Sailing Towards Freedom: Discourses of Domination and Resistance in Online Piracy Communities

Lewie Andrew Carmichael

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SAILING TOWARDS FREEDOM: DISCOURSES OF DOMINATION AND RESISTANCE IN ONLINE PIRACY COMMUNITIES

by

Drew Carmichael

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ABSTRACT

For this study, 22 people over 18 years of age who illicitly downloaded media, sometimes called ‘pirates,’ were interviewed to explore how they accounted for their behavior and their communities. They claimed poverty, convenience, habit, archiving, and fun as their primary motivations for piracy. A Pirate Bill of Rights is proposed to represent foundational ethics from which many participants drew their basic moral and ethical assumptions. James C. Scott’s transcript theory is used to frame how pirates perceive domination and how piracy acts as a form of resistance against it. The concepts of the ‘pirate other’ and the ‘corporate other’ are coined here to describe how pirates perceive interaction with both the piracy community and with a dominant class since modern mass communication technologies alienate actual interaction with dominating actors.
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On October 24th, 2022, the above image was posted on Reddit’s piracy forum (itchylol742 2022). As one comment states, it has been posted many times before, and this is likely not the last time it will be posted. I share this image because it succinctly captures two
discourses that pirates often use to account for their behavior. On the left, we have what one commenter dubs the “digital anarchist” who pirates because of political motivations driving them to undermine “greedy corporations.” On the right is the “cheap mf” who pirates “only” out of poverty. The most upvoted comment reads, “My piracy is payback for the 1+ years of my life hours wasted watching the ads networks shoved in my face” (Itchylol742 2022).

These themes, and more, are mirrored in the interviews conducted for this study. As illustrated in the presented image, common everyday understandings regarding pirating portray the two discourses as binary in nature and in conflict with one another. In practice, pirates draw on both discourses and more when narrating accounts of engagement in piracy. At one moment, they might attribute their piracy to penury. Later, they may claim that the exploitative nature of media corporations spurred them to opt out of the system. By the end of the interviews, they may claim they did it because they respected the artwork.

Through the lens of transcript theory, as discussed in James C. Scott’s *Domination and the Arts of Resistance: Hidden Transcripts* (1992), I explore the meanings those who engage in piracy attribute to the activity and the communities which have developed around it. Piracy is an undertaking that has emerged within the context of particular laws and cultural practices which seek to suppress it. While much of the scholarship in the past has used pathology, criminology, and deviance frames to examine piracy, Transcript theory as a frame yields an alternative that centers the voices of pirates and reveals perceived “dominations” unique to the modern digital world.

The present study explores the various discourses pirates draw on when accounting for their behavior. It pays especially close attention to themes of domination, exploitation, and
resistance because, within the literature, there exists a running debate over whether piracy exists as a form of resistance to recent developments in capitalism or if it exists as just another mundane way to interact with media — one that is created by and subservient to capital. Transcript theory from *Domination and the Arts of Resistance* (1992) helps us understand how, at least in the minds of pirates, both are true. Specifically, my research questions were:

- Do online pirates draw on the discourses of domination and resistance to describe online piracy?
- What other discourses, if any, do online pirates draw upon to describe online piracy?

Pirates draw on discourses of resistance to discuss their piracy, but how they described “the dominant class” is unique—perhaps a creation of the digital world. Chapter Two opens with a technological and legal overview of modern online piracy and then describes the trends in the literature on piracy so far, including research that draws on economic and criminological frames. Chapter Three orients the reader to the theories used in this study to explain pirate communities and their behaviors, and then Chapter Four explores the methods that guide this study. Chapters Five and Six present the findings of this research, focusing on how pirates perceive themselves and how pirates perceive those they interact with, respectively. Chapter Seven discusses my findings in conversation with other research on piracy. Chapter Eight summarizes the study and suggests future projects that could draw on the theories and conclusions of this one.
CHAPTER 2: LITERATURE REVIEW

Among those who perform academic research on internet piracy, there is a pervasive belief that little research has been done on the subject. Martin Paul Eve, author of the book Warez (2021), is perhaps the first to realize this belief is untrue. In his book (which lauds itself as "the first scholarly research book about this underground subculture"), Eve points out that there is a significant amount of research on the topic. Still, he describes it as a "disaggregated community of scholarship" (Eve 2021:41). Perhaps this is because of the broad range of fields that attempt to scrutinize piracy. Articles concerned with piracy appear in journals ranging from the *Journal of Research in Crime and Delinquency* to *Information Management & Computer Security* to *Postcolonial Studies* to the *Journal of Japanese and Korean Cinema*. These are only to name a few. Even articles that attempt to provide a broad meta-analysis of an entire field's literature on piracy are limited in scope compared to the breadth that truly exists.

The literature in each field makes a unique, valuable contribution. Computer science and the study of technological networks explore the actual practice and technological infrastructures supporting piracy. Literature and cinema studies chronicle how illicit distribution avenues alter how individuals and society engage with artistic media. Some economics-oriented research examines piracy's impact on national economies and media-creating corporations, whose content is often the target of piracy. In other cases, economists explore how "black markets" of media function as economies in and of themselves. Criminologists interrogate pirates as subjects of legal institutions and performers of illegal activity; law-oriented research is concerned with how these behaviors are legislated and regulated. There is very little sociological research on piracy,
although existing research has made valuable contributions to the field. This literature review summarizes each perspective on piracy and how they inform this project.

*The Story of Technology*

Because the emergence of piracy in society tracks parallel with the emergence of technology, this section explores aspects of computer science, information technology, sociology, and economics to elucidate how humans interact with technology. “In a digital world, machines become more and more linked in a symmetrical manner with human actors in heterogeneous networks, thus blurring the distinction between the human and technical agency” (Ballano 2018:26). Rather than pushing piracy one way or the other, advancements in technology have nuanced and contradictory effects on illicit media markets, at times simultaneously enabling and constraining the practice. In the past, physical media was duplicated in “bootleg” forms, such as pamphlets printed in the 1800s or DVDs sold on a street corner in the 1990s. As duplicating technologies become more precise, piracy occurs with more regularity and ease, with smaller margins of error. However, as physical media becomes a platform through which digital content travels, other technologies meant to stymie duplication are developed. Some of these prevent media from being played in countries outside of where they are sold, called geo-locking. Others, called always-online services, prevent the media from running unless they have a connection to a company-owned server. These technologies, collectively called digital rights management (DRM), rarely hold off the pernicious pirate and occasionally cause outrage among consumers who feel their access to legally obtained media is hindered in the effort to stop pirates. “Content controls have been received by ordinary consumers as a frustrating impediment to lawful use...
and by hackers as both an affront to digital freedom and an opportunity to prove their mettle” (Bridy 2009:569).

Around the turn of the 21st century, the internet superseded physical media as the primary way to share in high-income countries. This trend starts among Internet Relay Chat (IRC) users, where pseudonymous actors jostle and compete for status among a subculture whose main purpose is sharing illicit media (Cooper & Harrison 2001). Various pirate identities still in use today evolved from this IRC subculture, including the “leech,” who assumes a degrading social status but receives files without needing to provide compensation (Cooper & Harrison 2001). Then, with companies like Napster, music sharing becomes mainstream and alienated from the aspects of it that require trading based on social reputation. While using IRC, a user might send a message asking for a song and rely on the goodwill and attention of other users. A user of Napster (or other peer-to-peer [p2p] based companies) merely has to search a database, request a song and receive it from another user’s computer, with no action on the file owner’s part needed. With DRM failing to restrain duplication of media, rights-holders turn to the courts to shut down these services. As a response, many pirates turn to torrenting to copy media illicitly. The function of the technology is similar to Napster, but instead of downloading a file from one user, a pirate would download small pieces of a file from dozens or hundreds of other users.

The communication protocol that allows for torrenting is called BitTorrent, and it works by having each computer with the downloaded file stand by, ready to send a little piece of the file to a new computer. Once the new computer has that complete file, they also become part of the swarm. In response to this, rights-holders sometimes bait pirates by pretending to be a new
computer ready to download the illicit file, when in reality, they log the Internet Protocol (IP) address of computers they connected to, allowing them to track down the computer’s owner and hold them legally responsible. Computers that track torrenters in this way are called honeypots. Due to the nature of the BitTorrent technology having hundreds of connections between computers in a very short time frame, a pirate who downloads one movie could accumulate hundreds of thousands of dollars in so-called damages (Holpuch 2012; Lavoie 2009).

The honeypot is not a bulletproof strategy, however. Companies face the difficulty of legally associating an individual with an IP address. Therefore, companies turn to other methods to stem piracy. Technology trends have made internet connections faster and cheaper; one result is the advent of streaming services. This development, in and of itself, makes significant progress toward reducing piracy (Smith & Telang 2016). If a consumer is pirating because of the expense or inconvenience of physical media, streaming services address this by allowing a legal copy to be obtained just as fast, if not faster, and for far less money than a physical version might cost (Karaganis & Renkema 2013). In response to legal threats by rights-holders and honeypot strategies, individual pirates have begun using IP-masking technology, such as virtual private networks (VPNs), that filter connections through other computers that do not point back to the user. With this, their identity is protected even if a pirate connects to a honeypot. At the same time, “hubs” of piracy have moved their operations to other nations, where American legal threats hold less sway or where concepts of ownership or sharing are more amenable to the pirate ethos. Many take the added measure of making their communities exclusive, where one must have a certain reputation to access content, and once accessed, must maintain a certain level of participation to stay in. This participation is often measured through the ratio, “the amount
uploaded versus downloaded … for each member – like a score, or the number of points earned” (Beekhuyzen et al. 2011:708). Some services have even adopted a decentralized format where no central database or index acts as a hub of communication, making it difficult for companies to lobby for their shutdown (Tyson 2000).

As some scholars predicted, increased corporate-sanctioned digital distribution platforms provide legal competition to piracy (Poort et al. 2011). Digital storefronts like Steam and streaming services like Netflix have changed the media landscape in numerous ways. They could not exist without high-speed internet connections, but now they have given consumers a taste for quick or bufferless on-demand media. Scholars observe that this is a fundamental aspect of modern information capitalism. They argue that this developing urge within consumers promotes piracy with the same incentives it encourages pirates to turn to legal streaming services (Schillings 2014). Some torrent-based streaming services download the movie as the user watches it, but these run into a particular problem: if there are not enough users watching it, no one can download it, and if no one can download it, no one can watch it. This problem has been endemic to all torrent services, but streaming exacerbates the issue. Thus, many viewers turn to other free services, collectively called gray streaming services, for the gray legal areas in which they operate. Cyberlocker websites such as Mediafire or Putlocker allow any file to be uploaded for later downloading and viewing by parties with the link. Anyone, including the uploader, could later navigate to one of many linking sites whose primary purpose is to accumulate links to cyberlocker sites. To grab the attention of wider audiences, texts designed to catch search engine algorithms, such as “watch movies FREE” (Ibosiola et al. 2018; Lobato 2012), appear there. These services rely on central servers rather than other users, so they avoid the buffering problem
of torrent-based streaming services. The cyberlocker sites and linking sites themselves are layered with ads, collect data, or use the pirate’s computer to mine cryptocurrency, thus generating revenue for whoever runs the central servers (Ibosiola et al. 2018; Lobato 2012). “The end result is that users can access movies online without generating any revenues for rights-holders via services which may appear to some users to be perfectly lawful, but which in fact operate at the very edges of legality, at best” (Lobato 2012:96). The reliance on a central server also increases their vulnerability to being shut down by governmental authorities. Further, at least one study finds that engaging in legal streaming of movies increases the likelihood a user will engage in movie piracy (Derakhti et al. 2020).

While only tangentially related to technology, it would benefit the reader to consider the history of the media conglomerates that use technology to distribute content, mainly because, in the past decade, making sanctioned streaming widespread has been a prominent and arguably the most effective strategy by industry decision makers to minimize piracy (Lobato 2012; Smith & Telang 2016). Netflix began its streaming division in 2007 (Hosch 2009b). Hulu, a competitor to Netflix, opened to the public in 2008 (Hosch 2009a). Spotify, which focused on music streaming, launched the same year (Alexander 2013). In the years since, more and more streaming services entered the market, up to 235 services in 2019 (Hayes 2019). Furthermore, corporate-owned services like Disney+, HBO Max, and Peacock, which eclipse those already in the market in scope of resources and library size, have joined in the years since 2019, often pulling their content from other platforms in order to host it themselves. Understanding the dispersal of media across many different streaming services sets up the cultural context that the interviewees in the present study live in while participating in this research.
Evolving Legal Atmospheres

Along with the evolving technology, there are evolving laws around piracy. Intellectual property, and more precisely copyright, "grants the holder rights over the copying, reproduction, distribution, broadcast and performance of the designated 'work' or content" (Yar 2005:679). In other words, if one holds a copyright over a work, they are exclusively allowed the right to copy it. Piracy occurs when someone infringes on this right by copying a work without permission. The laws surrounding intellectual property and copyright have been and continue to be crafted under the influence of the content creation industries, some of the most powerful in America.

However, this was not always the case. Hollywood was started by filmmakers trying to escape Thomas Edison's control of the film industry through his patents on cameras and film. These companies moved west, where courts were less likely to rule in Edison's favor. Most other content creation industries also started with some form of infringement on intellectual property (Lessig 2004). Audio-Recording devices infringe on the composer's copyright, and radio infringes on the recording artist's copyright, both by distributing them in ways outside of the control of the rights-holder. Cable TV does the same to movies, and VCRs undermines cable TV (Lessig 2004).

