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The Dissertation Committee for Colton Cockrum certifies that this is the final approved version of the following electronic dissertation: "File-sharing Among College Students: Moral and Legal Implications."

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FILE-SHARING AMONG COLLEGE STUDENTS:  
MORAL AND LEGAL IMPLICATIONS

by

Colton Dwayne Cockrum

A Dissertation

Submitted in Partial Fulfillment of the

Requirements for the Degree of

Doctor of Education

Major: Higher and Adult Education

The University of Memphis

December 2010

## **Acknowledgments**

Here I am sitting in my office at 7:30 a.m. on a Wednesday morning, reflecting on my dissertation and the people who have helped me along the way. I cannot help but feel an overwhelming gratitude for the people who have truly sacrificed to help me achieve something that has never been done before in my family. First and foremost, I want to acknowledge my wife Casey. She and I sat down in the summer of 2006 and talked about whether a dissertation would be something we wanted to take on. At that time, neither of us could have imagined just how much time and effort this would take. Casey has been my biggest supporter throughout this whole program. She has put up with me when I was moody about my dissertation, stressed out because of classes, thrilled when I made a good grade, and disappointed when I fell short. Through all of that she remained positive and despite all the time we missed together (especially those times when we could have slept in together on a Saturday morning), she still was extremely supportive. I promise this, I could not have completed this program without her in my life!

To my “all-star” dissertation committee, I thank you for everything you have done throughout this process. Dr. Murrell, I thank you for being my advisor and chair of my committee. You took me on as an advisee despite never having me in a class. Your work with my paper was incredible and I appreciate how positive you were throughout the whole process. Dr. Meyer, I think I took more classes from you than I did anyone else. Your feedback on every paper I wrote (from IT Trends until now) was crucial in my development as a writer. Thank you for your patience, your knowledge, your desire to make better students, and your love for this profession. Dr. Cross, I cannot tell you

enough how thankful I am for your participation in this committee. You were extremely open to being on this committee despite the fact that I invited you late in the process. Your expertise in qualitative methods and design has been an important part of the development of this dissertation. Dr. Akey, I thank you for the feedback you have given me with this paper. I have a great deal of respect for you as a professional and a colleague. I knew that your experience in higher education would be an asset on this committee, and I was right.

While I have spent the better part of these acknowledgements thanking those who have been a great help recently, I do owe a debt of gratitude to those who have been in my life for a long time. In particular, I thank my mom and dad for their love of learning and for pushing me into higher education. It could have been very easy to expect little of me growing up. Instead, you spent countless hours helping me through elementary and high school. Who would have thought that all those times we spent with flashcards of periodic elements and state capitals would lead to a love of learning? Thank you for helping me see that there is a world of opportunities outside of Ninnekah, Oklahoma.

To Dr. Melinda Jones, Director of the Hardin Honors Program, I thank you for being a supportive colleague throughout this whole process. Thank you for your patience as I journeyed through this program. I have a lot of respect for where you have come from and what you have accomplished.

Finally, to the staff and faculty at the University of Science and Arts of Oklahoma I thank you for everything you did for me as an undergraduate student. I apologize profusely for being an awful student while there. However, there were several faculty

who challenged me to do better. Dr. Linda Crumb, Dr. Craig Elder, and Dr. Larry Magrath were all important to me while I was at USAO. Each of them would not accept the minimum effort that I tried to get away with. Thank you for your patience throughout my four years there.

## **Abstract**

Cockrum, Colton Dwayne. Ed.D. The University of Memphis. December, 2010. File-sharing Among College Students: Moral and Legal Implications. Major Professor: Dr. Patricia Murrell

This study was designed to explore the phenomenon of college students who illegally file-share. The main research question was, “What are the experiences of college students who file-share and what are their perspectives on the moral and legal implications for doing so?” Data were collected from six students using interviews, focus groups, and online communication.

This study revealed five themes common to the students in the study. The first theme, Old School Morality vs. Contemporary Morality, revealed that the college students in this study saw a contemporary issue like file-sharing differently than they did other moral issues. The second theme, Absurdity of Buying vs. Benefits of Free, explained how college students found it absurd to pay for files when they knew they could get them for free. The third theme, Malicious Intent vs. No Harm Done, revealed that the students did not see file-sharing the same as stealing because they were not intending to hurt anyone. The fourth theme, Repercussions vs. Everyone Does It, showed that the students were unable to internalize the consequences or repercussions of their file-sharing behavior. The fifth theme, Prolonging Needs vs. Satisfying Needs, explained that students file-share because they value the immediacy and convenience of it. In conclusion, this study revealed that college students did not see file-sharing as a moral dilemma and were unable to internalize the legal side of file-sharing.

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## **Chapter 1: Research Problem**

When I joined the doctoral program in 2006, I was advised by current students to begin exploring possible dissertation topics. These students, most of whom I confided in during my first year in the program, stated that I should find a topic that I really enjoy and would be willing to spend considerable amount of time researching. During my second semester in the program, I took the IT Trends and Issues course and had my “Aha” moment. For the final paper, we were asked to write on some type of technology or aspect of technology and its use in higher education. I chose to look at illegal file-sharing and spent the semester collecting research articles for the final paper. What I found was a wealth of information regarding file-sharing and how it impacted the entertainment industry, college students, and higher education. I was fascinated by this subject and made it a point to write something on this subject in almost every class.

It was during this time that I began to informally talk with higher education administrators at several campuses. In particular, I had great conversations with individuals in judicial and ethical affairs and information technology. They revealed that illegal file-sharing was a very real problem that was being addressed on their campuses. The information provided by my peers about the file-sharing problem was further confirmation that I needed to learn more about this subject.

### **Background**

Peer-to-peer networks were created to allow individuals the opportunity to share information from one computer to another. Initially harmless in nature, they soon changed as more and more individuals learned how to upload and download files from

each other. With this technology, individuals had the capability to share copyrighted information such as music, video, or software files.

Three factors led to this rise in peer-to-peer file sharing. First, Internet connection speeds became quicker, allowing for faster transfers of information between computers. Second, most peer-to-peer networks are free to use. Apple CEO Steve Jobs made a speech regarding file-sharing in which he said, “We’re gonna fight downloading by competing with it. We’re not gonna sue it, we’re not gonna pretend it doesn’t exist, we’re gonna compete with it” (Bakker, 2005, p. 41). Steve Jobs was stating that he believed that his company could compete with peer-to-peer networks because those networks often proved to be unreliable and would often reproduce poor quality copies of songs.

Competition may have been Steve Jobs’ goal, but in reality it missed the point that individuals would much rather download a song for free than pay for it. Rhapsody charged 79 cents per song title, Wal-Mart charged 88 cents, and most of the other legal sites charged 99 cents. Whole albums could conceivably cost over \$10, which was not considered a bargain for those individuals who used peer-to-peer networks to download music files for free, regardless of quality or difficulty searching for the files (Bakker, 2005).

The third factor is that individuals who upload and download files have some degree of anonymity, depending on the architecture of the peer-to-peer network. The literature review goes into great detail on just how important the architecture is in providing anonymity for users. If users feel anonymous in their actions and do not

believe they will be caught, they are more likely to continue to illegally download files (Ripeanu, 2001).

Peer-to-peer networks, in essence, have their own design and architecture, and are designed to facilitate the transfer of information among individuals. These networks thrive due to the way in which they are created. For instance, some peer-to-peer networks operate without a central server, which makes it difficult to track users and the files being transferred. Other networks eschew the use of a central server, instead placing server status on its users who have capable bandwidth or other important resources. Still others are created in a way that utilizes a central server, allowing for files and transfer information to be stored in one location (Androutsellis-Theotokis, 2002).

Another strength of peer-to-peer networks is their ability to incorporate new technologies such as upgrades to Internet connections, faster computers that contain large storage capacity, and the technology that allows files to be compressed to allow for quicker downloads. It is no coincidence that with the creation of these technologies and their ability to be adopted by the masses, there was an increase in file-sharing, since these technologies made it easier and quicker to download than before. The impact of these new technologies on file-sharing is important, because without them, file-sharing would be slower and more difficult. One study revealed that at the height of file-sharing, Americans could possibly have downloaded up to 5 billion songs through peer-to-peer networks. *Webnoize*, an online publication that focuses on the music industry, estimated that 2.79 billion files had been transferred at the height of one peer-to-peer network's popularity (Liebowitz, 2006b).

Popular peer-to-peer networks which utilized their architecture to allow for the transfer of music and video files included Gnutella, Kazaa, Morpheus, and Napster. These peer-to-peer networks were instrumental in the facilitation of billions of files being transferred between individuals throughout the world (Liebowitz, 2006a). Using these networks, college students are one of the largest groups to use peer-to-peer networks to download files illegally. In a study conducted by the Pew Internet and American Life Project, 60% of college students admitted to illegal file-sharing (Jones, 2002). Interestingly, this study was conducted in 2002, after file-sharing had been declared illegal. In addition, a study by Latonero (2000) found that close to 70% of college students admitted to using peer-to-peer networks to download files.

The entertainment industry has played a large role in combating illegal file-sharing and has been a driving force in the attempt to create legislation to outlaw this practice. Through its work, it has influenced laws that place responsibility on peer-to-peer networks and Internet Service Providers to combat illegal file-sharing. The entertainment industry has also influenced federal acts such as the Higher Education Act and state laws, both which task universities with combating file-sharing on their campuses (Bangeman, 2008; Lide, 1999; Lipka, 2009).

Despite laws declaring file-sharing illegal and the efforts of the music industry to stifle file-sharing, it is something that college students continue to do. Several factors have played a part in why college students continue to illegally file-share. First, college students arrive on campus with extensive knowledge of computers. Unlike earlier generations, they have been raised with computers. Second, these students have easy

access to wireless networks through the university or other entities. Third, college students may not have the disposable income to purchase music or videos. Therefore, they may attempt to gain access to these things by using illegal means, such as peer-to-peer networks (Chiang & Assane, 2002; Lau, 2006). Fourth, college students may be influenced by the friends they keep. If their friends are file-sharing, then they may be more likely to do so. Often, college students learn how to file-share through their peers (Chiang & Assane).

### **Statement of the Problem**

College students are a large population of individuals who participate in the illegal sharing of music and video files and have been the target of lawsuits filed by the entertainment industry. In addition, laws making file-sharing illegal have forced higher education to take an active role in combating file-sharing. A body of quantitative research conducted on college students details the factors that may predict whether a student file-shares. While these studies are important and useful, they do not explain the essence of the file-sharing problem from the college student perspective.

### **Research Questions**

This study explores the phenomenon of college students who illegally file-share. The main research question is, “What are the experiences of college students who file-share and what are their perspectives on the moral and legal implications for doing so?”

### **Potential Significance**

The Higher Education Act places responsibility on colleges and universities to combat the illegal sharing of files among students. “These new requirements include



proactive disclosures, fostering awareness of policies and law among students, and a certification by each institution that it has developed plans to effectively combat unauthorized distribution of copyrighted material on its network” (Wada, 2008, p. 20). This study has the potential to help higher education administrators understand what knowledge students have about copyright law, enabling them to take proactive steps to educate students on copyright issues. In addition, this study explores the influence that peers have on the student’s desire to file-share, providing information that can also be helpful for institutions that are looking for ways to educate students.

This study could also assist higher education in its implementation of new policies that deal with file-sharing. If higher education can understand why students file-share, then it may be able to craft policies that curtail this behavior (Wada, 2008).

Student development is one of the primary goals of higher education. Therefore, the results of this study may be used to plan education programs to increase students’ level of moral reasoning. Higher education can actively pursue solutions to illegal file-sharing that reach students at their current level of moral reasoning, while hopefully promoting higher levels of reasoning.

The final way that this study could have an impact is that it is attempting to understand the essence of file-sharing from the college student perspective. In the past, the response of the entertainment industry and higher education was to punish the student based on his or her actual illegal activity. While this technique is commonplace in the battle against illegal file-sharing, it does not seek to understand the behaviors or learning

processes of the student. This study may help explain how students first learn to file-share and what is involved when they choose to do so.

### **Theoretical Framework**

The theoretical underpinnings for this study will be moral development theories as proposed by Lawrence Kohlberg and Robert Kegan. These theories were chosen as the framework for the study due to file-sharing being illegal and perhaps a moral issue for students.

### **Definition of Terms**

#### Architecture:

Architecture refers to how the network was created, its primary use, the role individuals play in the network, and the resources it uses from the individuals who are connected to it (Androutsellis-Theotokis & Spinellis, 2004).

#### Centralized Peer-to-peer Network:

Centralized peer-to-peer networks use one or more servers to store important information such as file size, name, and the individuals who offer up specific files (Tanaka, 2001).

#### Contributory Infringement:

Contributory infringement means that someone had knowledge of an infringement of copyright and allowed or encouraged it to take place (Von Lohmann, 2003).

#### Copyright:

Copyright provides the owner of a creative work the opportunity to control how and who markets and makes copies of the work (Kemp, 2007).

Decentralized peer-to-peer network:

In a decentralized peer-to-peer network, each node or user serves the same function, meaning that each node serves the role of user or server (Androutsellis-Theotokis & Spinellis, 2004).

Digital Millennium Copyright Act (DMCA):

The DMCA outlaws any technological device that circumvents measures to control access to protected works and makes it illegal to sell or distribute technological features that circumvent anti-piracy measures (Van Horn, 2002).

Free riding:

Free riding occurs when an individual uses a peer-to-peer network to take resources or files without providing any files of his or her own (Krishnan, Smith, Tang, & Telang, 2004).

Gnutella:

Gnutella is a peer-to-peer network that uses a purely decentralized peer-to-peer architecture (Androutsellis-Theotokis, 2002).

Hybrid decentralized peer-to-peer network:

A hybrid decentralized peer-to-peer network is one where a central server functions as an intermediary between users (Androutsellis-Theotokis, 2002).

Kazaa:

Kazaa is a peer-to-peer network that is classified as partially centralized (Liebowitz, Ripeanu, & Wierzbicki, 2003).

Leaf nodes:

Leaf nodes represent the resources that individuals provide who connect to a partially centralized peer-to-peer network. Leaf nodes provide information to the network such as: what type of file it is offering, the size of the file, storage capacity, and download times (Asvanund, Clay, Krishnan, & Smith, 2004).

Limewire:

Limewire is a popular peer-to-peer network that does not use a centralized server (Lewthwaite & Smith, 2008).

Moral Intensity:

Moral intensity is the “the moral imperative of a situation which is linked to the ethical intention of the individual” (Ballantine, 2000, p. 56).

Motion Picture Association of America (MPAA):

The MPAA is an organization that represents the interests of the motion picture industry (<http://www.mpa.org/AboutUs.asp>).

MP3:

Motion Picture Experts Group-Layer 3 or MP3 for short is a technology that allows audio files to be compressed into a small file (Alexander, 2002).

Napster:

Napster was created by Shawn Fanning, a college student at Northeastern University. It was one of the original peer-to-peer sites that allowed music and video file-sharing (Mitten, 2002).

#### Network externality:

Network externality is the effect one user has on other users when the impact of the effect is not known to the original user (Wang, Hsu, & Fang, 2004).

#### Partially centralized peer-to-peer network:

The partially centralized peer-to-peer architecture uses principles of both the centralized and decentralized types of peer-to-peer architecture. The partially centralized architecture chooses individuals to serve as the role of a local server (Asvanund, et al., 2004).

#### Peer-to-peer computing:

Peer-to-peer computing allows users to directly share such computer resources as storage space and files (Androutsellis-Theotokis & Spinellis, 2004).

#### Peer-to-peer file-sharing:

Peer-to-peer file-sharing is a process in which individuals may upload or download files from a peer-to-peer network and share them with each other (Johnson, McGuire, Willey, 2008).

#### Piracy:

The illegal reproduction or use of copyrighted material without authorization from the copyright holder (Piracy, n.d.).

#### Primary liability:

Primary liability means that an individual who uploads files to a peer-to-peer network knowingly does so with the intent that the files would be shared with other users (Horsfield-Bradbury, 2008).

Recording Industry Association of America (RIAA):

The RIAA represents 90% of the music produced in the United States. Its goal is to foster a business and legal climate that will protect its members (Recording Industry Association of America, n.d.).

Ruckus:

Ruckus is a legal music downloading site that some universities provide for its students (Hanlon, 2006).

Supernode:

A supernode is a user or resource in a partially centralized architecture of a peer-to-peer network chosen to serve as the role of a local server (Asvanund, et al., 2004).

Supernodes are chosen at random among users that have the storage capacity and bandwidth to handle large files (Androutsellis-Theotokis, 2002).

Torrents:

A strategy some peer-to-peer networks use when it takes bits or fragments of files from users on the network and uploads them to the original user (Pouwelse, Garbacki, Epema, & Sips, 2005).

Vicarious infringement:

Vicarious infringement states that an individual or a company can be held liable for copyright infringement if they know that infringing activity is going on and if there is some direct financial benefit for allowing the infringement to take place (Von Lohmann, 2003).

## **Assumptions**

For the purpose of this study, I assumed that the students were truthful in their responses. I assumed that the information provided in the interviews, online postings, and focus groups was honest and forthright.

## **Limitations**

This study involves students who are current undergraduate students at South University (SU). SU is a large, public institution and the students who were chosen for the study may not be representative of students who attend other institutions such as private colleges or community colleges. In addition, only full-time students aged 18 to 22 were chosen for this study. Therefore, the data provided by the participants may not necessarily be the same type of information provided by a part-time student or a student who is older than 22 or younger than 18.

## **Chapter 2: Literature Review**

Research in the field of file-sharing has been conducted since the late 1990s, revealing the unique nature in which file-sharing has had an influence on higher education and college students. This literature review will describe how file-sharing and peer-to-peer networks work, the legality of file-sharing, file-sharing's impact on higher education, and the theoretical focus of the study.

The first section of the literature review will provide an understanding of the technology behind peer-to-peer networks, how they are constructed to encourage file-sharing, and how file-sharing has become a global issue. The second section discusses the legality of file-sharing in relation to copyright law. It also covers the organizations that serve as the lobbying force for the entertainment industry and file-sharing laws and details the research that supports the entertainment industry's claim that file-sharing is hurting the sales of music and videos. The third section addresses how file-sharing affects higher education. It details how it has historically flourished on the college campus and its impact both financially and through the time spent working on the issue. The fourth section of the literature review grounds the study theoretically from a moral development perspective with particular attention to the influence on college students. The final section provides a summation of the literature and the direction that the study will take.



## **File-sharing**

**Peer-to-Peer Networks.** Illegal file-sharing has thrived under a technological breakthrough called peer-to-peer computing, which enables individuals to share music, video, and software files. In the case of sharing music files, individuals are able to upload files through a software application and then share the music with others quickly and easily. While peer-to-peer computing can be considered a breakthrough in the area of file-sharing, it is not a new technology. It first had an impact in the 1970s with local area networks (LAN) file-sharing. In fact, many well-known companies such as Intel used file-sharing long before it was illegal. Thus, while peer-to-peer computing may not be new, it has become mainstream because of its use in copying popular forms of entertainment such as music and video files (Clark, 2001).

Peer-to-peer computing technology advanced in the late 1990s for three reasons. First, it is low cost as it often eliminates the need for a centralized server. Second, it has thrived with a drastic increase in network connectivity and faster computers, leading to more efficient Internet connections (Ripeanu, 2001). Third, most peer-to-peer systems provide anonymity by creating complex algorithms in the structure of their systems that enable an individual to upload or download files without fear of being caught (Milojicic, Kalogeraki, Lukose, Rollins, & Xu, 2003).

Peer-to-peer computing has provided a new way of transferring information, using the resources that are provided by many individuals--such as computer storage space, bandwidth, and human interaction--instead of using a centralized server to send and receive information. All of these resources are important in peer-to-peer computing. In a

traditional network, the locus of control is often centered on a server or an information technology department, while with peer-to-peer computing, the control is often in the hands of the individuals who make up the peer-to-peer network.

Dougherty (2001) uses words such as presence, identity, and edge resources (PIE) to explain the fabric of peer-to-peer computing. Presence refers to the ability to be able to tell if an individual user or resource is online. By being able to identify when a user is online, the peer-to-peer network can identify the resources that the user offers and can offer information to that individual. Next, identity refers to the name by which a specific resource is identified. For example, identity refers to such resources as a specific computing machine, an individual, a document, a music file, or a software application. Finally, the last letter in the PIE acronym stands for edge resources. Edge resources are found at the edge of the Internet, in this case, the resources found on individual computers. Today's personal computers have roughly the same power and storage as a 1987 supercomputer, possessing important resources such as bandwidth, storage, and processing power needed for peer-to-peer computing (Dougherty).

Many of the computer applications and software that are common in our everyday life have roots established in the peer-to-peer system. For instance, one aspect of peer-to-peer architecture is its ability to enhance communication and allow for groups of people to work together. Instant messaging and online chat are both examples of a type of peer-to-peer application that has reached mainstream use (Androutsellis-Theotokis & Spinellis, 2004). Instant messaging and online chat are used in business, school, and even pleasure to communicate with others and to allow group collaboration. Another

example of a peer-to-peer application is Internet service support. A common example of Internet service support is the Internet security updates that computers receive, often sent to an entire network and designed to protect computers from virus attacks. Finally, the most popular use of peer-to-peer applications is in the form of content distribution that allows for the search and retrieval of many different types of media files, including music, video, software, and gaming files. Content distribution applications have evolved to reach a wide audience, seeking quick and easy ways to download and share files. Some of the most common peer-to-peer applications used for content distribution include Napster, Kazaa, Morpheus, eMule, and Gnutella (Androutsellis-Theotokis & Spinellis).

Peer-to-peer networks have many forms and functions, with each network created to accomplish a specific task. Some are used to transfer music files between listeners around the world, while others are used to transfer inter-company files among a select group of individuals. Since each peer-to-peer network has its own purpose and function, each may contain a different type of architecture. Three types of architecture define most peer-to-peer networks.

First, a purely decentralized peer-to-peer network is where the server and the client share the same role with no central unit dictating the role of the server or client and no central server to act as an intermediary between clients. Gnutella is an example of a peer-to-peer network that uses a purely decentralized architecture to connect its users without actually using a centralized server. Users decide what files or directories they want to make available to the public, then the software application connects the users and provides information such as file size, speed of download, and type of file (Androutsellis-

Theotokis, 2002). Each node or user serves the same function, meaning that each one serves the role of user or server, with no central server that oversees the activity of the users (Androutsellis-Theotokis & Spinellis, 2004). One disadvantage of this type of architecture is that users are not required to provide their own files for download. Thus, users can simply sign up for Gnutella and enjoy all the benefits of downloading information (music, video, etc.) without actually contributing files of their own (Adar & Huberman, 2000).

In the decentralized architecture, the central server plays the role of gatekeeper, providing users with information regarding what type of file each user is sharing. If a user is searching for a particular file, then the central server in the decentralized structure searches for the file and connects the users to each other. Without a functioning server, users would not be able to share files in this type of peer-to-peer architecture (Androutsellis-Theotokis & Spinellis, 2004).

Second, a centralized peer-to-peer network is one where a central server actually functions as an intermediary between users. The purpose of this server is to store files and information, then provide this information to individuals who may want to download it. An advantage of this centralized architecture is that one server acts as a gatekeeper for all the users in the network by connecting users who are looking for some type of information (Androutsellis-Theotokis, 2002). Napster is an example of a program that uses a centralized architecture to facilitate the swapping of music files among users. A central server connects users to each other in order to download music files with the

central server acting as a go between, allowing the music file transfer to take place (Androutsellis-Theotokis).

Third, a partially centralized system can choose several entities to serve as supernodes or information repositories where information may be gathered and shared with others. One advantage of this architecture is that the peer-to-peer network system can adapt to changes by assigning the role of supernodes at its own discretion. Kazaa and Morpheus are two types of peer-to-peer networks that use partially centralized architectures. Individuals who connect to the network are called “leaf nodes.” These individuals provide information such as what type of file they are willing to share, download times, and any other information on the specific files. These local servers, often chosen at random, are called “supernodes” (Asvanund et al., 2004). The supernodes are chosen from among users who have the storage capacity and bandwidth to handle large files. Advantages of this system are that users can quickly identify files they want if one of the supernodes fails, and then another can be quickly assigned. If all the supernodes fail, then all the current users can be massed into a new supernode (Androutsellis-Theotokis, 2002). If the leaf node cannot find the information among its direct peers, it then moves on to other peers and produces a query or search. Thus, in a partially centralized architecture, only so many leaf nodes can actually be searched (Asvanund et al., 2004).

Another aspect of the peer-to-peer architecture is determining the network externality or the effect one user has on other users. Network externality means that the

more people who use a certain technology, the better the technology or product becomes (Wang et al., 2004).

Network externalities can be classified as being positive or negative. A positive network externality is one where individuals who are on the network choose to share their resources, such as new files, existing files, bandwidth, or other resources with others. So, by uploading and providing resources, the individual has a positive effect on the network (Asvanund et al., 2004). Peer-to-peer networks thrive when users supply resources to the networks, making downloading faster for everyone and resulting in a positive network externality (Becker & Clement, 2006).

While sometimes users can have a positive effect on the network, other times users cause harm to the network and become a negative network externality. This happens when an individual uses and consumes network resources, such as bandwidth and storage space, without contributing resources of his or her own. In essence, the users take more from the network than they put in. This act of taking from a peer-to-peer network without providing anything in return is called free riding (Asvanund et al., 2004).

Saroui, Gummadi, and Gribble (2002) claim that free riding is often a problem with some of the more popular peer-to-peer networking sites. According to their research, 26% of Gnutella users provided no files for others to download while 20% to 40% of the original Napster users were also free riders. Karakaya, Korpeoglu, Ulusoy (2004) found in a related study that 70% of users on Gnutella shared no files. In addition, 63% of users shared a file that no one had searched for, i.e., the file he or she provided was so obscure and undesirable that no one had tried to search for it.

**File-sharing Systems and MP3 Technology.** In 1999, Shawn Fanning wanted an easier way to swap music files without the cumbersome effort of slow download times or the swapping of compact discs. He was frustrated with searching for music files, often reaching downloading sites that were no longer working. So, he designed a software application that would allow music downloads in digital format (Mitten, 2002). This program allowed for music files to be transferred among individuals through a peer-to-peer network. He called the new peer-to-peer network Napster. With Napster, users could now download a software program and could quickly begin downloading music from other users. His software program also allowed users to communicate through instant messaging, real time chat, and message boards, which created a sense of community among music lovers (Giesler & Pohlmann, 2003a; Rimmer, 2001).

Fanning's software caught on quickly as the number of registered users doubled every couple of weeks. Within six months of Napster's creation, it boasted 10 million registered users. Fanning's software program and music sharing idea was so popular that 200,000 new users were registering every day (Giesler & Pohlmann, 2003b). In 2001, Napster had close to eighty million registered users on its website (Green, 2002). According to some reports, no other software program in history was adopted as quickly (Zentner, 2006).

Napster worked in a unique way because it linked millions of users from around the world through one centralized server and a downloadable software program called MusicShare. This program enabled users to search other registered members for music, as long as those people had also downloaded the software (Green, 2002). Soon, users

could upload files through the program to share with others. From there, the peer-to-peer network expanded. Napster was revolutionary because its main goal was to assist users in the search and transfer of video, audio, or still image files using a central server as an intermediary between registered users. Songs were never downloaded, stored, or passed through the server. Rather, Napster linked users via the MusicShare software program (Jones & Lenhart, 2004). While the MusicShare program was stored on the central server, the server never stored any of the music files (Green, 2002).

Napster allowed each user of its system to act as both a client and a server. The client function allowed users to search for and download files, while the server function provided the opportunity for users to upload files (Sariou, Gummadi, & Gribble, 2003). A unique characteristic of Napster was that it offered a directory of files that were downloadable to others on the network. New users to the network were allowed to offer up files for others to download, which were then placed in a comprehensive directory. Users could then search for a file by the name or the artist and the MusicShare program would connect the user to another user who would offer the file (Lechner & Schmid, 2001).

