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The "Goodbye Petrovka" Plan: Moral Economy of File Sharing in Post-Soviet Ukraine[1]

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Abstract

Ukraine, the second most populous of the former Soviet republics, had been named as one of the ten "priority countries" with "unacceptable piracy rates." Kiev's open-air Petrovka Market has become a symbol for the blatant distribution of pirated books, films, music, and software. As living standards and disposable incomes have risen dramatically in recent years, Ukrainians are turning increasingly toward the Internet and to newly-available high bandwidth networks as a new medium for the exchange of music, films, and computer software. Drawing upon the explanatory resources of science studies, particularly the well-established literature on the social construction of technological systems, the author argues that Ukrainians are literally and metaphorically reconstructing imported Internet technologies in accordance with their own culture.

To explain this distinctive technological path the author examines the interaction of technologies, users, and regulatory regimes. These have shaped the understanding of ordinary Ukrainian Internet users toward what, following E.P. Thompson, the author calls the "moral economy" of copyright and file sharing. I probe these understandings through analysis of comments on file sharing behavior submitted by a sample of Ukrainian internet users.

Keywords
Intellectual property, Ukraine, file sharing, downloading

Introduction

The Internet is often understood as a single global network, a powerful force for the erosion of national boundaries and the mingling of cultures. Enthusiasts express faith in the power of its protocols to spread values such as capitalism, democracy, or libertarianism simply through the spread of the network itself. However most research on Internet use, and almost all research on the use of file sharing technologies to distribute commercial material, has been carried out on North America and Western Europe.

I explore the cultural meanings and social practices of file sharing in Ukraine. Ukraine, the second most populous of the former Soviet republics, had been named as one of the ten "priority countries" with "unacceptable piracy rates." Western industry and governmental bodies present piracy in straightforward terms as a crime, and emphasize links between music piracy and violent organized crime. Kiev's open-air Petrovka Market has become a symbol for the blatant distribution of pirated books, films, music, and software. But as living standards and disposable incomes have risen dramatically in recent years, Ukrainians are turning increasingly toward the Internet and to newly-available high bandwidth networks as a new medium for the exchange of music, films, and computer software. How do Ukrainians understand this new technology, and how is their existing cultural and historical heritage reconstructing the apparently universal technology of the Internet?

In Ukraine ISPs compete with each other to offer the biggest and best collections of commercial music and films for download by their customers. Downloads from these collections, and from a handful of other file sharing centers, do not count toward monthly usage quotas. The sites, which are inaccessible from outside Ukraine, include warnings that downloaded files should be used for "evaluation" only but appear otherwise indifferent to issues of copyright. Drawing upon the explanatory resources of science studies [8], particularly the well-established literature on the social construction of technological systems [26], I argue that Ukrainians are literally and metaphorically reconstructing imported Internet technologies in accordance with their own culture.

To explain this distinctive technological path I examine the interaction of technologies, users, and regulatory regimes. These have shaped the understanding of ordinary Ukrainian Internet users toward what, following E.P. Thompson, I call the "moral economy" of copyright and file sharing. I probe these understandings though analysis of comments on file sharing behavior submitted by a sample of Ukrainian internet users.

Moral Economy and Intellectual Property

The concept of "moral economy" was introduced by social historian E.P. Thompson in his hugely influential 1971 paper "The Moral Economy of the English Crowd in the 18th Century." [31] Thompson looked at the phenomenon of bread riots, which previous scholars had treated as simple outbreaks of lawlessness in which a hungry mob pillaged indiscriminately. The Eighteenth century was a transitional era for England, in which industrialization and social change shifted the distribution of bread toward the free markets and windfall profits of lassie-faire capitalism and away from an earlier paternalistic and highly regulated system which had ensured that locally produced grain was made available to ordinary laborers even in times of shortage. Thompson argued that a closer examination of these episodes

revealed that the rioters believed their actions were undertaken in defense of their perceived rights. They were not a breakdown of the social order but an attempt to assert its traditional values and social relations against the alien regime of unfettered market speculation. Angry crowds calibrated their actions, targeting bakers guilty of supplying underweight loaves or paying for grain they seized at prices they considered fair. Rather than casting their actions in explicitly political terms, their

> "grievances operated within a popular consensus as to what were legitimate and what were illegitimate practices…. This in its turn was grounded upon a consistent traditional view of social norms and obligations, of the proper economic functions of several parties within the community, which, taken together, can be said to constitute the moral economy…." [31], p.79.