Regarding the history of American copyright law, there have been two guiding principles: "First, the law assured that new innovators would have the freedom to develop new ways to deliver content. Second, the law assured that copyright holders would be paid for the content that was distributed" (Lessig 2004:75). These two objectives temper how Hollywood, the record industry, and cable TV all are allowed to do business; some must license the content, thus
providing financial compensation to the rights-holder, but others are not required to pay at all. In each case, the new technology allows the new distributor to get a “free ride” off the past industry's content. However, Lessig (2004) argues that p2p and BitTorrent technologies do not enjoy the same privileges.

More recently, the Digital Millennium Copyright Act (DMCA) makes it a crime to enable copyright infringement through technology (Digital Millennium Copyright Act 1998), such as breaking the DRM on a DVD player to watch movies made for a different region. The DMCA also allows some degree of safety for ostensibly law-abiding platforms that are commonly used for copyright infringement. Consider an episode of House, M.D., which has been unlawfully uploaded to YouTube. If the infringing material is promptly removed once YouTube has received notice from a rights-holder, they are not financially liable (Digital Millennium Copyright Act 1998). This method has become the most common way corporations fight copyright infringement. If, for example, someone uploads a video to a platform, and the rights-holder thinks this infringes on their copyright, they may notify the platform and request it be taken down. Most platforms do so immediately to avoid being held financially responsible. Some platforms even have programs that automatically detect potentially infringing material and remove them before a notice is served. These are usually referred to as DMCA takedowns, or just takedowns, in the communities they affect. These laws are often spread from the United States to other countries by way of trade agreements, which demand that nations that wish to be trade partners of the U.S. adopt laws that codify intellectual property as being a kind of private property (Ballano 2018:70). This broadens the territory in which mechanisms designed to protect IP rights can operate and limits the activity of pirates.
While these takedown requests are effective on platforms such as YouTube or DropBox, platforms with servers outside of the United States or U.S.-aligned legal regimes are not subject to these control structures. Gray streaming sites rely on legal havens and obscurity to protect their operation (Lobato 2012). Users of such resources must adapt to their transitory nature caused by the precarious balance between too much notoriety and not attracting enough users to justify the costs (Ibosiola et al. 2018). Further, piracy using BitTorrent is not vulnerable to these takedown requests because of the decentralized technology.

The internet has become enmeshed in people's daily lives. As media conglomerates such as Disney accrue more power and influence, the issue of piracy becomes a prominent battleground over how individual rights and digital life intersect. Now that a technological, historical, and legal map of piracy has been laid out, the rest of this chapter is dedicated to exploring the existing literature on piracy, including what I term here as mainstream and alternative framing devices.

Mainstream Framing Devices

As discussed previously, many fields seek to understand piracy using the paradigms and tools unique to their approach. Many studies, using quantitative methods, describe how piracy impacts large institutions in society, such as the economy, culture, or the state. They have also sought to explain how these large institutions create incentives or opportunities for individuals to perform piracy. The economic frame focuses on understanding how the activities of pirates affect the formal institutions of the content-creation industries, and the cultural frame focuses on the
intersection of prevention efforts with social norms and legal restrictions. The criminological frame draws on theories of criminal behavior to explain why pirates perform piracy.

Economic Framing

For economists, piracy is most frequently framed as an economic issue that has consequences for the financial system. According to estimates, in 2019, online piracy caused between $29.2 billion and $71 billion in lost revenue for the U.S. content creation industries, including movie and television production studios and distribution companies (Blackburn et al. 2019). Considering it from this point of view, these losses reduce total revenue to $229 billion based on 2017 earnings and deprived up to 541,000 people of jobs. These estimates are calculated on the “displacement rates” of piracy or to what degree unsanctioned viewings prevent money from being spent on the U.S. content creation industries. It is estimated that between 14% and 34% of piracy displaces legal purchases of content (Blackburn et al. 2019), based on other studies that estimate different displacement rates that vary based on region and access. Media produced in the U.S. but pirated outside the U.S. causes the most substantial revenue losses because those pirates are the least likely to spend their “savings” from pirating on other U.S. goods (Blackburn et al. 2019). They also find that unsanctioned streaming makes up 80% of internet piracy, dwarfing p2p torrenting and download-based piracy. These estimates frame piracy in terms of “losses” to content creation industries and the larger economy.

It is perhaps most common to view piracy as inhibiting economic prosperity. However, other economically oriented literature on piracy asserts that it ultimately serves modern capital. From this perspective, piracy does not represent damage to corporations but rather a consumer
demand that has yet to be met (Jie 2014). Piracy, it is argued, serves to saturate the market before
distribution practices can cater to those would-be customers. This effect is especially prominent
in customer bases that have less money to spend than the typical American consumer. In China,
for example, piracy helped spread the adoption of the Windows operating system over
alternatives. After their product saturates the market, Microsoft, the creator of Windows, can
pivot this market dominance into a profit-producing venture (Jie 2014).

Further, it is argued that illicit digital distribution forces reluctant music companies to
pivot and create their own digital distribution platforms to compete, where they now make more
money than ever before (Jie 2014). In these ways, piracy consolidates consumer attention and
spurs corporations to abandon the status quo and turn toward more profitable ventures. Lastly,
scholars argue that “neoliberalism uses the breakthroughs generated by piracy and the creation of
new commons as a way to further enclose and commodify an expanding range of resources”
(Arvanitakis & Fredriksson 2016:140). Piracy and the technological infrastructure it creates
comprise new commons or publicly available resources. Then neoliberalism, often through the
process of Intellectual Property or patents, encloses those commons.

Using economic frameworks, piracy can be understood as a detrimental behavior that
damages the wealth and prosperity of corporations and their employees. It can also be considered
a tool of capital that, while not financially profitable, creates consumer devotion from which
wealth can later be extracted. Lastly, it can be seen as a dialectical opponent that prods
corporations into action to fill market niches. However, we must remember that not all who study
piracy view it through this lens that privileges market rationality and positions humans primarily
as consumers.
Cultural Framing

Cultural studies position piracy as an activity that is emergent from and constitutive of the broader culture. This perspective claims that the U.S. content creation industries have so thoroughly cornered the market that most global media demand is for U.S. media (Yar 2005). For many countries, legally licensed media is outside the price range for their populations (Lobato 2012). Similar to the “piracy as an arm of capital” perspective, piracy is portrayed as filling in the cracks between the markets. Instead of concluding that piracy reinforces capital, it is instead represented as spinning off into shadow economies revolving around piracy itself (Lobato 2012). For adherents to this position, piracy occurs more frequently now than in the past, and economic losses are expanding (Blackburn et al. 2019). Yar (2005) critiques this assertion, stating that, "as the market for U.S. film and media has expanded, so have the costs incurred by losses to 'piracy' (even if the level of 'piracy' as a proportion of overall trade in films had remained constant)"

(2005:681). Yar further argues that,

the tightening of copyright laws produces more 'copyright theft' as previously legal or tolerated uses are prohibited, and the more intensive policing of 'piracy' results in more seizures; these in turn produce new estimates suggesting that the 'epidemic' continues to grow unabated; which then legitimates industry calls for even more vigorous action (2005:690).

Using the cultural framing, piracy is only seen to be increasing because corporate actors are lobbying to reduce sharing rights of human actors while also creating more media that humans may want to share (Arvanitakis & Fredriksson 2016; Yar 2005). Some quantitative studies
promote the idea that the most active pirates also spend the most on media (Karaganis & Renkema 2013; Noorda & Berens 2021), and in one of a few ethnographies of music file sharers, it is shown that buying what you download is a promoted norm in the subculture (Beekhuyzen et al. 2011).

Those who take a cultural approach to piracy also observed that "pirate" is a semi-heroic archetype, at least in the western media canon. Using lessons from Critical Whiteness Studies, Schillings points out that in legal and cultural discourse, the image of the pirate often acts as a western resistance to western practices and, as such, can envision a change to the "The West's" economic exploitation of poorer white people while perpetuating The West's colonial-racial exploitation of non-white people (Schillings 2014). The image of the pirate is often drawn in contrast to what Schillings calls the "praedo," who "is associated with collective and inherently hostile Otherness that seeks to overcome the West at large" (Schillings 2014). The praedo, while performing many of the same acts as pirates, represents an existential threat as opposed to the pirate, who at least allows for a continuity in social/racial power dynamics. Lest this racial hierarchy be assumed to only exist in maritime piracy, researchers observe that even in digital piracy, pirates and activists who align themselves with the pirate movement often portray western/white piracy as artistic acts of creation that fight for liberty, where non-white (commonly Asian) piracy is portrayed as a mutual threat to both (Schillings 2014).

From the cultural viewpoint, piracy emerges as a behavior responding to economic barriers and cultural incentives. Some studies argue that the decision to pirate is based on modern information capitalism and the expectation that consumers will always be on the cutting edge of released media if they want to be a part of a culture's contemporary discourse (Da Rimini &
This is especially relevant in regions outside the United States. Other countries might have their media landscape dominated by voices from the U.S., but their legal access might be temporally delayed or prohibitively expensive, further incentivizing piracy in these areas. This heightened amount of piracy exacerbates the perception that piracy done by non-white/non-westerners is perceived as more threatening. Conclusions drawn from this viewpoint tend to focus more on how piracy results from cultural behavior patterns and norms rather than economic decisions. This framing can be used to critique economic perspectives, arguing that economic viewpoints reduce people with complex sharing patterns to "consumers" who either adhere to or infringe upon intellectual property rights.

Criminological Framing

Criminologists seek to understand why people “committed piracy” in order to deter it. Internet piracy can be “considered a unique crime in that it is neither traditional street crime nor white collar crime” (DeCamp 2009:2). Research that uses a questionnaire administered to college students – a demographic significantly at risk of performing the criminal behavior (Hinduja 2001, 2003) – finds that certainty of punishment is a greater deterrent than severity of punishment (Higgins et al. 2005). However, it is noted that deterrence theory cannot be tested in real life because of how unlikely it is for a pirate to get caught; “a deterrence effect would not be possible until punishment severity and certainty increase and more students begin to perceive it as such” (DeCamp 2009:12). Among cultural contexts outside the United States, conclusions drawn from questionnaires given to college students show conflicting results which indicate deterrence effects do not impact one’s decision to pirate; instead, ethical/moral considerations
and social norms are more likely to affect one’s decision (Hati et al. 2019; van Rooij et al. 2016). Considering this, scholars suggest that differential association is a better explanatory tool for describing how piracy behavior is spread and encouraged (DeCamp 2009). “A key difference between real world crimes and cybercrime, however, is that the social learning process of cybercrime is not solely constrained to the physical world as it is for traditional forms of crime” (Holt et al. 2010:36). In other words, the differential association construct and exposure to deviance in general is not limited to immediate physical peers, but rather extends to cyberspaces.

**Mainstream Framing Devices – An Evaluation**

Mainstream approaches to piracy research purposefully or inadvertently reproduce the ethnocentric assumptions and interests of the larger institutional actors. Economic framing is concerned with the economy and financial impacts of piracy. While often critiquing perspectives that emphasized the economy, cultural framing still approaches pirates as being acted on by external forces such as culture rather than emphasizing the pirates’ agency. Criminological framing focuses on the agency of the pirates but begins with the assumption that the behavior is criminal. The following studies focus their attention on the pirates themselves, seeking to understand the value of the activity to their identity, rapport with other pirates, and engagement with institutional actors.

**Alternative Framing Devices**

Lawrence Lessig (2004) describes four main reasons an online file sharer might have for doing it: As a substitute for purchasing, to sample before purchasing, to obtain files that can no longer be obtained in regular markets, and lastly, as a way to receive files the creator intended to
be received in this way. This is a useful metric when debating the level of economic harm that online file sharing causes. Piracy as a substitute to purchasing is the only one of these four options that deprives creators/corporations of income; the rest would suggest that piracy happens because of the market’s failure to distribute goods in ways that the people consuming them desire. But as this section demonstrates, piracy can have interlocking benevolent and malicious (or completely unemotional) motivations, and to truly understand piracy as a behavior, it must also be understood from the perspectives of the ones performing it.

Research that explores how pirates themselves account for their actions is scant, usually taking the form of quantitative/survey-based research. These research projects typically ask pirates to explain their individual ethical beliefs regarding the behavior instead of asking them to explain how their beliefs are influenced by their pirate communities (Karaganis & Renkema 2013). That being said, there are at least six projects that situate pirates’ behaviors within a community context.

*Roles of Exchange and Getting Action.*

Cooper and Harrison (2001) use a theory of getting action to examine how pirates jockey for social position by filling different interactional niches, moving between them as the pirate sees necessary. Using an ethnographic participant-observer approach, paired with at least one short, casual interview, Cooper and Harrison explore the various identities, codified as “roles of exchange” (2001:77), that pirates assume while pirating with the IRC protocol. The most notable of these is the leech, who assumes a degrading position to obtain audio files for free. Within the theoretical framework, they “reach through” the piracy network, obtaining the desired file but
not achieving any change in social status. Next is the trader, who gives out sought-after files on the condition that they receive files in exchange. The trader is said to be “reaching up” or shifting their social status upwards.

They are the entrepreneurs who get action by reaching up to become further embedded in the subculture. The more upward their orientation, the larger their net of audio files, and thus their social action potential (Cooper & Harrison 2001:79).

Then there is the citizen, an established personality who provides files from their collection without requiring compensation but gains social clout and sometimes special privileges on the server, like moderator status (Cooper & Harrison 2001). The citizen is described as “reaching down” or creating opportunities for others to boost their own social status, thus benefiting the community as a whole. (Cooper & Harrison 2001:80). While these categories are defined separately, a pirate might alternate between them from one moment to another, downloading something for free on one server, then trading it for something with someone else, then freely distributing the file for which they traded elsewhere (Cooper & Harrison 2001).