Gnutella is another peer-to-peer network that found success in the file-sharing world. Gnutella received its inspiration from Napster, in that it wanted to offer a way for individuals to share files with quick search results, fast download times, and anonymity to its users. While Napster's architecture involved using a central server to store the catalogs of songs provided by its users, Gnutella used a purely decentralized peer-to-peer architecture (Androutsellis-Theotokis, 2002).



Gnutella gave server status to every user who downloaded its software application, enabling every person who signed up for the system to act as a virtual server. These pure peer-to-peer relationships were what made Gnutella significantly different from Napster and other early forms of peer-to-peer architectures (Alexander, 2002).

If an individual wanted to find a specific file through Gnutella, he or she would send a request for that file through the peers with whom he or she was connected. If his or her neighbors had the file, then a connection was made and the file was transferred. However, many times the immediate neighbors did not have the file. In this case, the neighbors would send the query request to their neighbors, who would then send it on to other neighbors until the file was found (Sariou et al., 2002).

This expanding web of connectivity allowed for users to eventually find the file they were looking for through a series of searches and query hits. Gnutella is also unique in that it assigns a new Internet protocol (IP) address every time a user logs on. This is important for users because it made it difficult to identify who was actually doing the downloading, an important consideration because downloading files through peer-to-peer systems had been declared an infringement of copyright (Alexander, 2002).

Gnutella experienced a period of time where its popularity soared and the number of users increased. From 2004 to 2005, the number of users on Gnutella increased from 350,000 to 1.3 million and during a six-week period in 2004, the Internet traffic on Gnutella tripled (Stutzbach, Rejaie, & Sen, 2005).

Kazaa is a partially centralized peer-to-peer network that flourished after Napster was created. In this network, Kazaa chooses some users called supernodes to play the

role of servers. Supernodes are connected to ordinary nodes that are made up of all the other users. By connecting users to the supernodes, Kazaa created a peer-to-peer network where the demands and requests of its users are sent to the supernodes for processing. This process eliminated the need for a large centralized server (Liebowitz et al., 2003).

With peer-to-peer networks such as Napster, Gnutella, and Kazaa, individuals were able to share music and video files on a massive scale. The shift from manually swapping CDs to downloading files through peer-to-peer networks was made easier by a shift in technology. In the latter part of 1980s and early part of the 1990s, most music was being produced on CDs rather than vinyl. CDs used a series of 1s and 0s (also called digitization) to reproduce music sound that was compatible with multiple sources. The compatibility with computers was important because more and more people were purchasing computers; however, it was still cumbersome to share music with others via computers. Often it would take large amounts of storage space and bandwidth to copy a CD from one computer to another (Alexander, 2002).

In 1995, a new technology emerged that made copying files (often music files) far more efficient (Brandenberg, 1999). This technology was called Motion Picture Experts Group-Layer 3 or MP3 for short. MP3 technology was unique because it was able to compress audio files into a small file. This was important because, prior to MP3 technology, music downloading consumed resources such as bandwidth and storage, leading to long download times. With the compression capabilities of MP3 technology, files were compressed to one-tenth or one-twentieth of their original size. Downloading

one song through MP3 technology now took only minutes and reduced the strain on bandwidth and storage (Alexander, 2002).

MP3 technology was created at a very important time. First, Internet speeds were increasing, as most Internet connections were shifting from modem to cable connections enabling downloading to take place much quicker (Alexander, 2002). Second, the MP3 technology was easy to use and more and more companies were using it. Third, computers were being produced that used MP3 technology and software companies were creating programs that used the technology as well. Fourth, colleges and businesses were employing Internet connections that were faster than ever, making downloading quicker. Fifth, not only were computers becoming more efficient, but most computers were now being produced with high quality sound capabilities. This was important because individuals could now download songs quickly, store the files on the hard drive, and be able to play the files with no significant problems. Indeed, MP3 technology was the right technology at the right time (Brandenburg, 1999).

**Cultural Differences in File-Sharing.** With the creation of peer-to-peer networks that could connect individuals all across the world, file-sharing became commonplace. These networks allowed for easy uploading and downloading of files and provided anonymity to its users. Therefore, due to the way in which peer-to-peer networks were created and the ease of use, file-sharing became a global activity.

While the United States has struggled with its share of illegal file-sharers, other countries struggle with it as well. Zentner (2005) found that countries with higher levels of Internet connection experienced greater decreases in music sales. He believed

that file-sharing might be an explanation for this decrease because countries with faster Internet connections and broadband capabilities offer more opportunities for file-sharing to take place. The International Federation of Phonographic Industries (IFPI), an organization that represents 1,500 music companies in 70 countries, produced a list of top 10 countries in terms of illegal file-sharing behavior. The countries that made this list include Brazil, Mexico, Poland, Spain, Thailand, China, Paraguay, Russia, Taiwan, and the Ukraine (Letts, 2003).

The culture of a nation can have an impact on whether people within the country may be more likely to participate in illegal file-sharing. In individualistic nations, individual rights and property are valued. People who create new works or goods are valued and given protection to profit from the work. These nations often protect copyrighted works and create a system where an individual can have his or her goods or services protected. In collectivist nations, the good of the whole outweighs the good of the individual. Social harmony is encouraged and individuals believe in the concept of sharing goods with each other. Countries that value social harmony may raise problems in regards to file-sharing. Individuals in collectivist nations may not view file-sharing as being illegal or immoral because the culture of the nation may promote sharing, unity, harmony, and the idea that works should be shared with others (Husted, 2000).

Shore et al. (2001) conducted a study on file-sharing behavior among college students in the countries of New Zealand, Hong Kong, Pakistan, and the United States. Their results mirrored the findings of Husted (2000) in that individualistic countries valued copyrighted works. In more individualistic countries, piracy occurred at lower

rates than more collectivist countries, confirming that national culture did have some impact on whether people were more likely to file-share. Depken and Simmons (2004) found that social issues (such as culture) and economic variables indicate whether one country is more likely to engage in piracy over another country. Students in China, which is collectivistic in culture, revealed that they were likely to use pirated software or knew of students who had used it in the past. The prevalence of sharing or use of pirated software may be acceptable because of the collectivistic attitudes of its students (Rawlinson & Lupton, 2007).

The challenge that arises with how peer-to-peer networks operate is that each country can have different views and laws regarding the legality of sharing. Where one country may declare peer-to-peer file-sharing illegal, another country may have relaxed laws or no laws at all on the issue. This creates discrepancy among countries and makes enforcing copyright law very difficult. Some peer-to-peer networks are choosing to base operations out of a foreign country in order to circumvent laws aimed at stifling the growth of the networks. This strategy proves to be effective because courts in a country that outlaws peer-to-peer networks cannot enforce judgment on a company based in a foreign country where the laws may be different. The only way a country can enforce judgment is if the company actually has some form of domestic assets in its country. However, attempting to go after a company in a foreign country that has relaxed laws on file-sharing can be very difficult (Samuelson, 2004). The United States has experienced troubles with countries that have different views on copyrighted works. China and Russia are two countries that, prior to 2000, had few laws regarding copyright. Both

developed copyright laws that were similar to the United States due to trade pressure from the United States (Neigel, 2000). For example, Singapore signed a Free Trade Agreement Act with the United States that makes copyright infringement punishable with a hefty fine and possible jail time (Gan & Koh, 2006).

### **The Legality of File-sharing**

**Copyright Infringement in the United States.** In the United States, copyright provides the owner of a creative work the opportunity to control how and who markets and makes copies of the work. The copyright holder has an expectation that he or she can profit from the work. Copyright is important in the United States and is protected by the courts (Kemp, 2007). Two prevailing thoughts on copyright are commonly held. First, copyright is a way and means to encourage artists to produce new works. This encouragement for new creative arts comes from the fact that copyright can protect those works. Without copyright, some artists may be hesitant to produce new works because there would be no way to profit from them. In this situation, a lack of copyright protection could lead to a lack of new works. The second copyright view is that artists and inventors have a moral right to create new works and to benefit financially from it. Copyright in this instance is used to reward the artist for the contribution he or she has made to society (Wu, 2004).

Copyrights are needed in order to protect the intellectual property of others, including music recordings. Therefore, when an individual creates music, he or she knows that an intellectual property has been created and it is protected by copyright. Despite these assurances, file-sharing of all file types is common (Tehrani, 2007).

Several issues make file-sharing an infringement on copyright in the United States. First, files being shared on peer-to-peer networks are under protection of copyright law. Second, every file shared is, in essence, being duplicated or reproduced. The artist or entertainment industry receives no financial gain from someone copying a music or video file. This is cause for concern to the entertainment industry because artists and the music or video publishers receive a certain percentage of money for every song or album sold through stores or legal online sites. In peer-to-peer networks, duplicated or reproduced works provide no financial compensation to the artists or entertainment industry (Von Lohmann, 2003).

Two types of infringement take place in a peer-to-peer network. The first type is called contributory infringement. Contributory infringement occurs when someone or something (in this case the peer-to-peer networks) aides, assists, or knows of infringement taking place on its network. It can then be held responsible for the actions of its users. Contributory infringement is similar to “aiding and abetting,” or someone who helps someone else pull off a crime (for example a getaway driver or a purchaser of stolen goods). Creators of peer-to-peer networks know that they provide a resource where illegal file-sharing is taking place. Thus, the companies are held responsible and are deemed violators of copyright infringement. If a copyright holder wants to show that a company or person is contributing to copyright infringement, then it must be able to prove it by showing that someone has infringed on the copyright, that the person knew he or she was infringing on the copyright, or that the person or company provided the ways and means to make copyright infringement possible (Von Lohmann, 2003).

The second type of infringement is called vicarious infringement. Vicarious infringement means that a company has responsibility for the actions of its employees. Most peer-to-peer networks do not have direct employees. However, these networks do have a critical mass of active file-sharing users. These users are often illegally downloading and uploading files and the peer-to-peer network fosters this activity. In this case, the peer-to-peer network would be held liable for the actions of its users. In order to prove that vicarious infringement has taken place, the copyright holder must prove that direct infringement has occurred, the company or person had the ability to control what was being shared, and that the infringer (in this case, the peer-to-peer networks) received direct financial benefit by allowing copyright infringement to take place (Von Lohmann, 2003).

In several court cases where the music industry filed lawsuits against individuals, primary liability was used as an example of the illegal actions of the file-sharer. The music industry argues that copyright is violated by file-sharers under the primary liability description. Primary liability states that the individual who uploads files to a computer in a peer-to-peer network is consciously allowing others to download those files. The individual knows that he or she is authorizing the reproduction and distribution of copyrighted works. Horsfield-Bradbury (2008) argues that illegal file-sharers' actions should be assigned as a secondary liability to copyright infringement. The reason he argues for this is because when an individual allows others to access his or her computer for downloading of files, he or she is not actually the one doing the transfer of files. The actual transfer takes place when a third party (in this case another user on the peer-to-peer



network) chooses to download the file to his or her computer. He argues further that primary liability should be assigned to the person who is actively downloading files from others' computers, while secondary liability should be classified to one who allows files to be downloaded from his or her computer.

Several court cases have defined what type of infringement peer-to-peer networks fall under. In 2001, the Ninth Circuit court declared that Napster would be held on vicarious and contributory infringement. This decision went against Napster because it operated a central server, was active in storing a directory of song titles its users offered, and assisted with connecting users. In addition, Napster used a software program that contributed to the actual act of copyright infringement; thus it was found to be vicariously liable. Furthermore, Napster knew that its users were committing copyright infringement and chose not to stop it; thus it was held as being contributorily liable. The second court case involved the Seventh Circuit court. In this court decision, the court found that a peer-to-peer network does not have to know that copyright infringement is occurring to be held liable for contributory infringement (Kemp, 2007). Both court cases were important in the world of file-sharing because they resulted in judicial decisions against peer-to-peer networks. These decisions set the precedent for future cases against peer-to-peer networks and the individuals who illegally file-share.

### **The Recording Industry Association of America and Motion Picture Association of America**

In the late 1990s, the illegal file-sharing of music and video files resulted from an unregulated area of technology. During that time, technological advances allowed

students to share files with no fear of repercussion. Instead of buying compact discs, individuals were able to download whole albums in just a matter of minutes, for free. The loss of revenue associated with file-sharing became a vital concern of the Recording Industry Association of America (RIAA), which became the driving force in passing legislation to protect its constituents. Through the policy work of the RIAA, the landscape of file-sharing was changed drastically. In particular, the RIAA created a strategy to go after illegal file-sharers on college campuses throughout the United States.

According to its website (<http://www.riaa.com/faq.php>), the RIAA represents numerous record labels. In fact, over 90% of the music produced in the United States comes from members of the RIAA. The main goal of the RIAA is to create a business and legal climate that protects its constituents as its members strive to advance in the music industry. By promoting a legal and business climate, the RIAA wants to ensure that intellectual property rights are protected, First Amendment rights are promoted, and state and federal laws that protect the music industry are promoted. One way that the RIAA worked to protect its constituents was to play an active role in influencing legislation that would outlaw illegal file-sharing. In the process, the RIAA targeted one of the largest groups of violators, the college student.

The relationship between the RIAA and higher education has at times been contentious, while other times it has been a positive collaboration. A positive partnership is important for the music industry because the RIAA wants to end music pirating on college campuses, while higher education wants to abide by the suggestions of the DMCA. One example of this partnership began in February of 2007, when the RIAA

sent a letter to university presidents detailing a new strategy to eliminate illegal music downloads (Read, 2007a).

Part of the RIAA's new strategy was to forward pre-lawsuit notifications to students who were caught trafficking music through peer-to-peer networking sites. Students were then encouraged through this letter to visit an online website to pay a fine. In addition, the RIAA suggested that universities invest in cGrid, a program that will kick students off the Internet if they connect to a file-sharing program (Read, 2007a). The provisions of the DMCA enabled the RIAA to play a far more active role in the policing of illegal file-sharing. For instance, according to this new law, if the RIAA suspects an Internet Service Provider (such as the university) has users who are file-sharing, it may request that the individual student be removed from the network. In addition, the RIAA may request that the student's information be sent back to the RIAA in order to file a lawsuit against him or her. The RIAA believed that if it identified college students who were file-sharing and proceeded with litigation, this would decrease the amount of file-sharers (Van Horn, 2002). These efforts to combat file-sharing on the college campus proved to be ineffective.

The Motion Picture Association of America (MPAA), an organization that represents the best interests of the motion picture industry, is a group with goals similar to the RIAA. As an umbrella organization, the MPAA represents some of the largest entertainment companies in the world. The MPAA's main goal is to protect the interests of its members and to lobby. Other goals of the MPAA are to protect the creative works of its members, ensure that copyrights are upheld, and combat illegal file-sharing

(<http://www.mpaa.org/AboutUs.asp>). The MPAA claims that the illegal trafficking of movies, through sources such as file-sharing sites, represents one of the greatest threats to the industry. To back up this claim, Hennig-Thurau, Henning, and Sattler (2007) released a study that shows that over 130,000 movies are downloaded on file-sharing sites each day in the United States. Obviously, these numbers would increase when the total number of downloads throughout the world was taken into account.

### **Important Laws on File-Sharing**

Three important pieces of legislation have been passed since 1999 that provide protection for copyright holders in the entertainment industry. These laws carefully detail the protections granted to copyright holders and it covers the area of file-sharing on peer-to-peer networks and how copyright works in relation to the law. The three laws covered in this section will be the Digital Millennium Copyright Act (DMCA), the reauthorized Higher Education Act, and the Tennessee State Senate Bill 3974.

The first law that was important in the fight against illegal file-sharing was the DMCA. It outlines liability to Internet Service Providers and asks for implementation of policies regarding repeat offenders (Van Horn, 2002). The DMCA states that Internet Service Providers have limited liability. The act broadly defines a service provider as an entity that provides online services and Internet access to individuals (Lide, 1999). Most universities fall in this category because the university serves as the sole Internet Service Provider for students (UCLA, 2001). It is commonplace for universities to supply Internet service to students by using a central server and providing important Internet functions such as web browsing and e-mail.

If an Internet Service Provider (the university) knows that illegal file-sharing is taking place on its server and does nothing about it, it can be held liable for copyright infringement (Band, 1999). In order to qualify for DMCA infringement liability limitations, universities must have a documented policy that punishes repeat offenders, even if the punishment is just removal of the copyrighted work. Also, the university must appoint someone to serve as a liaison between the university and the copyright offices of the entertainment industry. The university must also have a policy of notice and takedown, meaning that if the university is notified or discovers copyright infringement it must respond quickly by taking the information down (Band, 1999; Lide, 1999). Finally, the Internet Service Provider must take active steps to ensure compliance, including creating copyright policy, posting policy online, educating the campus on compliance, and ensuring that the campus takes proactive steps to correct compliance issues (Lide, 1999).

Title I of the DMCA created policies that mirrored those of the World Intellectual Property Organization, an agency that works within the United Nations. The policies of the DMCA made it illegal to create any type of technological device that would enable individuals to violate copyright (Maxwell, 2004). Title II of the DMCA outlines three main principles that cover all Internet Service Providers. First, an Internet Service Provider is only able to control the things it has control over. Second, the issue of piracy is something that both the Internet Service Provider and the content provider (in this case, website and online services) should be seeking to eradicate. Both should work in harmony to combat piracy. Third, the Internet should be allowed to change and evolve

without interference. Piracy should be something that is eradicated, but at the same time, growth of the Internet is encouraged (Band, 1999).

Universities have some concern with the notice and takedown stipulation of the DMCA. Mainly, it gives the copyright owner, in this case the recording industry, the ability to contact violators or Internet Service Providers that have individuals who are engaged in illegal file sharing. In the past, a copyright holder would have to take its claim to court in order to prove copyright violation. Now the universities are saddled with the responsibility of policing its Internet Service Provider in order to identify and remove illegal file-sharing (Van Horn, 2002).

The RIAA realized that it must change its strategy because the DMCA was not very effective. Universities could find ways around it due to its ambiguity. Therefore, the RIAA was able to get specific wording placed into the reauthorization of the Higher Education Act to combat file-sharing. For example, the Higher Education Act has a stipulation that universities must use technology to attempt to limit the numbers of file-sharers on its network. Specific language was attached to the bill stating that universities must counteract file-sharing “to the extent practicable” by offering legal options for music downloads (Chronicle, 2008, para. 17). The bill also included stipulations for higher education to have a process by which it informs and educates students who have been caught file-sharing. The students who are caught file-sharing must be notified of how file-sharing is a violation of institutional policies and copyright law. Furthermore, the Higher Education Act stated that universities must explore offering legal downloading options for students (Lipka, 2009).

The Higher Education Act targeted all systems of higher education equally. This meant that community colleges and non-residential colleges were held to the same standard as four-year public and private institutions that may have large on-campus populations. This was not necessarily fair as illegal file-sharing on peer-to-peer networks has not typically been a problem on community college campuses or predominantly online institutions. Nevertheless, both community colleges and traditional commuter campuses were expected to take the same technological precautions as four-year institutions or predominantly residential campuses (Anderson, 2008).

An important moment in the RIAA's pursuit of file-sharing on college campuses happened during the first week of November 2008, when it was instrumental in passing a new bill in the state of Tennessee. This bill makes Tennessee the first state to enact a law that forces universities to maintain compliance with the DMCA and the reauthorized Higher Education Act (Bangeman, 2008). State Senate Bill 3974 (2008) has several stipulations for universities including creating and implementing a policy for the university network and Internet usage, making a concerted effort to post signs about the policy, and reasonably attempting to prevent copyright infringement on the university network. This bill is almost identical to some of the recommendations made by the DMCA, with one caveat. By April 1, 2009, the Tennessee Board of Regents, the University of Tennessee, and the Tennessee Independent Colleges and Universities Association had to provide the Tennessee Higher Education Commission with a detailed report of what each institution was doing to reasonably counteract illegal file-sharing. If an institution had over 50 notices of infringement from the RIAA in the past year it must

provide a detailed report of the efforts it was making to combat file-sharing by employing software that could identify students who were illegally sharing files (Senate Bill 3974, 2008). This last stipulation, that sets a cap on the number of offenses, is important because at one time the University of Tennessee was ranked number four in the country for the number of individuals who were illegally file-sharing (Bangeman, 2008). Obviously, the RIAA, which has a strong presence in the country music scene in Nashville, realized the importance of gaining state backing in its efforts to slow down file-sharing on college campuses in Tennessee.

### **Legal Downloading Options**

When the Higher Education Act included a stipulation that universities must explore legal downloading options for its students, sites such as Napster and Ruckus raced to the forefront to become providers of legal downloading. Offering the quick download times that students sought along with easy-to-use software, these companies capitalized on the need for universities to offer legal downloading options. In fact, many universities have reached agreements with music providers to offer legal music downloading options at a free or reduced rate (Lane & Healy, 2005). Napster, post-DMCA, offers legal downloading and has partnerships with many universities.

At Cornell, the university covered the costs of the first year of Napster; subsequent years were paid by student activity fees. At Middlebury College, the Student Government Association chose to use its own fees to fund the endeavor. At George Washington University, a private donor offered to pay for Napster's services the first year, with the expectation that the university would find funding after that. Finally,



Wright State paid for this expense out of the student technology fee that is charged to all students (Young, 2004). While universities are offering free downloading options through Napster, ultimately a fee must be paid by either the university or students.

One legal option for downloading that is completely free to universities is Ruckus. Ruckus works in a similar way to Napster, in that students first sign up for the service through the university. The students then create a login and a password and within minutes have access to over 1.5 million songs. Students at Bryant University chose to bring Ruckus to campus because it was free for the students and it could be adopted quickly. However, students soon realized that the music they downloaded was only available to listen on their personal computers or laptops. This was a problem for some students because they wanted the flexibility of being able to download music to a portable device. Still, some students enjoyed the service because it provided a legal way to download music. Furthermore, Bryant University was open to trying this music downloading site because it was completely free for the university (Hanlon, 2006). Ruckus operates through advertising revenue, thus it is able to allow universities to use its service without a charge. In addition, the more users that Ruckus has, the more advertising revenue dollars it will earn.

Complying with the Higher Education Act's recommendation to use legal downloading sites does not have to be costly to the university. A university can choose from a downloading site that creates revenue from advertising or a site that charges a fee. In a recent report, 3 out of 59 universities paid a service fee to use Napster. Also, the report revealed that around the time of the reauthorization of the Higher Education Act,

42.6% of public institutions and 32.3% of private institutions had licensing agreements in place with legal downloading sites. Only 2% of community colleges had similar agreements (Guess, 2008).

### **The Cost of File-Sharing on the Entertainment Industry**

All of the literature review up to this point describes the impact of file-sharing on various industries such as music, video, and software. Research has been mixed as to what impact, if any, file-sharing has on the entertainment industries. This section presents the conflicting research on the impact of file-sharing on the entertainment industry.

Some research has shown that file-sharing among peer-to-peer networks has had a negative impact on music sales. This makes sense if one considers the sheer number of people who were downloading music files for free instead of paying for it. From 1991 to 1999, sales of compact discs (CDs) were relatively stable, but starting in 2000 record companies experienced a decrease in sales. Some believe that the advent of file-sharing, through online sites such as Napster, may have had an effect on compact disc sales (Peitz & Waelbroeck, 2005). Liebowitz (2005) claimed that Rap and R&B music experienced the greatest financial losses due to file-sharing and that file-sharing had a negative impact on record sales of these genres. According to the recording industry, pirated music resulted in a loss of \$300 million per year to the music industry (McCourt & Burkart, 2003). Further research confirms that illegal downloads could have had an effect on music sales. For example, illegal file-sharing could have accounted for a 10% decrease in CD sales internationally in 2001 (Peitz & Waelbroeck, 2004). Liebowitz (2005) found

that music sales peaked in 1999 and began to decrease after that. He assumes that this decrease coincided with the creation of Napster in that same year. Furthermore, in a sample of college students, file-sharing accounted for a loss of at least 10% in sales to the music industry (Rob & Waldfogel, 2004).

The International Federation of Phonographic Industry (IFPI) claims through a study it conducted that 34% of all music used by consumers has been pirated or gained illegally. This piracy costs the music industry close to \$4.6 billion per year. The effect of peer-to-peer networks on music is evident when considering that the IFPI blames file-sharing for losses of music sales worldwide, up to a 22% decrease in sales from 1999 to 2004. The Organization for Economic Cooperation and Development, states that 2.6 billion song titles are downloaded each month on peer-to-peer networks, causing a 30% loss in CD sales between the years of 2000 to 2003 (Hill, 2007).

Blackburn (2004) found that file-sharing had a negative impact on artists who were considered popular and a positive impact on new artists and artists who were not well known. Bhattacharjee, Gopal, Lertwachara, and Marsden (2006) conducted a study that revealed that songs in the top 20 of the Billboard Top 100 were more likely to be downloaded on peer-to-peer networks than lower ranked songs. Users on peer-to-peer sites were more likely to find other users who were sharing some of the top 20 songs. The researchers stated that the propensity of users to share the more popular songs could lead to a loss of sales of popular music, a concern for the music industry.

One unique discovery of the research was that a song downloaded at higher rates prior to the actual release date were more likely to rise in the music sales rankings once it

was released actually boosting the popularity of the songs and the artists in the long run. Blackburn (2004) found results similar to Bhattacharjee et al. (2006). He found that file-sharing impacted artists differently depending on their popularity. Relatively unknown artists experienced positive benefits from the exposure that came from file-sharing. New artists also experienced benefits from file-sharing as it allowed them to distribute new creative works to increase their popularity. However, not all of Blackburn's research pointed towards the positive effects of file-sharing on artists. In fact, he found that popular artists actually experienced a loss of sales of records. Finally, Gayer and Shy (2006) found that when file-sharing decreased, the demand for a particular artist to perform live decreased as well.

The desire for artists to create a work and have the public appreciate it may be one reason why Gayer and Shy (2006) study found that 43% of paid artists believe that file-sharing is not harmful for musicians and that file-sharing allows the artist's works to be shared with a large group of people quickly. Further this study reveals that 37% of all artists and 35% of paid artists believe that file-sharing should be made legal.

While some research points to file-sharing having a negative impact on music sales, other research claims that the decrease in music sales can be attributed to other factors. According to Boorstin (2004), file-sharing has not had a negative impact on music sales and college students have not ceased illegal file-sharing, despite tactics of the music industry to file lawsuits against them. Oberholzer-Gee and Strumpf (2007) stated that the decrease in music sales from 1999 to 2003 could be attributed to the poor economic conditions of the time, the shift of distributing music to discount retailers that carry

smaller inventories, and the fact that music fans were still in the process of transforming music collections from cassettes to CDs to digital downloads. The researchers also found that the consumer's entertainment dollar was moving from music to other forms of entertainment. For instance, from 1999 to 2003, sales of DVDs increased by \$5 billion. During this time, the cost of purchasing a CD increased by 10%, while the cost of purchasing a DVD decreased by 20%. Hong (2004) states further that 80% of the decreases in music sales can be explained by factors other than Napster. Finally, research also found that when Napster was shut down in 2001 due to copyright infringement, users were more likely to have negative emotions regarding purchasing CDs in stores and were more likely to find other sources to download music illegally (d'Astous, Colbert, & Montpetit, 2005).

Illegal file-sharing has also had an impact on the motion picture industry. Some research states that between 350,000 and 400,000 films are downloaded each day via peer-to-peer networks. These films represent an estimated loss of revenue of \$4 billion annually (Byers, Cranor, Cronin, Kormann, & McDaniel, 2004). In 2005, the movie industry estimated that \$1.2 billion was lost due to piracy (Rob & Waldfogel, 2007). A study conducted by Currah (2006) found that file-sharing on peer-to-peer networks accounted for at least 2 billion movies being illegally downloaded worldwide in just one year. He states, "And this figure is growing, as new technologies (e.g., recordable media, wireless connections, set top boxes, etc.) increasingly enable consumers to view downloaded content on a television rather than on a computer screen" (p. 444). Hill

(2007) revealed a study by the MPAA that stated that illegal file-sharing accounted for \$3 billion lost in sales annually for the motion picture industry.