The concept of the moral economy spread rapidly across range of academic fields, from history and sociology to political science and anthropology [2, 27]. The most influential of these works, James Scott's *The Moral Economy of the Peasant* [28], gave the idea particular prominence in research on subsistence societies. Other authors stretched the concept to apply it to a wide variety of topics. Thompson himself warned against its overuse to describe all socially constructed economic practices or systems of mutual obligation, arguing that its greatest coherence came when applied to "confrontations in the marketplace over access (or entitlement) to 'necessities'" in which crowds acted spontaneously to defy the economy of the free market in a manner legitimated by appeals to an earlier social order [30].

Loaves of bread and computer files may not seem to have much in common. But I argue that the framework of the moral economy helps us understand the evolution of a wide range of user behaviors in the area of intellectual property. The case of file sharing in Ukraine is a particularly appropriate one for the application of the moral economy concept because it relates to the transition from a non-capitalist to a capitalist form of economic organization and because it illustrates the continued relevance of Thompson's stress on the role on the power of consumers to impose traditional norms on the marketplace.

Most research on file sharing has focused on the United States and Western Europe. Although the concept of moral economy has not been widely used in this context, it seems to have considerable potential utility here because a combination of rapid legal and technological change has opened a gap between the feelings and experiences of ordinary people and the intellectual property regime. For example, many people feel that they have a right to modify as they wish any piece of equipment they purchase. But Microsoft has successfully sued to prevent users from obtaining chips that modify Xbox games consoles to enable them to run unapproved software. Scholars and other users of copyrighted materials have traditionally had considerable flexibility under fair use provisions to reproduce and annotate portions of text and images, but new restrictions built into digital rights management systems threaten to eliminate those traditional practices. Consumers of books or music were used to being able to lend or resell their copies, but the shift to systems such as Apple's iTunes is eliminating these consumer rights.

Likewise many people attach strong moral distinctions in areas where the law sees no significant difference. Many people who would not steal a compact disk from a store see have fewer qualms about

downloading the same music from an illicit online service – even though downloading carries far more stringent maximum penalties (three years in prison for a first offense and fines of $150,000 per song for "willful" infringement) than shoplifting. Ordinary people might see copying a disk for a friend as a much less problematic activity than making dozens of copies and selling them on the street, but the law provides no exemption for non-commercial copyright violation. Several groups have attempted to post on the Internet old computer code and other "abandonware" with no commercial value, but courts have insisted that the copyright term extends for 95 years after publication whether or not the holder of copyright has shown an interest in keeping the work available (or indeed whether or not any current copyright holder can be identified).

Efforts by the music and movie industries to combat illegal file sharing have consisted in large part of campaigns to change the way users think about intellectual property, and thus speed their transition from a moral economy in which non-commercial sharing of music is socially acceptable to one in which it represents unambiguous theft. Traditionally these campaigns have presented artists as the victims of illicit copying, appealing to the desire of consumers to support the work of the musicians they admire. From the 1980s campaign of the British Phonographic Industry to convince its customers that "Home Taping is Killing Music" to the disconcerting enlistment of nihilistic thrash metal band Metallica as the public face of the industry's battle against Napster in 2000 these efforts sought to shift attention away from faceless international media conglomerates and onto the suffering of recognizable individuals. More dramatically, civil lawsuits filed by the Recording Industry Association of America have targeted around twenty thousand of the tens of millions of individuals using online file sharing systems, settling most cases out of court for a few thousand dollars. The first case actually to come to trial resulted in a $220,000 fine for making 24 songs available for sharing [18].   While settlements received by the association from these cases from would not have come close to covering its own legal costs, it hoped that publicity given to the cases would change social attitudes toward file sharing.

