu, 2021) Exclusivity or lack of content result in more piracy by contributing to the lack of convenience and worse service received by consumers. Different streaming platforms cater to different types of content, however putting profits first hurts everyone.

Academic journals subscription services serve similarly to streaming platforms for accredited journals and their high set prices. Researchers who publish these journals do not make any money from researching to avoid a conflict of interest, however the price is paid by students and researchers wanting to access academia because of large costs set by academic journal subscription services. Like textbook prices, academic journal prices have also increased much faster than inflation. (Meadowcroft, 2021) While textbooks at least have manufacturing costs, digital content only needs the organization to make it accessible.

JSTOR’s about page claims that they have not raised prices since 1997 and that they use the bulk of their earnings to continuously add more content as well as free access to many walk-in lab computers found in libraries, however this does not address concerns for piracy with convenience over price in mind. JSTOR’s parent organization, ITHAKA, is a not-for-profit organization which publishes a large amount of completely free journals and images accessible to everyone, but not every article. Davis, 2008, found that the open access model results in articles reaching significantly more people. This draws resembles to the nature of piracy and how convenience is a major factor in the decision to pirate. (Lu, 2009; Nguyen, 2017) Other tyeps of businesses in general must accommodate customers as much as possible to maximize sales, and digital markets should not have any exception to this either. Studying whether people who pirate find it unethical to steal from the creators themselves could help us understand this link between piracy and the writer’s strike of 2023, however, because of the small amount the Writer’s Guild of America can realistically ask for, (5-6%) some might still find piracy acceptable. Policies that put profit as the main goal become counterproductive and squeezing every penny from creatives and consumers hurts everyone.

**Conclusion**

Piracy is an issue that hurts everyone in some shape or form. The streaming service model needs to be renegotiated to compensate the people creating the products. The dialogue between consumers, creators and corporations needs to be studied to find better resolutions and avoid these self-defeating business models. Proper research targeting communication between these three parties instead of solely aiming to influence consumers to not pirate should come first. The implications of piracy have a profound impact on anyone researching academia, creators and consumers, not just corporate losses. Focusing on financial losses makes for an easy to understand, and easy to dismiss argument against piracy. Using a different model to understand why consumers pirate as well as forcing corporations to make introspective reflections is necessary to improve the lives of many and benefit everyone.

**Rationale**

Research discussing piracy focus on numbers estimating industry losses, (Nguyen, 2017; Kos Koklick, 2016; Phau, 2016) but this does not have any effect on most people. Focusing on shares held by extremely rich individuals does not make for a good campaign to reduce piracy, but I argue that placing the blame on consumers in the first place does not solve the issues of piracy. Considering wealth inequality when writing about piracy allows for a better approach when especially considering that income was the most influential factor in predicting piracy. (Sinha, 2008) The writers’ strike of 2023 exemplifies the lack of compromise large business take when profits are on the line, even for very small percentages (Stutzman, 2023) while also portraying why they need to study the communication between consumers, corporations, and creatives.

Analyzing the communication between consumers and corporations can disrupt the disconnect we see currently between consumers and large businesses. One mistake business can make when setting prices and business models lies in the assumption people are not rational and lack self-control. (Phau, 2016) advocates for harsher punishments and to produce campaigns that will invoke fear and shame. This strategy attempts to change human behavior that most likely will not change drastically due to any campaign. The framing set by these campaigns remove any responsibility from the businesses

Businesses know that different economies need different price points because if consumers cannot afford your product, they will not buy it. Adjusting the price on a digital item for different countries works especially well because once a digital product is made, it requires no physical reproduction. This poses a simple but apparently hard decision for companies towards countries with large wealth gaps. Piracy has given some power back to consumers by forcing companies to either make their product more accessible and convenient enough for the rational consumers or reserving their product for the smaller group of people with more money and free time or effort. This contradiction found in the decision of choosing shorter term financial gain has created a war on rational consumers, and because awareness of the legal threat may not effectively combat piracy, (Al-Rafee, 2010) expecting campaigns to annihilate piracy becomes pointless after so many attempts. Companies, if wanting to diminish the negative effects of piracy, need to work with consumers instead of shifting blame towards.

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