### **How File-sharing Impacts Higher Education**

**File-Sharing on the College Campus.** Large on-campus residential populations who have access to the Internet from the convenience of the residence hall room and through computer labs create ideal conditions for file-sharing. However, Internet access is only one factor contributing to students who illegally file-share on-campus; in reality, the reasons for file-sharing are far more complex. First, some universities require students to own or have access to a personal computer, which increase access to peer-to-peer sites. Second, college students come to campus with deeper knowledge of computer usage than previous generations of students. These students have grown up using computers and have the technical skills to engage in file-sharing. The third factor that can encourage college students to file-share is the fact that many college students have low levels of disposable income. The common phrase, “the broke college student,” is true for students who may have to pay for college by themselves. The rising cost of financing college attendance, coupled with the fact that legal music options can be expensive, could lead students to being more likely to file-share (Chiang & Assane, 2002). Lau (2006) also found evidence that financial reasons could be a factor in why students choose to download music. In his study, students revealed that the software was expensive and they found it cheaper to illegally download the software, instead of paying for it. The final factor that could lead to file-sharing is that college students are surrounded by other students who may be file-sharing as well. The college student

culture may encourage file-sharing and offer the student access to individuals who can assist in learning how it is done (Chiang & Assane, 2002).

In a study by Mateus and Peha (2008) of one college campus, 42% of students surveyed tried to download copyrighted material via a peer-to-peer network. The numbers increase slightly when looking at students who live in a residence operated by the university. Of those students, 51% admitted to using peer-to-peer networks in the residential community. In this study, demographic variables such as age, gender, and academic major had no bearing on the students' file-sharing behavior. Siegfried (2004) surveyed college students and found that 54% admitted to software piracy. Also, of the students surveyed, 74% stated that it was okay to illegally copy software as long as it is used for educational purposes.

Napster and other peer-to-peer networks were quick to catch on with college students. In a 2000 study of students at the University of Southern California, 69% of the students had downloaded an MP3 file at some point. Of those, 68% of the total did so through Napster. Students in this study indicated that the faster the Internet connection, the more likely they were to participate in file-sharing. Approximately half of the students claimed to participate in file-sharing while residing in the university's on-campus or off-campus housing units. Furthermore, 59% of the students surveyed downloaded 21 or more songs from Napster, with 7% of those students downloading over 500 songs (Latonero, 2000). Other college campuses found that almost 60% of their bandwidth was devoted to the users accessing the Napster server. This increase in traffic raised alarm for campus officials because a majority of the university's bandwidth was

being used to download files (Hyde, 2002). In 2002 the University of Washington discovered its own file-sharing problem when it found that 37% of its Internet traffic was due to its students using Kazaa. In 2003, Kazaa had helped users download 85 million files from users in most countries (Good & Krekelberg, 2003).

Chiang and Assane (2007) conducted a survey of file-sharing behavior of students at two large universities. These researchers found that of the students who responded to the survey, 58% admitted to using peer-to-peer networks to file-share. It was also found that of the students' entire music collection, over 40% of it was comprised of songs that were illegally downloaded. Students in this survey were more likely to download music files based on issues of price. That is, students were sensitive to the price of purchasing songs legally and file-shared because it was a cheaper alternative. Hinduja (2003) found that almost half of the students he surveyed did not feel guilty illegally downloading a file and 51% stated that they did not see anything wrong with illegal file-sharing.

Limayem, Khalifa, and Chin (1999) found that a student's beliefs in the consequences of illegal file-sharing had an impact on whether the student eventually would choose to file-share. Some of the consequences the researchers focused on were whether the student was worried about being caught file-sharing and the penalty for being caught. The students revealed they perceived a greater reward for illegally file-sharing than a risk of being caught. Habits were also found to influence whether a student chose to file-share. Students who had previously been involved with file-sharing were more likely to participate in the future. Finally, the researchers discovered that facilitating conditions such as the accessibility of downloadable files, the ability to find help from



others to assist in file-sharing, and whether the files had any type of anti-piracy measures actually encouraged students to file-share (Limayem et al.).

Limayem, Hurt, and Chin (2001) revealed in a study of college students in Hong Kong that a student's intentions play a large role in whether he or she chooses to file-share. If students are new to file-sharing, they make internal decisions whether file-sharing is something that they are intending to do. Once file-sharing takes place, the student is more likely to continue doing so.

Demographic variables do not seem to have a relationship to the file-sharing behavior of college students. Gerlich, Turner, and Gopalan (2007) found no differences in file-sharing behavior in students at a historically white university and a historically black university. In fact, students at both institutions claimed similar ethical viewpoints on file-sharing; that is, students at both universities believed they were justified to participate in file-sharing. Hinduja (2003) surveyed college students and found that variables such as age and working status had no relationship on file-sharing behavior.

While the above cited research has shown that demographic variables do not relate to file-sharing habits, other research suggests the opposite. Gan and Koh (2006) found that the demographic variables of age and ethnicity were significant as to whether a student was likely to file-share. In their study, college students aged 26 to 35 were more likely to file-share than other age groups. Ingram and Hinduja (2008) produced a study that revealed some demographic variables to be positively associated with the amount of piracy that an individual chooses to participate in. In their study, white males under the

age of 21, and engineering and communication majors, were more likely to file-share. Higgins (2006) found that males were more likely to file-share than females.

**The Cost of File-Sharing to College Students.** The RIAA's initial strategy to combat illegal file-sharing was to take litigious action against peer-to-peer networks. As mentioned earlier, the RIAA used the DMCA to file a lawsuit against Napster and, in effect, caused Napster to be shut down as a peer-to-peer network. However, the actions taken by the RIAA were not necessarily decreasing the number of individuals who were file-sharing because people had access to other peer-to-peer networking sites. The central server issue is what got Napster in trouble because it was seen as facilitating the trade of files. Consequently, the RIAA realized it must take new action to combat file-sharing. The next strategy it took was to go after the Internet Service Providers (ISP), in particular, the customers on these providers. It was the RIAA's belief that filing lawsuits against individuals could lead to a decrease in file-sharing habits. The group of people who were the target of the RIAA's new strategy was college students since they often used the college as an ISP and did so to download files illegally. According to the DMCA, ISPs had the responsibility to identify and stop file-sharing, leading the RIAA to begin targeting college students (Freedman, 2003).

The RIAA, believing that the burden of proof rested with the university, began sending out copyright infringement notifications to individual students who were found file-sharing on the university's network (Van Horn, 2002). These infringement notices proved to be costly to students. First, the RIAA used a company called Media Sentry that used a program that identified illegal file-sharers. Media Sentry was able to identify the

name of the Internet Service Provider and then determine if the provider was a higher education institution. Once someone had been identified on a college campus, the RIAA sent a litigation letter to the university to be forwarded to the student (Rampell, 2008). The litigation letters explained to the students that they were caught illegally downloading a music file. They were then instructed to call a telephone hotline and visit a website where they could pay a lump sum amount (Read, 2007b).

In 2003, the RIAA began aggressively pursuing file-sharers on college campuses. It initially targeted four college students and sought the maximum penalty for copyright infringement, \$150,000 for each song copied, or \$98 billion total (Shier, 2005). These four students all settled out of court for \$12,000 to \$17,500 per student, which was cheaper than if they had challenged the lawsuit in court (Sag, 2006). Under copyright law, copyright holders can sue for damages of \$750 to \$150,000 for each distributed or copied song. The RIAA's policy was to allow a judge to recommend the appropriate amount that the student must pay, resulting in a large discrepancy among the amounts each student was assessed. Some students reached settlements with the RIAA in the amount of \$3000 (Foster, 2003). Other students chose to settle the lawsuit in court, before a judge. Recently, a Boston University graduate student received the help of a prominent Harvard University law professor in battling a case with the RIAA where he could be held liable for \$1 million (Gardner, 2008). A woman in Minnesota was held liable for \$222,000 for having over 1700 songs available for download on Kazaa (McCullough, 2007). At the University of Maine, two students went to court and were

charged with illegal file-sharing and the RIAA attempted to get them to settle for \$3000 per student (Foster, 2003).

The effort to combat file-sharing by the RIAA was not always fool proof. In one instance, the RIAA filed a lawsuit against a senior at a Florida college based on downloads that had occurred two or three years earlier. The college student had shared a computer with three other roommates and the RIAA sued the student based on circumstantial evidence. It did not matter that the RIAA could not prove that she was the one who did the actual file-sharing (Electronic Frontier Foundation, 2005).

Obviously, students run the risk of incurring large fines if caught file-sharing by the RIAA. However, students face more than monetary risk when choosing to file-share. In some instances, universities have stepped in and delivered judicial action to deter or punish these students. At Harvard University, students risk having Internet privileges removed for one year if caught twice for file-sharing. Pennsylvania State University contacted 220 of its students and blocked Internet access to these students because the students attempted to access peer-to-peer networks. Virginia State University monitors its students and if one tries to access a peer-to-peer site, a pop-up screen is displayed that states that the student's actions are being monitored. The university can then summon students for a judicial hearing based on this evidence (Galuszka, 2004).

The efforts of the RIAA to file lawsuits appear to have produced the opposite effect from its original intentions. Karagiannis, Broido, Brownlee, Claffy, and Faloutsos (2004) found that file-sharing had actually increased since the RIAA began issuing lawsuits. A Pew Internet and American Life Project study found similar results that revealed just 6

months after the RIAA began filing lawsuits, 20 million Americans were still using peer-to-peer networks to illegally download files. This represented one of every six Americans who had Internet access (Rainie & Madden, 2005).

**Cost of File-Sharing to Higher Education.** The cost of staying in compliance with the DMCA and the Higher Education Act takes a toll on university resources. Universities employ technological solutions to monitor and track students' access to peer-to-peer networks. They also spend considerable time in personnel hours dealing with the lawsuit notices of the RIAA, training IT staff on new software, adopting technological solutions, and working with students who have been caught file-sharing. This section of the literature review takes a look at the time and money spent by campuses to combat file-sharing.

In 2007 the Associated Press reported that the RIAA sent notices to 25 universities that have the most reported incidents of illegal file sharing. According to the DMCA, universities must ask offenders to stop use immediately and failure to inform the guilty parties could result in the university being held liable. However, higher education has met these requests with mixed responses. Stanford University identifies students using the university network to illegally download music, asks them to stop, and if the students do not comply, the university then disconnects them from the network. Starting fall of 2008, Stanford charged 100 dollars to first-time offenders as a reconnection fee (Read, 2007a). The University of Wisconsin has told the RIAA that if it wants litigation letters sent to students, then the RIAA must do it themselves (Carnevale, 2007). The University of Nebraska purges its files every 31 days so it cannot identify which students committed

copyright infringement when the RIAA notifies them (Millman, 2007). Also, the university has sent letters back to the RIAA requesting that the RIAA reimburse the university for time spent processing the paperwork (Read, 2007a). These responses from universities reflect the genuine concern that staying in compliance with the DMCA will cost universities a substantial amount of money. When Stanford University makes its students pay a reconnection fee, it is trying to recoup costs associated with policing illegal file-sharers. Additionally, the University of Nebraska realizes that passing on litigation letters can be expensive and it requests that the RIAA reimburse the university for the time lost processing the lawsuits.

The Higher Education Act asks that universities purchase software that can identify students who are using the network to access illegal peer-to-peer sites. This software can be expensive. On average, private universities spend \$408,000 in one-time costs on software deterrents to piracy, which includes costs associated with bandwidth management, extra software, hardware purchases, and additional costs associated with staffing. On the other hand, public universities spend on average \$170,000 in one-time costs to stay in compliance. Public universities spend less because they are often able to purchase the software in bulk, thus decreasing cost. Community colleges spend the least amount on staying in compliance, an average of \$50,000 in one-time costs. The reason for this large discrepancy compared with private and public universities is that many community colleges do not serve as the primary Internet Service Provider and may not provide residential living with free Internet (Green, 2008).

Before the reauthorization of the Higher Education Act, the RIAA encouraged universities to invest in software that would immediately kick students off the network who were identified as using peer-to-peer networks to download files. The RIAA offered the University of Florida as an example of a university that employed such software. The University of Florida purchased a software program called cGrid that identifies students who may be connected to a peer-to-peer network and immediately kicks them off the network. The student may then be summoned to meet with the judicial officer to discuss copyright violations and any possible infractions (Read, 2007a). This software has been hailed by the RIAA as a technological solution that other universities should employ. This software costs \$1 million to install and \$250,000 a year for maintenance and upkeep. Universities may be willing to purchase the software, because at the University of Florida only 10% of students caught file-sharing by cGrid were actually caught a second time and only 10% of those students were caught a third time (Cheng, 2007).

What are the financial ramifications for these institutions? After Bowling Green State University received 658 litigation notices from the RIAA, it realized the need to protect its students from future litigation. It purchased Audible Magic's CopySense Network Appliance System for \$75,000. Audible Magic is a software program that, according to its website, decreases the amount of illegal downloads and assists the university with staying in compliance with the Higher Education Act. Furthermore, Audible Magic is able to detect someone attempting to download videos, music, software, games, or electronic textbooks (Audible Magic, 1999-2010). The University of Utah also purchased Audible Magic and has seen a decrease in 90% of copyright

infringement notices to students and the university has saved \$1.2 million in Internet bandwidth charges by using this software program. Furthermore, they saved an additional \$70,000 in employee costs because the software allowed the university to avoid hiring someone to monitor the network traffic. Ohio University is another proponent of Audible Magic, having purchased the software program for \$59,590 for the initial installation and \$15,585 for yearly updates and maintenance. Such technological solutions have benefitted universities by freeing up Internet bandwidth.

Finally, the University of Florida uses another software program called Red Lambda. Within hours of installing Red Lambda, the software program was able to identify and stop 3,000 students who were using peer-to-peer networks to download music files. By purchasing this software program, they were able to save \$1.5 million in Internet bandwidth charges (MusicUnited, 2008).

Green (2008) revealed that senior IT professionals and secretarial staff spend hours of working time in order to stay in compliance with the DMCA and the Higher Education Act. For instance, in public master's degree granting institutions, senior officials spend 7.8 hours and administrative and secretarial support spend 98 hours per academic year attempting to stay in compliance. In private institutions, these numbers increase to 17.4 and 323.6 hours, respectively. In-house legal counsels in public universities spend 44.5 hours each year working on the peer-to-peer file-sharing issue. The in-house counsel at private universities spends 46.5 hours each year (Green).

Of course, IT professionals on these campuses spend more hours dealing with the illegal file-sharing issue. In public universities, Chief Information Officers spend on



average 95.9 hours, IT directors spend 116.4 hours, technical personnel spend 401.2 hours, and IT help desk workers spend 112.4 hours per academic year. In private universities, the Chief Information Officer averages 53.9 hours, the IT manager 102.5 hours, technical personnel spend 316.4 hours, and IT help desk workers spend 114.7 hours per academic year (Green 2008).

Student affairs administrators also play an important role in assuring compliance with the DMCA and the Higher Education Act. Their role in this endeavor is often in the form of providing judicial services for students caught using the university network to download files. In some cases, the university will explore educational opportunities instead of punitive action. In the Campus Computing Project study, Green (2008) found that top judicial officers at public universities spend on average 80.1 hours each year meeting with students and responding to RIAA requests. At private institutions, this number decreased to 29.4 hours a year. Student affairs secretarial support at public universities spent 16.4 hours per year assisting in the compliance of the DMCA and the Higher Education Act, compared to 20.3 hours per year at private institutions. The reason for the difference in average hours for judicial affairs officers at public institutions compared to private institutions is because public universities tend to have larger enrollments, increasing the actual number of students who could participate in file-sharing (Green).

### **Theoretical Focus**

**Moral Development Theory.** Lawrence Kohlberg, a cognitive development theorist and follower of Jean Piaget, believed that an individual's morality was shaped by

how he or she viewed a particular situation. He believed that in order to understand how an individual's moral development evolves, one must look deep into how the individual makes sense of a situation and how the individual constructs meaning. His approach differed from the behaviorist approach believing that behavior was more than just an individual's response to environmental factors (Rest, 1979).

Kohlberg's theory of moral development hinges on the idea that moral thinking is slightly more important than moral action and there is a relationship between the two. As an individual's moral thinking evolves it becomes easier to predict how the individual will behave because the higher levels in the theory are far more stable than the earlier stages where an individual can easily move between stages. Kohlberg also believed that his theory and stages could be useful to role-playing opportunities where individuals, as they progress through the stages, find it easier to consider the viewpoints of other people (Crain, 1985).

Kohlberg's stages of moral development follow the basic tenets of most stage theories, in particular, the tenets of Piaget's stages. First, a stage concept means that under normal circumstances the individual will progress from lower levels of moral or cognitive development to higher levels. Second, the stages follow a sequential order, with individuals moving from lower levels to higher levels (Kohlberg & Hersh, 1977). In order to pass from one stage to the next, the individual must be able to master a higher level of moral thinking. The individual cannot skip stages; he or she must master each stage to move on to the next one. Third, the stage concept assumes that the individual's moral thinking can be identified at one particular stage. While the individual may use

other stages to craft his or her thinking, most often than not, the individual can be identified in one particular stage. In regards to how individuals move through the stages, Kohlberg states that the rate at which individuals move through the stages is dependent on cognitive development and having the individual introduced to new experiences that challenge his or her way of thinking (Walker, 1984).

Kohlberg also believed that his stages were appropriate across different cultural groups. People of different cultures may have differing beliefs on something, but their mode of reasoning follows the same path (Crain, 1985).

Table 1

*Kohlberg's Theory of Moral Development (Crain, 1985)*

Level 1: Pre-Conventional	Stage 1: Obedience and Punishment Stage 2: Individualism and Exchange
Level 2: Conventional	Stage 3: Good Interpersonal Relationships Stage 4: Maintaining Social Order
Level 3: Post-Conventional	Stage 5: Social Contract and Individual Rights Stage 6: Universal Principles

Kohlberg's theory of moral development consists of three levels and six stages (see Table 1). In level one of the preconventional level the individual has a dualistic way of thinking. Often the individual will view dilemmas as right or wrong, black or white, and good or bad. Moral decisions at this level are often made to avoid punishment or to please others (Kohlberg, 1971). In the preconventional level there are two stages. Stage

is referred to as the punishment obedience stage (Kohlberg, 1971; Kohlberg, 1976). The individual has an egocentric view of what is right or wrong. The correct decision is the one that most pleases someone who is in power, such as a teacher or a parent. At this stage, the individual is concerned about trying not to break rules and moral decisions are made on the basis of avoiding punishment. Furthermore, since the individual at this stage is egocentric he or she cannot understand the views of others, and individuals are mainly concerned with themselves. Small children are often found to be in this first stage of Kohlberg's theory (Kohlberg, 1976).

Kohlberg (1976) titled stage two of his theory, individualism, instrumental purpose, and exchange. Individuals in stage two are characterized by making moral decisions based on how that decision affects them. The individual continues on in an egocentric fashion by making decisions based on the consequences it brings to the individual. Individuals also engage in reciprocity by making deals with others. However, it should be pointed out that the individual engages in reciprocity in order to gain something out of the agreement, not because of any societal benefit of participating in an exchange or deal. Individuals make decisions based on how the decision affects the self and on what they believe to be fair for the self (Kohlberg).

The second level of Kohlberg's model, the conventional level, contains stages 3 and 4. In the second level, the individual is concerned about meeting the expectations of family, peers, cultural groups, and even the country in which he or she resides. An individual at this level is characterized as one who values conformity and social order. The individual is often drawn to other individuals at this level and can understand others

who conform to family and nation. The first stage in the conventional level is stage three or the good boy, good girl stage. At stage three, an individual is concerned with meeting the expectations that others have of him or her. Desiring to be a good boy or good girl, the individual conforms to what family or society deems to be the characteristics of a good boy or good girl. Often the individual will strive to be nice to others because he or she wants to conform to the expectations of the family (Kohlberg, 1971; Kohlberg & Hersh, 1977).

Stage four of Kohlberg's model is often referred to as the law and order orientation. At this stage, the individual values the premises of law and social order. An individual at this stage will place a large emphasis on authority figures and will strive to maintain order with self and with others (Kohlberg, 1971; Kohlberg & Hersh, 1977).

The third and final level of Kohlberg's model is called the post-conventional model. Individuals at this level begin to formulate moral reasoning and judgments that may not reflect the reasoning and judgment of family or peers. At this level, the individual begins to create and craft how he or she views moral decisions. For the first time, the individual is beginning to discover that moral reasoning is something that can be defined differently than what he or she originally thought. The individual at this stage is now beginning to understand the views of others (Kohlberg, 1971; Kohlberg & Hersh, 1977).

The post-conventional level contains stages 5 and 6. Stage 5 is referred to as the social contract, legalistic orientation stage. At this stage, the individual values individual rights and standards. The person at this stage is able to take an altruistic view of others

and understands that what is right may be relative to the individual's values (Kohlberg, 1971; Kohlberg & Hersh, 1977). The last stage of Kohlberg's model is stage 6 or the universal ethical-principle orientation. Kohlberg and Hersh (1977) summarize this stage by stating that, "at heart, these (principles) are universal principles of justice, of the reciprocity and equality of the human rights, and of respect for the dignity of human beings as individual persons" (p. 55).

Kohlberg created several dilemmas that he used to attempt to gauge where children were in their moral development. Two of these dilemmas were the Heinz Dilemma and the Captain's Dilemma. Each dilemma offered up a scenario in which the lead character faced a difficult decision. In the Heinz Dilemma, the lead character chooses to steal a life-saving drug for his wife. Children are asked if Heinz did the right thing. Depending on the response, Kohlberg was able to determine what level of moral development a child resided. In the Captain's Dilemma, the lead character is faced with an advancing enemy and the need to retreat and save his troops. However, he is faced with a difficult decision because in order to secure their escape he must volunteer some of his men to blow up a bridge. He is conflicted in choosing the trouble maker of the group or the man who had contracted a fatal disease. Whichever one he chooses for this task will face certain death. Again, based on the responses of the child being interviewed, he was able to determine where the child resided in moral development (Rest, 1979).

From the results of the Heinz Dilemma and the Captain's Dilemma, Kohlberg created his six levels of moral development that individuals may move through. He found that children started off at the earlier levels and would progress to higher levels as

their cognitive abilities progressed (Haidt, 2001). Progression through the levels was determined by what the child thought was right or wrong. His moral development theory states that individuals decide what is right or wrong (Rest, 1994). Colby et al. (1983) move through Kohlberg's stages by stating that as individuals move up in stage, they are actually reframing the thought processes needed to understand a certain issue. By mastering ways of thinking in earlier stages, they are able to progress to higher levels because there is a move from very simple ways of making meaning to more complex ways.

Robert Kegan (1994), a constructive-development theorist and also a follower of Jean Piaget, constructed a lifespan development theory that is important when attempting to understand the moral development and changes that individuals go through. His theory of development helps explain how individuals view life and how individuals construct identity, self-concept, interrelationships, and cognitive growth. Kegan's theory has evolved from earlier theories of development in that it takes into account the impact of gender, race, and class structure. While some early theories reflected the views of only white males, Kegan's theory is adaptable to individuals of different backgrounds. In fact, his theory is appropriate for use among individuals of diverse backgrounds because it takes into account each individual's experience and how he or she makes meaning of it (Tinberg & Weisberger, 1998).

Kegan's first book, *The Evolving Self*, described the basic tenets of his theory and how social and emotional development occurs in individuals. He postulated that

individuals proceed through six periods of development: Incorporative, Impulsive, Imperial, Interpersonal, Institutional, and InterIndividual (Kegan, 1982).

In his subsequent book, *In Over Our Heads: The Mental Demands of Modern Life*, Kegan (1994) restructured his theory on social maturity and referred to each of the five levels of the theory as orders of consciousness. In the 12 years between his two books he came to reconstruct his theory to better reflect that individuals move through the levels at different times and that some never make it to the last level. Also, his restructured theory allows for the different levels to be attributed to the different developmental stages that the individual goes through. For instance, some of his levels are associated with small children, while others are mainly seen in adults.

According to Kegan (1994), individuals begin at lower levels where they construct a simple way of making meaning of life; as they transition to higher levels, they construct more complex ways of looking at life. Also, an individual does not move onto higher stages until development is fully complete at earlier stages. Individuals face experiences in life that in some ways challenge them to reflect on their current ways of thinking and operating. When individuals are challenged, they must then decide whether to stay at the current stage of development or adapt to higher levels (Lewis et al., 2005).

When looking at meaning making, Kunnen and Bosmen (2000) speculate that meaning making is triggered “by the demands of life, demands that are patterned in age-related expectations, for example, in the domains of schooling, work, sex-roles and relationships” (p. 60). Tinberg and Weisberger (1998) state that “the ability to make sense of the world is an ongoing process from birth to death” (para. 5). Kegan (1994)



says that meaning making is formed from the subject-object relationship or how one internalizes the self in comparison to others. So, how does an individual construct his or her meaning of life in context with the challenges that arise? Kegan answers this question with his five orders of consciousness (see Table 2).

Table 2

*Kegan's (1994) Orders of Consciousness*

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ORDER	TITLE	DESCRIPTION
1 <sup>st</sup> Order	Awareness	Fixed on sensation and movement
2 <sup>nd</sup> Order	Instrumental Mind	Develop self awareness and self-concept
3 <sup>rd</sup> Order	Socialized Mind	Able to think abstractly
4 <sup>th</sup> Order	Self-Authoring Mind	Able to establish own sets of beliefs and values
5 <sup>th</sup> Order	Self-Transforming Mind	Can see beyond oneself. Begins to see connectedness with others

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In level 1 of Kegan's (1994) theory, he states that an individual is characterized by thinking in concrete terms and the individual is self-centered in wants and needs. The individual's behavior is impulsive due to the desire to meet his or her needs (Komives & Woodard, 2003). Kegan believes that this way of thinking is indicative of individuals

who are 10 years of age or less (Tinberg & Weisberger, 1998). In the second level, an individual is still somewhat self-centered. However, a change is beginning to take place in which the individual is beginning to understand and realize that he or she has characteristics and traits that separate or join them to other people. These traits and characteristics allow the individual to create reciprocal relationships with others. The individual is more concerned about having his or her needs met in exchange for meeting the needs of other people (Lewis et al., 2005). Kegan believes that individuals are at this level all the way from late childhood to early adulthood (Tinberg & Weisberger, 1998).

The third level of Kegan's theory begins in the early twenties and is typical of college students. At this level, individuals are able to see things from multiple viewpoints. Unlike earlier levels where thoughts are self-centered, the individual is now able to create and view the self in relation to how others view him or her. At this level, the individual is moving away from narrow-mindedness toward understanding his or her relation to others, in addition to beginning to understand roles and expectations he or she may have of self or others. College students at this level may occasionally operate at the second level; however, the change is happening where the student is approaching level three and is framing his or her world in more complex ways (Lewis et al., 2005). Kegan (1994) stated that most adults are at level 3 and few actually progress to level 4.

Level 4 of Kegan's model is reflective of the individual who is able to understand why and how he or she believes a certain way. A strong sense of identity allows the individual to make difficult choices without the help of others. Behavior is often guided by an individual's beliefs and ability to think through situations (Komives & Woodard,

2003). Also, at this level individuals are able to understand why they hold certain beliefs and can understand that others hold different beliefs as well. When conflict arises, the individual is able to work through the conflict and understand both sides of an issue (Tinberg & Weisberger, 1998).

Kegan (1994) states that it is rare for individuals to actually reach the fifth level. In fact, those that reach this level are often older than 40. At this level, individuals are able to step back and view situations in a way that takes into account multiple viewpoints. In addition, individuals are able to remove themselves from a certain way of thinking and are able to incorporate other ways of meaning making (Tinberg & Weisberg, 1998).

**Moral Development of College Students.** Kohlberg's moral development theory has been used to identify how and where college students reside in their moral development. Researchers have used his theory to better understand college students and how they progress developmentally through college.

Colby et al. (2002), constructed a literature review of the moral and civic development of college students. They found that many students enter college functioning at a very low level, morally and civically. This can create problems because students will often have a difficult time engaging in high or complex moral reasoning. Patenaude, Niyonsend, and Fafard (2003) looked at how college students progress in moral development later in their college career. These researchers were interested in finding out if medical students progressed in their moral development over a three year period in medical school. These researchers administered Kohlberg's Moral Judgment Interview and found that medical students did not progress to higher levels of moral

development. They made clear that this does not mean that medical school has a negative relationship with moral development. Rather, it indicates that over time the group leveled off on their moral development. It is important to note that some of the students in this study progressed, but the majority actually regressed.