Despite its resonance, the moral economy has been little invoked in discussion of file sharing practices or other copyright issues in either the developed or developing world.[2] There is, however, a strong

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[2] I have so far been unable to find any sustained discussion of the moral economy of copyright in a published journal article. I did locate a blog post by MIT scholar Harry Jenkins, who (citing an unpublished draft circulated within a local group) wrote "In a review of the concept of the 'moral economy' in the context of a discussion of digital rights management, Alec Austin (et. al. 2006) writes, 'Thompson's work suggested that uprisings (or audience resistance) was most likely to occur when powerful economic players try to shift from existing rights and practices and towards some new economic regime. As they do so, these players seem to take away 'rights' or rework relationships which were taken for granted by others involved in those transactions.' A period of abrupt technological and economic transition destabilizes relations between media producers and consumers. Consumers defend perceived rights and practices long taken for granted, such as the production and circulation of 'mix tapes', while corporations try to police behaviors such as file sharing, which they see as occurring on a larger scale and having a much larger public impact. Both sides suspect the other of exploiting the

parallel with the growing literature on the clash between global intellectual property regimes and what is sometimes called "traditional environmental knowledge" or, more broadly, "indigenous knowledge." Many scholars have criticized efforts by companies to obtain patent, trademark or copyright protection over the products of developing countries such as traditional medical treatments, songs, or decorative crafts [12]. This situation is often depicted as a clash between the practices of the "indigenous" people of a region and the practices of global capitalism, and scholars generally call for us to respect traditional practices that have treated cultural goods of this kind as shared resources rather than private property [10, 23].   In recent years this has been the focus of intense negotiation with respect to the provisions of the World Trade Organization, involving groups such as WIPO (which established the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore), the International Labor Organization, and the United Nations Working Group on Indigenous Populations. The debate has been centered quite narrowly on the question of intellectual property rights tied to minority groups with indigenous status (such as Native Americans and their counterparts in Siberia or the Amazon) and the inhabitants of poor countries (most of Africa). The concept of moral economy raises similar issues but on a more universal basis, as inhabitants of all countries face a rapid transition to an age of digital rights management and electronic media in which the rights they have traditionally believed themselves to hold as consumers are threatened by new technologies and new forms of economic organization.

Ukraine's Copyright Situation

Efforts to reshape the moral economy of intellectual property have been even more dramatic in Ukraine than in Western countries. While Internet file sharing is still a relatively new and uncommon activity in Ukraine its patterns of use rest on the nation's existing intellectual property regime and cultural infrastructure. Many Ukrainians do not share the Western legal concept of intellectual property as an analog of physical property and unauthorized reproduction as an analog of theft. This can be traced back to Ukraine's experience as part of the Soviet Union. For most of its existence the USSR did not recognize the concept of intellectual property, particularly as it related to foreign and scientific works. Like factories and farms intellectual property was generally controlled by the state, ostensively for the common benefit. Of course the Soviet regime did exercise tight control over the reproduction of written materials, leading to the cultural tradition of Samizdat in which the authorized exchange of books and poems was celebrated as a symbol of resistance to illegitimate state power. (In another paper, "Downloading Communism" I have discussed parallels between the practices of peer-to-peer file sharing and Soviet-era samizdat [11]). The Soviet era thus provides two different traditional attitudes toward intellectual property: the official ideology of disdain for attempts by individuals, corporations or foreign governments to assert private ownership over cultural goods and the dissident moral economy of illicit, peer-to-peer copying of materials in defiance of state-imposed restrictions. Despite their many differences these two schools have one thing in common: neither recognizes the legitimacy of state action to protect the intellectual property of private owners and foreign corporations.

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instability created by shifts in the media infrastructure."
(http://henryjenkins.org/2008/03/the_moral_economy_of_web_20_pa_3.html)

Since achieving independence in 1991, Ukraine has moved to bring its legal code into line with Western copyright provisions. In 1993, shortly after independence, the Ukrainian legislature enacted a new law on copyright and intellectual property. Ukraine acceded to the Geneva Phonograms Convention in 2000, and to the WIPO Copyright Treaty in 2002 [24].