This argument that piracy networks function as markets based on social capital is echoed twenty years later in Warez (Eve 2021). Eve uses content analysis to explore The Scene, the colloquial name of arguably the highest level of internet piracy. It is a secretive group that, over the course of twenty years, evolved in part from IRC chatrooms (Eve 2021). The content that Eve analyzes includes user logs, FTP session captures, old programs, and magazines published by The Scene (Eve 2021:44) that leaked out of the community. It also includes legal seizures of their information and assets and the rare data that members of The Scene released intentionally,
like the interviews that they gave to journalists, such as at the website TorrentFreak. Much of this is collected in archives, the most prominently used being the DeFacto2 archive (Eve 2021). The data spans a broad time frame of the past few decades. Eve paints a portrait of The Scene as a hyper-competitive aesthetic-based subculture, where participants vie for reputation and status. “The Scene is an elaborate performance of elitism, played in private, yet one that requires a public stage on which to act out its status” (Eve 2021:286). He portrays The Scene in opposition to one of the dominant narratives of piracy: as anti-capitalist Robin Hoods.

Despite allegations that pirates might be communists or socialists who believe in the free sharing of anything for anyone, the truth of the matter is that, structurally, The Scene is a highly competitive and economic space that thrives on scarcity (Eve 2021:286).

The Scene may not trade in money, but they trade in social capital. This is an argument quite distinct from the framing posed in the economic literature on piracy. The Scene is positioned by Eve as yet another part of human culture that has adopted the market mindset as a guiding principle for its organization, with the currency in this case being reputation. Eve recognizes that not all piracy happens within The Scene – in fact, The Scene makes up a relatively minuscule amount of piracy (even if it is where a significant portion of pirated content first comes from). Eve sketches a pirate hierarchy, a pyramid in which the top point represents the elite few in The Scene, and moving downward we see growing numbers of people who participate in less elite piracy communities. While painting a nuanced portrait of The Scene, Eve says of low-level pirates: “Most people who use public trackers, it can be assumed, are primarily interested in acquiring the end product free of charge. As there are no motivational structures, such as a
requirement to upload, the focus is on the material itself on these sites.” (Eve 2021:85-86). He further discusses what could be understood as the next level up from public trackers: private trackers. Of the division between the two, Eve observes:

What seems clear is that, at the crossover point from public to private BitTorrent trackers, there is the beginning of a shift in generalized motivation. While many private BitTorrent users participate because they wish to have access to pirated artifacts, it is also this step in the pyramid hierarchy that piracy begins to take on a life of its own. That is, some of the structures of private BitTorrent trackers encourage pirates to participate for the sake of piracy, rather than to gain access to new music, films, and software (Eve 2021:88).

The IRC piracy networks, and later The Scene, both depend on the trading of social capital and reputation. However, much has changed since the halcyon days of IRC, and most piracy happens outside of the closed doors of The Scene. The next articles turn their attention to other types of piracy, like gray streaming and torrenting, while also shifting their theoretical orientation to consider how pirates interact with the networks they make up.

*Actor-Network Theory.*

Beekhuyzen et al. (2011) uses a participant-observer approach paired with three in-depth interviews to explore music piracy in the p2p space. Rather than trading files, access to the websites that act as databases for torrent files are the commodities that pirates trade for
(Beekhuyzen et al. 2011). These communities are exclusive and elitist (roughly located in the middle of Eve’s pirate hierarchy), acting as a hub for people who are passionate about the media being shared. “The community connectedness is something missing in almost all commercial music information systems,” (Beekhuyzen et al. 2011:706). Discussion of shared interests in the forums is encouraged, and participation is enforced through the requirement of maintaining a certain ratio of data uploaded to the swarm and data downloaded from the swarm (Beekhuyzen et al. 2011). Beekhuyzen et al. (2011) used Actor-Network Theory (ANT) to investigate how strict rules and norms create a network of trust, participation, and reciprocity that allows them all to achieve independence from commercial music distribution. The piracy communities comprise the network, and using ANT allows the researchers to consider how the network incentivizes the actors to behave in ways that aligns with the good of the network. Additionally, one might assume that pirates illicitly obtain media to escape restrictions on how it is consumed or interacted with. ANT reveals that in fact, those who obtain media illicitly are just trading technical restrictions, like DRM or geo-locking, for social restrictions like the ratio and invitation-only membership (Beekhuyzen et al. 2011).

Jonas Andersson’s “Peer-to-peer-based file-sharing beyond the dichotomy of ‘downloading is theft’ vs. ‘information wants to be free’: How Swedish file-sharers motivate their action” (2010) uses twelve semi-structured interviews to explore how file-sharers account for their behavior, specifically focusing on p2p file-sharing that occurred in Sweden in 2005-06. More specifically, the research explores how the participants draw on the discourse of the “copyfight,” the colloquial term for the public discussion over the value or harm caused by widespread piracy/file-sharing. This research concludes that Swedish file-sharers draw on five
different regimes of justification: (1) that file-sharing as a phenomenon is functionally impossible to stop, (2) that stopping piracy would require too much encroachment on civil rights, (3) that those who produce media are not (or at least do not have to be) harmed by file-sharing, (4) that everyone should be able to participate in culture through consuming cultural products, and (5) that file-sharing is ultimately better for society. These justifications can be seen in many public discussions around piracy.

However, these justifications are complicated by again using ANT. In the previous article, the networks being described are the semi-elite private music sharing communities. Here, the network being analyzed is public peer to peer file sharing (in Eve’s hierarchy, this would be among the lowest levels of piracy). This analytical lens reveals that many of the participants do not see themselves as individuals making moral-ethical decisions, but instead as playing a small part in a vast network with dispersed agency:

This might not be wholly enlightening or liberating, as seeing oneself as an actor can also entail a de-personalisation or a lessening of one's own self-importance: according to ANT, actors are defined by how they act and are acted upon in a network of practices and are thus defined relationally, even functionally, as arguments or operators. (Andersson 2010:305)

Andersson finds that many participants value the moral-ethical position of the five regimes of justification but do not necessarily see their actions as contributing in a significant way to the betterment of society or to the presence of file-sharing online in general.
Casting the network even broader, Da Rimini and Marshall’s “Piracy is Normal, Piracy is Boring: Systematic Disruption as Everyday Life” considers actors in the network that is information capitalism. They describe this “information disorder” that has become an order for organizing people and information in and of itself as “pirarchy” (Da Rimini & Marshall 2014:323). They conduct a small number of in-depth semi-structured interviews with pirates to explore how their piracy relates to their general interaction with media and media industries. Andersson (2010) concludes that piracy is justified in the previously outlined five ways, but also that justifications go only so far in explaining perceived motives of those who pirate. Da Rimini and Marshall instead draw the conclusions that piracy is not viewed as an activity that requires justification at all, but rather it is a mundane part of modern lives driven by the ever-accelerating desires incentivized by information capitalism (Da Rimini & Marshall 2014). Interviews with people who engage in illicit media sharing (most of the participants deny the label "pirate") located in the high-income country of Australia report that their primary reasons for engaging in the activity are keeping up with the cultural conversation and adhering to the information capital ethos of immediate gratification. The respondents, who mostly identify as cultural producers such as artists and writers themselves, also identify piracy as essential to their own creative process. Pirarchy, therefore, encompasses the systemic causes that enable and promote these individual motivations. Regarding explicitly political intentions surrounding the behavior of illicit file-sharing, they conclude:

If there is a radical edge to the actions of these so-called 'pirates',
our interviewees do generally not push it, and it is unintentional
and possibly self-undermining of their own survival [as cultural producers themselves]. It is just a habit and people do not have to persuade themselves that they are doing the right thing — rather, it is simply what they do. (Da Rimini & Marshall 2014:336)

The casual attitudes towards piracy are also found in Karaganis and Renkema’s *Copy Culture* (2013). It has been argued that this casual attitude towards piracy stems from a fundamental misalignment between the IP laws governing people and cultural norms of those governed by IP laws (van Eechoud et al. 2014). Da Rimini and Marshall conclude that the casual attitude more likely stems from the values of Neo-liberalism that encourages maximizing gain while minimizing cost, or perhaps even that the pirates do not apply rationality to their behavior at all; piracy is just a habitual or normal way to interact with media and the internet (Da Rimini & Marshall 2014).

*Transcript Theory.*

Transcript theory is also used to center the research on the perspective of the pirates. In *Software Copyright and Piracy in China*, Lu (2009) performs a content analysis based on archival data (1999-2007) from the biggest general topic internet forum in China. The content covers pirates and non-pirates alike. Lu engages in a discourse analysis of tutorial materials and opinions regarding piracy to investigate how pirate practices spread. Lu finds that the conflicting piracy-encouraging and piracy-discouraging “functions of new [information and communication technologies], Chinese culture, and patriotism fragment the identities of Chinese software users” (Lu, 2009:142), causing them to choose piracy or not depending on their individual situation.
Using ANT to break down dichotomies between macro/micro analysis and material/spiritual motivations, Lu then uses transcript theory (compared to Gramsci’s counter-hegemony or Polanyi’s counter-movements) to explore how hegemonic structures influence pirate behaviors. Rather than existing as an open, coherent opposition, Lu argues that piracy mostly takes the form of Scott’s infra-politics, or low-profile and hidden political resistance because, while Chinese software users believed in some pro-piracy discourses, they still internalize hegemonic beliefs about copyright so that their resistance remains on an individual level, as opposed to collective (Lu 2009). This study highlights how discourses of resistance can contribute to piracy, but it does so in a very specific context: China at the new millennium.

Where Lu focuses on digital piracy in China, Ballano’s *Sociological Perspectives on Media Piracy in the Philippines and Vietnam*, focuses instead on physical piracy. Ballano asserts that to understand the behavior of the pirate, one must also understand the networks, both human and technological, that they create (2018). Ballano uses ANT to describe these networks and explore the incentives and attitudes they create in their actors, but Ballano also applies theories of hegemony, most notably Scott’s theory of domination and resistance. In these, the networks of U.S. led IP laws are analogous to a public transcript where domination can be found. “The educative function of law and its role as a generator of social norms make it an effective tool for the leader in a hegemonic legal order to gain consent from the dominated without coercion or overt resistance” (Ballano 2018:38). Piracy, then, “… can also be interpreted through the lens of this theory to account different infringing and nonconformist acts and attitudes as expressions of covert or passive resistance.” (Ballano 2018:49). Ballano observes this resistance playing out on a national scale: developing governments are seen to allow counterfeiting and piracy by delaying
the enforcement of anti-piracy laws as a form of resistance against U.S. Hegemony (2018:53). The networks created to distribute pirated media and the norms promoted by them represent a hidden transcript, complete with farcical displays of compliance, such as the public destruction of counterfeited goods which distract from ineffective anti-piracy laws (Ballano 2018:55-56).

Lu concludes that piracy remains an individual act and does not rise to the level of organized resistance, since the studied people still accept some of the assertions of a hegemonic worldview. Ballano concludes that the national networks of piracy represent organized resistance against hegemonic structures because of the cultural perception that “sees creative work and IP as communal rather than privately owned” (Ballano 2018). These different conclusions could be attributed to the projects’ methodological differences, or to the differences in regional and temporal location.
CHAPTER 3: THEORETICAL ORIENTATION

The discussion on “Roles of Exchange” illustrates how pirates can relate to each other and form communities around appreciation and exchange of media. Actor-Network Theory proposes a model in which agency is dispersed into a broad network of other people and technological infrastructure. Pirarchy represents a paradigm in which spreading networks of mass communication and Neo-liberal ideology change how we interact with media. While these other theories explore discourses that constitute communities, James C. Scott’s transcript theory, as described in the book *Domination and the Arts of Resistance* (1992), specifically casts these discourses in the context of domination and subordination. Considering America’s historical trend of criminalizing those who perform piracy, positioning pirate discourses within the broader discourses of the public is essential. This extra granularity provides insight into the motives and ideals of pirates.

Scott’s transcript theory is concerned with how groups with different power statuses interact across class lines and among themselves, specifically with how the subordinate class performs resistance. Resistance is anything the subordinate class does to undermine the authority of the dominant class. It must be covert because the consequences for resistance are severe. While certainly relevant to many modern industrial-capitalist situations, this theory was initially conceived to explain feudalistic power relations. As such, one might find it an obscure choice for research concerning behavior that happens primarily online, where the digital landscape has ways of blurring the lines of identity and interaction that are essential to understanding this theory (Ballano 2018). To that end, I have expanded on Scott’s theory by integrating Mead’s
concept of the generalized other to represent one source of the subordinate class’s domination, which as Ballano and Lu describe, is actually dispersed in the broad system of governance and economic exchange that is capitalism. This chapter will discuss the different components of Scott’s transcript theory – domination, resistance, and the transcripts themselves – with an eye towards how it has been applied in online or digital settings. The discussion will end with a brief description of Mead’s concept, the generalized other.

**Domination and Resistance**

Carrying on the tradition of Foucault, many explorations into power focus on the “infinitesimal mechanisms” (Foucault 1980:99) that interact with the objects (that is to say, people) that the power seeks to exploit. Inspired by this novel description of where power is located, “Resistance [is] increasingly understood as reflective awareness and a rejection of hegemonic ideology—a lived, everyday, form of resistance” (Anderson 2008). This is the value provided by Scott’s transcript theory: It observes resistance in the places where people would be objectified by power.

Transcript theory observes three different kinds of domination, and a resistance to each respectively. In the modern world, these dominations take the form of capitalism, described as “a process and a cluster of structures of systematic domination” (Ballano, 2018:33). Further, it observes transcripts that dictate how members of different classes interact, and transcripts that dictate how members within the same class interact. These are called the public transcript, and the private transcript.
Material Domination and Resistance.