Cooper and Schwartz (2007) conducted a study to ascertain whether students who violated a school's code of conduct had a lower level of moral reasoning than students who did not get in trouble. The pool of candidates they used were students who violated the campus code of conduct and who were called before the judicial affairs office. Cooper and Schwartz found that students who violated the school's code of conduct reasoned at lower levels than non-offenders. Offenders were found to score lower in the post-conventional level than non-offenders.

Some research has pointed out that students in a particular academic discipline may operate at lower levels of moral development than some other academic majors. Derryberry, Snyder, Wilson, and Barger (2006) were interested in finding if there was any difference between education majors and liberal arts majors in terms of moral judgement. From a review of the literature they found that undergraduate education students rated lower in moral development than other college students. Also, some research points to the fact that education and business majors score lower on moral judgement than liberal arts majors. The researchers point out that previous research may be skewed for several reasons. First, very little research actually compares education majors to specific majors. Second, many studies of education students are several

decades old. Third, some earlier research focused on the ability of the student to reach the highest stage of Kohlberg's theory.

Using the Attributional Complexity Scale, previous standardized test scores (ACT), Attitudes Towards Human Rights Inventory, Academic Misconduct Scale, and the Defining Issues Test, researchers surveyed education majors and liberal arts majors. These researchers found no significant difference in the moral judgment scores of education majors and liberal arts majors (Derryberry et al., 2006).

Some research has also pointed out the affect that political ideology has on the moral development of college students. Fisher and Sweeney (1998) conducted research in order to ascertain the relationship political ideation has on the outcomes of the Defining Issues Test. The researchers wondered if an individual could raise or lower his or her moral development score by responding to the survey from a liberal or conservative perspective. The researchers found that someone at a lower level of moral development cannot understand arguments from a higher level.

Most research in moral development says that members in Greek organizations (fraternities) show low moral development. Mathiasen (2005) argues otherwise through his qualitative research of a fraternity in the Midwest. Mathiasen concluded that moral development was fostered by older members mentoring younger members. This mentoring helped the new members to understand the moral expectations of the chapter.

Within the moral development field there is a term that is referred to as moral intensity. Jones (1991) states that moral intensity refers to the way in which an individual

views a moral dilemma in relation to its risks and rewards. Moral intensity may also be shaped by how peers and society view a certain issue as well as the proximity of the individual to others whom the ethical dilemma may impact. Jones states that moral intensity is tied directly to moral intent. The higher the moral intensity is on a moral dilemma, the less likely an individual will engage in it.

Moral development and moral intensity play a role in whether individuals choose to participate in illegal file-sharing. Tan (2002) looked at individuals who made a decision to illegally purchase pirated software. He was interested in finding out what role moral intensity played in their decision. He produced a survey that used questions based around Jones's (1991) tenets of moral intensity: perceived risks and rewards, acceptability of actions among peers, probability that the act would create some harm or benefit, the time from the actual moral choice and the onset of consequences, whether the individual felt close to those whom the moral decision may impact, and the number of people whom the act would impact. He found that the more severe the consequences were for purchasing pirated software, the less likely the individual would actually purchase it (Tan). This result is similar to Jones's (1991) moral intensity tenet that the individual will craft moral intensity around the probability that the act would cause harm or benefit. In addition, Tan (2002) found that peers and society can influence whether an individual participates in purchasing pirated software. This result is similar to Jones' (1991) conclusion that moral intensity is crafted by how peers and others view the ethical dilemma.

Kini, Ramakrishna, and Vijayaraman (2004) were interested in whether there were differences between the moral intensity of students in Thailand and the United States.

Their initial observations included basic differences between Thai and U.S. cultures. Thais tend to have a collectivist view, where the good of the group outweighs the views of the individual, whereas, U.S. culture values individual rights, which could possibly lead to students being influenced by their peers instead of authority figures. The researchers found that U.S. students have a higher average moral intensity regarding software pirating at stages 2 and 4 of Kohlberg's model. The researchers were also interested in who has more influence on students and their desire to copy software, their peers, administrators, or faculty. They found that Thai and U.S. students were most influenced by other students, or their peers. University employees had some influence, while faculty had almost no influence. Furthermore, the researchers concluded that U.S. students had a higher moral intensity average than their Thai counterparts. In addition, males were more likely to score higher than females in moral intensity regarding software piracy.

Kini, Ramakrishna, and Vijayaraman (2003) conducted another study to determine if there was a relationship between demographic characteristics and the moral intensity of students at a private Thai university. The researchers found several demographic characteristics that had an influence on student's moral intensity such as the age of the students, gender, whether the students were graduate students, if the students had a computer at home, and how much knowledge the students had on computers.

**Moral Development and File-sharing.** Logsdon, Thompson, and Reid (1994) sought to find whether students who scored higher on moral development were less inclined to pirate software. The researchers concluded, based on their results, that there

was not a strong relationship between level of moral development and the attitudes toward software pirating. Finally, a key discovery that the researchers made was that as long as the student had a low moral intensity towards pirating, the less likely they were to quit pirating files. In the case of illegal file-sharing, individuals may make a decision to participate, or not to participate, based on how it may affect others. If the individuals feel low proximity to copyright holders, they may be more likely to participate in file-sharing. In addition, individuals gauge ethical decisions through moral intensity when they determine the probability of participating in something as unethical, than determining if participating in it will lead to harm or benefits (Jones, 1991).

Siponen and Vartiainen (2004) looked at unauthorized pirating of software and role of moral development. The study used a literature analysis of articles that focused on moral development and software piracy. When the researchers analyzed articles that were for or against copying they found these articles to be written between level 2 and level 6 in Kohlberg's model. Most of the research for or against copying resided in level 5. When the researchers looked at the article's solutions to combat file-sharing they discovered that the solutions fell somewhere between level 1 and level 4, with most solutions operating at the level 1 stage.

Chen, Shang, and Lin (2008) conducted a study of individuals in Taipei. The study focused on students in high school and college. From the study, the researchers found that moral reasoning ability has no influence on whether the individual chooses to illegally download files. This research reflects the findings of Logsdon et al. (1994) in that both studies found no direct link between file-sharing and levels of moral



development. The researchers conclude that one possible reason for a lack of connection between moral development abilities and file-sharing intentions is because individuals in Taipei may view music, video, and software files as part of the common good. Perhaps these individuals view file-sharing as a resource that everyone should have access to.

## **Conclusion**

The review of the literature revealed that illegal file-sharing is an issue that is relevant for college students and higher education. The beginning of this literature review described how file-sharing works in regard to how peer-to-peer networks are formed and described some of the benefits provided to its users. For instance, some of the benefits of peer-to-peer networks can include: providing users with the means to upload music or video files from their own computer to offer to others, offering up music or video files at little to no costs to its users, it can connect individuals who have the same tastes in music or video, and it provides some degree of anonymity to its users. The first section of the literature review set the tone for how peer-to-peer networks work and how the architecture of the network could attract users to it.

The second part of the literature review covered the legality of file-sharing, copyright law and important laws that define the legality of peer-to-peer networks and file-sharing.

The third section of the literature review discussed the impact that file-sharing has on higher education. Both higher education and its students are impacted by file-sharing due to the cost of compliance with the law, lawsuit notifications, and hours spent

combating file-sharing. This section of the literature review revealed that file-sharing is indeed something that college students participate in.

The fourth section of the literature review was focused on the developmental theories of Kohlberg and Kegan. Also, this section covered the moral development level of college students- in particular, college students who admit to file-sharing.

The final section of the literature review was a compilation of studies that outlined some of the factors that may explain why individuals choose to file-share. The literature revealed that demographic variables, the influence of peers, attitudes toward piracy, and magnitude of consequence were all factors that could explain why an individual might file-share.

## Chapter 3: Methodology

### Theoretical Framework

The theoretical framework for this qualitative study is phenomenology. Creswell (2007) states that phenomenology looks at the lived experience or phenomenon of a group of individuals. He describes phenomenology as “describing what all the participants have in common as they experience a phenomenon. The basic purpose of phenomenology is to reduce individual experiences with a phenomenon to a description of the universal essence” (p. 58). Van Maanen (1988) states that phenomenology “questions the way we experience the world, to want to know the world in which we live as human beings” (p. 5). Phenomenology states that the shared essence can be captured by the experiences that individuals have in common. Therefore, one of the goals of phenomenological research is to identify a phenomenon that several people have experienced and then to collect data from each of the people in order to understand the shared essence of the phenomenon (Bhattacharya, 2007).

For the purpose of this study, the shared experience or phenomenon that was explored was illegal file-sharing. In particular, this study explored college students who admit to illegal file-sharing, resulting in a deeper understanding of file-sharing from the college student perspective. Phenomenology was an appropriate theoretical framework for this study because the college students in this study had a shared experience, the illegal downloading of music, video, software, or game files. The goal therefore, was to capture and understand the essence of this experience through the students’ vantage point.

## **Research Design**

**Research Questions.** This study was designed to explore the phenomenon of college students who illegally file-share. The main research question was, “What are the experiences of college students who file-share and what are their perspectives on the moral and legal implications of doing so?”

**Sample.** Creswell (2007) states that it is common to have five or more participants in a phenomenological study. Therefore, for this study I selected six participants based on predetermined selection criteria. These students were all from the same research site and admitted to file-sharing within the past academic year. The information provided by these six students assisted me in achieving a saturation of the data.

**Participant Selection.** I used two types of sampling procedures to secure participants for this study. The first procedure was criterion sampling, a strategy that seeks to find cases that all share the same criteria (Creswell, 2007). Creswell (2007) states that criterion sampling is an effective sampling strategy for phenomenological research because, “it is essential that all participants have experience of the phenomenon being studied. Criterion sampling works well when all individuals studied represent people who have experienced the phenomenon” (p. 128).

Several criteria were important when choosing participants. The criteria for selecting participants were as follows:

- Participants must be undergraduate students.
- Participants must be enrolled full-time at the research site. A full-time student is one who is taking at least 12 credit hours.

- Participants must be between 18-24 years in age.
- Participants must admit to having illegally downloaded files in the past academic year.

The second sampling procedure that was used is called snowball or chain sampling. According to Creswell (2007) snowball or chain sampling, “identifies cases of interest from people who know people who know what cases are information rich” (p. 125). Snowball sampling was useful for this study because some of the students knew of other students who file-shared who were willing to participate in this study.

As mentioned earlier, criterion sampling and snowball sampling work well together because the criteria allow for a specific type of student to be chosen, while snowball sampling attempts to encourage individuals to recommend others who meet the criteria. For this study, snowball sampling was an effective sampling strategy because the topic of this study related to something that was illegal. Most students do not openly advertise or make it known that they are illegally downloading files. Therefore, it was important to be able to find ways to contact additional students who were a good fit for this study.

The main source for finding participants for this study was placing fliers around the campus where students were known to gather, such as residence halls and academic buildings (see Appendix C). The flier provided a description of the study, information on confidentiality, and contact information of the researcher. If a student was interested in participating, then he or she used the contact information to set up a meeting with me. From there, snowball sampling was used to ask the student if he or she knew of anyone else who file-shares and who might be interested in participating in the study. If the

student knew of another student who was interested, then I asked the student to deliver one of the fliers to the potential participant. Of the eight students who expressed interest in participating in this study and who met the criteria for selection, six students were chosen to participate in the study. I also chose two students as substitutes in case one of the original six students decided to drop out of the study.

**Research Site.** This dissertation study was conducted at a large, public, metropolitan, research institution located in the mid-south of the United States. The institution was given the pseudonym of South University (SU). SU was established in 1912 and currently has over 22,000 students. Its mission is to provide a high-quality education to students while also offering opportunities for students to enrich their learning through research, student involvement, and artistic expression. The demographics of the institution reveal that 16,719 of the students were undergraduates. Sixty-nine percent of the students who attend SU are full-time and women make up 62% of the campus population. SU is fully accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

SU was chosen because it offered ease of accessibility to engage with students on their file-sharing behaviors. A pilot study was conducted earlier, where I found that there are students on campus who were willing to share their experiences with file-sharing.

**Data Collection.** For the purpose of this study, five forms of data collection were used. These forms of data included interviews, focus groups, online postings, member checking interviews, and journal writing. The data collection methods provided an opportunity for a mixture of traditional qualitative data collection methods such as

interviews and focus groups, while it incorporated newer methods such as e-mail and online postings.

**Interviews.** Creswell (2007) stated that interviews are one form of data collection that work well with a phenomenological study because it “describes the meaning of the phenomenon for a small group of individuals who have experienced it” (p. 131).

Interviews allow for the individual to provide in-depth information on a particular issue. Also, it allows for responses to be in narrative form, which provides the researcher with important information on the subject being discussed.

Seidman (2006) created an interview strategy that I used for this study. In this strategy he outlined how many interviews should be conducted, what these interviews will cover, how long the interviews last, and the time that should elapse between interviews.

Seidman (2006) recommended using a series of three interviews to collect data. He called the first interview “focused life history” (p. 17). In this interview, “The interviewer’s task is to put the participant’s experience in context by asking him or her to tell as much as possible about him or herself in light of the topic up to the present time” (p. 17). His second interview is called “the details of experience” (p.17). Its goal is to “concentrate on the concrete details of the participants’ present lived experience in the topic area of the study” (p. 17). The final interview is what he termed “reflection on the meaning” (p. 17). Here the participants are asked “to reflect on the meaning of their experience” (p. 17). This final interview is focused on the future and asks the

participants to express where they see themselves going in the future in relation to the topic being discussed.

Once six participants were identified for the study, I contacted each student and set up a time and date to conduct the interviews. I asked the students where they preferred to meet, keeping in mind that it needed to be a place that offered privacy and an atmosphere conducive for taping the interviews. Using Seidman's (2006) three interview series, I first interviewed each of the six participants face-to-face, with the second and third interviews conducted via e-mail. The purpose of the first interview was to develop rapport, explain the research study, cover informed consent, discuss confidentiality, and to begin the inquiry on the student's file-sharing behavior. The first interview lasted 90 minutes, as Seidman (2006) recommends this is enough time to allow the interviewee to elaborate on the questions being asked. He also recommends asking an initial question during the first interview that allows for the individual to begin talking about the subject. I modified his question to fit this study. The question reads, "Tell me as much as possible about yourself and how your experiences relate to file-sharing." Subsequent questions were asked from the interview guide (see Appendix A) and follow-up, or probing, questions were asked.

Creswell (2007) stated that he "encourages individuals designing qualitative projects to include new and creative data collection methods that will encourage readers and editors to examine their studies" (p. 129). Therefore, the second and third interviews took place in e-mail format, three days to a week after the first interviews. Seidman (2006) says that this amount of time is long enough for the researcher and the interviewee



to reflect on the subject being discussed. I believe that using e-mail as a data collection technique lead to insightful discoveries and it allowed the students the opportunity to respond to questions in their own words. They may have felt more comfortable answering questions in this format because they could read the questions, take time to answer them, and they were familiar with communicating via e-mail. The questions for the second and third interviews came from the themes found in the first interview and were e-mailed to the e-mail address that the student provided.

Sometimes throughout the course of data collection, new information will be presented that may enhance the research project. While these data may not have been intended, it may be important for the research. Therefore, I allowed myself the opportunity to ask additional questions as they arose in the data collection process using a technique called probing. With probing, follow-up questions were asked to more clearly understand what the participant is saying. Probing allows the researcher to better understand the information that the participant provides and it allows for deeper understanding (Patton, 2002).

**Focus Groups.** Creswell (2007) stated that, “focus groups are advantageous when the interviewees are similar and cooperative with each, when time to collect information is limited, and when individuals interviewed one-on-one may be hesitant to provide information” (p. 133). I chose a focus group as one data collection source because I believed that students may feel more comfortable talking about illegal file-sharing amongst peers. In this type of setting, the student was able to provide additional information based on the responses of the other participants. Perhaps the information that

one student provided would spark an idea or comment from another student, leading to deeper conversation on the issue of file-sharing.

The participants of the focus group were five of the six students who participated in the study. I made an effort to find a time and place that accommodated each of the participants. It was important to find a place that provided us with privacy because the students needed to feel comfortable in the setting. I used a digital audio recorder to record the focus group and later transcribed it. The focus group took place within a week of the last of the three interviews and lasted between an hour and 90 minutes. Questions for the focus group came from themes found in the three interviews.

**Online Postings.** Creswell (2007) stated that several data collection methods can be used that are different from the traditional qualitative methods such as interviews or focus groups. In fact, he stated that data collection can take many forms, in particular, online communication in the form of electronic messages. Based on this information, the third data collection source used was online questions via the Survey Monkey website, an online site that allows individuals to create questionnaires or surveys (surveymonkey.com). I created open-ended questions, which came from themes found in the interviews and focus group. Students logged onto the site under their pseudonym and answered the questions. The information provided by the students were coded using the software program NVivo 8, which I explain in detail below. Similar to e-mail, online surveys allowed for the students to express themselves in written form at their convenience. Also, online surveys minimized some issues of power, seen between the researcher and the students, that may come up in a face-to-face meeting.

**Member Checking.** Johnson (1997) stated that member checking is one way to achieve interpretive validity within a qualitative study. Member checking allows the participants to view the data that were gathered from the data collection sources. Creswell (2007) describes member checking as “participants’ views of the credibility of the findings and interpretations” (p. 208). For the purpose of this study, I provided students with the vignette or narrative of their file-sharing story in e-mail format. If through the course of member checking the student revealed a discrepancy between what he or she said and what the vignette revealed, then I asked the student to recommend a quiet place to meet where we could discuss his or her concerns. The session was recorded using a digital audio recorder and I used the recorder to transcribe this meeting.

**Journal Writing.** Throughout the course of this study I kept a journal on my experiences as a researcher. I made journal entries after each significant moment in this study. For instance, I made journal entries while I was in the process of writing the prospectus, after the defense of the prospectus, as I progressed through the Institutional Review Board process, as I identified participants in the study, after I conducted the interviews, focus groups, and online postings, and after my meetings with my dissertation chair. Journal writing has several purposes. First, it allowed me the opportunity to reflect on what is happening with my study and how I perceived it was going. Second, I reflected on the information provided by the participants in the study. Third, I made notes and comments on the entire process. Finally, I used these journal entries as a way to track my own subjectivities as I progressed (Trochim, 2006).

## **Data Analysis**

**Inductive Analysis.** Qualitative research often uses a form of data analysis called inductive data analysis. It works from the bottom-up and allows the researcher to organize data from its simplest form as codes and categories to abstract data such as themes. This analysis allows for constant evaluation of the data as it is collected (Creswell, 2007). Several assumptions guide inductive analysis. First, the researcher attempts to analyze and interpret the raw data in the study. This can lead to findings that may mirror the objectives or research questions of the study or it could reveal unintended findings. Second, the researcher takes the raw data that are similar and develops categories, which then lead to common themes. Third, the researcher has influence over how the data are interpreted. In inductive data analysis, it is not uncommon for the researcher to discover findings that are shaped by his or her own assumptions or biases. Fourth, different researchers can look at the data and have findings that may conflict or be slightly different. Fifth, the researcher can show trustworthiness of the findings by triangulating the data, using member checks, linking the findings back to what is found in the literature, and consulting with others who have used the data (Thomas, 2010).

**Codes, Categories, and Themes.** Creswell (2007) talks about different types of coding techniques that are useful in the data analysis process. I used these techniques as I analyzed that data. The first coding technique is called open coding which Creswell says “involves taking data (e.g., interview transcriptions) and segmenting them into categories” (pp. 239-240). This process takes the smallest forms of data and divides them into categories of information. The second coding technique is called axial coding which

is where Creswell states “the researcher identifies one open coding category to focus on (called the core phenomenon), and then goes back to the data and creates categories around this core phenomenon” (p. 64).

The first step in the analysis of the data was to take all of the data and carefully read over it. From that data, I found codes, categories, and themes (Bhattacharya, 2007). The five data collection sources I used for this study were interviews, focus groups, online postings, member checking interviews, and journal writing. Once the data were gathered, I read through each piece of data and identified codes. The codes represented the simplest forms of data. These codes represented the information that the students provide that offer some key information that was important. Once the codes were found, categories were used to group the codes together that were similar using axial coding. From the categories, I found and identified themes that were evident between the categories using NVivo 8 (Bhattacharya).

**NVivo 8.** I used a software program called NVivo 8 created by QSR International to analyze the data that came from this study. NVivo 8 is a software program used by qualitative researchers to take the massive amounts of data and to analyze and sort information. I took all the transcripts from the interviews, focus groups, and online postings and uploaded them to the software and began the process of data analysis. I chose NVivo 8 based on the recommendation of a student who used this software for his dissertation study. He highly recommended the software and met with me to show me how to use it. This software came with a free 30-day trial that I used after I had collected the data and was ready to begin analyzing it (QSR International, 2007).

**Representation.** For each of the six students who participated in this study, I created a 3-5 page vignette describing their experiences with file-sharing. Creswell (2007) states that representation is an important time to describe the what and the how of the phenomenon. Therefore, these vignettes attempted to describe what the students knew about file-sharing and how they experienced it. Furthermore, I did a cross analysis of themes across each of the students. Creswell describes cross analysis as “examining themes across cases to discern themes that are common to all cases” (p. 245). This cross analysis allowed me to describe the essence or shared experience that these students had with file-sharing.

### **Academic Rigor**

**Confidentiality.** Throughout the course of this study, the students revealed that they were involved in an activity that is illegal. Therefore, there were some risks to them. For instance, the students discussed in-depth their file-sharing habits and instances when they or their friends illegally downloaded music or video files. In order to protect the students, I ensured their anonymity. Confidentiality was guaranteed through the use of several strategies. First, participants in the study were allowed to choose a pseudonym. Second, the institution where the student was enrolled was given a pseudonym. Third, each participant was given a signed form guaranteeing anonymity (see Appendix B). This form described the research project, outlined how confidentiality was met, and offered the student information about how the information would be presented.

**Subjectivity Statement.** Moustakas (1994) stated that one of the important steps for the researcher in a qualitative study is to set aside one’s experiences and approach the

research from a fresh vantage point. This setting aside of one's beliefs is called epoche or bracketing. Often a subjectivity statement will come out of the epoche as the researcher attempts to frame his or her subjectivities. For the purpose of this study, I believed that it was important to be clear on how my experiences with file-sharing had shaped me.

As an undergraduate student, I was heavily involved in illegal file-sharing through the original Napster program. At one point, I was downloading music files from Napster in between classes and would leave the computer on overnight to download songs while I slept. While I never uploaded songs to the system, I was okay with free-riding and collecting as many songs as I could. My reasons for free-riding included the lack of music that I owned or that I was willing to share with others, my lack of knowledge on how to upload files, and because I believed that downloading was not as bad as uploading.

My roommate at the time introduced me to Napster and taught me how to file-share. Therefore, I have witnessed firsthand the impact that peers have on learning file-sharing behavior. I recognize that my opinions on the influence that peers have on each other have been directly shaped by my own experiences and confirmed by the literature.

As I look back on my own experiences as a file-sharer, I remember distinctly how I learned to file-share and what that first time was like. In my residence hall room, my roommate and I had computers placed next to each other. He was a computer science major and had knowledge of peer-to-peer networks. As I watched him download songs from Napster to his computer, I became intrigued by it and asked him to teach me. I

remember downloading the software for Napster and instantly being connected to a screen where I could type in the name of a song or artist and search for users who had that song available. While I do not remember what that first song was, I do remember seeing who had it available and how many hours and minutes it would take to download the song. While I went to class I would leave my computer on with a steady queue of songs waiting to be downloaded.

As a former file-sharer, I have information and opinions on the issue of file-sharing as it pertains to my habits back in the early 2000s. It is important to note that I have not illegally file-shared in almost a decade, so most of my first-hand knowledge with file-sharing comes from my experience as an undergraduate. I officially stopped illegal file-sharing in 2001 when I graduated from college and moved into a residence where I could not afford Internet access.

During my time as a file-sharer, the music industry was influential in legislation that outlawed file-sharing. For instance, the DMCA was passed during this time and rumors began to spread among friends that we could be the next people targeted by the music industry for file-sharing. While these rumors were mostly the result of paranoia attributed to a lack of knowledge of the actual law, it did have an impact on my own file-sharing habits. As news reports and online postings reported that illegal file-sharers were being targeted by the music industry, I made a decision to cut back on the number of files I was attempting to download. Therefore, my first opinions on the legality of file-sharing and the efforts of the music industry were shaped by my personal experience as a file-sharer. These opinions have changed over time, and have gone from feeling sympathy



for the file-sharer to my current opinions. I believe that it is incredibly important for our country to have copyright laws that protect the artist and his or her creative works. While I have not always agreed with the music industry's decision to file lawsuits against individual students, I do feel that file-sharing is wrong and that higher education can play a role in educating its students on copyright and protection for creative works.

Throughout the doctoral program I have written several papers on the legality of file-sharing, the financial cost of file-sharing, the impact of file-sharing on students, and the impact on the entertainment industry. This topic has been an important part of my doctoral studies and combined with my personal experiences has brought me to where I am today.

**Triangulation.** Validation is a term that is frequently used in quantitative research and has been embraced by qualitative researchers. Within a qualitative study there are several ways to seek validation. One is called triangulation which occurs when the researcher uses multiple data sources. For this study, I triangulated the data by using five different data sources: interviews, focus groups, online postings, member checking interviews, and journal writing (Creswell, 2007).

**Risks and Benefits.** Historically, college students have been the target of anti-piracy strategies of the entertainment industry. As stated in the literature review, college students who have been caught file-sharing have been the subject of lawsuits by the music industry. Also, universities such as SU have taken steps to deter illegal file-sharing through its Internet service provider. Universities have revoked Internet access

and explored judicial sanctions for those caught file-sharing. Thus, there was some risk involved with participating in this study.

I believe there were also several benefits that can come from this study. First, universities and the entertainment industry can understand the intricacies of college student file-sharing from the results of the study. Second, this qualitative study provided a glimpse of how and why college students choose to file-share. Third, universities may be able to craft IT and judicial policies that aim to educate college students who illegally file-share. I believe that there were benefits for the students who participated in the study. This may be manifested in their interactions within the focus groups or the individual interviews. Some of the benefits for the students included a better understanding of why they file-shared and the influence that peers have on their behavior. Students were able to reflect on their own behavior, creating an opportunity for growth and development. I also believe that students benefited intrinsically from the actual process of being interviewed for this study. I believe that the very act of interviewing the students promoted a sense of value among them, it improved self-esteem, and possibly validated the student.

While there may be some intrinsic benefits for the participants in the study, such as understanding their own file-sharing habits, there were no extrinsic benefits provided. Also, students did not benefit from any material dimensions by participating in this study. These material dimensions included any type of payment or reward for participating in the study. Participation in this study was purely on a volunteer basis.

## **Chapter 4: Findings**

Chapter 4 is divided into two sections and contains the findings that came from the data. In the first section, the individual stories of the students come out in the form of vignettes. I have attempted to capture how these students learned to file-share and their reason for doing so. Each vignette uses the students' words to describe what his or her file-sharing experience was like. The second section of chapter 4 is a description of the themes that came out of the data. Each of these themes was found using cross analysis to capture the shared essence of the participants in the study. I was able to directly link the themes that were found to the research question which was, "What are the experiences of college students who file-share and what are their perspectives on the moral and legal implications for doing so?"

### **Alyza's Story**

Alyza is a 19-year-old, female, multiracial student at South University. As a college sophomore, she arrived at South University after attending an out-of-state high school. She is entering her second year at South University and is living off-campus.

Alzya, like many college students her age, is technologically savvy. This knowledge of technology is one of the reasons why she began file-sharing at such an early age. Alyza describes her file-sharing habits as, "Okay, I've been file-sharing for about...I want to say four years now. I got into it because of my oldest brother. Then, I have a second oldest brother and he got into it." Alyza's knowledge of peer-to-peer networks and file-sharing has been shaped by her interactions with her brothers. Alzya describes how she learned to file-share through her brother, saying,

Um, well, we've always been close, but he went to college for computer engineering and he's always been a tech geek to me. I don't know, it's just everything that he's ever brought to me has interested me. He's so smart to me. He has his Playstation 3 and it has movies on it. So, that's where my movies come from now. And I believe I found out about Limewire probably when our computer crashed because before then I wasn't big into computers. I used them for school, I learned how to type, I was excited. When I got my own computer and I told him I've been trying to download music and I was like, 'how do you do it?' And he put the software on my computer and I'm kind of an expert in it now.