Despite these rapid legal shifts, Ukrainians have been slow to shift their actual behavior. Ukraine, the second most populous of the former Soviet republics, had been named by the IFPI (International Federation of Phonogram and Videogram Producers) as one of the ten "priority countries" with "unacceptable piracy rates" [13]. Kyiv, its capital, is notorious as a center for piracy. Copied CDs and DVDs are sold openly by street traders, most notably at the famous Petrovka Market where more than 300 stalls are estimated to do business [14]. Many of the disks sold in Ukraine are reported to have been mass produced in well-equipped factories, whose owners served as a powerful political lobby in the murky world of Ukrainian politics. IFPI estimates that these plants have an annual capacity for more than 100 million units, and that more than 80% of the music disks purchased in Ukraine are illicit [13].[3]

Given the many pressing problems faced by Ukraine, few citizens would have identified music piracy as a priority for law enforcement agencies. Neither did any significant local business lobby develop for stronger intellectual property enforcement. Instead, pressure on the Ukrainian government to eliminate commercial piracy came almost entirely from foreign governments and powerful international lobbying groups such as the IIPA (International Intellectual Property Alliance, an umbrella coalition representing numerous US trade associations), WIPO (The World Intellectual Property Organization, a specialized agency of the United Nations), the BSA (Business Software Alliance, representing the interests of the world's commercial software industry) and IFPI (The International Federation of the Phonographic Industry, a federation made up of various national recording industry associations).

These industrial and governmental bodies present piracy in straightforward terms as a crime, and emphasize links between music piracy and violent organized crime. The international struggle against piracy is seen as a straightforward matter of building a strong legal framework in developing countries and then making sure that local authorities enforce these laws. They assume that national development follows linear path from the lawless frontier of unchecked piracy to the well policed copyright regime evidenced in the United States [13].

Their leverage has come from Ukraine's desire to trade freely with the West. The initial push to enact intellectual protections in 1993 came from negotiations with the US to receive the low-tariff trade benefits available to countries granted what was then known, under the rules of the General Agreement on Tariffs and Trade, as "most favored nation" status. Achieving and maintaining this status required regular congressional authorization. Trade benefits granted after independence were thus contingent on Ukraine's adherence to intellectual property measures, and the International Intellectual Property Alliance lobbied Congress with the message that Ukraine was not living up to its side of the bargain. Ukraine also spent many years negotiating to join the World Trade Organization, a process requiring the

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[3] This paragraph, much of the remainder of this section, and some parts of the next section are condensed from my article 11.   Haigh, M. Downloading Communism: File-sharing as Samizdat in Ukraine. *Libri*, *55* (3). 165-178.

consent of existing member nations and a fourteen year long series of negotiations in which the enforcement of intellectual property regulations was a major issue.

Industry lobbying groups complained that Ukraine's post-independence copyright provisions were poorly thought out and lacked vital tools necessary to their enforcement. A 2003 report from the International Intellectual Property Alliance concluded that "the history of copyright enforcement in Ukraine the past few years has consisted of a series of missteps, undercutting effective enforcement" [16]. Ukrainian requirements to affix hologram stickers blocked the import of authorized disks while doing little to slow domestic piracy. The producers and sellers of pirated materials have rarely been prosecuted, and customs authorities did little to stem the flow of pirated materials across the borders. These actions have been attributed to the corrupt and inefficient nature of the Ukrainian government and to the success of pirate producers in lobbying politicians and judges [3, 29, 32]. However, this also reflects Soviet influences [17] on Ukraine's moral economy. A report in Wired Magazine suggested that "the judges themselves don't view intellectual property theft as a crime" [4].

In 2001 the United States suspended Ukraine's duty-free access to US markets and imposed $75 million dollars of trade sanctions in response to the rampant pirating of optical media products [5, 15]. This dramatic action produced some results in Ukraine, including a new 2005 law aimed specifically at optical disk piracy and a number of raids on pirate factories and warehouses. The threshold for criminal activity was lowered 150 times to 3000 hryvnias ($600) [25]. In exchange for these measures the United States lifted its sanctions on Ukrainian exports [22]. In 2006 the US agreed to support Ukraine's bid for WTO membership [9, 14]. The WTO's general council approved Ukraine's accession in February 1998, and following ratification by the Ukrainian Parliament the country was scheduled to join the WTO on May 16, 2008 as its 152nd member. This was the most tangible example to date of President Viktor Yushchenko efforts to strengthen Ukraine's integration into the global economy following his 2005 victory in the contested election that prompted the so-called "Orange Revolution."