Material domination is the idea that dominant groups extract material wealth from their subordinates, either through appropriating their labor or taking resources they have produced. Ballano recognizes that modern capitalism accumulates not just through material goods, but also by turning knowledge into a commodity in the form of intellectual property (Ballano 2018).

Resistance to material domination often takes the form of what Scott (1985) calls ‘the weapons of the weak’ including foot-dragging, feigned ignorance, and false compliance. These activities are described at length as being performed by feudal peasants but can also be seen being performed by nation-states (Scott 1985); Ballano (2018) describes southeast Asian countries performing false compliance by creating laws against piracy but not funding those departments enough for them to have an impact. Even modern academics use these strategies to resist managerialism in universities (Anderson 2008).

What does material domination mean in a world where the materials in question are increasingly digital? As mentioned earlier, intellectual property functions as a way to enclose what could be considered a digital commons (Arvanitakis & Fredriksson 2016; Ballano 2018), but also social media works as a way to turn people’s engagement with culture into a commodity by turning art that someone creates and shares into content that is being sold by the platform to the people on it (Giblin & Doctorow, 2022; Mutsaers & van Nuenen 2018). At the same time, the connections forged by social media have the power to reveal subordinate solidarity (McManus 2020; Mutsaers & van Nuenen 2018). The “weaponized meme” (Garber 2017; McManus 2020), which is distributed through exploitative platforms, blurs the line between domination and resistance; it encourages people to use the dominating platform, but it is also a material artifact
that carries a message of (often ideological) resistance. As Mutsaers and van Nuenen (2018) state,

… these unanticipated, divergent forms of [online] behavior and discourse may still encompass a dimension or vector of protest.
And regardless of their soul and substance, such protests are ways of engaging with those in power and, as such, are too important to be underestimated or ignored (2018:196).

*Status Domination and Resistance.*

Status domination is the idea that dominant groups humiliate subordinate groups or strip them of their dignity. The potential presence of this form of domination is not obvious, but as we have seen, some argue that piracy is turned to when one cannot otherwise afford to participate in popular culture (Lobato 2012; Yar 2005). The appearance of the term leech (Beekhuyzen et al. 2011) could be interpreted as pirates using the dominant group’s logic of ownership to subordinate others within piracy communities themselves. In *Software Copyright and Piracy* (Lu 2009), Chinese pirates present a discourse which reflects a resentment of foreign nations perceived to be controlling intellectual property rights, and thus their piracy acts as a way to negate this “humiliation that China suffered under the hands of Western imperialism” (Lu 2009:85). In *Domination and the Arts of Resistance* (Scott 1992), status domination is usually portrayed as being done on an interactional level (the slave-owner who beats the slave or the noble lord who demands his lessers bow), but the elites who are perceived to control the media and the people who extra-legally copy it, as is the case in Lu’s work, are unlikely to have
interactions. For Chinese pirates, this lack of interaction leads to an adoption of nationalist discourses (Lu 2009) or in the Philippines and Vietnam, “is a manifestation of resistance to the U.S. hegemonic design in the Asia Pacific region” (Ballano, 2018:70). Repression of piracy happens in a complex system involving legal and technological mechanisms performed by state and private (corporate) actors. What is certain is that the humans who are the objects of those mechanisms perceive the domination, even if they cannot name and put a face to who dominates them.

*Ideological Domination and Resistance.*

Ideological domination puts forth a worldview that portrays the domination of the subordinate by the elite as just or righteous. For example, a story that frames serfs as weak and unable to protect themselves, thus justifying their subordination to feudal lords, is an example of ideological domination. The main form of resistance to ideological domination is ideological negation. To continue the feudal story, consider the tale of a greedy feudal lord who steals from his humble but upstanding serfs. Serfs who share this story are engaging in ideological negation by sharing stories that frame their domination as unjust. The hydra called Intellectual Property/Neoliberalism/Information Capitalism can be viewed as an ideology in and of itself (Arvanitakis & Fredriksson 2016; Ballano 2018). When discussing how piracy can act as a form of resistance to neoliberalism, Arvanitakis & Fredriksson (2016) state:

> [Piracy] highlights the myth of clearly defined property rights as well their contextual nature. As a revolutionary act to confront property rights that ruptures the neoliberal ideology, piracy
presents us with alternative property rights regimes including the re-establishment of the commons (2017:140).

Transcripts

Transcripts are the patterns of interaction people follow to decide how they interact with others, and Scott’s theory specifically contrasts the patterns that people use when they interact with members of different social classes versus how they interact with members of their own. A public transcript serves as an interactional battleground between the dominant and the subordinate classes, whereas private transcripts for the dominant and subordinate classes serve as locations of respite away from the performance of the public transcript. The forms of domination categorize how a subordinated class interacts with the dominant class in the public transcript, but the hidden transcript of the subordinate captures how the subordinated classes interact among themselves. Scott describes the subordinate hidden transcript as “offstage, where subordinates may gather outside of the intimidating gaze of power, [where] a sharply dissonant political culture is possible” (1992:18). The private transcripts of the subordinates also serve as sites where resistance is born. Generally, when more domination is present in a society, the hiddenness of the private transcripts and the resistance of the subordinates increases commensurately (Scott 1992:89-90).

Once again, the question of how transcripts present themselves in an increasingly digital world must be addressed. Scott describes hidden transcripts as, for example, taking place in slave quarters or country clubs. They happen in places where the rule of law or the rule of propriety keep the other class away. These locations often have strong community ties with long-lasting
relationships. Mutsaers and van Nuenen (2018:162) observe that transcripts that occur online, “… differ, however, in that the kind of “groupness” emerging in these spaces requires neither strong, lasting bonds grounded in shared bodies of knowledge nor any temporal or spatial co-presence…” They continue with the observation that social media and online communities allow for information to be conveyed and collected in anti-hegemonic ways, saying,

[social medias] activate imaginative ways of relating lightly packaged information (rather than tightly narrated facts) to and with diffuse individuals and collectivities; social media connectedness and exchange are part of a narrative-building apparatus that rebuffs static tropes and hegemonic imagery (Brassard & Partis 2015:8 as cited in Mutsaers & van Nuenen 2018:163).

Transcripts of the subordinate are defined as the ways a subordinate class creates solidarity and spreads knowledge – both of domination and how to resist it using infra-politics and the “weapons of the weak.” It is clear that changing technology has radically altered the way that subordinate transcripts manifest. As Lu observes regarding data collected from a digital platform, “The coexistence of public and hidden transcripts in Chinese users' online discussion indicates blurring distinction of public/hidden transcripts…” (Lu 2009:99) because the online space is not completely controlled by a dominant class, nor is it completely concealed from them. Lu further observes that this resulted in a greater penetration of the public transcript into the subordinate class’s daily discussions, but also “a higher degree of collectivity and visibility” (2009:99-100) than the usual hidden transcript.
Resistance or Rebellion?

These observations raise the question of whether transcripts that happen online are even hidden. Scott differentiates between resistance and rebellion. Resistance is hidden and has the veneer of compliance with the demands of the dominant class. Rebellion is open defiance of the dominant class, often taking the form of “speaking truth to power.” In terms of transcripts, resistance takes place in the hidden transcript, and rebellion takes place in the public transcript. The increasingly digital world forces us to ask another question: how private are these transcripts? How could a tweet that is seen by thousands of people or a meme that is on the front page of one of the most-trafficked websites in the world be considered private? Scott observes, “The ability to choose to overlook or ignore an act of insubordination as if it never happened is a key exercise of power” (1992:89). Insight into the private transcripts of the dominant is difficult to get, but we can see how members of a perceived dominant class not responding (at least, not directly) to these online displays of insubordination codifies the perception among the subordinate that their insubordination takes place in a private location.

Generalized Other

The generalized other, coined by George Herbert Mead, describes a way for humans to conceptualize the behaviors, attitudes, and expectations of other people. Mead describes it as, “the result of the given individual taking the attitudes of others toward himself, and of his finally crystallizing all these particular attitudes into a single attitude or standpoint…” (Mead [1934] 1972:90). The generalized other can be viewed as “part of an internal conversation within oneself” (Holdsworth & Morgan 2007:403). It is often explained through the process of
describing a game; the generalized other informs an individual’s perception of the other players as a whole, and the generalized other shifts attitudes and behaviors as the game’s situation changes (Holdsworth & Morgan 2007). The concept is fluid and should be seen as a process (Holdsworth & Morgan 2007) where individuals constantly absorb new attitudes and expectations and integrate them into their perception of the generalized other. The generalized other “embod[ies] normalized practices” (Holdsworth & Morgan 2007:414), similar to the way that transcripts are the patterns of interaction we use when encountering others and anticipating the nature of the interaction to unfold. They both influence the decisions an individual would make at any given moment. The difference is that transcripts assume that someone else is present and responding accordingly. The generalized other, however, need not have a physical manifestation separate from the individual. The individual knows their attitudes and can infer how they likely would respond to any given action – the individual can typically count on their expectations.

“It is in the form of the generalized other that the social process influences the behavior of the individuals involved in it and carrying it on, i.e., that the community exercises control over the conduct of its individual members” (Mead [1934] 1972:155). If we cast this in the light of inequality, this describes domination. Here, I argue that the generalized other can represent not just a community an individual is a part of, but also a dominant class to which an individual is subordinated.
CHAPTER 4: METHODS

While previous research endeavors have drawn on interviews to supplement their information, few consider the attitudes and discourses that pirates use when accounting for their own actions. Additionally, because of the nature of qualitative research, the information gained in those projects was culturally and temporally specific (Andersson 2010, Da Rimini & Marshall 2014). This study added to the body of literature by providing a new cultural and temporal perspective. I conducted twenty-two interviews, with the specific goal of exploring how pirates talk about themselves, their behaviors, and their communities.

The Sample

There were two requirements for being interviewed in this study: 1) the participant must have been 18 years old or older, and 2) the participant must have identified themselves as a pirate or believe that others would identify them as such. The youngest participant was 18 and the oldest participant was 41, with an average age of 26.5 years. Seventeen participants were from the United States of America, two were from Canada, and one each were from Brazil, Serbia, and Malaysia. Twenty participants identified as men and two identified as non-binary. None identified as women. Nineteen identified their race as white or Caucasian, two identified as Asian, and one identified as Chinese. One person who identified their race as white also identified their ethnicity as Latin American. Five of the participants were married (one only informally so), one was divorced, and the rest identified as single. One participant had some high school, and one had a high school diploma. Seven participants had some college, nine
participants had bachelor’s degrees, and four had beyond bachelor’s degrees. Of those four, one was working on a master’s degree, two had master’s degrees, and one had a PhD.

Three participants self-identified their socioeconomic status as lower or working class, four identified as lower middle class, and two identified as upper middle class. The rest (13) identified as just middle class. Seven identified as having moved upward in socioeconomic status, and one described having moved down. One described having been in the past both higher and lower than their current status. The other (13) did not describe changing socioeconomic statuses. Ten described living in an urban environment, eight described living in a suburban environment, one described living in a rural environment, and three described living in urban or suburban areas during different parts of the year. Six participants had Comcast Xfinity as their internet service provider, four had AT&T, and two had Verizon. The rest had different, often local, providers.

**Recruitment**

Because of the digital nature of the community spaces, interviews were conducted over a video-chat service, such as Zoom or Discord. For recruitment, I posted the recruitment flier (Appendix A) to various public piracy forums (r/piracy on Reddit, for example) and private piracy forums using my personal accounts. These communities acted as the ethnographic field (Marvasti 2004) from which I could draw participants with insider knowledge. Several participants also provided my contact information to others, both conferring legitimacy to my project in the eyes of the community and causing a snowball recruitment effect. The piracy
subreddit was by far the most effective recruitment location, perhaps owing to its vastly larger number of members compared to the private communities where I recruited.

**Interview Procedures**

After being contacted by prospective participants, I sent them consent documents (Appendix B) and, if requested, the questionnaire (Appendix D) that we would be following during the interview. Both verbally and through the consent document, I explained that written consent had been waived (Appendix E), but I began every interview by asking them to verify that they understood the research and consented to participate in it. As described in the Consent Document (Appendix B), I kept contact information on an AES-256 encrypted hard drive and destroyed that information when I was done. Many participants reached out to me with pseudonymous or ‘throwaway’ accounts that were not linked to their true identity. I also allowed my participants to pick pseudonyms that would be used to refer to them during the research. That being said, some participants opted to go by their real names during the interviews to represent them standing by their convictions or lack of/refusal to feel shame for their actions.

Interviews began with the collection of demographic information, and then transitioned to discussing the participant’s history with piracy, such as what their earliest memories with it were, before moving on to discuss their motivations for piracy, and ending with how they view the role piracy plays within broader society.

The shortest interview was twenty-five minutes long, and the longest interview was three hours and forty minutes long. The interviews were semi-structured, in-depth, and open ended, allowing participants to guide the discussion to themes they believed were relevant (see
Appendix D). This method allowed participants to compare and contrast the topic at hand with seemingly unrelated topics that occupied similar moral/ethical spaces within the minds of the participants, like the culture of counterfeit fashion or modifying video games (called modding or rom-hacking in the pirate parlance). Borrowing from the concepts of active interviewing (Marvasti 2004), it also allowed participants to take on different roles, like pirate, consumer, and friend or family member. This is reflected in the spectrum of ways that any given participant might account for their piracy.

With this method, the social desirability effect risked distorting the findings by encouraging the participants to respond in a way that the researcher desires (Marvasti 2004). To mitigate this, I designed the interview questions (See appendix D) to encourage participants to provide their own accountings for piracy, and then to elaborate on the subjects they provided. The richness and depth that comes from conversational data ultimately allowed for a complex explanation of the studied behavior.