Alyza has an interesting viewpoint on why she file-shares. She believes it is not that big of a deal. In fact, she describes file-sharing as a gateway crime, much like marijuana has been described as a gateway drug. In both instances, users may believe that what they are doing is not that big of a deal and do not see the repercussions of their actions. Alyza makes this point further when she says,

I mean I don't have any doubts that it's pirating. But, at the same time, I don't have money to keep buying CDs for what I want, but I still want the enjoyment. I feel like it's not hurting anybody, it's keeping rich people from getting richer. So, most people don't see it as that big a deal.

Another factor for why Alyza file-shares is how she views the artists and the music industry. According to Alyza, the artists and music industry are not hurting for money. If anything, the media portrays artists as living fabulous lifestyles where money is of no concern. Therefore, Alyza sees her file-sharing behavior as having little to no impact on their lives. She takes this further when she states,

There are so many other problems to worry about in the world. MTV, VH1, E-news, and even the regular everyday news is always spotlighting on the fabulous life of stars, including music artists. Even when they do show someone that has lost their fame or is going through hard times they still live in a big house with 3 cars and they're on TV, so they're probably getting paid. My involvement in file-sharing deprives them of at most 0.0000000000000001% of their revenue. That, compared with the fact that it would probably cost me 300.00% of my income to purchase the music I have, well their pain is not very comparable to me.

Alyza recognizes that file-sharing is illegal, yet continues to participate in it. She states, "I know it's stealing and I don't know why my brain works like this, but I would never physically steal the album from the store." Alyza goes on to justify why she continues to participate in an illegal activity by saying,

I am always conscious of my everyday decisions. I won't deny that what I'm doing is, well wrong, but at the same time it gives me access to something that I love and would otherwise have limited access to. I can think back to before I started file-sharing. I would sit by the radio waiting for a song to come on or change radio stations every time a commercial came on. Forget about me hearing albums! Once I started, honestly it became kind of an addiction. I have some old stuff, some new stuff, and even some stuff that hasn't been released yet. It's like smoking cigarettes, except it can't give me cancer.

Alyza file-shares because she can and because she does not believe that there are any repercussions for her behavior. She describes what she knows about the consequences of file-sharing when she states,

Nowadays when you put the movies in they show this clip of the kids going to the stores, stealing the DVDs, stealing the purse from an old lady, and they're like, pirating... it's stealing. I watch those and I'm just like, that was nice. No, I know it's stealing, but I don't know the consequences. I'm not quite clear on them, maybe that's why I continue to file-share.

Alyza admits that she's heard through the news about individuals who were caught file-sharing. Despite the fact the individual's computer was confiscated (according to the rumors she heard), she still does not believe that the threat of getting caught is great enough to quit file-sharing.

Alyza has never tried to download a file off of the university's Internet because she knows the university does not approve of it. She states, "Well, since they've been taking such great measures to block it, I'm thinking they are either protecting themselves or they really are against what it stands for. It's actually both." She explains that when she tries to log onto a university computer, through a computer lab or wireless Internet, she sees the statement that says that file-sharing is illegal.

I have read it. So, I respect their decision. I don't do it on their computer, but I've since moved off-campus so I don't have a problem with that. It used to be that I would have to wait until I went home to use my family's Internet to do it. Now, it's frequent and whenever I feel like it. That's how I feel. It's either two of those reasons, they are really against it or they are protecting themselves.

Alyza also has an understanding about the technological deterrents the university uses to stop file-sharing. She describes her knowledge on this by saying,

From what I know, even using the torrent software that I have on my computer, it [the university network] won't actually let you download it. You can go to the site, you can look at it, I think. I've never tried PirateBay, that's one I've tried to stay away from when I've looked up websites on campus. But, what I know, if you even try to go to a website like that, it will block you or if you get to it, once you try to download the file, it won't let you.

For those students who are caught file-sharing on campus, Alyza understands that these students could be in trouble with the university. She believes that a student who is caught file-sharing on campus could face sanctions from the judicial affairs office. Therefore, because of these potential consequences she chooses to file-share off-campus at her apartment.

Alyza's view on file-sharing has been greatly influenced by her older brothers and her mother. At a time in her life when she was learning about moral decision making, her family was introducing her to file-sharing and ultimately approving of it. In particular, Alyza's worldview on file-sharing was shaped by a mother who was involved in file-sharing as well:

My mom did start before me. She's never like...she just does simple stuff. She doesn't even download music, but watches movies online. And probably if she hadn't started I wouldn't have cared. But, when she started, that's when I kicked up my interest in technology period. And here's something I can look into and it was okay with her. So, it was her computer anyway, so it was like, okay.

As mentioned earlier in this vignette, Alyza knows that file-sharing is illegal. She also recognizes that she could be potentially hurting people due to her file-sharing

behavior. While she recognizes that her behavior could hurt someone, she does not comprehend just how wide an impact she has on the music industry. Her focus is on the artists, not on the hourly workers who may work in a factory or for the music industry. After all, according to her, it is only the artists themselves who make all the money and she does not believe her file-sharing behavior can truly hurt them.

Well, I mean, I know it costs money to put the album out, have your copies go on sale, the recording...if it's a movie production, paying the actors and all of that. And then on the news you see, you see box office. They'll show you how much it makes at the box office and that's just in your city. Or if it's like the Today Show it's on a national level, but most of these movies are shown overseas too. And albums like MTV, they get paid to show those. If they're played on the radio and some albums, like they actually go to stores and they sell out, so they made a profit off of that. Downloading it...they're not making a profit off of me. I don't know how many pirates there are in this world, I don't know how many people actually buy it, but to me...if they're doing well enough that, you know, they have their houses, they can buy anything they want. It just doesn't bother me, because I'm not insensitive. I've met people that don't have much, I've heard all these stories, I can't stand to watch the news there's so much bad stuff on it. It's just like, they're not worry-free but at the same time they have so much less to worry about.

Alyza recognizes that file-sharing is a type of stealing, it can have an impact on others, and she has some negative feelings when confronted with what is her file-sharing impact. In an exercise during one of the interviews, Alyza's estimated file-sharing impact was \$7,200. Upon finding this out, Alyza first described it as having a free



coupon that entitles her to something free. After some reflection she revealed, “It makes me feel sneaky. I don’t know. I’ve never been the sneaky type in real life. I’m smiling over here, but I don’t think I should be. It makes me feel sneaky.”

### **LeBron’s Story**

LeBron is a 20-year-old male, Caucasian student who is entering his junior year at South University. He is an in-state student, having graduated high school locally. He lives off-campus in a house with a couple of other students.

LeBron is a huge fan of music who has used file-sharing to increase his music collection to over 3,000 song titles. LeBron described how music and file-sharing go hand in hand,

Okay, um, well I’m a college student, so I really like music. You know, all types of music, always looking for new stuff to listen to. I don’t think twice about file-sharing, that’s just kind of my generation of it. I mean, it’s kind of second nature, I can’t really...I really wonder sometimes about when people didn’t have it. I can think of many instances where like I’ll have Greek performances and we have to like remake songs or whatever we have to do and it’s not even thinking twice, like ‘oh, we can get it off Limewire or whatever.’ So, like music and downloading music is big part of my life and I’m pretty sure I take it for granted how much I do it.

LeBron states that file-sharing is so prevalent that it is almost second nature. He claims that it is a huge part of his generation and that most of his friends participate in file-sharing. He stated, “I think it’s just, maybe to my generation, or maybe it’s just to

everyone living today. I mean it's, you know, no one really thinks about it." He described further how commonplace file-sharing is to him when he stated,

I do not think twice about turning on my laptop and booting up Limewire. Also, if I ever hear a song I'd like to hear, I don't think twice about it. I know that as soon as I get to my computer I will have it at my disposal.

LeBron believes that file-sharing is a big part of the college student culture. He believes that it's something that college students have known about for awhile and they bring that knowledge with them upon entering college. He describes his generations' impact on file-sharing when he stated,

People [college students] don't think about it. They will just, they'll hear a song they like and are like 'oh I'm going to download that when I get home.' It's not like back in the day where you would have to go, like, find that album or you know call the radio and request it just wanting to hear it or anything like that. You just go and you know you can download it pretty much immediately. I have an application on my phone if I hear a song it can pick it up and recognize songs. I can like listen to it and then like I can go home after a week and have that list of songs and just download them all. You know what I mean? So, it's...I guess it's part of our generation to, it's just a completely different ballgame.

LeBron has been surrounded by file-sharing since he began college at South University. Not only has he been involved in file-sharing, but he's also witnessed first-hand several of his friends doing it. His former roommates frequently file-shared and he routinely heard new music that had been downloaded by his roommates in his apartment. He described his friend's file-sharing habits by saying, "I heard so much new music just

from that because they would be at home downloading just constantly finding new songs. The friends I know, my old roommates, did it all the time. They definitely didn't think twice about it because I heard new music in our apartment every other week, you know."

While LeBron is an avid downloader of files, he chooses not to upload files to peer-to-peer networks because of the inherent risk of getting caught. He feels much more comfortable downloading files and remaining somewhat anonymous. Historically though, LeBron has uploaded and for several years in high school he was a part of an online forum that participated in the exchange of files. In this setting, he frequently bought CDs from the store and then uploaded the music to the forum for others to download. It was during this time he really came to appreciate the community that was offered through these peer-to-peer forums and he realized that his participation in this community was helping others get music that they wanted. LeBron described how this community worked by saying, "That's kind of crazy to be thinking I used to do it like that, but I used to upload. After awhile I probably uploaded, like maybe one CD every two weeks. Like I'd just try to contribute to the community." LeBron's decision to upload files boosted the community of file-sharers and offered some intrinsic awards. He stated,

You know if I bought an album that came out you know, three days ago, put it on the Internet for this community to download. I mean it always got, it was always received very well. It would download a lot. It would be really kind of cool to monitor and think how many people actually downloaded it.

LeBron admitted that file-sharing is a form of stealing, but does not see it on the same scale as actually physically stealing something. For him, stealing is something that

should be reserved for someone who is doing something with malicious intent. He explains this further when he says,

I mean it [file-sharing] is stealing. I won't deny that, you know, we are taking. Stealing is a weird word. I guess it's different. Stealing makes me think I'm going to the artist and taking their song and they can't have it back. But, I mean obviously music is something universal, everyone can have it. I mean we are, you know, the file-sharing community is stealing. It is what it is. I think there is also you know, like when I think of stealing I have an underlying tone of malicious intent that it has to deal with. No one downloads music maliciously think 'oh ha-ha this artist is going to suffer.' They are not going to get however much money if I would have bought this song or whatever.

LeBron also mentions that file-sharing is something that comes as second nature to him and it is a big part of his generation. He justifies his file-sharing use by claiming that it is something that many people do.

I think it's another one of those, like, just second nature things you know. I've been file-sharing since I was...wow...I'm getting old...seven years now and like I don't know anyone who doesn't download. You know there's no one you know you talk about 'oh I'm going to download this song' and they are like 'ew, I don't do that, that's file-sharing, no way.' No one does that you know. Everyone does it. I'm pretty sure the whole world file-shares. We've kind of set a different tone on it. Like what it is, is stealing, yes. But, just because of how the whole world treats it, how everyone downloads, how everyone you know uses it and doesn't think twice about it. I think we kind of reset the message that it kind of sends out, you

know. In the literal sense, I see file-sharing as stealing but to me it's not stealing. I don't see anything moral against it, I don't see it being sinful or you know anything like regular stealing would be. My perception of it you know... I don't perceive downloading music the same as going into a store and taking a CD, putting it in my jacket and walking out. Even though it is in literal terms equivalent.

LeBron's view of artists and the music industry shapes how he chooses to file-share. He is unable to comprehend the true impact of his file-sharing behavior. He assumes that his file-sharing only impacts the artist. He does not believe that artists are hurting for money. It is this view of artists that dictates why he chooses not to stop file-sharing.

It is hard to believe that my file sharing hurts artists that flaunt their expensive cars and jewelry constantly on TV. On top of that, very few artists actually reach out and make it a point that they don't appreciate fans that illegally download their music. I can only think of a few off the top of my head. Finally, if I stop file-sharing, that will only help out the artist in the most minimal of ways, and I cannot count on the rest of the file-sharing community to ever stop, which brings me to the question, what's the point if I quit? The change will be too miniscule to notice.

LeBron understands that file-sharing is illegal and that it could potentially hurt someone. However, he chooses to continue file-sharing despite the potential harm to others. LeBron does have some negative feelings when he thinks about the impact on those who depend on the music industry for their livelihood,

I think when we're talking dollars and numbers those big heads, those artists you know, \$4,000 to them, you know, is not that much. You know, to the working man

that's being affected... whoever is doing whatever in the recording studio that needs, you know, that gets paid a regular salary, yeah, if that's affecting him directly I do kind of feel bad. But the artists and the big wigs up there, nah.

### **Lo's Story**

Lo is a 21-year-old female, Caucasian, senior at South University. Lo came to the university after graduating high school locally. While at South University, she has lived on campus for a year, but now lives in an apartment off campus. Lo arrived at the university with several years of previous file-sharing experience. She described her history with file-sharing as,

Actually, I've been doing file-sharing since I was in middle school. So, like late 1990s to early 2000s. The first time I ever saw it, one of my friends did it and she had Napster at the time, so it was a long time ago. Then I thought, well you know, CDs cost a lot and you can just get it for free and not worry about it. So I downloaded one called Kazaa, that's what it was called I think. And I had that and I started using it. Once you start you can't really stop. You don't want to get it for free and then start paying it.

Lo began her file-sharing behavior while a student in junior high. She was influenced by a friend who introduced her to file-sharing. Lo describes this initial exposure to file-sharing,

Well, there was a bunch of people at my house. It was a youth group party and um, she was just playing all these songs that you hear on the radio and you know I was like, well how do you get those all the time. I really didn't know anything about it the first time I saw it and she was like playing all the songs I liked and everybody

was around her and everyone was having fun because we were hearing songs we liked. I remember the first song she played, this is just a random memory. She played Ms. Jackson by Outkast. She played that and I don't know it was just so cool to me that you could get all that for free and I was at the age where mom didn't want to buy me all the CDs I wanted. I was like 12 maybe. So, I was like I can just get them myself.

Lo's history with file-sharing is unique in that she has had an influence on the file-sharing habits of her family. Her parents once saw her file-sharing and asked her what she was doing. From there, she walked them through the process of finding a peer-to-peer network and then showed them how to download files. Lo described this first file-sharing interaction between her and her parents:

I had a computer in my room when I was growing up and they [her parents] just saw it one day. My dad is kind of more into technology than my mom. So, he just kind of asked me about it and he asked if he thought he could get other types of music. Did he think I could get jazz music? Well, I said he could try. It probably would have it, but maybe not have everything you want. So, I put it on his computer and showed him how to use it. My mom teaches elementary school music and sometimes she'll teach kids little dance moves and motions and stuff and sometimes she'll need songs. One time I remember her kids did a little song to that song Lollipop and she needed that song, so she downloaded off of BearShare instead of trying to find it somewhere. So, they use BearShare and usually just download things occasionally, rarely, probably.

Lo estimates that she has downloaded close to 7000 songs since she started file-sharing in middle school. She is an avid user of Limewire, a common peer-to-peer network. She enjoys the stability of legal sites such as iTunes, which offer full downloads for a price. While iTunes may offer a legal way to download, she rarely uses it because she cannot afford it. Instead, she chooses to use an illegal site such as Limewire. Although she uses Limewire regularly, she does get frustrated with the uncertainty of the files she downloads from the site.

Usually it's just...sometimes if you download something off Limewire, after you download it, it may not be what you wanted. Because sometimes it's not clear and sometimes, you know, you get like somebody that's just put the name of a song, like I've downloaded a song I wanted before and it didn't work, it was just beeping over and over. I've downloaded songs on Limewire before and it's just some commercial for some website and they are just tricking you. If you go to iTunes you know you're going to get that song, you are going to get the track from the actual album. Whereas on Limewire, you know you may not get exactly what you wanted. More often than not the good outweighs the bad. More often than not you'll get the song you want and it's free.

Lo is a free-rider on the Limewire network because she chooses to download files without offering up any of her own music files for others to share. The reason why Lo chooses not to upload files is because she does not know how and she is scared that someone may be able to access her information. She states that, "Usually on like Limewire, I'll turn the thing off where it says share with other people. I don't know, I don't want people getting into my stuff."



Lo considers file-sharing a form of stealing, but does not see it on the same level as physically stealing a tangible item. She claims that anonymity is a major reason for her to continue to file-share. Since she is an anonymous participant in file-sharing, she does not feel as if there are any negative consequences for her participation. She describes this in detail by saying,

I guess it is stealing, like literally it is stealing because those artists... that's what they do for a living. It's like if you were, you know, if you sold paintings and somebody just came in your painting stores and took all your paintings one night and took all your paintings without asking. I guess it's kind of like that technically. I don't know, cause it's in the great big wide world of the Internet, there's no faces or names with anything. It's kind of like you're anonymous. You know I had a psych class, it was social psychology and one day our professor asked us if we were completely anonymous and we could do anything in the world, what would you do without reaping any consequences. And people said all kinds of stuff. So, you know when you are anonymous and don't feel like there's consequences, you would probably do more than you know if you're downloading these things and you had a username and a face. You are just anonymous.

Lo also claims that file-sharing is just an everyday part of her life. She says, "File-sharing is just something that I do without thinking about it. It's like pouring a glass of milk or brushing my teeth. I've been file-sharing so long that it is just a normal part of my routine."

Lo's file-sharing behavior has been shaped by how she views the artist. For those artists who are up and coming, she will buy their album. However, for those she perceives as being famous or well off, she chooses to download it:

I will say that of the music I illegally download, I never download music from my favorite artists. All of my favorite artists are "indie" bands, or signed to independent labels. They don't make their music to make money, they just love what they do. I always buy their albums because I support and respect the music they are making and how they are going about doing it. However, if I just want a song I heard on the radio it's most likely by an artist with more money than they even know what to do with, so I don't feel bad downloading one of their songs; they'd never know if I bought their album or not anyway.

Lo understands that file-sharing is a form of stealing, but when she downloads, the thought that it could be considered stealing never crosses her mind. Lo described feeling bad at times when downloading; however, she chooses to focus on acquiring the file and not on whether her actions hurt somebody:

I mean it does kind of make you feel bad. But, you know, you kind of feel like when you are doing it you don't really think about the big picture, there's not a lot of things running through your head when you are downloading it. Okay, if you are just downloading one song you don't really feel like your one little download would hurt anybody I guess.

In summation, Lo is an avid file-sharer who recognizes that file-sharing is a type of stealing. She is strongly influenced by her view of the music industry and artists. Her

file-sharing behavior is tied to what she believes to be an anonymous process, where she can download anything and never get in trouble for it:

I mean okay, if you knew that you could be anonymous forever, like, and that you would probably would not reap the consequences and no one would know your face or your name. You could go rob a bank, you could see benefits of robbing the banks because you'd have all that money. I guess it's kind of like that. There's no face with you, you're anonymous, you're reaping benefits when you get free music you know. I guess it's kind of like that, if that makes sense.

### **Patrick's Story**

Patrick is a 20-year-old, African American, male, who is entering his junior year at South University. He estimates that since he started file-sharing, he has downloaded close to 50,000 songs and 300 software files. He is a technologically savvy student who understands how file-sharing and peer-to-peer networks work. His file-sharing knowledge has been shaped by the interactions he has had with family members, who have shown him how to file-share. Patrick describes the influence his family has on his file-sharing behavior by saying,

Um, technology-wise, I know a lot about computers. I grew up around technology. I grew up around computers. I've got other siblings that know a lot about technology and they've been kind of like, not necessarily a role model, but I look to them to see the things they do and they've taught how to do certain things. So, I know more than the average person about computers and software than others.

Patrick's knowledge of file-sharing has developed over time. In the beginning, he used file-sharing as a way to enhance relations with other kids his age. He states, "I was

probably around 10 years old. It [file-sharing] was kind of like a showoff thing. I was like, I can get that song if I want to get it.” As he became older and began his college career, Patrick’s file-sharing behavior shifted from downloading only music files to downloading music and software files. He describes his file-sharing behavior in college as,

Now, when I’m at college I guess I understand a little bit more. I definitely use it [file-sharing] now, but if I ever have to like host a party or something like that...I just go in there and download the music. I really don’t use it for strictly music, honestly I use it for file-sharing software and movies. I’ve got like Windows 7, I got Microsoft 2010, Adobe Photoshop, and the newest Adobe. I just downloaded the newest Adobe Photo Video software yesterday. Like, it’s pretty much like any movie I want to get. I can get any movie I want to get. I can get any software I want to get. That’s pretty much how it’s been with file-sharing. Just using it. I guess I wouldn’t use it like...I haven’t really thought about it...oh, I need some new software or I need something to do this. So, I just go in and type it in and download it. I got it. That’s pretty much how it’s been.

File-sharing has been a big part of Patrick’s life since he started file-sharing at the age of 10. He states, “So, growing up from then, it [file-sharing] was kind of a normal thing for me.” Now that he is a college student, Patrick believes that file-sharing is an everyday part of his life. He describes how commonplace file-sharing is by saying, “Yes, file-sharing has become an everyday thing for me. I’ve been doing it for such a long time I don’t think about it before I do it. I understand the pros and cons to a certain degree,

but it's the risk I take." Since he has been file-sharing from an early age, Patrick believes it would be hard to ever quit. He explains,

I would say it's an addiction. I guess it's almost like an addiction to me. I've done it for so long and wouldn't know what to do...it would be in my face 'cause I know I can do it, 'cause it's right there. That's the hardest part, knowing that I can do it and I can get away with it and it's so easy to do it.

Patrick chooses not to file-share on campus because of the risk of getting caught.

One time he was removed from the university's network because he was caught attempting to file-share. The process of trying to get his Internet reconnected served as a warning to him and impacted his file-sharing behavior. It was from that point he chose to do all of his downloading off campus. Patrick described what happened when he was caught by the university,

I did almost get caught one time. I think that was here at the campus. I was using a program and I first started using it and I figured out how to use torrents. I was using on campus and I didn't know the rules and regulations that we had here on campus. So, I was living on campus and my Internet stopped working. So, I complained. I was wondering why my Internet stopped. They said they found that I was doing some peer-to-peer file-sharing or they saw that I was downloading a lot of bandwidth from my university campus address. So, they assumed that I was downloading from Limewire. So, they just turned off my Internet. Pretty much I had to go back to the tech center and they had to look at my computer and they had to like make sure I didn't have anything on there. They tried to fix it and restore my IP address with the school. So, then I had Internet again. But, I had took off

everything that was like Limewire or anything related, what they might think would be illegal off my computer before I brought it to them.

It was this experience with file-sharing on the university campus that helped him to understand how South University viewed file-sharing. His initial assumption upon arriving at college was that the university did not have a stance on file-sharing. After he was caught, Patrick began to understand that file-sharing was not something he would be able to do on campus. Since this interaction with the university, he has learned more about the consequences students face when caught trying to file-share on campus. Patrick described what he heard would happen to students who were caught file-sharing, “I’ve heard of students having to go to Judicial Affairs and they would have to write a essay or something like that, talking about how... something about dealing with, you know, stealing software or file-sharing software.”

Patrick moved his file-sharing from an on-campus residence hall room to his off-campus apartment. Although he has seen first hand the consequences of downloading on campus, he does not see the same kind of consequences since he moved off campus. Patrick states, “I feel like I know a little more about it [file-sharing] than they do. I feel like I can get away from it. I can hide my steps when I do stuff like that.” He believes he can get away with file-sharing because of his extensive knowledge of peer-to-peer networks and how to mask his activities on-line. Patrick describes indepth, how this knowledge of technology helps him file-share,

There’s different things you can do like firewalls and IP addresses. You can use a different IP address when you download and stuff, so you won’t be able to get traced back to that address. You won’t be able to trace it back to you. Then also,

you can just like, people if they ever try to check your computer...like, they always think when you delete something off your computer you put it in the recycling bin and think it's deleted from their computer. They think even if they reformat their computer, like when you erase everything off your computer, they think that all your files are still, like, everything is deleted. But, in reality everything is still not deleted. It's still stuff in the back, the back back back part of the computer that still has, still have some of those files still, or they can still trace those files. That's how the FBI and people always catch people, 'cause they look in the inner depths of the computer. It can be the smallest thing on there, but they can trace it and see when it occurred. So, I use a software, kind of, that's its job. It goes and deletes everything off your hardware, deletes all the back files, and everything off your computer.

Patrick is in a unique place as a college student because he has a deeper grasp of how peer-to-peer networks work. He understands that there is a potential to be caught and he takes steps to protect himself. Even with all his efforts to hide his activity he does readily admit that file-sharing is a type of stealing. However, he does not consider file-sharing on the same level as stealing a tangible item from a store. Patrick describes this differing view on stealing as,

I look at stealing as growing up, you walk in the store, you get a piece of candy, your parents are like 'don't do that'. Or you see people go in stores and physically rob them and they say don't do that. On the computer, you don't have an identity like, nobody knows who you are. You go on this software, nobody sees you do this and no one see you do that. So, you're not stealing because you're not really taking

away from someone. But, when you go into a store it's like physical...you can see yourself taking it away from the store. With this software, you go on this random side and you just take it out of space. You just take it and now it's yours. It didn't exist, but now you download it and now it exists. That's how I see it. So I don't really see it as stealing, but if you look at the overall picture, if I look at the overall picture, I really am stealing from that company. I really am stealing from them I guess. I would never have bought it, so it isn't stealing, but you know they aren't making as much money as they could.

So, while Patrick says that file-sharing is stealing, he justifies his actions by claiming that it is not on the same level as stealing something you could touch or grasp. He goes on to justify his actions further by calling out those who he perceives to be the ones who are truly stealing from artists or music industry.

I think the people who are really stealing from the companies and other people are the people who put the software online. They upload it to the site. When you upload it to the site, you are really stealing from the company because now they can download it for free. It's kind of like you download music and you sell the CD to someone, now you are stealing from the company because now people that would have bought it in the stores, they are going to buy it from you because they can get it for cheaper. Like the black market. That's the way I look at it.

According to Patrick, the people who upload are the true criminals. He believes that the downloaders would never have actually bought the music or software in the first place. Patrick's view on this shapes why he chooses not to upload music. He claims that,



“I’m not about to upload a file from something I bought. So, I feel like those people who upload the software are really stealing from the companies.”

Patrick has a very negative view of the music industry and in his opinion he does not believe that the music industry is hurting for money. He stated, “If the file-sharing I participate in could possibly hurt someone, then there is no way for me to justify it. However, I don’t believe that my file-sharing directly affects anyone.” He has strong views on how he perceives that artists waste the money they make. Therefore, Patrick does not feel sorry for downloading because he believes that the artists do not need the money:

The society we live in throws money away in the music and entertainment industry.

We watch and hear on TV every day about how these celebrities buy houses for their dogs that cost more than the average American’s home. The view that the media shows us on celebrity lifestyles actually takes the guilt away from my conscience. I realize that selling and distributing music is their career and way of making money, but I don’t think I actually have an effect on their income.

Honestly, perhaps it is jealousy that I have in regards to how wasteful they are with money, but it doesn’t bother me at all when I do file-share.

Patrick believes that family can have a big impact on moral decision making. He believes that if he had been raised to believe that file-sharing was wrong, then he may not have participated in it at such an early age:

I think it would have had a big difference on me, a big impact on me personally.

Cause like you can raise your child to be serial killer. If you raise them and tell them that it’s wrong and every time they do that they get punished for it, that’s

going to be something that they realize that they shouldn't do that. If my parents or my dad was a thief and he was stealing and stuff like that, you know, I'd be like maybe it's not that bad cause he's doing it.