File sharing in Ukraine

The Internet came later to Ukraine than to western counties, and is still far less prevalent there. Internet access is readily available, with more than 270 Internet Service Providers doing business. Broadband service is readily available in much of Kyiv, with packages priced at around $20 a month. According to one industry report 58% of all Ukrainian Internet users live in Kiev [20]. Ukraine's economy has been one of the fastest growing Europe over the past few years, but by 2007 GDP had still reached only $2,830 per capita [1],   meaning that these services remain out of reach of most Ukrainians. According to International Telecommunications Union Ukraine had around 5.5 million Internet users, representing 12.1% of the population. However, in September of that year only 630,000 Ukrainian households had broadband connections of the kind suited to downloading large media files [7]   Ukraine's internet penetration is significantly below the global average of 16.7% and well below the 51.9% level in the European Union [21].

While file sharing has yet to enter the Ukrainian mainstream, an enthusiastic and rapidly growing community of Internet users has adopted web and peer-to-peer technologies to share music and video

files. Because high-quality, low-cost pirated music and film disks are readily available in Ukraine while high-bandwidth Internet connections remain scarce, peer-to-peer file sharing fills a different niche here than in western countries. One of the distinctive features of file sharing networks is their global reach. These systems build on the peer-to-peer nature of the Internet itself, in which (firewalls aside) any computer hooked up to a constituent network can send or receive data packets to or from any other computer hooked up to a constituent network. While Western users will generally find communication with computers in the same city to work faster and more reliably than those with computers located in other continents they need take no special steps or pay no special fees to communicate internationally. Indeed, few users of file sharing systems know or care where the computers they are downloading from are located.

American Internet Service Providers (ISPs) fight an ongoing battle against the use of their web facilities to host illicit copies of commercial materials, fearful of the legal jeopardy they would otherwise face. So-called "Warez" web or ftp sites for the exchange of pirated materials usually appear secretly and disappear rapidly once service providers discover their existence. In Ukraine, however, ISPs compete with each other to offer the biggest and best collections of commercial music and films for download by their customers.

The situation is different in Kyiv. Unlike heat, gas, or water, Internet bandwidth is usually metered in Kyiv. For instance, one of the leading ISPs in Kyiv, offers a standard package including just 750MB of international data exchange and 8GB of data transfer within Ukraine. Once this limit has been exhausted, downloading a 1GB compressed movie file from a foreign source via a peer-to-peer system would cost around $50 – hardly an economic alternative to a market stall DVD. Still more alarmingly, uploads requested by foreign users could add thousands of dollars to the monthly bill if a program like Kazaa was left running. Even the $4 to transfer a gigabyte within Ukraine is a significant sum for most Ukrainians.

But recognizing the popularity of downloads the same ISP does not charge users for downloads from a short list of popular local file exchange sites. Accessible only from computers inside Ukraine, these sites host a huge array of commercial music, movies and software for free unlicensed download. The sites are supported by advertisers, and sometimes deny downloads to heavy users who have not accumulated sufficient "energy points" by clicking on advertising links.

Ukrainian ISPs may even offer their own locally hosted sites for the exchange of films, music and software. Users are free to upload their files for others to enjoy. A download of the same file from the ISP servers would not count toward traffic limits and might take place much more rapidly over the high-speed local network. The only acknowledgement of the existence of copyright law on its local server appears to be a simple disclaimer on which users must click before accessing the site.

Unlike the well-known Russian site AllOfMP3.com [6], these sites do not claim to have licensed material under local laws, do not charge for downloads, and cannot be used to download internationally. Efforts have recently been made by the IFPI to close down a Ukrainian site called mp3.ua operating on the AllOfMP3 model, culminating in an appeal judgment for $70,000 against its operators in November 2007

[19]. While this may set a legal precedent, so far enforcement activities have not extended to the wildly popular sites operating for domestic users.