I performed two rounds of coding on the interviews, first an initial coding (during which I also de-identified any personal or recognizable information) and then a focused coding using concepts which emerged from the data. I used resistance and transcript theory as a sensitizing concept. This served as an initial guide for understanding how piracy is understood by those who do it, but I found that several modifications or additions were required to capture all the themes. During the course of coding, it became clear that the “everyday” aspect of Scott’s “everyday resistance” carried significant explanatory value. Specifically, I used narrative analysis techniques (Marvasti 2004) to investigate how participants created their identities, most often in
opposition to other identities that treated art as a market commodity or otherwise failed to respect
art in a way my participants viewed as necessary.
CHAPTER 5: US, OR HOW PIRATES PERCEIVE THEMSELVES

This chapter discusses the findings of the study, with a focus on how pirates describe themselves and their actions. I begin with a section on how piracy was learned by my participants, and how they perceive knowledge of it spreading. Then, I go on to discuss the core ethical values that I found my participants expressing repeatedly. I conclude with descriptions of the most commonly reported motivations for piracy.

How Piracy is Performed and Learned

The majority of participants use public torrent trackers as their primary method of piracy, but several each use gray streaming sites or private torrent tracker sites as well. Almost every respondent knew of the others, and those who fell higher on Eve’s pirate hierarchy tend to report having used the lower methods in the past. Participants engage in different kinds of piracy depending on what they are looking for and what resources they have access to at any given moment, but three participants report changing their most common method from private to public trackers or from torrenting to streaming, moving them down Eve’s hierarchy. The most commonly reported way to first learn of piracy is by having a friend or family member teach them:

*HippieHair: Some kid that I met... he taught me how to pirate stuff. I remember I pirated Windows when I built my computer to save like 100 bucks. And he taught me how to do that. ... I pirated Minecraft, and he definitely helped me with that.*
Dogra: I had made friends with one of the— one of the neighbors and it was like, hey, you want to— you want a few computer games? Of course me, loving computer games, said sure, okay. He handed me a USB stick with a couple .ISO files on it.

Jay: ... I started my private tracker ways when I met a guy who was much older than me, I was in my formative years of pirating where I had just built my first gaming computer to play WoW. ... So when I talk to him, I kind of fostered this sort of relationship with him, where he was very happy to have some sort of little protege that he could kind of put his little— his knowledge onto.

But almost every single respondent (18 out of 22) also cites Reddit as an invaluable source of information for learning new methods and strategies for piracy:

Scott: ... type in “streaming services Reddit,” search, and then continue on your journey.

Steve: ... I was on the internet a lot, like especially Reddit. Once you find Reddit you can— especially back then they were like more open about it. Like the piracy subreddits were— They were more up at the time. And then once you found one of those, they kind of link between each other. And so you’d just be able to find a ton of information about it and best practices and all those sorts of— that sort of information.
Strawberry Shortcake: … the piracy subreddit has a decent mega thread that actually teaches you about what to do what don't do and what are you doing, it's important that it gives you the context and you know, they have that mega thread, I think that there is pirated games... there is an Adobe dedicated subreddit, or Adobe general and Adobe piracy and etc.

It is worth noting that Reddit is a location of recruitment for this project, but even many of the participants recruited from outside of Reddit discussed Reddit.

**Ethical Assumptions about a Just World: Pirate Bill of Rights**

Transcript theory privileges human dignity, specifically insults to it, as the main focus of attention. “It is impossible, of course, to divorce the material basis of the struggle from the struggle over values — the ideological struggle. To resist a claim or an appropriation is to resist, as well, the justification and rationale behind that particular claim” (Scott 1985:297). In this section, I seek to roughly sketch out some fundamental assumptions about how humans should interact with media, according to pirates. This “Bill of Rights” as it were, is similar to Andersson’s (2010) regimes of justification. Keeping in mind Da Rimini and Marshall’s (2014) observation that not all pirates consider piracy a moral/ethical dilemma in the first place, I hope this bill of rights resists describing them as “ex post facto explanations of what has already happened or what one has already done” (Andersson 2010:310) and instead frames these ideas as a pirate’s stock of knowledge (Berger & Luckman 1966) or the roots from which actions grow. These assumptions are often unspoken; we are more likely to see frustration that these are not
1) Access to Media is a Fundamental Human Dignity.

First, we must describe the assumption that underlines the entire theoretical perspective, especially because it is not necessarily one that is shared by broader society. My participants describe having access to media not as a comfort afforded by the modern world, but as being a fundamental aspect of maintaining human dignity.

Burner: ... at the end of the day, what really matters is that that person had access to that thing and was able to enjoy it. And that that thing was NOT gate kept by money...

Gordon: I'm poor; but I'm seeking knowledge. Right? So it seems like the act of seeking knowledge is more worthwhile than trying to avoid, you know, stealing stuff.

Ben: So either I pirate or I have nothing. I give up a lot of pleasures that, you know, keep me sane in my free time.

2) Ownership Means Complete Control Over Goods.

Participants often take issue with the way the modern media landscape locks media artifacts into certain technological ecosystems. This, they believe, was an erosion of the rights of
ownership. Many pirates feel that they do not truly own a piece of media unless they have unlimited and unrestricted access to consume and modify it.

M: ... I like having the files to do what I want with ... one of the reasons I pirate so much stuff, is that the way that like media companies work, these days especially, you don't actually own any of that stuff that you pay money to watch ... I just want the option to have that content available to me, at the very least have some guarantee that I'll always be able to access it or be able to get those files in for myself to store in my own infrastructure.

Sumeet: And piracy allows me to acquire all these, this content, and modify it in a way that's specific to me that, you know, individual copyright holders or, you know, services or, you know, software, they can't, they can't provide this experience, you know, that I'm very particular of.

3) Information Wants to be Free.

Additionally, several participants adhere to the adage of “Information Wants to be Free.” Admittedly, the discussion of hacker ethics where this phrase originally comes from is more complex, arguing that information carries within itself significant value at the right time and place, but also that it costs almost nothing to distribute (Levy 2015). Many participants draw on this idea, arguing that because information costs almost nothing to distribute, and because it has so much value within it, it should be distributed freely.
Rand: But the idea that you can copyright something and hold it indefinitely, I think is ridiculous. I think after a certain amount of time, be that five years, six years, it should go back into the public space, because you're monopolizing an abstract thought that you've just been the first to put into reality.

Gordon: ... my sole socialist streak, is if I think that there is there, there's a piece of information that is practically useful within the educational realm, I don't give a flying shit about anybody's ethics.

Zim: ... at this point, the internet should have like, being shared publicly, fully, it's free information. information should be shared, information should be, like, being used to benefit everyone.

4) Ownership/Collecting Equals Respect of Art.

Many participants view their piracy as an extension of their appreciation for media. Pirates collect media that they like, often even purchasing actual physical versions of it. This is because the media is perceived to have an inherent value to it and owning that media (whether it is purchased or not) demonstrates respect for that value.

Strawberry Shortcake: No, it's, it's like a book, you're keeping it, it's actually knowledge. Every movie is small, small you know, packets of knowledge. Same for the video game, it's art and people don't understand it and even companies are refusing to look at that aspect of their own product.
Gaius: But I feel like keeping like hard file copies of like my favorite music, kind of like, shows respect for it. So like, you know, most of my favorite bands, I'll have like, hard files of their stuff on my phone. And, you know, if I'm listening, and I'll like listen to them through that as opposed to Spotify.

Motivations for Piracy

During the interviews, I approach the question “why do you pirate” from many different angles, and depending on the identities my participants are performing, I receive many different answers. Along the course of one interview, a pirate may claim multiple motivations which at times complement one another, or at times may appear to come in conflict with one another. The following section outlines the most commonly described themes, a stock of knowledge or menu of options from which a pirate might select while constructing their understandings of why they pirate. The first two motivations, habit and technical practice/hobby, do not clearly invoke the Pirate Bill of Rights, while the rest of them—poverty, convenience, and fun—do align with the Pirate Bill of Rights.

Habit.

It has been suggested (Da Rimini & Marshall 2014) that pirates engage in the activity not for some political commitment, but just out of habit. Several of my respondents report this as well:
Brown: ... like I could afford all this music that I download. It's definitely a conscious decision not to in some situations, or else a, you know, a default action that I take without considering the legitimate mean.

Edward: ... it's just really fun to go browse what has recently been added because- and I would say that I make a habit out of it- you know every like two weeks or so I'll go just browse what they've added since the last time I went there and that's you know, it's habit.

Thomas: For individual issues, though, there's a website that I go to that they will upload it onto, like Mediafire, or Megaupload. And I think they've even got like their own thing that you can download directly from the site from them. And so every Wednesday when new ones are released, I just go there and download from that site.

Technical Practice/Hobby.

And some of the participants view piracy as a component of a larger game/hobby relating to practicing their technical aptitude:

Strawberry Shortcake: ... it's educational. I mean, when you learn how to pirate, you learn a lot of things about computers. And it's important to learn about cybersecurity, you'll learn about internet as a whole, you can learn how it
functions, you can learn how peer to peer network works, encryption, how to protect something if you need etc, etc...

Edward: … it's just kind of fun to have a server. And I mentioned that me and several of my friends all run servers, right? I think it is fun to sort of wrestle a computer into compliance, to make it listen to me and do what I want it to do. …. I like to watch the latest movies, but it's fun to feel in control of the technology rather than being controlled by it.

Gaius: I just kind of like the gratification of knowing this whole process, like just knowing this technical process that requires me to like, you know, do a fair amount of stuff on like, a few different Linux machines. I just- I definitely feel really cool doing it. Right. I think it's a cool thing to do. And I feel cool doing it.

When invoking habit and technical practice/hobby as motivations for engaging in piracy, participants are not drawing on ideological motivations for their actions. Rather, these participants’ explanations align with pirarchy as described by Da Rimini and Marshall (2014), or piracy as game-based subculture as described by Eve (2021).

None of the participants describe piracy as only “a habit,” or only “a way to show off their technical prowess.” They combine these accounts of their behavior with others to make sense of their motivations. In the big picture, for these participants, piracy represents a material struggle with an ideological struggle wrapped inside of it (Scott 1985:297). To represent this perspective more fully, pirates draw on the Pirate Bill of Rights when invoking the following
themes: poverty, convenience, fun, working/making money through piracy, archiving, and pushing the radical edge.

Poverty.

When people consider piracy, the first motivation many will assume pirates have is not wanting to pay for media. When directly asked why they pirated, several participants respond claiming this was a factor in their decision-making:

Steve: Um, well, mostly because I would- I like to save the money. And I know most of the time it's- I don't think it's going to end up like actually harming anybody specifically with movies and stuff I feel- with movies and TV shows, it's like everybody who's worked on it has already been paid basically.

Burner: ... I like saving money. So that's, it's a nice way to save it as well. Usually, it's not, it's not even usually that because like, if the game is on Steam, and it's for five bucks, I'll just get it there. If I was like lower income, I might not do that. I might still pirate it. But in that case, I wouldn't be able to afford the game anyway. So it's neutral.

Bruno: Why do I pirate? Well, first and foremost, I'd say I'm a stingy person. So if I get the chance to snatch a game for free, or you know, for a lower price, I will do it.
Cayenne: ... I don't have the best internet to like, do anything. So anything from like streaming movies is just it's something I can't do streaming movies and TV shows. I can't do it. So I have to download it. And on top of that, I can't afford a lot of the things, like I'm not well enough off financially.

Gordon: Because I'm a cheap ass. Why do I pirate because I have a desire to access certain pieces of media. I do not have the funds to necessarily access those pieces of media nor the inclination to pay. And I have the ability to access those pieces of media without doing so.

Participants who report being from low-income countries or who report being in countries with high tariffs or taxes on American media products also bring up the discrepancy in wage equality as a driving financial motivation for piracy. And as we shall see later, this “saving money” motivation is often situated in a larger discourse around profits and wealth distribution between consumers and corporations.

When someone claims they do not have enough money to buy media, but then consumes media anyways, they are asserting the first and third values of the Pirate Bill of Rights: that access to media is a fundamental part of human dignity, and that information should be distributed freely to the community.

Convenience.

Previous scholars (Da Rimini & Marshall 2014) have suggested that pirates choose to pirate to meet the demands of modern information society, such as maintaining knowledge of the
latest works of media or minimizing time between having a desire and having that desire satiated. From this framing, we conclude that piracy is more convenient than conventional ways to obtain and consume media. Many participants in this study reported similar attitudes toward piracy especially regarding things that they did not necessarily have easy legal access to in the first place:

*Thomas: Some of it may be laziness from not wanting to go out and, you know, purchase the comic books I want…*

*M: … if I buy a movie, sometimes I'll pirate the same movie. It's easier than waiting an hour for it to rip… I rip most of the movies that I own to my server so I can watch without having to go open up the DVD case and find something that I can actually play it on in 2022.*

*Steve: … [Companies] like setting up their own services and taking content away from other platforms. And everything- and especially geo-locking stuff. It's just annoying. But that's where, I guess a tiny bit of morals plays in. But besides that, mostly, it's just kind of convenient to make it free.*

Clearly, these attitudes can be read as pirates seeking a more convenient way to access media. However, they are also drawing on their ethical assumptions, specifically the second and third values from the Pirate Bill of Rights, to ideologically motivate their actions. By pursuing convenient access, they are pursuing complete control to watch their media however and
whenever they please (the second value) and they are at the same time subverting the authority of those who would charge for information (the third value).

Fun.