### **Paul's Story**

Paul is a 21-year-old white male who claims to have used peer-to-peer networks to download over 2,000 songs, approximately 10 movie files, and one software file. He is entering his senior year at South University. Paul arrived at South University with a long history of file-sharing, going back to when he was in the sixth grade. His first experience with file-sharing came when his brother taught him how to use the original Napster program. Paul describes this first interaction with file-sharing,

I wouldn't know a year, I guess it was when Napster first came out. That was probably my first experience with file-sharing. I would say it was probably on my first home computer and my brother hit up Napster pretty hard, just for music. I don't know if you could get anything else from it then. Um, I think that's probably all we used until that shut down and there wasn't YouTube that I know of, anything like that. So, you kind of just listened to music, made CDs, and then probably bought CDs for a little bit. Then I guess, I think I got Limewire when the majority of programs started to come out for peer-to-peer, which isn't illegal enough that they can shut it down. So, that's what we did...Limewire, there was Kazaa, BearShare I think we had at one point. So, like three different programs, just downloading music.

Paul's file-sharing habits changed over time depending on how much money he had to spend on CDs. His habits also changed with the changes in technology. With the

advent of torrent files, Paul was able to download whole CDs, compared to downloading single songs through the original peer-to-peer music file-sharing programs. Torrents were a big boost for Paul's file-sharing habits. Paul described how his file-sharing changed upon entering college,

When I got here, I kind of got into torrents. Torrents are where it's more accessible to get a whole CD, like the whole CD. You could get a whole discography from one artist. You could get movie files. So, I probably got into that just for a whole CD, being broke, not having as much money to buy CDs for iTunes anymore. Which was probably my most reliable source in high school. I just bought iTunes CDs, so I didn't have any problems spending the 10 dollars. In college I didn't really do that anymore. I had Limewire for individual songs and then torrents for if I wanted a whole CD and that's probably where I stand now...downloading whole CDs off of torrent files. If I want individual songs, I use a program called Frostwire which is the same thing as Limewire.

Paul was introduced to file-sharing by his older brother, who was five years older than he was. Paul and his brother loved music and shared many of the same musical tastes. He described this bond as, "So, while he may have been sixteen and I was eleven, we shared the same interests with trying new programs and we both listened to music." Paul and his brother explored file-sharing together and learned about the new peer-to-peer networks as they came out.

I guess it was like a tag team to see and try all the new things. It wasn't like a drug or anything, it kind of sounds like that. I guess the new thing of file-sharing, we both kind of experienced it together.

Paul had been exposed to technology from an early age and was using computers while in elementary school. He has seen the progression of peer-to-peer networks evolve from the original Napster program to sites such as Limewire or BearShare. He remembers those early days of Napster and what it was like to download on that site:

Uh Napster, we had on the desktop of the computer. You just opened it, searched a song, and it told you, you know this one's got it. I remember having to look on the side and it would tell you if you have this type of Internet you should use this file like broadband. Broadband wasn't around, I think we had dial-up because we had America Online at that time. I don't remember any songs that I first downloaded so I don't know when it was. I would say 1999 or 2000, somewhere around there. I don't even know when Napster came out. So, right around there, 2000 probably, I was in sixth grade then so that's just right I was just listening to music while I played video games.

Unlike some other participants in this study, Paul's decision to file-share is not linked to how he views artists or the music industry. In fact, he does not agree with the argument that artists have plenty of money, therefore, it is okay to take money away from them.

Like I said, most artists deserve the money and material items they have. Besides the teeny bop sensations who don't write their own stuff but just sing with a voice they were blessed with, artists spend a lot of time writing 6 or more musical parts to complete just one song, much less the 12 that go on an album. It is not fair to say that stealing their music is okay, just because they have more money than you do, or that they 'have enough already.' That is an ignorant statement, and quite frankly

a copout of being punished for your illegal acts. I am not one to judge because I myself engage in file-sharing, but you have to at least be realistic in your thinking and not so defensive.

Although Paul aims to be realistic and admits he is doing wrong, this view of file-sharing does not make him want to stop. If anything, it may validate his file-sharing behavior. For instance, he strongly believes that he has a right to the music and does not see any consequences for downloading. He explained this further by saying,

As a college student, it is much more realistic for me to satisfy my musical cravings by file-sharing through torrent files and individual MP3 files. Ideally speaking, I would never download music. I understand that it is someone else's work and they deserve the money they make from the time and creativity they have spent on their end product, but I just cannot financially stand to pay for all of my music. Being that there is no obvious or evident consequence for such an action, I will continue to do it.

Paul understands that file-sharing can hurt everyone from the artists to "record labels, magazines, media, software companies, and iTunes." Despite knowing that his actions could cause harm, he sees himself continuing to file-share after college. When asked to reflect on any harm he may cause through his actions he stated, "I don't feel bad that I'm doing it, but I would at least reflect on it. I don't feel horrible about it."

Paul participated in an exercise that was designed to estimate his file-sharing impact. After estimating how many music, video, and software files he had downloaded in his life, his file-sharing impact was close to \$3,700. When asked to reflect on this impact he stated,

You know if it had been one group, it's almost demoralizing to think that I would do that. I don't like to look at it that way. Should it be one group, 3700 dollars would be hard to justify for it to be okay. I think if I took 3700 dollars from you and your album...the only ones that it would really bring anything out of me would be the software. I mean 600 bucks for one thing is...I mean that's hard to justify. It's not that I needed it. I mean one of the programs I used for the class I could have gone to the lab and used it. It's convenient staying in my own room and doing my projects. Actually both of those I used for school and on-campus organizations. So, 3700 dollars is a lot of money and I don't justify it but at the same time I don't...I'm not sure how I feel about it. It doesn't bother me that I took 3700 dollars from one person 'cause it's not what it is to break down. But, hmmm, I guess I'm unsure what to think I've never seen a number.

### **Manny's Story**

Manny is a 20-year-old, Caucasian, male entering his junior year at South University. Manny arrived at South University after graduating from a high school that was several hours away. He currently lives in a fraternity house a short distance from campus. The house is considered off-campus and it has a separate Internet network from the rest of the campus. Manny does all of his file-sharing from the comforts of his room within this house and he is able to do so without the fear of being caught by the university.

Manny's file-sharing experience began while he was in junior high school. During this time, he was first exposed to file-sharing by his father, who was using the original Napster program. As one of the first file-sharers in his peer group, he chose to file-share

as a way to make money off of others. It was common for him to take requests from other students at his school for specific CDs or artists. He would then go home and burn the music to a CD and then sell it to his friends or classmates. Manny described his first exposure to file-sharing and how he became a seller by saying,

Alright, um, I probably started downloading music in like the 8<sup>th</sup> grade, because my dad had Napster and the first thing I got was the very first Limewire. I thought I was cool because I could download music and burn CDs for everyone in school. So, I was like, I started doing it to make money because I would make CDs and sell them at school for like \$5. Everyone else didn't have CD burners yet, so I had them and I could do it. Then it messed up my computer that I was using it on and of course my parents blamed it on the Limewire. I don't know if that really messed the computer up, but that's what they said and then so I stopped downloading music for awhile and then I went back to the newer Limewire and I haven't really had any problems or anything.

Manny's dad was the first person to expose him to file-sharing, but he was not the only person to attempt to show him how to do it. After his dad showed him Napster, Manny's friend from Florida visited one summer and showed him how to download popular music. Manny describes this interaction by saying,

I guess it was just watching him [his friend], because he thought it was so cool. So, he would always be like 'come here come look at this.' I didn't really care about it because it wasn't music I was interested in, but I'd just watch him. Then I guess I was just always around my generation, like my friends were always doing stuff on

computers so I guess it was just easy for me to pick up on. One of my older friends told me about Limewire, that's how I learned about it and started using it.

Manny, as mentioned in the previous quote, believes that file-sharing is a big part of his generation. He reiterates that by saying, "I think of downloading music as an everyday thing and don't even think about it as being illegal. This is because so many people do it." Since Manny's file-sharing began in junior high and continued on through high school and college, he has been surrounded by friends and family who also file-share. To him, it is commonplace and an accepted thing to do. His generation of friends all learned file-sharing, or were exposed to it, around the same time. Therefore, in his view, file-sharing is socially acceptable and something that is extremely common among friends:

Well, except for on campus, it's hard to find someone who doesn't download music or download a torrent every now and then for a CD that they could get for free.

'Cause I know if I go to like my friend's house, I'm like where's your Limewire on your computer or where is your BearShare or where is whatever, because it seems like everyone does it. I guess it's just cause computers and laptops got big for our generation. You can download music off YouTube for free sometimes.

Manny understands that if he file-shared on campus he could get caught. This fear of getting caught has pushed him to take his file-sharing habits off campus, in particular, his room in the fraternity house. Manny knows of friends who tried to file-share on campus and who were caught by the university. He describes what happened to the friend who was caught by the university, "I know they have to go to Judicial Affairs after they get caught 'cause one of my older friends, he had to go to Judicial Affairs and he



had to take a class on why he shouldn't file-share." While Manny does not know the university's policy on file-sharing and has never seen it in written form, he does know that the university does not encourage it. He believes the university is against it because, "I've just heard it through word of mouth my freshman year to not download music on campus and at new student orientation, I know they say that also."

Manny's opinion on artists and the music industry has some influence on whether he chooses to file-share or not. He is partial to buying CDs of his favorite artists or those who have not made the big time, yet he has no problem downloading those who are considered mainstream. Manny describes how this opinion on the artist shapes his behavior,

Like my favorite artist is not a big popular guy yet, 'cause he's pretty new. So, anytime he puts something out, I buy it. I make sure to buy it. And there's other, like, big-time artists that I make sure I buy their CDs. Like ones that I really like. But, most of the time, like I see them on TV and won't think twice about downloading their music. I don't think I'm taking money from them or anything 'cause it seems like they have all the money they can use and then some. Yeah, it seems like they are doing fine and they are going to continue to make more music and sell more albums. So, me downloading their music is not going to hurt them. However much they are going to make off that CD I bought, the 10 dollars or whatever they are going to make, they probably won't even remember that 10 dollars.

Manny's future with file-sharing looks the same as his current behavior. He does not believe that he will ever stop file-sharing:

Well, being in college for a couple more years, I'll keep downloading music 'cause I'll still be broke. And I don't see it stopping anytime soon even when I get out in the real world with a job and stuff. I think I'll still download my music, except for like I said, the artists that I really really like.

Manny has a clear understanding of who file-sharing hurts, "it hurts the artists and everyone who gets paid off of them, like their managers. It hurts people who own stores." He chooses not to worry about the possible negative impact of his decision by saying,

I just look at it as they would do the same thing to me and I'm sure they have downloaded music before. I don't do it with the intentions of 'oh yeah, I'm taking 5 dollars away from this guy.' I do it because I need this song right now and I want it but I don't have 15 dollars to go spend. But yeah, I don't mean to hurt anybody.

## **Themes**

After identifying the codes that came from the data, I categorized the codes. From the categories, cross analysis revealed several themes common to the participants in this study. These themes came out of the interviews, e-mail communications, focus group, and online postings.

### **Old School Morality vs. Contemporary Morality**

File-sharing is very much a contemporary issue. After all, it is something that has only been popular within the past ten to fifteen years. With a contemporary issue like file-sharing come contemporary problems and moral dilemmas. In the past, college students knew that something like shoplifting was considered illegal and immoral. They believed this because they were taught at an early age that stealing was wrong. Perhaps

they were influenced by a parent or a teacher who initially explained to them why stealing was wrong and what would happen if they were caught. Over time these college students refined their own moral stance on stealing and that shaped their decision making today. Thus, the students in this study readily admit that they would never shoplift because they have been taught that it was wrong.

College students approach file-sharing much differently than they do other moral decisions. There are multiple reasons for this. First, file-sharing on peer-to-peer networks evolved very quickly and it was accessible to the masses. Instead of there being a physical CD to swap or trade with a friend, there were now digital files. Students believed that it was okay to download these files because the files were out there to be taken. Second, there is a generational influence on these students which encourages file-sharing. Third, these students were shaped by their interactions with their parents and peers. Contemporary morality has influenced file-sharing through these people, who themselves have not grasped the moral implications of their actions. In many cases, the parents or older siblings taught the students how to file-share and therefore, the students were never taught the moral side of file-sharing. Upon learning how to file-share, the students in this study would then go on to teach their friends and other family members how to do it. This has directly impacted their behavior and beliefs today and has repercussions on how contemporary morality is constructed.

Each of the participants in the study had their own personal story on how they came to learn about file-sharing and peer-to-peer networks. Their experiences did not happen in a vacuum; rather, each student learned how to file-share from a peer or from a family member. These interactions were crucial for the students as peers and family taught them

about popular peer-to-peer sites, it provided them a support network for learning how to file-share, and allowed it to take place in an environment that supported this behavior.

For the students in this study, most of them learned how to file-share at a very early age. Patrick's first experience with file-sharing happened at the age of eight, "I started off at eight, playing games online and stuff like that. Then eventually, like, I found out that some software [file-sharing] finally came out." Paul's first interaction with file-sharing was at age 11, when his older brother showed him how it was done. Manny was in eighth grade or 11 to 12 years old when he learned to file-share. Lo was 12 years old when she first learned about it at a church youth group party at her house. LeBron was 14 years old when he was first exposed to file-sharing and Alyza was 15 when she first learned how to do it. Despite the fact that the participants' ages ranged from 8 to 15, each was exposed to file-sharing long before they arrived on the college campus. Before they ever set foot on the campus of South University, they knew how to file-share, what sites to use, and how to protect themselves. All of this knowledge was developed through their interactions with their peers and family.

As mentioned earlier, contemporary morality has been greatly influenced by peers and family. For LeBron, he first learned how to file-share through a friend of his. He describes how he was exposed to file-sharing,

I heard about it just by word of mouth from media, from friends, and things like that. I heard about the program [file-sharing] from friends and I knew that file-sharing existed so I just downloaded. I downloaded a program just kind of exploring it through that. I guess a buddy would be just like 'no, you have to check this out,' he had all this music and I was like man you have all this music, how do

you do all that and he would just go on his computer and show me. He would be like, ‘oh, well I have this program, Limewire, you know it what it does.’ There’s no faulty versions of songs, there’s no this that or the other. He kind of just got on the computer and showed me and I’d go home and download that program.

Lo was also influenced by her friends. Once she had a group of people over to her house for a church youth group party and one friend in particular was playing popular songs and she was intrigued by how that friend had all that music. Lo describes this interaction,

Well, there was a bunch of people at my house. It was a youth group party and um, she [a friend] was just playing all these songs that you hear on the radio and you know I was like well how do you get those all the time. I really didn’t know anything about it the first time I saw it and she was like playing all the songs I liked and everybody was around her and everyone was having fun because we were hearing songs we liked.

For Lo, she was first exposed to file-sharing at a critical time. There were a group of friends who were having fun listening to popular music. She wanted to be able to have access to popular music as well and asked her friend to show her how to file-share, “You went to the website and there’s always like a free version and a version you can pay for and so she showed me how to download the free version on the Internet. You just click it and you got it.”

Paul had both a family member and a friend show him how to file-share. One night, Paul was at his friend’s house and the friend was online creating a CD, “I was probably just at his house one night. He was downloading a CD or something.” This

same friend explained to Paul the intricacies of torrents, which was a new technology at the time. In one of the interviews, Paul went in-depth on torrents and how they worked and had a deep understanding of how peer-to-peer networks work. This knowledge came from his interactions with his friend who was able to explain to him how these networks work.

Manny, like Paul, was exposed to file-sharing by a friend and a family member. He had a friend who would come into town every summer from Florida. This friend was a little more familiar with technology than Manny and always seemed to know about the newest technological craze. Manny learned to file-share from this friend, “I’m pretty sure it was one of my older friends, he was from Florida, and he always came up during the summer. And he was like ‘here you gotta get this on your computer.’ So, yeah, I guess he taught me how to do it.”

Interestingly, Manny admits that his friends still have a big impact on him and his file-sharing behavior,

Just because they have...they’re the biggest influences on me and the things I do.

If they told me that it was bad, then I would listen to them, rather than someone on the news telling a story about someone getting caught. I would listen to my friends over someone I don’t even know.

Manny’s dad used the original Napster program and Manny says that once, “I guess I was just watching him [download], because he thought it was so cool. So, he would always be like come here and look at this.” Manny has taken this knowledge of peer-to-peer networks and file-sharing and has passed this knowledge on to his little brother. Manny described how he taught his brother to file-share,

He learned by me. Well, he would see me do it and he would always try but he would always mess something up on the computer. And I could always tell when he tried, so I just sat him down one day and was like...you click on Limewire, you open it up, let it connect you to the servers and stuff. And then you search for the song you want, but you've got to find the right one. You have to make sure it is a MP3 type, you gotta make sure it is long enough that you think the song should be. You know sometimes the songs are shorter or it's only half the song or something. You try to find the one that's the smallest file size that way it doesn't take up much room.

Paul and his brother had a close relationship where they shared music interests. Since his brother was five years older than he was, Paul looked up to him and was influenced by him. Therefore, once his brother found out about Napster it was only a matter of time before Paul learned about it as well:

I don't know how we got Napster, my brother must have known more about it than I did because I don't remember coming home one day and saying we have to get Napster. That was pretty popular, people knew what Napster was, that was the down fall of it as well. I mean it was pretty popular, I think. Gosh, I probably wasn't really old enough to know what was popular. I don't know how we found out, that might be one of those things that if it weren't for my brother I wouldn't have done it. I guess I kind of remember a time where we would buy blank tapes and copy those, like on the two-deck tape player and you didn't have to do that anymore. You could write out a list of 20 songs you wanted and go search and download them, maybe go to each other and brag about what you had. Not brag

you know, but hey I got this CD now. Oh, cool I want it too. So, we would burn it on...I can't even remember the program we used to burn...but all of that was kind of like moving in one direction. We would get Napster or whatever we had and we would find the program to burn the CD. It was just like an accomplishment for both of us to move towards this free and more accessible way.

Lo learned to file-share from a friend and then went on to teach her parents how to file-share. Her parents are both music teachers and are always looking for music to play in class. Lo showed her parents how to file-share, "They actually try to download more like...not so much classical music, but jazz and things that they want to play for their class." Lo admits that she taught her parents how to file-share, but never has taught her friends because, "Um, not really, most of my friend know how to do it. Usually they all have. The only people I've taught are my parents."

Patrick's file-sharing behavior has been greatly shaped by his interactions with his family. He first learned to file-share from one of his brothers and consequently, has taught his cousins how to file-share:

I learned probably from my sibling, he was real good with computers and knew how to use computers and all that type of stuff. He talked about it [file-sharing] one time I think. I think he maybe first used it the first time. But, he was never really big into using it. He didn't really use it a lot. But I knew about it so I started using it. And then I would have cousins or whatever being young and stuff like that, I wanted to show off. I was like hey I can do this and they were like can you make me this CD. I was like yeah I can download whatever song I want to download.



Patrick described in more detail how his brother taught him how to file-share:

I was probably around 10 and I was using Kazaa and I'm running the program and it came up and I remember I wasn't the one who actually did it, it was my older brother and he typed in something. He typed in a song or something like that and a list of songs popped up and you can just click on it and download it. And he's always been like, good with software and computers and stuff like that. So, I didn't really think too much of it from the fact of stealing. I was like oh this is something else he's really cool at, he can do this, he's good at doing, he's good at computers and stuff like that. So, when he did that I thought it was pretty cool and I was like we just got this song.

Alyza's file-sharing behavior has been strongly influenced by family and in turn, she has influenced other family members. Her first interaction with file-sharing was through her brother, "Well, we had Limewire before I started even doing file-sharing. My brother used it." When she finally got her own computer she asked her brother how to use a peer-to-peer network, "When I got my own computer and I told him I've been trying to download music and I was like how do you do it and he put the software on my computer." Alyza described her family as a support group, when it comes to file-sharing:

Other people in my family file-share. They are kind of a like a support group. Like I said, my brother provides me with the sources, shows me how to use the sites, he tells me how secure he thinks they are and I trust his judgment. My mom does file-sharing, well not file-sharing, but streaming, but it's still pirating. I'm like oh mom we got to go to the movies, and she's like you can just watch it online.

It was after I conducted the focus group when I began to fully understand just how much of an impact that peers may have on each other. During the focus group, one of the students shared that he was able to download games to his Xbox. He explained how he did this by saying,

I figured it out, I was kind of proud of myself. I figured out how to download games now on my Xbox. I figured...any game I want now. I figured out what type of CD you needed to burn to it. You just put it in and it works. And those games cost 60 dollars so that's like, I'm not fixing to buy a game, so I had to figure something out.

What is remarkable is that after the focus group was over I was gathering up my recorders and packing up my belongings and I overheard Paul ask Patrick how he downloaded games to the Xbox because he did not know that it could be done. Patrick proceeded to walk the group through how he was able to download games to his Xbox. This interaction among the participants of the focus provided a first-hand look at how peers can affect each other's file-sharing habits by educating each other on new technologies.

**Absurdity of Buying vs. Benefits of Free.** In this theme, the students reveal that it makes no sense to them to have to buy something that they know they can get for free. Money is tight for these students and they would rather spend their money on other things besides purchasing a CD. The students also expressed that there are benefits to getting their music, videos, or software for free. First and foremost, it allows them the opportunity to hear a song without purchasing it. Second, simply put, the students value gaining something for free rather than spending money on it.

From a moral or legal perspective, the students understand that music, videos, and software files are popular with their generation. They love being able to have access to things that their generation values. Therefore, these students make a decision that it makes much more sense to get something for free than it is to pay for it, especially when they know that this thing they are getting for free is something that is valued by their peers.

The participants in the study revealed that cost was a major factor for why they chose to illegally file-share instead of using a legal site. The common phrase, “the broke college student,” is a theme that comes up among all of the students in the study. It is no secret that college students face some financial challenges during their time in college. They often have to balance a part-time job, taking out loans, purchasing a meal plan, and budgeting for the week or month. Throw in the fact that these students are all taking at least 12 academic hours, and you have a situation where file-sharing may flourish.

Paul reiterated the fact that the cost of purchasing a CD is not cost prohibitive by saying,

If you are really a broke college student, ten dollars is two meals, maybe three. Which is a whole days worth of living. You’re not going to buy a CD. A cheap CD, which is iTunes, is 10 bucks. Maybe you can get the 8 dollar special sometimes. That’s 2 to 3 meals, like you’re not going to buy that, that’s not realistic. Now if you have a good job and maybe you take classes two days a week and worked the other three, maybe then you’ll buy the CD. The typical broke college student goes to class everyday and doesn’t have 10 bucks to blow. And 10 bucks is not even really what a CD costs from the store, it’s more like 15. If you

are shopping on iTunes, which is what I suggest if you buy a CD, it's not...you know its \$15 which is like 5 meals or 4 meals.

Paul understands that money can be tight for college students. Therefore, he chooses to file-share so he can spend his money on other things:

Yeah, I mean I'd say I'm more comfortable this summer because I have a full-time job. But, I mean there's been times in the past couple of years where I've lived off \$50 a week which is, that's food and gas to get a couple of blocks each direction. I'm not giving a sob story, but that's not 10 or 50 dollars a week to spend on CDs. But if one of my favorite bands comes out with a CD and I can get it for free in three minutes, without a problem, without anyone saying 'no' or 'hey we're going to do something about this being illegal' than I'm going to do it. I mean right now I could comfortably afford the CD but why when I could just keep doing what I'm doing.

Patrick was one of the most active file-sharers among the group. He had been file-sharing since he was in elementary school. File-sharing was so prominent in his life that he could actually remember the only two times he ever purchased a CD. The only times he ever purchased CDs was when he found them for very cheap:

Honestly, I think I bought one CD I did buy. I bought one CD I think. The only CD I ever bought was...I actually bought two CDs cause it was like a jazz CD. That's the one thing, if you go file-sharing you can't really find jazz music too much and I found it and it was like \$4 so I'm like I can do that. The other one was an old Eminem CD and I'm like I haven't heard that in a while and it was \$2. I was like 'I can do that,' it was used and it worked just fine.

Patrick chose not to use legal means for his music interests because he did not like the idea of having to purchase an entire CD when he only wanted one song. In addition, it did not make sense to him to purchase an entire album when he could get it for free using a peer-to-peer network:

I wouldn't buy any of their CDs. If I can't hear them then I wouldn't buy their CDs. Not one probably. I don't know. I'm a broke college student. I'm not fixing to spend \$15 on a CD or something I haven't heard. I have to hear it first. And the way I hear it first is I go download it. If it wasn't online then I wouldn't buy it. I mean I wouldn't buy it in the store so if it wasn't in the store I wouldn't have it because I'm not going to buy it 'cause I'm a broke college student. The fact that it is available online I'm thankful for it so I download it for free. I think of the opportunity costs when I am purchasing something. I'm like I could buy this right here, \$10, yeah I could have this. I think what else could I use this \$10 for? I could buy this or I could use this right here. So I think about it first and I'm like I'm not fixing to get that.

Patrick admits that he would be more inclined to pay for his music if he had a job and was making good money:

Yeah if I could afford it. If I had a good paying job and I could go to the store and I could go ahead and just purchase right there and it would not be a huge burden on me, than I wouldn't mind doing that because the process of downloading these files is kind of confusing.

Alyza reflected on what it would have been like if she had to purchase all the music that she downloaded for free:

Being able to save myself that much money, even though I know it's stealing pretty much. Yeah, pretty much. I don't know. That still doesn't scare me. I mean it's making me think if I had spent that \$7,200, nope. Actually I wouldn't have this book, I wouldn't have the phone. But, like I said that's like two semesters of my scholarship. That's a lot of money.

Manny is always looking for opportunities to get something for free instead of having to pay for it. He states, "I look at it as I try to get free whatever I can. Free music, free shirts, free Microsoft Office. Whatever I can get for free. I just want some free music, man." Manny sees himself like others in the survey in that he is a broke college student:

Well, being in college for a couple more years I'll keep downloading music 'cause I'll still be broke. And I don't see it stopping anytime soon even when I get out in the real world with a job and stuff. I think I'll still download my music, except for like I said, the artists that I really really like. As a college student, we don't have a lot of money to spend, or some of us do...I don't. Any \$15 I can save from not going to buy that CD at Spin Street and downloading it online...I'm going to save that \$15. That's a decent meal I could eat.

The cost of purchasing an entire album is a reason why Lo chooses to file-share. She described the reasoning behind her file-sharing by saying,

I mean usually 'cause most people just don't go buy singles of songs you know. So, I guess when you can...you can download an entire album, you can put in individual songs in an album, and you can put those songs on a CD and it's like you have the album for free. Where if you bought the actual album it would cost

somewhere between \$10 and \$15. So, or sometimes, well I guess you have iTunes now. I don't know. They just raised their price on iTunes.

Lo revealed that she has downloaded close to 7,000 songs since she first started file-sharing. In her estimation, her file-sharing impact has saved her \$11,500. When asked to reflect on how she felt when she heard how much of an impact she had with file-sharing she shared,

I'd say that's money I would have liked to save. It's economical. Probably would have never guessed that I saved that much money. Yeah, that was my first thought, that it was selfish. That's pretty normal for it to be your first thought. I guess when you look at it that's a lot of money for a company or an artist.

LeBron also believes that cost is a driving force in his file-sharing behavior. He downloads music and TV shows regularly. Since he is a fan of entertainment he does not see how he could afford to purchase all of the things he got for free:

Thinking to the alternative, actually having to pay the music or find it elsewhere, you know, if that was the case you know my library would be very small. I wouldn't be buying that much music. I just wouldn't be able to. I guess that would go for TV shows because some programs you can download TV shows or whatever or movies. And I just know, you know, I love music, I'm a big fan, but if I had to buy my own I would not be...it would be I'd say 10% of the library I have today.

LeBron, making an estimate on his file-sharing impact, was found to have an impact of close to \$4,200. When asked to reflect on how he felt about his file-sharing impact being several thousand dollars he stated,

It's kind of, I mean it's kind of alarming. It's kind of like man that's a lot of money, you know if a certain whatever happened and they said okay we are going to make you pay for anything you've ever downloaded. I'd be like 'oh God, are you kidding me' but it's wild you know. I know there's people with more than that. I mean that's a lot of money. That's almost tuition. It's more than tuition for a semester. It's almost tuition for a whole year. It's kind of you know, I've stolen a small college tuition.