The ability to download media files is a key selling point for broadband internet services in Kiev. Kiev's leading broadband ISP is the cable company, Volya (meaning "freedom"). Volya offers metered Internet access by cable modem. During 2007 Volya ran a major advertising campaign including billboards, television, flyers and metro posters. It featured flocks of happy ducks. The promotion relies on a play of words: "kachka" is a duck in Ukrainian, and also slang for "downloading". So a happy duck implies a trouble free download.

In this poster the "Bezproblemna Kachka" (No Problem Duck) is able to relax on a hammock while sipping a cocktail, symbolizing Volya's promise of a low-stress downloading experience. The flyer also shows how ISPs compete in both price and quantity of downloads. Flaunting Volya's more generous standard allowances, it boasts that a quota of 10 gigabytes of mixed traffic (accessing local and international sites) costs 100 hryvnias ($20) a month; and 30 gigabytes of mixed traffic costs 150 hryvnias ($30) a month.

It is not surprising that, in the absence of legal and cultural obstacles, Ukrainian Internet users prefer downloading from a central high-speed server to the peer-to-peer approach to unlicensed file sharing more widely used in the West. Both Napster's original peer-to-peer model and the subsequent refinement of the model by other services such as Kazaa to eliminate the central catalog of available files were inspired by an ultimately unsuccessful to avoid incurring legal liability for exchange of copyrighted materials. Downloading from a central server is more convenient and reliable than peer-to-

peer file sharing for many kinds of file exchange (it is, after all, the model adopted by iTunes and other commercial sites). The embrace of unlicensed file sharing by Ukraine's leading ISPs reflects their acceptance of a moral economy in which the free exchange of unlicensed files is an acceptable activity. Whatever the letter of the law might say, it has not yet been interpreted or enforced in such a way as to seriously challenge these practices.

The User Perspective

But what meanings do ordinary Ukrainian Internet users give to the practice of downloading unlicensed files? I spent six months in Kiev, Ukraine during 2007 as a Fulbright scholar. I was based in the Informatics department of National University of Kyiv Mohyla Academy (NaUKMA), one of the country's most prestigious and selective universities. Founded in 1615 it was closed during Soviet times, reforming in 1991 after Ukraine gained independence. All education there is bilingual, split between Ukrainian and English. (Ukrainian is the country's official language, although most people in Kiev speak Russian and so this choice of languages gives the school an agenda that is at one nationalist and internationalist). NaUKMA does not have a long history in engineering or technical education, instead favoring a liberal arts model quite different from the Russian higher education model (characterized by specialized study, oral examinations, and rote learning) used during the Soviet era. Its computing students generally expressed a desire to work for international companies, seeking career paths that led into management and business applications of technology rather than research or technical programming.

As part of my fellowship I taught courses on Social Informatics to both graduate and undergraduate students. A major part of the course was concerned with intellectual property issues, as students read and discussed articles on the history of copyright, digital rights management, the global intellectual property order, and efforts to enforce stronger intellectual property protection within Ukraine. These included my own then-forthcoming article, "Downloading Communism" [11]. We discussed intellectual property issues in the format of several focus groups, and I gave the students an opportunity to submit written statements of their own views on the issues facing Ukrainian Internet users, for use in my future research.

The NaUKMA students represented Ukraine's future elite. All read English well enough to read English-language websites, and all were thoroughly familiar with the Internet. While most of them did not have access to high speed Internet services at home, all could use the university's modern computers and high speed links to download materials as required. For example, students frequently downloaded movies to flash memory cards to watch later on their personal computers. They stood out in terms of their technical knowledge, exposure to the global Internet, and access to computing resources. They were in general sympathetic to Ukraine's search for greater integration into the world economy and the European Union, and identified their own career prospects with the continued willingness of international firms to invest in the Ukrainian market. Many of the students were already working for international companies or for local companies subcontracting work for international firms.

Students confirmed the prevalence of ISP-sponsored download sites over peer-to-peer file sharing technologies in Ukraine. None had used Kazza or Gnutella. Neither had they used commercial services to download licensed material. According to one student:

> Yes, I agree, peer-to-peer file sharing programs are popular, but you need to install them, find urls, waiting for the seeder online; it also depends on the seeder speed. But we have so-called file-storage servers and free ftp servers. They are more powerful and much easier to use, and, the main thing – they are completely free and anonymous. And the owner of these servers is not responsible for what users are uploading.