Research, like Eve’s (2021) *Warez*, that seeks to explore how pirates account for their own behavior has suggested that the behavior should be interpreted as a hobby, game, or otherwise just a pursuit of fun. Many of my participants agree with this to a greater or lesser extent. There are, at minimum, several forms of it described. This first example is the most emphatic representation of it, while at the same time crystallizing piracy as a habit and piracy as a game into their identity:

*Jay:* … you know how someone who's like a track star was just born to be a track star. It's in their blood? You know, somebody who's a football in the NFL, they would tell you like, why do you play football? And it's just like, I don't know any other way that I could live? If I wasn't playing football? Like, that's kind of my attitude to piracy. Like, it's just this visceral, primal need that I have to do it. You know, I don't- I don't really have a real answer for [why I pirate], you know, it's just, it's, it's in my blood.

*Overcoming Challenge.*

*Burner:* But I would say I like I mildly enjoy it, you know, like the challenge of trying to find something and access it and then like, you know, read it over.
Scott: ... I like to forage for mushrooms and when you find something that you're after you like, found it and it releases all these endorphins and they feel good. Like I feel a similar thing when I find something that is very obscure.... Like oh, wow, they actually have this that's cool. And now I have it like in a digital form or like, I finally have it, whatever it is, like yeah, like, it doesn't- I don't get like, like satisfaction or get off on it, you know, but it's- when I find the gem that it makes me somewhat happy like, ooh, like I'm satisfied.

Getting Away with Something.

M: There's definitely kind of a fun aspect to it is like that little bit of “Oh, I'm getting away with something” a little bit of that thrill. But I mean, it's honestly a pretty mundane process.

Enjoying Consumption.

Rand: ... I'd say I enjoy it in the sense that I am able to watch what I enjoy without navigating between seven different streaming services. But I don't enjoy either the more negative aspects of it takes forever to download, you have to be careful about what malware is out there. The fact that not everything I want is available and that kind of thing.

These sub-themes, which I categorize as falling under the greater theme of fun, all relate to the sense of enjoyment that my participants get from pirating. “Overcoming challenge” and “getting away with something” echo Eve's (2021) findings that piracy has game-like elements to it, but in playing this game, pirates are still drawing on their Pirate Bill of Rights to decide what the rules
are and how to “win.” Enjoying consumption draws on the first and second values specifically, in that appreciating the art is part of one’s right as a human, and appreciating the art outside the confines of corporate media distribution is part of one’s right as an owner.

*Not Fun: Piracy is Distasteful or Stressful.*

However, some respondents view piracy as only a means to the end of receiving and consuming content. Some even reported finding it distasteful or stressful.

*Michael:* [When asked if he enjoys pirating] No... For me, a lot of this, like I said, comes down to convenience. I am a lazy person. You know everything I do. Work is about efficiency of effort, right? That's a lot of how I live my life. I'm a very lazy person. And piracy is hard, right, to try and find when you're trying to watch a movie, the right website that isn't gonna download a virus to your computer that doesn't give you 40 popups for pornographic images, that just lets me watch my dang movie. Right? Like that's, that's difficult. Right, so the reason I pirate is when the diff- the convenience of doing that is less inconvenient than doing it through legal means... I don't enjoy piracy.

*HippieHair:* I enjoy the fruits of the work but I don't really put in a ton of work. I know that the two server guys [who provide HippieHair most of his access to pirated media] probably do enjoy pirating. Like the thing with Overseer [a program that can automatically download media] on the Plex server, I'm pretty
sure he just set that up because he has fun doing that kind of stuff. I don't – That's why I don't have stuff like that set up.

Even when describing not having fun while pirating, participants still draw on the Pirate Bill of Rights as motivating their piracy; either describing it as enabling their first value of having access to media, or as a way to pursue their second value of having ownership over their media.

Working/Making Money through Piracy.

At least six respondents report performing piracy as part of their jobs to benefit themselves and their employers, all with the tacit or explicit approval of their superiors. Three other respondents, however, report specifically not pirating to aid their job responsibilities, citing immorality or fear of greater consequences than for personal piracy. Another common response, more generally, is frowning on the idea of people selling pirated copies of media or otherwise profiting from piracy:

Strawberry Shortcake: ... I really have a problem that someone is profiting actually off it. Maybe it's not that much that it's hurting the sales of the content making companies, since most people here wouldn't buy it at all. So it doesn't make a difference. But I'm actually quite cross with the thing that someone is actually profiting off of people's ignorance, their poverty and ignorance, and that's something that I really don't like.
Rand: ... I'm never gonna earn a dime on anything I pirate. Yeah, I could- I think that's morally wrong to do. That you're making profit off the labor of other people.

Bruno: ... I would say, the ideal situation, the ideal scenario would be you know, just look it up on Google, learn about it, study, sources and methods and then do it yourself [rather than buying a pirated copy from someone else]. That's the easier the most practical and the most- it's the best way to do it- to go about it, I'd say.

Here, we see that even when it is not in the bounds of a corporate actor, pirates still perceive selling media to be a violation of their first and third values in the Pirate Bill of Rights.

Archiving.

Another common theme that appears as a motivation for piracy is that of archiving or a desire to “hoard data.”

Brown: I would challenge people and say just name any music, name any music that you have, or that you can't find online or that yet and then I'd find it for them because it was like the greatest collection of music that the world had ever seen.

Burner: ...I think that piracy needs to be around for things like that [maintaining old media like the AC: Brotherhood DLC] at this point if companies aren't going to do it.
Strawberry Shortcake: ..... piracy is, I think at the moment, the only real fortress of remembrance in some way.

Of my participants who report being motivated by a desire to archive, it is mostly due to a love of the media (See the fourth value of the Pirate Bill of Rights); however, they also report feeling the need to archive this media because the companies who are supposed to be the custodians of the media are failing, either by altering it in a distasteful way or by not providing people access to it at all. Thus, participants perceive violations to the first and second values of the Pirate Bill of Rights as well. Pirates also view their archiving efforts as a way to help distribute what they think of as precious art, thus drawing on the third value. In this way, archiving resists those who would suppress the pirate’s ethical worldview, and enables the pirate to pursue what they perceive to be a righteous cause.

Pushing the Radical Edge.

Da Rimini and Marshall (2014) also observe that “if there is a radical edge… our interviewees do generally not push it…” (2014:336). My findings in this regard are more mixed. Some of my participants deny political motivations, but some specifically claim them. Perhaps the most common are participants who claim radical edges at one moment, but then deny them at others. Here they are pushing the radical edge:

Jay: I think that capitalism is one of the worst things that have happened to humanity... you are a worse person if you are the Nestle CEO, abusing children in third world countries for labor, you are DeBeers using child labor in diamond
mines you know they call them blood diamonds for a reason. And that is unethical. That is so much more unethical than people victimlessly duplicating data... it is akin to imperialism that we think of historically. You are being an imperialist, even though it's your own country, you are dominating and oppressing a population... I think that me providing free shit to people is more ethical than the people restricting that material from them. Art is to be enjoyed it is not to be commercialized.

Sumeet: Well, sorry, that I didn't want to, you know, force my friend to pay hundreds of dollars to some textbook company, so that they could use their slightly changed version of their textbook to, you know, capitalize on the suffering of students, you know, impoverished students that are just trying to make it...ultimately, it's what I do. So I can, you know, make this world a better place...

Zim: I believe that anything at this point, the internet should have like, being shared publicly, fully, its free information, information should be shared, information should be, like, being used to benefit everyone. It's supposed to be generally or equally distributed property.

In these quotes, we see these participants draw on all four values in the Pirate Bill of Rights. In other words, they are pushing the radical edge, and according to the Pirate Bill of Rights, doing so is the moral-ethical action. Here are the same participants denying or distancing themselves from it:
Jay: I've been doing it for literally decades, you know, so I don't think about it. I just do it.

Sumeet: ... they can't really blame the pirate; you have to blame the system purely because it's the system by which information is being commodified and sold.

Zim: Because it was an awesome concert. But I feel guilty for enjoying such good performance for free. So I am purchasing a concert once there's a sale online. So since then, I've been supporting a creator where I would have pirated stuff.

Discussing an altruistic reason or outcome for piracy, but also not explicitly claiming it, at first blush, echoes the findings of Andersson (2010), who finds that participants often use moral-ethical considerations to justify the behavior, while also not believing that their own actions actually have any ramifications, moral-ethical or material, on the rest of the world. Often, my participants appear to disperse agency/responsibility for piracy into the system of which they viewed themselves a part, as the latter quotes suggest. ANT is used (Andersson 2010) to conclude that the moral and ethical discourses are really just ways for participants to rationalize pirate behaviors that they do without thinking. This logic assumes piracy is intrinsically immoral and one must “rationalize” it. It is clear that my participants do consider the moral and ethical motivations and consequences of their behaviors, so here I present them as fundamental assumptions. When my participants distance themselves from these assumptions, they are drawing on another discourse, one that will be explored in more depth in the next chapter.
This chapter explores the Pirate Bill of Rights, a list of basic values that pirates have from which they draw their conclusions about how the world should be, and how people should behave in the world that is. It explores several motivations for piracy, such as habit, technical practice, fun, and archiving. These are specifically examined in terms of how the motivations align with the values expressed in the Pirate Bill of Rights.

Meanwhile there are other interpretations to consider. Where there are relations of domination and subordination, there will be resistance (Scott 1992). Viewed through the lens of resistance, it is moral and ethical to be political and to stand up to abusers. This chapter focuses on exploring the discourses that pirates use to describe themselves. The next chapter will focus on the discourses pirates use to describe others, specifically those at whose hands they believe they suffer abuse, and how pirates perceive their interactions with this “other.”
CHAPTER 6: THEM, OR HOW PIRATES PERCEIVE OTHERS

This chapter discusses the findings of the study, with a focus on how participants describe other entities they interact with. It begins by exploring a conceptual figure—the Corporate Other—to whom the decisions and behavior of corporate entities are attributed. Then it discusses how the pirates perceive the greater pirate community—the Pirate Other—of which they were a part. Finally, the chapter explores how pirates perceive domination and resistance in relation to these two conceptual entities.

The Generalized Other – The Corporate Other

In the process of coding the data, it became clear that Transcript theory was not perfectly suitable. The theory excels at explaining the way pirates perceive their domination, and perceive their behavior as being counter to that domination. However, no participants actually interact with the perceived dominant class the way a tenant interacts with their landlord, or a serf with her feudal lord. Despite this, participants have a mature conceptualization of the behavior and attitudes of the ‘actors’ in the dominant class:

Jay: ... If you are the Nestle CEO, abusing children in third world countries for labor, you are DeBeers using child labor in diamond mines you know they call them blood diamonds for a reason. And that is unethical. That is so much more unethical than people victimlessly duplicating data...You're telling me that some executive at Walmart is more ethical, providing jobs? ... You are being an imperialist, even though it's your own country, you are dominating and
oppressing a population. It is so unethical what Disney does. It's unethical. What any large corporation does is unethical, way worse than piracy.

Scott: ... [I'm okay with pirating] things that were requiring me to buy a subscription from HBO or Disney plus, like, fuck that, I don't really care about those people, they already have all the money in the world...

Steve: ... I'm not a big fan of these streaming companies. And then like, trying to like- just like setting up their own services and taking content away from other platforms ... I'm okay with with kind of hurting the big corporations. I got nothing against that.

Burner: Like, I'm pretty sure now [copyright lasts for] like death of the artist plus 20 years or something. Or plus, like 100 years, and a lot of that was lobbied for by Disney and other corporations that wanted like, eternal, eternal dominion over their work.

M: Yeah, so like one of my biggest complaints- So one of the reasons I pirate so much stuff, is that the way that like media companies work these days especially. You don't actually own any of that stuff that you pay money to watch.
Ben: And so that's one of my reasons, is that I don't like the idea of capitalists getting even richer, especially from my money, when I'm getting exploited by different capitalists every day.

These participants have never actually interacted with these corporations outside of market transactions. Despite this, they are constructing an identity for them based on the corporations’ products, lobbying, and business practices, and the identity is not flattering. Participants usually refer to this as “streaming companies” (sometimes using a specific streaming company’s name as a stand-in) or “CEOs” or “corporations,” or even “capitalists,” since one of the things they are critiquing is this entity’s focus on profit extraction and market control. As with the generalized other, participants often slip between talking about specific actors, significant others, and smaller or larger generalized others almost automatically (Holdsworth & Morgan 2007). I call this loose collection of attributes and expectations assigned to this dominant class the corporate other. Derived from Mead’s generalized other, this construct “is externalized, rather than external” (Holdsworth and Morgan 2007:415). To put it in plainer terms, this perception of the dominant class exists within the pirate but is perceived to be acting from outside them. Said from the perspective of transcript theory, the corporate other is an internalized version of the public transcript – the pirate is always evaluating their actions based on what the public transcript would expect of them, because even when they are alone, they are interacting with artifacts and ideas from the dominant class. Where a serf may escape the public transcript by retreating into their private quarters, the modern pirate must always contend with it. It is possible that the existence of the corporate other at all could represent a form of ideological domination, in that, even if the pirate negates the idea, the corporate other demands the pirate consider it first from a
perspective cultivated by domination. As the Domination section will demonstrate, when pirates perceive themselves to be performing resistance, it is this corporate other that they resist.