**Malicious Intent vs. No Harm Done.** This theme captures how students are confused about how file-sharing may actually be stealing and how they believe that their intentions shape whether their decision is a moral one. In the following paragraphs, I will explain how the students are confused about how file-sharing relates to stealing, but first I want to talk more about intentions. Throughout the data collection process, the students regularly justified their file-sharing behavior by explaining that they do not see file-sharing the same as physically stealing something. For these students, they believed that intentions played a role in whether or not their decision to file-share was right or wrong. For instance, the students knew that it was wrong if they walked into a record store and walked out with a CD, because their intentions would be bad or even immoral. With file-sharing, they truly do not believe that their intentions are wrong. After all, they are not intending to hurt anyone. Rather, they are just downloading something off the Internet that was offered to them for free. From a moral perspective, the students in this study did not believe their decision to file-share to be a moral decision because their intent was not bad.



As I mentioned earlier, the participants in the study struggled to understand how illegal file-sharing is actually stealing. For these college students, stealing is something somebody does with malicious intent, the sole purpose being to harm someone. Stealing is also defined by these students as someone walking into a store and physically stealing something. The students in this study know that file-sharing is stealing, sort of. They are truly conflicted on how file-sharing can actually be stealing because there's no physical property being taken and file-sharing is something that is socially acceptable amongst their peers. Several of the students mention how file-sharing is a big part of their generation; it is almost second nature to them.

Patrick believes that technology evolved so quickly that parents did not know how to approach it. For him, his parents raised him to never go into a store and steal something; however, his parents never taught him that file-sharing was wrong because they did not understand what file-sharing was or how it worked:

It's just how we are raised. We were raised to when you go in the store and take something and leave out the store it's like, oh you just stole something. And with our parents, the cyber world is just now getting advanced and started now. I was raised with that mentality that physically stealing something, that was bad. But, you know, as far as like my morals and values when it came to online, there was no morals or values there. It was just something new and go in there and start using. I think, like, that goes back to how you've been raised. Like our parents didn't have the Internet and stuff back when they were growing up. When I was raised it wasn't like 'don't go online and steal.' It's not even really called stealing really.

It's supposed to be bad but people don't look at it like stealing, just that's it's illegal. It's like when you go smoke, it's illegal.

Patrick is able to understand that his beliefs on file-sharing have been shaped by how he was raised. Since his parents never talked to him about file-sharing, he was not able to form an opinion of file-sharing that would reflect the illegality of it. Patrick is truly conflicted on how he views file-sharing because on the one hand he knows that it is illegal and it's considered stealing, but on the other hand he is anonymous when he file-shares and he knows he can get away with it:

I think that people try...or me personally, I try to lie to myself and say that because I lie to myself and ignore and block out the fact that one of the commandants in the Bible for my Christian beliefs is 'thou shall not steal.' And I look at stealing as, growing up you walk in the store you get a piece of candy your parents are like 'don't do that.' Or you see people go in stores and physically rob them and they say 'don't do that.' But, on the computer you don't have an identity, like, nobody knows who you are. You go on this software nobody sees you do this and no one sees you do that. So you're not stealing because you're not really taking away from someone. But, when you go into a store it's like physical you can see yourself taking it away from the store. But with this software you go on this random site and you just take it out of space and you just take it and now it's yours. It didn't exist but now you download it, now it exists. That's how I see it. So, I didn't really see it as stealing, but if you look at the overall picture, if I look at the overall picture, I really am stealing from that company.

Paul also believes that anonymity plays a large role in his file-sharing behavior. He admits that stealing something from a store would have grave consequences for him; however, those consequences are not the same for file-sharing because he can remain anonymous:

Where it's like you take a CD from a store, somebody is going to see you and police are going to be there in five minutes to deal with it. Where with file-sharing, no one is watching you. They are not going to catch you most likely.

Paul compares file-sharing to smoking marijuana. Paul believes that the person who smokes marijuana is not really concerned with doing something that may be illegal. In the same way, he stated, "If you smoke weed, it's illegal, but when you're smoking it you're not thinking it's illegal. It's just smoking weed. Just like downloading music."

Alyza, like some of the other participants in the study, finds herself conflicted on whether file-sharing is stealing because there is no physical property and she can remain anonymous throughout the process:

I think it's um, it's a guilt thing to. Like if you actually take something from the store you see who you are taking it from or maybe suffer the consequences for what you did. But, if you are doing it online it's like, you see a name which isn't even a real name and a brand.

Lo shares similar thoughts to the other students on how file-sharing is such a common thing that she never really considered it stealing,

It's not like you are directly taking something when you download a song or something. Like it's just, you just feel like you are getting music to your computer I guess. If you were in a store and you are actually taking something, but you know

you shouldn't take it, 'cause it's tangible. When you think about shoplifting, that's always been wrong forever and ever. But, when uh, when file-sharing started there wasn't anything wrong with it. There was no laws against it. It was just okay, it was something new and okay to do. But taking a CD from a store has always been wrong, but file-sharing started out alright. No problems with it.

LeBron also expresses a conflicted view of how file-sharing relates to stealing. He believes that file-sharing has been going on for so long and it is such a worldwide phenomenon, that it is just not that big of a deal. In addition, he does not see file-sharing the same as physically stealing something from someone. LeBron described how he is conflicted by saying,

Everyone does it. I guess it's just...I think that the...I guess I'll say the world because I'm pretty sure the whole world file-shares. We've kind of set a different tone on it. Like what it is, is stealing, yes. But, just because of how the whole world treats it, how everyone downloads, how everyone you know uses it and doesn't think twice about it. I think we kind of reset the message that it kind of sends out, you know. In the literal sense, I see file-sharing as stealing but to me it's not stealing. I'm pretty sure not many people would be like...I don't see anything moral against it, I don't see it being sinful or you know anything like regular stealing would be. I don't equate it to...I think it's our perception. My perception of it you know...I don't perceive downloading music the same as going into a store and taking a CD, putting it in my jacket and walking out. Even though it is, in literal terms, equivalent.

Manny's views on file-sharing and how it relates to stealing is similar to how the other participants view it. He can see how it would be considered stealing, but at the same time, file-sharing is so popular with his generation that he just does not believe that it is actually stealing. Manny expressed his own version of how file-sharing possibly relates to stealing by saying,

I guess I would look at it that it is stealing money from the artist. But, I don't think it is stealing at all because it's there for us to get. I don't think it's stealing because, like, I guess me and people I hang around we think of stealing as like getting something that you are not supposed to get. Like breaking into a house and stealing a TV or something. Or stealing something from someone, like a phone or something. But, it seems totally different from going to download a song. That's become normal to us, we don't look at it as stealing when I guess it is. I guess we think there is a bigger risk of getting caught if you are going to do something like that, as to just getting on a computer and downloading a song, which we've done every day since we were in high school or whatever. So, many other people do it, we don't look at it as stealing, since it's socially acceptable it doesn't seem like stealing.

**Repercussions vs. Everyone Does It.** The students in this study were unable to internalize the possible repercussions of their file-sharing behavior. Most of them had heard about people getting caught, but they were unable to see this as a possible consequence for themselves. If there were repercussions that could be internalized by the students, then file-sharing could be a moral decision. What comes out of this lack of repercussions is the mindset that "everyone does it." In this mindset, the student is no

different than any other file-sharer who does what they do because of the lack of consequences. Furthermore, the students believed the consequences to be vague and they believed they would not get caught. If the consequences are not severe, then the students believed their actions to not be severe.

In this theme, the participants revealed that while there are possible consequences for file-sharing, those consequences are vague and they are unable to internalize them. Each of the students in the study understood that there is some risk with participating in file-sharing. Some of the students had heard they could get fined, another heard that she might get her computer confiscated, while others claimed that the F.B.I. could possibly catch them. Despite these risks, the students did not believe that they could be caught or have any punishment levied against them. For the most part, the students in the study understood what the consequences were for those who file-shared on-campus, such as removal from the university network, meeting with judicial affairs, and being put on probation. Therefore, the students chose to file-share off-campus because they did not think they would get caught and they did not see any real consequences to their actions.

Patrick, the student in this study with the most file-sharing experience, had read about people getting caught. He explained what he read by saying, "I did some research on stuff and I know like, they have consequences if you get caught, but like I was saying most of the time people who actually get in trouble are people who are uploading."

Patrick understands that there could be some consequences for his file-sharing behavior:

Uh, that's one thing I do think about sometimes, the repercussions, like if I get caught what's going to happen. I think that so many people do it sometimes. It's me just being ignorant. So many people do it will I really get caught? I think the

biggest way people get caught is when they start selling it, like hey I have this program and I can give it to you, I can sell it for 50 dollars. You could get in trouble when you're trying to make a profit off of something you didn't pay for and it's not your legal right to sell. So, I think I could get caught, possibly I could get caught if I put myself out there. The way I'm doing it right now, I don't think I'll get caught.

Paul does not fear any consequences for his own file-sharing behavior. He actually knows of someone who was caught by the music industry attempting to file-share. Despite the fact that Paul knows of someone who was caught, he is confident that he will not be caught. Paul described this confidence by saying,

And it's not so illegal that I feel threatened to doing it. I feel I'm pretty cautious about legalities and stuff like that. I feel like if I don't have a problem doing it, there's not a huge threat to be caught. Now I hear stories, my roommate's little brother downloads movies and got a letter from Universal or something one time about downloading movies. So, I know there's a real threat there but I don't know how serious it is because I feel like I am pretty cautious about that stuff.

The consequences of file-sharing do not seem real to Paul because he states that, "It's [file-sharing] there and I don't see anything being done about me downloading it if I do it." Paul believes that he just will not ever get caught, despite the fact that he has heard that the entertainment industry has sued people in the past:

Okay so maybe I've heard before that you know they have thrown out some kind of punishment. I mean fines are kind of those things that go over my head because they aren't really tangible. I've never seen it happen and I may have heard about

they do these fines, but I guess with the movies I've never seen a letter or anything to anyone. I would say that just a low number, that 70% of my friends file-share, either one song a year or hundreds of songs a day. I mean I don't know anyone who does hundred a day but there's a wide range of people and I've never heard of anyone being punished for it.

Paul has thought about these possible consequences and if he believed that the consequences were severe, then he may reevaluate his file-sharing behavior, "You'd be crazy to say it [severe consequences] wouldn't have an impact. I wouldn't believe anyone in here if they say they wouldn't think about stopping." Paul describes what would happen if he was caught file-sharing,

It's there and I don't see anything being done about me downloading it if I do it. I don't see a problem, I don't see anybody coming to do anything about or saying anything because I've never experienced that before. If somebody would call me, send me a letter, e-mail me, saying hey we know we know you are downloading music, I mean the caution would definitely jump up. It would be a consideration to quit all together.

Finally, Paul believed that he is more likely not to do something illegal if he knows there are probable repercussions for his actions. He used speeding as an example,

I think it's just ultimately the fear of maybe, the thought of higher consequences. Like, speeding was a very minor example, breaking the law in general. I wouldn't want to do it because of what can come along down the line. A speeding ticket, I mean for speeding you might get a ticket. For reckless driving which is 15 over and other stuff involved you got to go to court. Even higher than that, whatever,



more court dates. Which is all possible with downloading files and file-sharing, it's all the same laws, it's all the same criminal justice system. It's kind of like jaywalking, that's illegal somewhere, I don't even know what the rules are with jaywalking, but I've never seen nobody get a ticket for jaywalking, so I'm probably going to cross the street where it's convenient. The only crosswalk on this road is way down there, I'm not going to walk down there to get to work. So, it's the same way, if I saw a bunch of cops parked down there by that building start giving tickets for crossing the road right there, I'm not going to cross the road right there if that's a common thing. Even though it's against the law, I'm going to cross the street 'cause it's easier.

Alyza understands that the university has repercussions for file-sharing on its network. She knows this because the university blocks peer-to-peer sites and because she has heard that she could be put on probation if she were caught. On the other hand, Alyza does not know of or has not heard of any real consequences for getting caught off campus. When prompted to describe what kind of consequences come with file-sharing she said, "I know it's stealing, but I don't know... it's the consequences I'm not quite clear on them." She elaborated further by saying, "Oh, I think I've heard something before about someone getting caught and everything was confiscated. At least none that's stuck with me to the point where you know I cut it [her file-sharing] down."

Lo's belief that there are no real consequences to her file-sharing is probably best summed up by the following statement,

You know, I had a Psychology class, it was Social Psychology and one day our professor asked us if we were completely anonymous and we could do anything in

the world, what would you do without reaping any consequences. And people said all kinds of stuff. So, you know when you are anonymous and don't feel like there's consequences you would probably do more than, you know, if you're downloading these things and you had a username and a face by it, when you're downloading. You're just anonymous.

Lo, like the other students, does not see any real consequences that could affect her.

She has heard about a friend's relative getting caught:

Well, actually my friend's aunt was downloading illegally an HBO show but she...it was one of her favorite shows and she couldn't get it. I don't think she had that channel or something like that, I don't remember why she was illegally downloading that show, but HBO cut her cable off. So that's kind of...I guess that's the only thing I've ever heard outside the university.

Lo believed that she may be insulated from any consequences due to being a college student. She described this belief by saying,

I mean I'm going to graduate in May. I feel like if maybe if I was out of college I might feel like there were more consequences because I don't know, it seems like in college you wouldn't get in much trouble, which is probably, you know, not a true thing. It just seems that way. I don't know. It just seems like in college you are kind of protected almost if that makes sense. And then after I graduate I won't really have this bubble anymore. I feel like as a real person in the working world I will probably see more consequences if I get caught than if I was a student.

LeBron once heard rumors that someone could be jailed and fined a large amount of money for file-sharing. While these were rumors, they were still consequences of file-

sharing he assumed to be legitimate. Despite this knowledge of possible consequences, he did not believe the consequences to be real because he believed it was impossible to get caught:

I mean, from what I know, my understanding of the law is that you can be put in jail and fined x amount of years and x amount of dollars. But, I've always been told that you cannot, it's impossible, it's not impossible, it's very unlikely that you'll be caught unless you are doing it on a shared network like a university, like if I'm on a university's Internet and I'm downloading music. I heard the government monitors that. If I was in a dorm room doing it I hear it is possible to get caught. But otherwise, I've never heard of people getting caught. I've heard it's pretty, you know, the chances are very slim that you will get caught and I would have to agree with that since I don't know anyone who, you know, has been put in jail for downloading music.

LeBron does admit that if he knew of people who were caught file-sharing, and there were consequences for it, then it may cause him to evaluate his own behavior:

Yeah, if, you know, four or five people I knew at the university got caught I would stop. I say I'd stop, but I know for a fact that I might be halted. I wouldn't be doing it as much. Whether I'd stop completely I don't know because it is so second nature. That would take a lot of toll on me in my experience with it.

Manny sees himself as being just one of many people who file-shares. Therefore, he does not believe that he would ever be a target because why would they target someone like him? For Manny, the consequences are not real because he believes he is just one of millions who file-share:

Because I guess I just feel like...I feel like I've been doing it for so long and so many other people do it, why would they pick just me. But, it's very good possibility that I could get caught. But, I'm not sure what the consequences are. I don't know. But they've caught other people. I don't see how they would catch me. I guess that's why I do it to, I don't see how they are going to just catch little ol' me doing it out of all the people in the world. I mean I just feel like whoever is looking for people downloading people, whether it is just whichever law enforcement is looking for that has more important things to do than worry about what I'm doing on my street downloading music. I just feel like I won't get in trouble for that. I don't have thousands of songs on my computer downloaded 'cause usually I download them and then delete them from my Limewire folder. So, I just save them to my computer and you can't trace them to where they came from.

Manny does not personally know anyone who has ever been caught, although he has heard of news reports about people getting caught. Still, despite the fact that people have been caught, since it has not happened to any of his friends he believes that it will not happen to him.

**Prolonging Needs vs. Satisfying Needs.** In this theme, the students in the study expressed that they enjoyed the ease and convenience of file-sharing. For these students, they valued the ease of accessing peer-to-peer networks, which were often just a click of the mouse away. The students valued being able to download files from the comfort of their home or from a friend's house. They no longer had to get in a car, drive to a record

store, and search for a CD that they wanted. The students also valued the convenience of being able to download a single song, instead of an entire album.

Ultimately, when students say they enjoy the ease and convenience of file-sharing, what they are really saying is that they are entitled to having their immediate needs met, rather than prolonging them. For the students in this study, they admit that they want these files and they want them immediately. For them, it is a need of theirs to have music, video, or software files. Therefore, they are willing to do whatever it takes to get what they want, in the shortest amount of time possible. File-sharing becomes an option for them because they can get these files from just about anywhere at any time. What happens when having those needs met means breaking the law? For these students, this is not even something they think about, because their need to have something immediately outweighs any thoughts on the moral or legal side of their actions.

Alyza prefers to file-share from her residence off-campus. She values being able to stay home while surfing the Internet. Alyza loves music as well, so the convenience of file-sharing for her is a major draw. By staying home and downloading files, she avoids having to leave the comfortable surroundings of her home and she can avoid having to actually walk into a store that sells records and manually search for a CD:

I mean you can sit on your computer, type in what you want, on a couch or something. As opposed to going to the record store, having to look through all their albums for which you want. Then it may not be there and I mean all you have to do is just sit at your computer and you may find something else and you want that to. So, you just get so much more for so much less. College students are usually busy. Like, I know like, when I came to college I didn't do it on campus

but when I did downloading it was in my downtime. Like take a break from studying, just go do some. Instead of going to get up, drive to the store, like order a CD that will never get to your apartment anyways. You just get it right then.

Alyza's most recent downloading experience involves downloading torrent files, which allows the user to download entire movies or discographies. Despite the fact that this technology is relatively new for her, it is still very convenient:

Okay, uh...you have to do all the work yourself pretty much. You have to go to the search engine, you have to type in the name of the song, MP3, and then torrent. If you want MP3...because it comes up with other files to and you have to click on a safe site cause some sites come with more trackers than others.

Alyza experiences almost immediate file-sharing by going to these peer-to-peer networks. The most difficult thing for her is typing in the song and choosing which format she wants. Therefore, for Alyza, downloading is extremely convenient and easy to do.

For Manny, it is a hassle to drive to a record store to find a CD. He finds it much more convenient to stay home and download a file than have to deal with driving somewhere to search for a CD that the store may or may not have:

And the convenience of just being able to sit in my room and download it, instead of having to go out in traffic and deal with all the people. Then they might not have the CD I want. I'd say that cost and convenience are the two biggest factors for why I file-share.

Patrick is unique to the rest of the students in the study in that he has never actually set foot in a record store. He gets all of his music from peer-to-peer networks and he

expressed that convenience is a big reason why he file-shares. Recently, Patrick became interested in downloading video games because a friend of his was selling bootlegged versions of video games through the Internet. Patrick found it inconvenient to actually have to pay someone for something that he knew he could do himself. Therefore, Patrick learned how to download video games from a peer-to-peer network straight to his Xbox360:

I figured it out...I was kind of proud of myself, I figured out how to download games now on my Xbox. I figured...any game I want now. That's even almost convenience because I was going to another guy to download them and get them from him and he was selling them. Yeah he's ripping the company off big time and he sales those games for \$10. He's making a lot of money I'm sure. He's sending that thing out to a 100 different people in text message. I was like I'm tired of buying from him so I downloaded it from him. Online. I figured out what type of CD you needed to burn it to, put it in, and it works. And those games cost \$60 so that's like, I'm not fixing to buy a game so I had to figure something out.

Patrick struggles with knowing that file-sharing is such a convenient thing. For most of his adult life, Patrick has been surrounded by file-sharing and knows how to access it. He described his file-sharing behavior as an addiction,

I would say it's an addiction. I guess it's almost like an addiction to me. I've done it for so long and wouldn't know what to do...it would be in my face 'cause I know I can do it, 'cause it's right there. That's the hardest part, knowing that I can do it and I can get away with it, and it's so easy to do it. That's just something I have to

work on as far as a will and a desire to stop. And it will be something slow and surely something that I'll have to say, okay I don't need this.

Lo uses the peer-to-peer network Limewire, which she uses because of its convenience. Lo can download any type of music file with just a visit to the website and a few clicks of the mouse:

Limewire, that's what I use now whenever I do that [file-sharing]. And so, it's really easy now on Limewire. You just, it's a lot more clear that it used to be. Um, you just type in songs, name, they come up and usually you will download the one that probably has the most downloads and stuff because it will be the most clear, probably the best version when you see it has the most downloads. So, usually the ones towards the top I will download.

Lo is fine with actually walking into a record store to look at CDs, however, she is more likely to use a peer-to-peer network. For Lo, file-sharing is convenient because it allows her to just download one song instead of having to pay for an entire album. She places a lot of emphasis on just having the songs she likes.

It's really convenient if you just want song, you just get one song. You don't have to go buy a whole album. Like I heard that song on that radio, there's no way I would buy the whole album 'cause I would hate the whole album, but I could get this one song for free. It's not worth, you know, paying 15 bucks.

Paul, like Lo, appreciates the convenience of being able to purchase a single song, instead of an entire album. When Paul listens to a particular song on the radio, he wants to be able to go and acquire that song. His options are to buy the entire album, purchase



the song through a legal site for a fee, or download the song for free illegally. He chooses the illegal option because of the convenience:

I think the music industry has worked around that too. Singles used to be a big thing. You'd go to the store to buy the single, but I mean I would like to know the percentage of artists that still put out a single. It may be called a single, but they don't produce an album cover, plastic case, and actual disc and put it in the store. That's evidence that's the way things are now. And you can't do that now. So, you either buy it on iTunes or download it. There's not even an option to go into the store.

LeBron also uses Limewire for his file-sharing because of its ease of use and its convenience. He described his most recent experience and how convenient it was,

Okay it was like yesterday. Just got on the computer, I really just, I think I put in a random, like a few random bands, a few random artists on Limewire. I opened up Limewire, searched a few random bands and artists that I like and I just looked around to see if there was anything I hadn't heard of, anything new. I just downloaded whatever I thought I could.

LeBron, like some of the other students in the study, values the convenience of downloading music when he wants and from wherever he wants. He loves how he is not constrained to acquiring music from a record store:

But you know, just like convenience where you can go and download it at your will you know. At 3 a.m. in the morning you can be downloading music, you don't have to wait for a store to open. Also, like I mentioned earlier, like certain Greek philanthropy shows, certain maybe you have a school project you have to make a

video. You have to do whatever,... anything you know, you can just... I remember being a part of a little performance thing we were doing and all the music had to be instrumental and one messed up or it had words in it. We just grabbed a computer and downloaded another version of it and it was like... otherwise we could run into big problems because we had to have that music at a certain time, but we just did it real fast you know what I mean. We didn't have to think about it twice.

LeBron summed up how file-sharing is convenient in a way that reflected the participants in the study. He reflected how it is convenient to file-share from anywhere, how it is convenient to just download one song, and the convenience of being able to acquire music through quick easy steps:

It's very convenient. I can do it at home. Wait a minute to download a song, opposed to you know, having to drive to the store and purchasing it. You don't have to go buy whole albums you can get that one song you want. And after that, you know it's very convenient because it's downloaded, it goes straight into your iPod or your program that does it for you, it can be on a CD within minutes. It can be on your iPod in minutes. It can be a part of your CD that you are trying to make and these songs can be downloaded. Boom. CD in, you burn it, and you are good to go. Very convenient. I mean it's awesome to think about you know that someone figured all that stuff out.

## **Chapter 5: Discussion**

This study examined the moral and legal considerations of college students who illegally file-share. In the previous chapters, I described the problem, I crafted a literature review reflecting the evolving nature of file-sharing, and I created a methodology to help me answer my research question. I then collected data which led me to my findings in Chapter 4. From the data that were collected, I found five major themes that were shared among the participants in the study. These themes were Old School Morality vs. Contemporary Morality, Absurdity of Buying vs. Benefits of Free, Malicious Intent vs. No Harm Done, Repercussions vs. Everyone Does It, and Prolonging Needs vs. Satisfying Needs. In this chapter, I will discuss how these findings relate to current research on file-sharing, how the students in the study did or did not view file-sharing as a moral dilemma, how each of these students justified their actions, how Kegan's and Kohlberg's moral development theories relate to the findings, the implications for future research, the entertainment industry, and higher education.

### **Old School Morality vs. Contemporary Morality Discussion**

One of the themes in the study was Old School Morality vs. Contemporary Morality. In this theme, the lenses through which the students made moral decisions were different than ways in which students approached moral dilemmas in the past. The Internet has created some facilitating conditions that allow for some interesting moral and legal dilemmas for its users because it is widely accessible, learned at an early age, and users have some degree of anonymity. In addition, information is readily available and accessible on the Internet. Users see this information as being part of the common

domain and something that they have access to. Therefore, file-sharing through peer-to-peer networks is seen as just another resource for someone to access at their convenience.

The term contemporary morality was coined in this paper to capture how students in this study approach a contemporary issue. It sits opposite another term that I described as old school morality. With old school morality, college students made difficult moral decisions that had some type of grounding from parents, teachers, and peers. This is not to say that college students always made the right moral choices. Rather, when students have been faced with moral decisions in the past, usually they had been taught at some point whether an action was right or wrong. For instance, most college students understand that situations that involve stealing, intentionally hurting others, and even lying are things that are morally wrong. When college students make a moral choice that involves one of these aspects, they are challenged by what they believe or have been taught to believe to be right. There are fairly clear repercussions of their actions and they understand consequences. However, what happens when these students are faced with a contemporary issue such as file-sharing, that has been mainstreamed since Napster's inception in the late 1990s? The same rules of morality may not necessarily apply in this case because this contemporary issue offers things that previous issues did not, namely anonymity, lack of consequences, easy access, immediate gratification, and the opportunity to get something valuable for free.

Contemporary morality blurs the line on what exactly a moral dilemma is because contemporary issues are affected by contemporary ways of thinking. As mentioned earlier, file-sharing and the Internet in general, offer some unique challenges for college students. These students are able to access information and can download almost any

kind of file with some basic knowledge on file-sharing. In fact, they do not even have to be savvy in regards to their knowledge on peer-to-peer networks, because these networks are created to be user-friendly and provide easy access. College students can access something that they deem valuable, such as music, video, or software files, and they know they can do this at any time from almost any place. In addition, most of these college students learned to file-share at a very early age from a parent or a friend. Therefore, these students were never taught that their actions may be immoral or wrong because the very people who could have a positive impact on their moral development were the same as those who were teaching them how to file-share. Thus, contemporary morality is greatly shaped by a societal institution such as the influence or the lack of influence of parents and peers. I will explain this more in the following paragraphs.

The students in this study initially learned how to file-share either from a friend or from a family member, such as an older brother or a parent. The information that the students gained from their peers and family was critical in their development as active file-sharers today. In fact, each of these students could trace the beginnings of their file-sharing behavior back to one specific person who served as a type of mentor, guiding them in the file-sharing process.

The research on file-sharing indicates that peers do in fact have an impact on a person's file-sharing behavior. Mateus and Peha (2008) found that college students believed file-sharing to be prevalent among their friends. Several times throughout my data collection, the students revealed that most of their friends knew how to file-share and were active in doing so. In addition, several of the students in this study believed that most, if not all, of their friends downloaded music at some point. Limayem, Hurt,

and Chin (2001) found that peers can influence each other's file-sharing behavior both positively and negatively. The students in my study were encouraged to file-share by their friends. Also, the students revealed that peers can actually discourage file-sharing and several mentioned how they would consider stopping file-sharing if their friends discouraged it.

LaRose et al. (2005) found that college students disregard the dangers of file-sharing in order to fit in with their file-sharing peers. This makes sense when considering the findings that came out of my study. For instance, the theme Old School Morality vs. Contemporary Morality takes peer and family influence into account. Another theme, which I will discuss later, is Repercussions vs. Everyone Does It. Both themes reinforce the findings by LaRose et al. Ultimately, the students in this study were surrounded by a community or network of file-sharers. This community manifested itself in their roommates, their brothers in the fraternity house, and the friends who shared their file-sharing experience.