Students suggested that obtaining officially licensed copies of DVDs or CDs would be hard to accomplish on a practical level.

> Often it is impossible to obtain licensed DVD even if one wants to. Our pirated copies often are so good that it is impossible to distinguish whether it is legal or not.

Despite having studied international copyright regulations, the students endorsed the moral economy of file sharing. They mostly rejected the characterization of unauthorized downloading as theft:

> As for me I am like most of Ukrainians using unlicensed software and multimedia information. When I buy piratical discs I never think that I'm a thief. Mostly I get my software, music and films from my friends who live in [another dorm] where they have local network and access to the Internet.

Like Thompson's bread rioters, Ukrainian Internet users justified their actions by a moral imperative of access to scarce resources in times of hardship.

> All students and even teachers in our university [are] using piratical software because they have not opportunity to buy programs that have price from several hundreds to couple thousand dollars.

Another wrote

> sometimes Ukrainians take the copyright measures on their territory as attempts to restrict our personally freedom, and we could even recognize pirates as so-called "Robin Hoods" who provide Ukrainians with desired informational production almost for free, comparing with "unreasonable" high prices for the same production from the original producer.

> Talking about the attitude of the common Ukrainians toward illegal copying of DVD/CD-s or file sharing, I should mention that it is not even considered by the majority of users as a crime. Ukrainian children are rising in the atmosphere of the payless availability of the information – there is nothing wrong if Ukrainian child is reading a borrowed from his/her friend book or repainting the mermaid from the TV-screen and than presenting it at the school as his/her own picture. Becoming the adults, Ukrainians are still keeping the conception of free access to any information deep in their minds

Some students had been exposed to licensed software in the companies they worked for. One claimed to welcome this trend, suggesting that they did not oppose intellectual property in circumstances where the cost involved in licensing seemed proportional to the benefits derived.

> *Lack of money is without doubt one of the main reasons why people in Ukraine decide not to buy legitimate copies of software or music. But remarkable is the fact that enterprises that can afford it, buy licensed software. Certainly, far not all of their programs are legal, but it is an evident progress in this sphere, and I can't but be glad to know this.*

However, the same experience led some students to question the fairness of Ukraine's position in the international economy. A student who worked in Ukraine for one of the world's leading providers of packaged software suggested that companies who moved IT work offshore to exploit cheap labor had no moral right to protest when developers in those countries used unlicensed products rather than pay the full retail price.

> *I participated in student's project where we needed to use Macromedia Flash. How could we pay $700 for the software? Should I feel myself in debt to Macromedia Inc just for the desire to participate in [an] international contest? Especially taking into consideration the fact that most of software companies use offshore development and a lot of software is being developed here in Ukraine. Is it fair when developer who earns about 6 000-7 000$ per year is prompted to buy software he/she developed for regular price when company underplayed the developer by about 15 times? Who is the criminal in that case?*

Even when students were prepared to acknowledge the desirability of intellectual property protection they challenged its application to Ukraine.

> *Piracy and copying discs can really be a crime but in Ukraine we should take into account its background and economical and social situation in the country, for it really differs from USA. I think, certain kinds of file sharing should not be restricted unless our people become wealthy enough. But I suppose that books (esp. not translated in Russian or Ukrainian) should be open for free downloading. For now hiding information should be a greater crime, than copying it.*

According to another student

> *Western societies understand and accept the principle "one has to pay for information", but for us Ukrainians this principle is very limiting. In the West everything could be translated into money. In our society this principle has developed much less (even though that it is becoming more and more popular). But cultural differences could not be expressed in terms of better or worse. In Ukraine, it is impossible to enforce cultural values of different societies.*

One student expressed a nuanced view, skeptical toward the claims of unlicensed producers of entertainment media to be serving the common good but staunchly defending the moral right of Ukrainians to use unlicensed software for educational purposes.

I personally think that lack of knowledge is not an excuse…. people who produce illegal CDs or DVDs hardly ever think of anything but their own profit. I highly doubt that there are many who really think of information access for the people in the country.