The Generalized Other – The Pirate Other

Traditionally, the generalized other is understood to represent a community or an identity that an actor is a part of (Holdsworth & Morgan 2007). The corporate other breaks from that, by instead describing the attitudes held by a perceived dominant class towards a subordinate class of which my participants consider themselves members. In this section, I describe a more conventional take on the generalized other, which for the sake of distinction I will call the pirate other. My participants consider themselves, at least to some degree, to be members of the community that the pirate other describes, and we can see how they conceptualize it as having attitudes and behaviors in and of itself. First, I present a pirate discussing one way that pirates connect and interact:

Gaius: [in] The torrenting protocol, a torrent file, links itself to other people using you know, torrenting software with the same file. And, you know, these nodes, you know, me seeding some torrent and someone else seeding some torrent connect to each other. And anyone who tries to use a torrent file to download whatever data it connects to, they will be reading it from my machine, and/or someone else's machine, whoever’s seeding it. The seeders upload files, and it has to be constantly running, you have to have a copy of whatever the torrent file is connected to the main data, you know, a movie, you know, book, TV Show episode, whatever. And leechers are able to download it.
Torrenting is the most common way participants describe pirating media. This connects them to potentially hundreds or thousands of other pirates at any given moment. Participants assign attitudes and behaviors to this “swarm” and these influence how they interact with it.

Edward: There is like an ever present awareness of the Swarm, I guess. You know, I am aware when I download something that I'm getting it from several other people and I am aware of when I seed something that I'm giving it to several other people. So it doesn't feel like being a good Samaritan. It just kind of feels like those are the rules of engagement, I suppose.

HippieHair: ... I want to listen to [an old music album]. And then there's one seeder and I put it in my torrenting client. And then even though it says there's one seeder, they don't even actually have the full file. So they seed part of the file to me and they're waiting for some other asshole with the full thing to give it the rest of them. And honestly, they'd probably tap out of sharing it as soon as they got the full one as well. But, ya know, so I've got like, some stuff that's just like partially downloaded, unlistenable.

Ben: So basically, if I upload something, I just have to keep in mind that it's gonna sit on my hard drive forever, has to stay in the same spot forever, because otherwise, it won't be able to read the file, and then I just let people download it when they want to.
The “ratio” acts as a measure of how much individual pirates have uploaded relative to all the others. In some cases there are hard rules imposed by a pirate community regarding ratio targets, but even in cases without these, pirates still use this measurement to identify the pirate other’s attitudes towards them. Unlike the corporate other, interactions with the pirate other do encompass actual, real-time interaction, even if that interaction is moderated by technology. These interactions often happen in forums, such as Reddit, and are influenced by one’s social standing relative to the rest of the pirate other:

Brown: And each time [a private tracker] goes down, it's like a big deal. And then there's kind of a community of like, okay, which one are people going to coalesce around? And the way to get an invite actually, is you kind of need to prove that you're reputable. So I have screenshots of my own, like, ratio, that then you send it to the administrators when it's just opening and they're like, yep, come on in.

As discussed previously, the concept of the generalized other is functionally similar to that of domination. Domination is perceived to be performed by the corporate other and also the pirate other. Although, as Scott points out, the less domination there is, the smaller the differences between the public and the private transcript (1992, 89-90). The following section will discuss the domination participants perceived to be happening, both at the hands of a corporate other and a pirate other.
Domination

This section describes the three kinds of domination as outlined in transcript theory, and describes how pirates perceive their actions to be a form of resistance against it. Each form of domination involves the violation of one or more values in the Pirate Bill of Rights.

“You came into my house, took the painting off my wall and carried it out” –

Material Domination by the Corporate Other.

Material domination describes the extraction and exploitation of wealth from subordinate classes, most commonly accomplished by appropriating their labor or taking the resources produced by the labor of the subordinate class. Despite Scott's theory granting relative “privilege [to] the issues of dignity and autonomy” (1992:23) over that of material wealth, utilizing this analytical lens reveals several discourses used by pirates that center around perceived material domination.

Several pirates claim the inability to pay as the reason for their piracy:

Burner: ... I'm not paying for three to five different streaming services. At this point a better option is not paying for them. Even if I couldn't watch the TV shows, I'd be like, fuck it. Okay, that's a wash. I don't give a fuck anymore.

Edward: ... I would not pay for those [streaming services]. I don't think I could, in fact, because those are getting really expensive these days.
Gordon: ... I'm kind of leveraging it because cable is still ridiculously expensive, especially for this, what you get, which is kind of crappy sometimes. Versus the services.

Ben: ... the reason why I pirate is because I can't really afford to buy the game, then even if piracy wasn't a thing, I still wouldn't buy it because I can't afford to.

James: So the cost has, you know, skyrocketed to access media, and streaming. And that's when piracy has gone back up. So cost plays a factor for myself, because I don't want to subscribe to 100 different streaming services, it's just to get access to the media that I want to watch...

This is the most direct way to interpret material domination. When the requested price reaches what is perceived by the pirate to be an excessive amount, the pirate refuses to pay, and instead pirates the media or declines its consumption altogether. However, this is not the only way that the transcript of material domination is employed in their stories of pirating. Some reference disputes between those creating media and those making money from the sale of the media—the corporate other:

Bruno: Why would I give them money? You know, they're not even treating their their employees, the way they shouldn't be treated? Why would I give them my money? They don't deserve it.
Ben: ... of course, there's also the issue that under capitalism, a lot of the money, like if you buy a regular game, it goes towards the company itself, and not necessarily towards the workers who did the actual labor. And so that's, that's another thing that factors in as well, it's like, if I buy something, my money is most of my money is going into the pockets of executives who did nothing. And not towards the workers themselves.

Thomas: I think to a degree, I think especially now there's so much anger against companies making so much money and paying workers so little. I think the- a vast majority of people probably are okay with it [stealing from companies], either ignoring it or just okay with it, period.

Overcharging for media and exploitation of labor are both obvious examples of drawing on the theme of material domination. However, pirates invoke this in a third way that is perhaps unique to the context of digital media:

M: You don't actually own any of that stuff that you pay money to watch. So I figure if I don't actually get to own it, why pay money for it? Like, I paid money to watch this, I'm going to watch it again, whenever I want to watch it. And if you're going to get in the way of doing that, I'm going to find my own way to do it.

Strawberry Shortcake: ... because of the internet, DRM, that recent flop with Ubisoft, you know, you don't own your games anymore.
Edward: ... human behavior will not change, as the rules about what humans are allowed to do will change. And I think that will cause more conflict.

Around the time the interviews were being conducted, a popular video game production company named Ubisoft announced that it would no longer be providing access to DLC (downloadable content) for an old game. Some of my respondents believe that former customers who had previously purchased and downloaded this content would also have their games modified to no longer be able to recognize that content. Two participants in the study discuss this event specifically:

Burner: Once the service goes down, there's nowhere to get the DLC anymore. And it's not even that there's no way to get the DLC. If you fucking download the DLC ahead of time, they're gonna take it off your PC and you won't be able to access your game anymore. Well, they won't- I'm sorry, they won't take it off your PC, what they will do is they will make it so that the game cannot recognize it. It cannot recognize the DLC because there's no online service for it to interface with.

Strawberry Shortcake: ... you have to be able to keep it forever because if you're going to shut down the service, I'm not buying art, definitely because you came into my house, took the painting off my wall and carried it out.

In essence, pirates express frustration that once they obtained a material good (movie, video game, etc.) their ability to interact with said good is limited by the legal rights of the company and digital rights management implemented alongside the good. This calls back to the second
value in the Pirate Bill of Rights, that ownership of media means control over it. When this is violated, it is perceived as domination by the corporate other.

To conclude, my participants appeal to the theme of material domination in two conventional ways: Domination of the customer and domination of the creator by the corporate other. Domination of the customer, the most common theme pirates invoke, is characterized as the corporate other extracting resources from a subordinate class by overcharging for a good. Participants claimed to resist the corporate other by either refusing to purchase/consume the good in question or choosing to consume the good without purchasing it — they decide to pirate it instead. Domination of the creator, the second most common theme, describes how the corporate other treats the creators who made the media they sold. Participants claim to pay attention to how employees are treated and specifically pirate media instead of purchasing it from companies that are perceived to exploit their employees. In fact, several pirates indicate this is “the moral” action and claim purchasing the media as “immoral.” At least three of my respondents explicitly draw on the Marxist labor theory of value to explain how corporate actors dominate their employees and argue that piracy allows them to sidestep that vicious cycle. By framing it this way, pirates create their own identity as separate and opposed to that of the corporate other, yet still view themselves as being dominated by it.

The third way that pirates appeal to the theme of material domination is unique to digital media: they often view purchasing digital media, such as buying a movie on Amazon Video, to not actually grant them ownership (as described in the second value of the Pirate Bill of Rights) of the media in question. Rather, they characterize it as only temporarily renting access to the media, and only on the terms set by the corporate other. Some even thought that mercurial
companies such as Ubisoft could revoke access on a whim. Pirates who complain of DRM down-scaling or downright preventing them from consuming media draw on this theme. This perceived slow erosion of the rights of ownership represents a corporate other seizing more control over the material afforded to a subordinated class.

“If you give them money, of course, you suddenly become a VIP” – Material Domination by the Pirate Other.

However, material domination is not only perceived to happen between pirates and the corporate other. There are also examples of material domination described being practiced by the pirate other of which my participants view themselves a part:

**Brown:** ... people say like, “Hey, we want this specific version of this specific movie,” and he'll buy it, and then rip it and then get a bounty, which is his payment, in the form of upload credits. So, you know, all these private sites typically have a ratio, they track what you download and upload. And if you fill a bounty, you can download more.

**Edward:** And since I was a leech, I couldn't download just any movie, I can only download movies that they were like, “Oh, you can have this one for free. You can- we'll give you this one.” And so if it's something like they're, they're, like, 10 or so movies on their front page that you can download for free. And as long as you are uploading something, they won't kick you off. And so I would every, like nine months, I would download one of these movies, just to keep them from
kicking me off, I wouldn't, I would not get nearly enough to push myself from the leecher to the, like, regular user category... if you give them money, of course, you suddenly become a VIP. And they give you, you know, lots of upload credit. So, I gave them like 20 bucks. And they were like, “Oh, thank you, thank you so much.” And at that point, I have since been maintaining a user status...

Thomas: ... they actually have some very specific rules like as far as if there- if you're going to download like if you're going to torrent anything, you also need to be uploading and so they have a ratio that they'd like you to keep and you can get certain points for that ...

While my participants perceive material domination between themselves and the corporate other, they also discuss the ways that a pirate other extorts material gain from them. For example, the ratio is a number that tracks how much data one has contributed to a community, and if the pirate has not contributed a certain amount, they are granted the derogatory title of leech. Among the perceived higher rank pirates that I talk to, they discuss using something called a bounty system, where they would effectively pay lesser pirates with credit to their ratio for finding specific pieces of media. Further, several respondents talk about how special access to forums or other privileges were locked behind one’s ability to upload new media to the library. Respondents discuss purchasing or otherwise tracking down content specifically for the purpose of uploading. Participants report frustration or discomfort with leaving their computer on for extended periods of time in order to satisfy their ratio demands, and several claim to purchase access to other computers, called “seedboxes” in order to meet
these quotas. Many participants even report choosing not to participate in these systems because they do not want to have to engage in the so-called “rat race” of the higher tiers of piracy. In doing so, these participants claim to resist the pirate other’s suppression of the Pirate Bill of Rights, specifically the third value, that information should be distributed freely. Even if they are not paying money, the material domination represents ways that participants felt they would have to “pay” for access to the media.

“Art is not Designed to be Commercialized” - Status Domination by the Corporate Other

Status Domination is a tool used by dominant groups to humiliate subordinate groups, or otherwise strip them of their dignity. The outside observer might not recognize how lack of access to media constitutes humiliation, but one must think back to the first value in the Pirate Bill of Rights: having access to media is necessary to maintain one’s human dignity. Considering this, pirates perceive structures in place that limit or prevent access to media to functionally strip away this dignity. Forcing people to buy things is a form of material domination, but an authority figure exercising their ability to choose to force people to buy things denies their status as human:

Matthew: Honestly, I'm just like, sick of the shitty systems that like the companies put in place to like make us buy their products and stuff.

Jay: We exist to share ideas. We exist to share language and music. And expressing ourselves artistically is basically what I think- I mean, obviously, other
than reproduction—like the purpose of life is to enjoy life, not to be hampered by artificial barriers that some other jabroni puts up just because they've got the capital.

HippieHair: ... it's so much shit to keep up with. As like what streaming service has what, who knows anymore? And it changes every few days. Yeah, it's like there's like a, a search engine optimized article at the top of Google. It's like, where do I watch Stein’s Gate? And then it'll talk about the history of Stein's Gate to fill out the word length and it'll be like, Stein’s Gate used to be on Hulu, but now you have to get HBO Max, but HBO Max just got bought by Discovery, and they're gutting their entire lineup, so now you can't watch it legally.

In Domination and the Arts of Resistance, status domination is usually portrayed as occurring on an interactional level (the slave-owner who beats the slave or the noble lord who demands his lessers bow), but the elites who are perceived to control the media and the people who extra-legally copy it do not have these interactions. This is where the conceptual utility of the corporate other comes into play. Frustrations like price-hikes for subscription fees or consumer-hostile divisions are not just considered an unfortunate consequence of business, they were interpreted as disrespectful acts committed by “capitalists” or “streaming companies.” That is to say, they are perceived to be done by the corporate other to the people who attempt to appreciate the media in question:
Scott: But the sentiment that I get is that people are fucking tired of having to buy a new streaming service or like this, their favorite TV show left that and it's on some others.

Steve: ... I'm not a big fan of these streaming companies ... just like setting up their own services and taking content away from other platforms, and everything-and especially geo-locking stuff. It's just annoying.

Burner: The thing I worry about most is, what it's going- what our future is going to look like, if there's, if there's a case where companies just make it so that you can't physically get the files anymore. And then the future like, you know, if you get a game in 20 years, and then 20 years pass, and they get- the developer stops providing it... You know, you're never gonna be able to play that game again.

Jay: ... we would have to have an enlightenment type revolution, where people realize that art is not designed to be commercialized, that everything that they want to access should be able to be accessed. And that day may come in 2070 or something, you know, whatever. When I'm an old man, who's to say that we haven't hit our Star Trek utopia by then. I'm not holding my breath.