What these previous studies on file-sharing do not do is define a peer. The assumption from these studies is that a peer is someone close in age that the student can relate to. Many of the students in this study were influenced by a brother, who was a few years older than they were. Perhaps these older siblings could be considered a peer as well. In addition, previous research does not look into the influence of family on an individual's file-sharing behavior. This study revealed that indeed, family does have some influence on college students' file-sharing behavior. The students in this study offered details on how they learned file-sharing from a sibling or a parent and how this interaction was an important part of the shaping of their file-sharing habits.

Not only did family have an influence on the students in this study, but the students themselves had an influence on other family members. Several of these students learned how to file-share and then passed this knowledge on to other family members. The literature up to this point has failed to discuss how college students have been influenced by family and how they may go on to influence other family members.

The theme, Old School Morality vs. Contemporary Morality, reflects the influence that family and peers have on contemporary moral decision making. Kegan's theory has some implications for understanding the file-sharing behavior of the students in this study. I believe that the students in this study operated in Kegan's first and second order. In the second order, Instrumental Mind, individuals are still self-centered but are beginning to understand the need for relationships. In particular, they are interested in creating reciprocal relationships where they can have their needs met (Lewis et al., 2005). I believe these relationships help us understand that the students realize they have interests, characteristics, and traits that join them to others. The very act of file-sharing is an example of a reciprocal relationship. The students in this study learned to file-share from someone and then went on to teach someone else. However, one way in which the students did not value the reciprocal relationship was when they chose to download a file without uploading any of their own files. This leads me to believe that the students are still self-centered and operate occasionally in the first order because they do not engage in a true reciprocal relationship with other file-sharers.

### **Absurdity of Buying vs. Benefits of Free Discussion**

Chiang and Assane (2002) and Lau (2006) found that financial factors could be a reason why a college student chooses to file-share. Both studies revealed that students

preferred to download a file for free rather than pay for it. Chiang and Assane (2007) also stated that college students see file-sharing as a cheaper alternative to purchasing music. This present study seems to confirm this prior research as one of the themes was, “Absurdity of Buying vs. Benefits of Free.”

The students in this study referred to the fact that money was tight for them and they would rather spend their money on things other than entertainment. It is no secret that the common phrase “the broke college student” is one way to describe the challenges that students face. Many students truly struggle financially while they are in college, often living off the loans that they take out each semester. In addition, some students choose to work part-time to help finance their education, which often creates a strain on them. It is hard to be a college student and not be thinking about how you will continue to finance your education, how you will afford your residence hall room or apartment, how to get money for gas, and where to get money for books.

What I found in this study is that the students I interviewed were not necessarily broke; after all, many of them mentioned that they had money, albeit very little of it. What little money they did have, they had to choose how they wanted to spend it. For these students, they wanted to spend their money on things such as food or clothes, rather than on a CD or a movie. However, each of these students had an interest in forms of entertainment, such as movies, video games, software, or music.

For the students in this study, it made more sense to get their music, video, and software files for free rather than to have to pay for it. An interesting moral conflict comes up with this situation. If the student has very little money, yet still wants access to a type of file, then should he or she purchase that file or try to get it for free? What



would the students have to sacrifice if they chose to purchase the file? Ultimately, these students understand that if they spent \$10 to purchase a CD through a legal site, then that would be \$10 they would not have for food or other things. The students resolve this dilemma in a very interesting way. They know that by illegally downloading the file they can achieve two things. First, they can acquire a file that they value, without having to pay for it. They are ultimately getting something for free. Second, by doing this they save money that they would not normally have if they had purchased it. Therefore, file-sharing is a win-win for them because the end result provides them with that file they value and their original money.

The potential moral dilemma that comes out of this theme is that these college students have access to something they value and they know they can get it for free. Therefore, these students find it absurd to actually purchase a file, when it is out there on the Internet for free. This absurdity shapes their moral reasoning. Issues of what is right or wrong are discarded as the students make choices to file-share based on what is best for them and they would all agree that what is best is that they save their money and get something they value for free. I believe that these students are unable to frame file-sharing as a moral conflict in this situation. Throughout the entire study the students echoed the absurdity of having to pay for something when they knew they can get it for free. This mindset has become so commonplace that it drives them in their file-sharing behavior.

### **Malicious Intent vs. No Harm Done Discussion**

Another theme found in this study was “Malicious Intent vs. No Harm Done.” This theme seems to support the findings of Hinduja (2003), which stated that 51% of the

students in that study did not believe there was anything wrong with file-sharing. The students in the present study seemed truly conflicted on whether or not there was anything wrong with participating in file-sharing. In fact, some of the students believed they would continue to file-share in the future because there was nothing wrong with it.

This theme revealed that the students in the study believed that there was nothing wrong with file-sharing because when they file-shared they were not intentionally trying to hurt anyone. When they file-shared they were not thinking about who file-sharing could hurt or the legality of it. These students mentioned several times how intentions shaped whether something was right or wrong. For instance, the students mentioned on several occasions that they did not see file-sharing the same as physically stealing something from a store because there is a big difference in their intentions. They believe this way because the shoplifter or the thief has intentions that are wrong or immoral. These type of people do the things they do with the intention of helping themselves by hurting others. The students in my study were unable to comprehend that their own actions with file-sharing could potentially hurt someone. Therefore, since the students believed they were not intentionally harming anyone, they concluded that file-sharing was okay.

Hinduja's (2003) research revealed that half of the students in his study admitted they saw nothing wrong with file-sharing. My study revealed that college students did not see anything wrong with doing it as well. This raises interesting moral questions. Why do the students in my study not see file-sharing as something that is wrong? Why are issues of rightness and wrongness not associated with their file-sharing behavior? I believe the answer to this comes from Hoffman (1979) and Kohlberg and Hersh (1977)

who stated that one of the factors that determines whether a decision is a moral one or not is the ability of the individual to empathize with who their actions may impact. If college students could truly empathize with others, then file-sharing could be seen as morally right or wrong.

As I mentioned earlier, the students believed their file-sharing was not wrong because they did not have any intent to hurt others. I cannot help wondering if there are other potential moral situations that end up not being actual moral dilemmas because they justify their behavior in a similar way. Do students use the mindset or phrase, “I’m not intending to hurt anyone,” as their guide in determining whether other decisions are right or wrong? I believe in certain situations this may be the case. For example, students who use the Internet to cheat on an exam or a paper may justify their actions by saying that it does not hurt others. This brings up important questions and concerns on the students’ inability to empathize with others. While lack of empathy may not be a driving force for cheating, this study shows that it is a factor in file-sharing and it could possibly be a factor in other potential moral dilemmas.

### **Repercussions vs. Everyone Does It Discussion**

The literature review revealed that the entertainment industry attempted to curb file-sharing by targeting college students through their university Internet Protocol (IP) address. In 2003, the music industry in particular, targeted college students and used the strategy of filing lawsuits against them. At the time, the entertainment industry was hoping that the use of lawsuits would provide enough consequences that it would deter file-sharing use (Shier, 2005).

The students in this study did not seem to be impacted by the strategy of the entertainment industry. In fact, most of these students had never heard of the strategy of specifically targeting college students, since this strategy was implemented before they were college students. They were unable to internalize the possible repercussions for their file-sharing behavior. In some cases, the repercussions were vague to them and they did not fully understand what could possibly happen if they were caught file-sharing. These results support the research by Rainie and Madden (2005) and Karagiannis et al. (2004) that stated that the strategy of filing lawsuits was ineffective because after it was implemented file-sharing was still prevalent and in some cases had even increased.

Limayem et al. (1999) found that college students believed there was a greater reward to file-sharing than there was a risk. The students in this present study had some grasp of possible consequences or even rumored consequences, but they were not positive what could happen to them. These consequences were never real to them because they did not know of anyone who had been caught. I believe to a certain extent these students internally weigh the risks and rewards of file-sharing and ultimately decide to file-share because the rewards are far greater than the risks. While I believe this to be the case, I do not believe that the students are truly able to understand the risks because they do not comprehend what the risks are.

In the theme Repercussions vs. Everyone Does It, the students' shared experience reflected that they believed themselves to be anonymous participants in file-sharing. They also believed and admitted that most of their friends file-shared and it was something that was incredibly common amongst their peers. As mentioned in the first theme, peers and family had a great influence on their file-sharing behavior. For these

students, they believed that almost everyone participates in file-sharing; after all, they could not name a friend who has not file-shared in the past year. Therefore, their file-sharing behavior has been influenced by the fact that they believed file-sharing to be something that everyone does.

The moral dilemma that comes out of this theme is, what if the very thing that everyone supposedly does, is something that is wrong? To clarify, the students in this study believed file-sharing to be something that everyone did; however, just because everyone does it does not make it right. I think back to when I was young and I justified my own actions by telling my mom that “everyone does it.” She would reply, “If everyone jumped off a cliff, would you do it?” The students in this study would perhaps say “yes” they would jump off the cliff, as long as they could not get hurt. In the same way, the students continue to file-share because the repercussions for their behavior are vague and they are unable to internalize those repercussions. If the students could internalize the possible repercussions, then perhaps file-sharing would be a moral dilemma. Instead, the decision to file-share has no more consequences to them than any other decision they make throughout their day.

### **Prolonging Needs vs. Satisfying Needs Discussion**

This generation of college students has been raised in a culture that places great value on getting things quickly. They have grown up with fast Internet connections, the ability to purchase things online, exposure to fast food, and the capability to download material quickly and easily. These factors have all been a major part of their lives and shape how they approach an issue like file-sharing.

The students in this study value the immediacy that comes with file-sharing. They are able to go to a peer-to-peer network and with a few short clicks of the mouse, they have access to any type of file they want. Also, the wireless capabilities of most laptops and the availability of wireless connections in most restaurants and coffee shops, allow students to access these peer-to-peer networks away from the college campus. Students have the capability to access file-sharing sites from almost anywhere at any time. Even when universities clamp down on peer-to-peer usage, they simply go off-campus.

The students value the convenience of file-sharing and when they place value on this, what they are really saying is that they value having their immediate needs met. In this case, those needs are to obtain music, video, or software files. Furthermore, the students' desires to have their needs met are a far stronger driving force for them than the realization that they are participating in something illegal.

What would happen if students chose to extend their need to acquire these different files? So, instead of illegal file-sharing, they waited and acquired the song, movie, or software whenever they could legally obtain it. Unfortunately, this is not the mindset of these students and the theme of Prolonging Needs vs. Satisfying Needs makes it clear that the students do not and cannot think in these terms.

The moral dilemma that comes up with this theme is the issue of doing something illegal in order to satisfy one's needs. The students enjoy things such as music and movies and they know that they can access these types of files online. To them, the files are out there (on the Internet), easy to get, and available to them. Therefore, it makes sense to them to satisfy their immediate need of having these files. However, when the students choose to satisfy their immediate needs, they choose to do something that is

illegal. They know file-sharing is wrong, yet continue to participate in it because they value being able to immediately acquire any type of file for free.

Robert Kegan's theory of moral development can help explain how college students progress in their moral development. He believed that his theory can help explain how individuals view life and how they construct identity, self-concept, relationships, and cognitive growth. He created five orders of consciousness that he believed individuals move through as they develop. It was his belief that each level could describe an individual at a particular age or stage in his or her life (Kegan, 1994). For instance, he believed college students to be at level three, which is the Socialized Mind. In this stage, the student is able to see situations through multiple viewpoints and is moving away from narrow-mindedness to operating in harmony with others (Lewis et al., 2005).

The challenge I face when attempting to determine where the students fit in Kegan's model is that these students are unable to see their file-sharing behavior as a moral dilemma. Therefore, it is somewhat difficult to understand where they are or how they progress through Kegan's theory. However, the students did reveal how they justified their actions which has implications for their cognitive growth, self-concept, and relationships. Their justification for file-sharing allows me to understand where they are morally.

As I mentioned earlier, students approach file-sharing from Kegan's first and second order, and rarely operated in the third order. In the first order, Awareness, individuals are self-centered in wants and needs. I keep thinking back to the theme, Prolonging Needs vs. Satisfying Needs. The fact that the students in this study placed

great value on immediately acquiring something they felt they needed, leads me to believe that they are self-centered in their thoughts and are interested in satisfying their needs. Kegan also states that individuals at this stage are impulsive due to the desire to have their needs met (Komives & Woodard, 2003). I would argue that the college students in my study were very impulsive. An individual can hear a song on the radio and immediately acquire it. A friend can ask if he or she has heard of the latest song and with a few clicks of the mouse, the student can have that song. I believe file-sharing can be a premeditated act and at the same time an impulsive act, because it is convenient, easy, and accessible from almost anywhere. While Kegan believed this first order characterized individuals 10 years or younger, I find it very interesting that some of the individuals in my study actually learned to file-share around that same time. Perhaps in some ways they operate at that level because they learned to file-share at such an early age.

Kohlberg's theory also works well with this study. There are some challenges that come out of it. First, the students in this study do not see file-sharing as a moral dilemma. This has importance when relating the data back to the theory. On the one hand, the very issue of something not being a moral dilemma has implications for where the students may reside in Kohlberg's model. On the other hand, it is difficult to grasp how this theory can apply to the students because the factors that play a role in making file-sharing a moral decision are absent from these participants. To explain a little more, when Kohlberg gave the Heinz Dilemma to the participants in his study, they had a clear understanding of what the moral issue was. To them, Heinz should either steal the drug or not, with stealing being the moral dilemma. However, for the students in my study,



they have not been taught that file-sharing is stealing. Therefore, they face no moral dilemma when they do file-share. My concern is that without file-sharing being a moral issue, it is difficult to identify their specific stage in moral development.

The second issue that makes relating the data back to Kohlberg's theory difficult is the fact that Kohlberg's theory was created before the advent of the Internet. While this may not seem important to most people, the Internet has created interesting moral dilemmas that Kohlberg may not have been able to envision. When Kohlberg first created his theory, technology looked completely different, especially considering that a lot of his theory came out of his 1958 dissertation.

As I have stated earlier, I find it challenging to analyze the data back to the theory due to the issue that students do not see file-sharing as a moral decision. However, I have found that the students in this study rationalize their reasoning behind their file-sharing behavior and this has some implications for where they may be in Kohlberg's theory. For instance, I believe that when dealing with the file-sharing issue, the students in this study operate at Stage 2 or "individualism, instrumental purpose, and exchange." In this stage, individuals operate in an egocentric fashion, making decisions that benefit them. Participation in file-sharing is the very definition of an egocentric act because the individual is satisfying her or his needs. Also, at this stage the individual engages in reciprocity, a form of exchange that benefits the individual. File-sharing on peer-to-peer networks is a form of reciprocity. It is an exchange between individuals where the person who is downloading the file gains a benefit of some sort for participating in the act. In conclusion, Stage 2 has a central theme that whatever is good for the individual must be good. Therefore, I believe that the students in this study reside at or around this stage

because they are egocentric in their view of file-sharing, they do what they think will benefit them, and they are driven by self-interests.

## **Conclusion**

After the data were collected and analyzed for themes I took some time to think about how these college students make moral decisions. I wondered if these students believed that file-sharing was a moral dilemma. If they did, then how did they construct meaning? If file-sharing was not a moral dilemma, then what was going on that makes this the case. One of the questions that kept coming up as I analyzed the data was “how does a person make a moral decision?” Hoffman (1979) concludes that two factors play a role when an individual makes an internal moral decision. The first factor is that the individual believes that he or she is being watched by someone, or better yet, their actions are being watched and there are repercussions for making the wrong choice. The second factor is that the individual must have the ability to empathize. He or she must understand how a decision could impact others. It involves being able to step back and view a decision through another’s lens. Hoffman’s conclusions help frame how students in this study may or may not make moral decisions. This study reveals that the students believe that their file-sharing behavior is an anonymous process with no repercussions. In addition, they were unable to truly understand how file-sharing may hurt others.

Kohlberg and Hersh (1977) believe that in order to make a moral decision, individuals must engage in empathy and guilt. Similar to Hoffman’s (1979) findings, Kohlberg and Hersh believe that an individual must be able to empathize with who may be impacted by his or her decision. These researchers believe that the individual must be able to internally role play how a moral decision may impact others. Also, an individual

must be able to feel or experience guilt. If guilt is present, then the individual may choose to make a moral decision with the thoughts of others in mind. Guilt is also a motivating factor for making the right decision. It is my belief that the students in my study did not feel guilt or empathy when they file-shared; therefore, Kohlberg and Hersh would say that their decision to participate in this act is not a moral one.

After reviewing the data from this study and the research on moral development, I conclude that for the students in this study, file-sharing does not present a moral issue. This is not to say that the students are unable to regularly make moral decisions. Rather, in the case of file-sharing, it is a decision that is no different than any other decision that they face during a typical day. I base this decision on the data that were provided by the students and the themes that came out of the data. Several factors reinforced my belief that file-sharing is not a moral dilemma: the students did not see file-sharing as stealing, they had not been taught that their behavior was wrong, they had an inability to truly empathize with who file-sharing hurts, they experienced very little guilt, they found it absurd to actually have to purchase what they were getting for free, they justified their behavior based on their intent, they were unable to internalize the consequences, they sacrificed the moral decision process by satisfying their immediate needs, and they acted as if their actions were anonymous. No single one of these factors was the sole reason that I came to this conclusion. Instead, it is how all of these factors work together that helps me understand how students do not see the decision to participate in file-sharing as a moral decision.

The first factor that I mentioned was that students do not see file-sharing the same as physically stealing something. This tells me that the students are unable to internalize

that they are participating in something that is illegal. These students agreed that they would never shoplift or steal from someone else; yet, they were unable to understand that file-sharing is actually stealing.

The second factor is that the students had not been taught that file-sharing involved a moral decision they had to make. When I take a moment to reflect on the things that I hold as moral decisions in my own personal life, many of these decisions were influenced by parents and teachers. As I was growing up, I had family and teachers who instilled in me at an early age that some actions were wrong and I should not participate in them. For instance, I was taught at a young age to stay away from drugs. Therefore, when I was faced with situations where I could possibly partake in drugs, I made a moral decision not to because of the influence of my parents and teachers. On the same note, the participants in this study mentioned that there have been times in their lives when a parent told them not to do something that was illegal, for instance stealing. Although these students know that stealing or shoplifting is wrong they have never been taught that file-sharing is wrong.

The third factor that plays a role in how file-sharing does not involve a moral decision is that the students are unable to truly empathize with those who file-sharing actually hurts. The students are unable to truly comprehend that their file-sharing behavior, and file-sharing as a whole impacts everyone from the small business owner to the manufacturers. I would argue that since these students use the Internet to file-share they are disconnected with the human element that is so important in moral decision making, which is the ability to empathize and feel guilt. Therefore, there is a wide

disconnect between their actions (which they do not consider illegal) and the actions of those who actually steal (because there is a tangible item being stolen).

Guilt is the fourth factor that plays a role in whether a decision is a moral decision. For the students in this study, they did not feel guilt when they file-shared. Guilt never enters the picture when they made a decision whether or not to download a file. Therefore, if guilt is not something the students feel when file-sharing, then file-sharing itself may not be a moral dilemma.

As mentioned earlier, one of the themes that came out of the data was that the students found it absurd to actually purchase music, video, or software files when they knew they could get it free. The students never considered file-sharing to involve a moral decision because they knew they could get access to the files without having to pay for it, and why would they actually pay for it when these files are out there for the taking? Therefore, I believe that the absurdity of buying the files was another factor that shows that the students did not believe file-sharing to actually involve a moral decision.

The sixth factor that suggests that file-sharing does not involve a moral decision for the students was the theme that reflected that the students did not believe their intentions to be wrong. For these students, they were unable to comprehend how file-sharing could involve a moral decision because when they shared files they did not intend to hurt anyone. Therefore, if their intentions were not wrong or evil, then their file-sharing could not be wrong. While this may sound like a convoluted way of viewing file-sharing, it accurately describes the internal thought process of these students.

The seventh factor that makes file-sharing a non-moral issue is that the students were unable to understand or internalize the consequences or repercussions of their file-

sharing behavior. I argue that if someone does not understand or is unable to internalize the fact that there are consequences for a particular decision, then that individual may be unable to understand that the decision is a moral one.

The eighth factor is that the students chose to satisfy their immediate needs to obtain music, video, or software files. I argue that for the students in this study, file-sharing does not involve a moral dilemma especially considering how they value meeting their immediate needs. The students value the immediacy and convenience of file-sharing, and these factors play a role in how it defines the students' file-sharing behavior. Therefore, when the students choose to file-share, they are not doing so out of some internal moral conflict; rather, they do so because it is quick, easy, and convenient.

The ninth factor that makes file-sharing a moral decision is that the students acted as if they were anonymous. They believed that they could log onto a peer-to-peer site, download a file, and do so without being watched or judged for their actions. If someone feels they are actually being watched then they may think twice about doing something that is illegal. Also, if someone can do something illegal and remain anonymous throughout the process, then they choose to do so because there would be no repercussions for their actions. As mentioned earlier, Hoffman (1979) stated that in order for a decision to be a moral decision, individuals must believe that their actions are being watched.

### **Implications for Moral Development**

I believe this study has some implications for the future of moral development theories. Historically, moral development theories were shaped by how individuals make meaning of situations, their cognitive development, how justice plays a role in their

decisions, and how they respond to moral dilemmas. For the most part, these theories have explained or made sense of how individuals develop over the course of their lives. These theories usually have some basic assumptions. For instance, the first assumption may be that individuals recognize that there are different types of decisions they make and some of them are moral decisions. Second, individuals may approach moral decisions differently than they would any other type of decision. Third, factors such as guilt and empathy can determine if a decision is actually a moral one or not.

What these theories do not take into account is how morality has been blurred by our attraction to and use of technology. In particular, the Internet allows individuals access to things that they never had access to before and with that comes new and intriguing moral situations. Quite simply, the Internet offers convenience, a degree of anonymity, and easy access to anything a person could ever want.

I would argue individuals do things online that they normally would never do in “real life.” They might normally see a moral conflict when faced with it outside of the Internet, but when they go online they may be more likely to disregard the morality of it because there are no repercussions and they feel anonymous. File-sharing is just one example of how morality has been blurred. The students in my study understood stealing or shoplifting to be wrong. However, once they go online where files are at their fingertips and they know they can get away with it, stealing becomes a non-issue (morally) to them.

I strongly believe that future theories of moral development must take into account the impact of technology and what it provides (namely anonymity). It may be unfair to attempt to understand individuals’ moral development with traditional moral

development theories that do not take into account the impact of technology on how moral dilemmas may be blurred. Therefore, I believe that future moral development theories should account for how individuals make decisions and how these decisions are impacted by technology. Furthermore, individuals may approach a moral conflict or dilemma one way, then when they go online and become anonymous they approach the dilemma in a completely different way.

### **For Higher Education**

Higher education has played an important role in the history of file-sharing. Where it once had no policies on student file-sharing, it now has policies in place to target and remove file-sharing use on its networks. Higher education may have been so concerned with compliance with these acts that it missed out on important opportunities to educate its students on file-sharing. Thus, one of the main implications for this research is the strong need to educate students on their file-sharing behavior.

Universities are training the next generation of elementary, junior high, and high school teachers. These teachers can have a great impact on the students with whom they come into contact. Therefore, I believe another implication of this study is the need to educate our next generation of teachers to identify potential moral dilemmas that students face and prepare them to approach these issues. If teachers can be taught or made to see how file-sharing can be a moral issue, then they can go on and teach it to their students.

### **For the Entertainment Industry**

One important implication of this study is that the entertainment industry should understand how students in this study constructed their morality, or actually how these students were unable to frame file-sharing as a moral decision. This has implications



because these industries attempted to stop file-sharing in the past without actually comprehending the morality of those it targeted. Future strategies should focus less on punishments of those who have been file-sharing for a good part of their life, and instead focus on education and public awareness.

Another implication that comes out of this study is that the entertainment industry should explore cheaper options for legal music downloading. After all, most legal downloads are overpriced for the student's budgets. Perhaps the entertainment industry should consider offering less expensive legal downloads than what they have offered in the past.

### **Implications for Future Research**

This study offers implications for future research. The literature revealed that peers have some influence on file-sharing behavior; however, the literature does not talk about the influence of family. This study revealed that the students learned file-sharing from peers and family; therefore, a future area of research could focus on the extent or the frequency that family members influence file-sharing behavior.

Additional research could focus on the influence that culture has on an individual's decision to file-share. Perhaps this research could look at how culture is constructed and how Western ideas of individual rights and protection of copyrighted works may or may not be conducive to other cultural groups.

Finally, future research should look at college students who choose not to file-share and their reasons for doing so.

## **Summary**

This study was designed to explore the phenomenon of college students who illegally file-share. The main research question was, “What are the experiences of college students who file-share and what are their perspectives on the moral and legal implications for doing so?” This study revealed that college students learned to file-share at an early age and were never taught that it was wrong to do so. In addition, these students were confused on how file-sharing could be considered stealing and were motivated to file-share because they can get something instantly for free. Furthermore, the students were unable to comprehend the legal side of file-sharing and could not internalize the repercussions of their behavior. Therefore, the students in this study were unable to view file-sharing as a moral dilemma.

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## **Appendix A: Interview Protocol**

- 1.** Tell me as much as possible about yourself and how your experiences relate to file-sharing.
- 2.** Tell me about a time that you downloaded a music or video file. What was that experience like?
- 3.** Tell me about the first time you file-shared on a peer-to-peer network.
- 4.** Tell me about yourself, your future, and how it relates to file-sharing.

## Appendix B: Consent Form

You are invited to participate in a research study conducted by Colton Cockrum, from the University of Memphis [*Department of Leadership*]. I hope to learn more about the reasons why students choose to participate in file-sharing. File-sharing, which is illegal, is the process by which someone downloads video, music, or games files from an intermediary source on the Internet, such as a peer-to-peer network. The results of this study will be used for completion of the dissertation for my doctoral program. You were selected as a possible participant in this study because you responded to a written or verbal request for students who admit to file-sharing.

If you are willing to participate then I will begin the data collection process. This research project will use one-to-one interviews, focus groups, and online communication (e-mail and postings on SurveyMonkey).

The interviews will focus on file-sharing habits, frequency, and factors that play a role in your decision to file-share. If at any point during the interview you feel uncomfortable and want to withdraw from the study that will be granted.

Any information that is obtained in connection with this study and that can be identified with you will remain confidential. All information will be kept confidential within limits allowed by law. Participant identities will be kept confidential by using pseudonyms with any written transcriptions of the interview. In addition, the university where you attend will be given a pseudonym. The information gleaned from interviews will be combined with the information gathered from other interviews and the data will be analyzed. Therefore, the results that are found through the interviews can not be traced back to any individual. When we meet face-to-face I will ask you to recommend a place that provides privacy and is conducive for using a digital recorder. Any links to you or your e-mail address will be destroyed after the study concludes.

Your participation is voluntary. Your decision whether or not to participate will not affect your relationship with your university. Your responses will not be reported to the university or affect your grades. If you decide to participate, you are free to withdraw your consent and discontinue participation at any time without penalty.

If you have any questions, please feel free to contact me at 678-3084 or Honors Hall. My dissertation chair is Dr. Patricia Murrell, 678-2775. If you have questions regarding your rights as a research subject, contact the Office of Research Support Services, University of Memphis, Memphis, TN 38152, (901) 678-2533. This Office oversees the review of the research to protect your rights and is not involved with this study.

Print Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

## Appendix C: Request for Research Participants



### RESEARCH PARTICIPANTS NEEDED

I am currently working on a Research Project for my doctoral program in Higher and Adult Education. The purpose of this study is to learn more about the behavior of undergraduate students who file-share. Therefore, I am looking for undergraduate students, ages 18-24, who have participated in online file-sharing within the past six months. Participation in this research study will consist of one face-to-face interview, one focus group, e-mail communication, and online postings on SurveyMonkey. The first interview will be held to describe the study and to guarantee confidentiality (confidentiality is protected by the use of pseudonyms, a signed waiver, and IRB approval). As a participant in this study you will have the opportunity to review your answers after the interview and you have the opportunity to withdraw at any point.

If you are interested in participating in this research study please contact Colton Cockrum at 901-678-3084 or [ccockrum@memphis.edu](mailto:ccockrum@memphis.edu).