[P]eople should treat differently copyright for entertaining materials (such as movies, music and games), software and printed materials that to be used for profit and non profit reasons. Entertainment is definitely something we should pay for. And I think people who object that usually show lack of knowledge and ignorance….

If you use something for profit, you should pay for it. But if something is to be used for educational reason or acknowledgment it should be free or almost free. Information has never been as commercial as it is now. I don't think I should feel myself a criminal just because I want to access information that I can't buy either because it is impossible from Ukraine or because I can not afford it.

….Situation with the books even worse. Most of English language materials still can be accessed only through illegal resources. We can't buy through Amazon, they don't ship books here! Not mentioning, how difficult it is for a Ukrainian student to buy a 20-30$ book.

To sum up, I think that valid copyright laws prevent equal access to information for everybody, which declared in constitutions of most developed countries. I personally think that this is a very dangerous tendency which leads to seclusion of developing countries.

Some explicitly tied current attitudes back to Ukraine's communist heritage. "Communism has been programmed in Ukrainian psyche for years to come," wrote one student. "In many respects life style has not changed." According to another the communist era had delegitimized state attempts to restrict copying.

we have generation with habit to steal something especially from government or big corporation that we mostly connect with government. Stealing government properties for most Ukrainians mean repayment and restitution because government always steal and take away property of common citizens. And of course government never acknowledged the right of intellectual property like a lot of other human rights those times. So now we have very sick society and it take a lot of time to change this situation.

Another student tied downloading practices to Ukraine's religious heritage rather than its political past, reflecting a wave of religious revival that has swept the country over the past two decades.

Maybe some of my thoughts are not the result of the communist past of my country but the influence of Christian upbringing. From the early childhood I was taught to be a good girl and share everything I have with other children… I personally consider that intellectual property should belong to humanity but I don't know how to realize this in practice.

A third tied the persistence of file sharing's moral economy to the slowness with which Ukraine was reaching a national consensus on its cultural identity.

> *We are not a well formed nation yet. And in order to form a nation, national values have to be cultivated in people. Important questions like piracy must be discussed publicly – not only in the Parliament…. Surely, we have unsolved problems that are more urgent or vital, but this one concerns basic concepts and values of the nation I would say.*

One student even speculated that Ukrainians enjoyed the idea of defying Western companies, which led the government to resist a clampdown on file sharing.

> *When I download music - I don't think about where it is from and if what I'm doing is legal…. There is even some kind of competition: who can find the most rare song/movie/software on the internet…. there IS a complete surveillance over internet [in this] country, but the government is not interested in gaining new enemies among inhabitants while it's [own] interests are not being disturbed… When we download mp3's, we steal west money and this is good enough :)*

Conclusion

Thompson's concept of moral economy has considerable relevance for today's shift to electronic media and a globalized intellectual property regime. Like the bread rioters of the distant past, users of computer networks struggle to assert traditional rights in a world remade by new technological and economic systems. Yet because each nation has its own history (indeed, each nation has many histories) the traditional understandings and social norms on which Internet users draw will be quite different in each country. In this paper I have sketched some of the practices of Internet file sharing in Ukraine, and reported some of the voices of its Internet users. My findings suggest that scholars concerned with the use and social meaning of internet file sharing should not assume that a given technology or network will have the same meaning for users in all countries, but should be prepared to integrate their studies of information sharing behavior within a broader analysis of the social and national milieus in which they take place.

From the viewpoint of Ukraine, assimilation into the emerging global intellectual property regime involves some paradoxical developments. Proponents of membership in the World Trade Association argue, quite plausibly, that this is a crucial step in Ukraine's movement from vassal of the Soviet empire to corrupt post-Soviet borderland oligarchy to stable democracy integrated into in the mainstream of the world economy. In other words, part of the transition from socialist serfdom to capitalist freedom. Yet Ukrainians are also aware that full entry into the global intellectual property regime also means giving up other kinds of freedom, threatening deeply rooted practices of file sharing that they justify on various moral grounds such as personal or national poverty, political sentiment, practical necessity, or religious obligation. The freedom to copy unlicensed media files is assumed not just by students and young people but by internet service providers and small businesses. The transition from this moral economy of intellectual property to the global intellectual property regime has occurred in law but not in practice.

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