As indicated by the first value in the Pirate Bill of Rights (and Andersson’s [2010] fourth regime of justification), there is a belief among participants that having access to media is not a privilege granted by purchasing it, but rather a fundamental dignity. Participants talked about
how media is what keeps them “sane” or how the purpose of human existence is to appreciate art and locking art behind a purchase denies those who cannot complete the purchase their humanity. When pirates talk about the cultural capital that is gained by consuming media or talk about the misery that comes with not having access to media, they draw on this theme. It is quite possible that the people who respond in this way have, as Da Rimini and Marshall (2014) observe, absorbed the desires of immediate gratification created by the modern era of information capital. But that does not change the fact that my respondents often link “having universal access to media” with an aspirational, nigh-utopian future. Andersson (2010) discusses this utopian theme among pirates, first in how piracy not based entirely on altruism becomes “merely an invocation of libertarianism” (2010:314), but then he posits that this calls to a less-obvious utopia of complete freedom of information (which is parallel to the third value in the Pirate Bill of Rights). This is a theme among my participants, but so was the opposite: a dystopia with completely locked down information. Participants often worry that if trends continued the way they are now, corporations would monetize and control every facet of media consumption and appreciation. In this bleak future, participants fear they would be so completely dominated by the corporate other – that they would be stripped of all dignity – and it is not uncommon for participants to view piracy in the present as a way to practice escaping this prophesied system.

“Streaming is Just Stupid Piracy-Light” – Status Domination by the Pirate Other

Pirates, of course, engaged in their own forms of competing for status. The present findings line up neatly with Eve’s sketch of the hierarchy among “low-level” pirates. Aligning with Andersson’s findings of technical aptitude being the stratifying attribute among pirates,
status within pirate communities seems to depend on two things: technical ability and hard work. Pirates from lower tiers tend to say that if they wanted to, they could work harder and join the higher ranks. Likewise, pirates perceive those from lower ranks to be not as "tech savvy."

Rand: ... to get on a private tracker, you just have to do the legwork to get an invite or pay for access. Yeah, it's not that hard to either set up a seed box virtually, or on your own device, like your own server.

Edward: ... I imagine I could get into them if I really wanted to, right, but again, they have a lot of- you have to put a lot of effort in, they have strict etiquette.

James: ... your degree of being good or bad at piracy is really just determined by your access. And so your kind of dedication and how long you stick around, because the longer you stick around, and the more likelihood you have of getting into more of the private sites, and the more, you know, highly regarded ones.

Strawberry Shortcake: ... that's known to me because I'm a little bit more tech savvy, but most of the people here don't even know it exists.

Sumeet: ... most of my friends, they aren't tech savvy enough to fully understand what it is or how I do it. But I do it so effortlessly and painlessly.
This manifests in how pirates often use the method of piracy (torrenting or gray streaming) as a surrogate for one's rank as a pirate, with torrenting being viewed as the more prestigious of the two, at least when talking about pirating movies, video games, or television shows:

*Rand:* But I think there's a difference between that kind of content viewing and then actually downloading it, which is what I see as piracy. I see the other as like, just being stupid, piracy light.

*Zim:* [when asked how he'd rank himself] Slightly higher than casual? Since most of the people I know only pirate streaming shows and games.

Other pirates who are aware of torrenting report choosing not to do it, either because of the difficulty of the process or because of a perceived higher risk associated with it:

*Cayenne:* Just because it [streaming] is safer. And like, I know how to do them. It's been the way that I've been doing things. So I know how to do this. Torrenting, I know, it's a lot riskier. And I don't really know, as well how to do it. I could if I had to. Because like, I've done some research into it. But I also know like, that's the one that's like the riskiest...

*Gordon:* ... if I don't have to download the thing, that's probably better. Yeah. You know, because it feels like it kind of mitigates a little bit of a risk. Because you don't have- you don't have the file sitting on your drive somewhere.
Among those who use torrenting, private trackers are considered superior to public trackers, and among private trackers, there is a community understanding of memberships in some trackers conveying higher prestige than others:

*M: [MovieSnacks is] probably the most widely coveted one of all the private tracker sites, at least from my experiences in the communities.*

*Brown: So these are all invite only trackers. So I don't go on like Pirate Bay or public ones ever anymore. It's all kind of private invite list.*

Additionally, the ratio is used to numerically track how much one has contributed to their community:

*Gaius: So like the entire idea behind, or one of the main ideas behind private trackers is to keep a ratio of how much you've uploaded to how much you've downloaded. So like I've said before, like, if you keep a torrent file seeding, as long as other users are leeching, that's downloading the torrent file, your upload is going to be increasing.*

*James: When it comes to private communities, they have a better reputation, you know, they have their their private, so they can, you know, monitor to some extent, who gets in, and who actually participates. And they have a better reputation in terms of how long files are accessible, you know, because you rely on other people to still have the files on their computers and to still be sharing them when it comes to torrenting. So by rewarding people who upload a lot, you know, they end up with, with longer retention rates for older, older media.*
One participant even describes the way a budding pirate can work their way up in the world, and in so doing captures the stratified nature of the piracy culture and what this culture values:

*Jay:* There are subreddits, for getting invites to places. And they're always like the low hanging fruit, right? I won't name any trackers specifically, but we're talking like the really, really the Pirate Bay version of private trackers. Right. So you can get an invite from there you work your ratio, work it work it work it, you make sure you're uploading and then you can then find through their internal forums or through other people that you just kind of communicate on with Reddit or other forums, there's lots of forums are not dead, my friend, they are out there. And people are using them to review trackers and give invites to trackers and- and you really just kind of- it's just hard work, elbow grease, you just kind of have to socialize and prove that you're serious. Show them ratio, show them your internet connection speeds, show them how much hard-drive space you have. And you slowly go up the ranks and you get into more exclusive content.

Starting from the bottom, we observe that pirates who engage in “gray streaming” sites are often looked down upon by those who pirate via torrenting, and we also see that one’s method of piracy represents one’s “tech-savvy-ness.” This aligns with Andersson’s (2010) conclusion that the perceived trait that stratifies pirates is their technical aptitude. Recalling the motivations of piracy, practicing one’s technical skill was a common discourse drawn on by my participants. While this discourse does not draw on the Pirate Bill of Rights or moral-ethical motivations, casting it in the light of domination reveals that technical aptitude is how pirates
stratify themselves and so by drawing on this motivation, they are discussing their pursuit or attainment of a higher status.

Within torrenting sites, there are public and private communities, and the private communities are perceived to be more prestigious. Even within private communities, some are perceived to be better than others, usually based on breadth of their library, population of their community, or reliability of their infrastructure. As Eve (2021) observes, the lower one exists on the pyramid of piracy prestige, the less one’s methods are impacted by status. But midway up the pyramid within private communities, participants described status dictating what and how people could pirate. Leeches, or people who have downloaded more content than they have shared, are limited in how much they could download until they have achieved a status that is perceived to have contributed to the community equal to how much the individual has gained. New users who have not yet established a reputation also face these limitations. This status domination works as a way for the pirate other to limit the new pirate or the leech’s access to media, violating the first value in the Pirate Bill of Rights, and compelling pirates to conform to the desires and expectations of the pirate other. As with material domination, it is clear that pirates perceive themselves to be victims of status domination at the hands of corporate actors, but also that status domination is perceived to be perpetrated by the pirate other as well.

“In a Capitalist World, Everything that is not Sourced from the Company is Piracy” - Ideological Domination by the Corporate Other.

Ideological domination puts forth a worldview that portrays the domination of the subordinate by the elite as just or righteous. The main form of resistance to ideological
domination is ideological negation, or stories that resist or contradict the ideology used for domination. I found that my participants perceive copyright and intellectual property legal regimes as a form of ideology, which they often portray as being designed and pushed by a corporate other. They negate this by portraying ownership of intellectual property as unjust, immoral, or detrimental:

Strawberry Shortcake: Piracy has turned into something that like, Okay, you're stealing a game from a company. It's, it's in a capitalist world, everything that is not sourced from the company is piracy, and everything to circumvent the copyright law, which is literally everything, when it's not solicited by the company, that is the right holder itself is piracy.

Burner: ... honestly, like the ridiculous lengths lengths to which works and items are copyrighted. Like, I'm pretty sure now it's like death of the artist plus 20 years or something. Or plus, like 100 years, and a lot of that was lobbied for by Disney and other corporations that wanted like, eternal dominion over their work. So like Mickey Mouse, who for all intents and purposes should have been in the public domain in the 50s is still like, like you can't do anything related to Mickey Mouse and distribute it and that cheapens the media landscape so much because, like so many, so many people have different ways of like, of creating and telling stories and giving like their own riffs.
Rand: ... look at Disney manipulating trademark laws and copyright laws to have Snow White, like 100 years after it's out and Mickey Mouse X number of years out, you know, right. And so the idea that just because Walt Disney had that idea for that thing, that therefore he has complete ownership over that character, and the design of that character, and definitely the Disney Corporation now, because he's dead, is ridiculous.

Ben: I also get enjoyment from providing a service to other people like seeding stuff, especially stuff that wasn't available before on I2P [a more privacy-based form of internet]. And me uploading it, then I feel good. Like, I did a good deed for the world, even if it's a tiny one.

Scott: Who are you pirating from? You know? These asshole companies who takes someone else's work and sells it? I mean, that's a form of legal piracy.

The ever-increasing intellectual property rights afforded to companies who produce media is seen as a form of ideological domination by my participants. As Lu (2009) and Ballano (2018) observe, the legal regime of intellectual property has been growing since the beginning of the twenty-first century, if not before. Participants in this study often see this expanding regime as encroaching on rights and privileges humans had previously held; they view it as an artificial, unjust and exploitative structure, and perceive the Pirate Bill of Rights to more closely resemble their desired organizing ideology. When participants talk about intellectual property, especially when used as a tool by the corporate other, they talk about it as something that allows the
corporate other to steal both from artists and from people who consume the art. Participants even conflate intellectual property ownership as being the ‘real’ form of theft or piracy, rather than the online file-sharing in which so many of them engage. Several respondents also take issue with calling the behavior “piracy” (See Appendix A), arguing that by using this name rather than something like “file-sharing” the discourse has baked in ideological domination.

“Honor Amongst Thieves” - No Evidence of Ideological Domination by the Pirate Other.

With the other two forms of domination, there are clear examples of a corporate other being perceived to perform the domination, and a pirate other being perceived to perform the domination. While ideological domination is found between the corporate other and the pirates, there is little to no evidence it was being perpetrated by a pirate other. This is not to say that it does not exist. One statement sticks out as being a potential example of this:

Thomas: ... they actually have some very specific rules like as far as if they're- if you're going to download. Like if you're going to torrent anything, you also need to be uploading and so they have a ratio that they'd like you to keep and you can get certain points for that so it's you know, it's a little it's a little weird, a little authoritarian, I guess as far as pirates go, but I- you know, I get it. I guess I get like there needs to be some honor amongst thieves and everything. So I've gotten familiar enough with it. Like, it doesn't bother me now.

As displayed here, one participant does observe that the hierarchical and demanding nature of private torrenting communities does not align with his perception of pirates’ ideological basis (as
codified in the Pirate Bill of Rights), but he also reports quickly becoming acclimated to it. Most other participants view this structure as necessary for the community’s protection. Ideological domination not appearing here could represent that there is less domination by the pirate other relative to the domination by the corporate other. However, The Pirate Bill of Rights and its righteous striving towards freedom could itself just represent a story – similar to strong lord who protects the weak serf – that pirates use to give their piracy an ideological motivation, perpetuating their participation and that of others. If ideological domination is to be found in future research, I suspect it would be found here, or in discussions over “right” vs “wrong” ways to pirate, like torrenting vs gray streaming.

Transcripts

The interviews performed can be viewed as a glimpse into the private transcripts of the subordinate class which my participants view themselves as, evidenced by their discussion of power differentials between them and the corporate other. However, the presence of a private transcript might be the least obvious assertion of the present study. Traditionally, private transcripts happen in places unreachable by the dominant class, such as the private dwellings of the subordinate groups. A significant portion of piracy happens in private forums where one must have an established reputation to enter. These are easily perceived to be locations where private transcripts could occur. However, as much if not more discussion of piracy happens in open internet forums, such as Reddit. The relative ease of access provided by them might lead the reader to believe that this should be considered public, but the pseudonymous nature of the forum and the perceived unwillingness or inability by the elite groups to stop piracy in these
areas allow these spaces to be perceived by those within them to be unreached by the dominant classes. Many respondents have heard of events where individuals suffered severe punishment for the activity of piracy, but few think there is a chance of it happening to them (especially while using identity-concealing techniques). Mostly, participants view these instances as being attempts by the dominant to “make an example” out of someone – attempts that fail in the eyes of my participants. Discussion about the low chances of individual pirates facing consequences for their behavior additionally contributes to the belief that these discussion boards exist in a space unable to be cowed by dominating groups.

If these relatively public spaces are where the private transcript takes place, then where does the public transcript take place? This is also less than obvious, because the nature of interaction, especially between groups of different status, has been altered or even alienated by the presence of advanced communication technologies. Participants in the study, as described earlier, conceptualize a “corporate other” that functions as the collections of attitudes and behaviors my participants expect of corporate entities. Actions, such as removing a media from a streaming service to add it to a new one, are not perceived to be done by a specific individual, but rather are assigned to the corporate other who, my participants believe, is trying to extort more money from them. When my participants acknowledge that their actions likely have no effect one way or the other, they are alluding to the fact that this corporate other is a mental construct rather than an actual entity, and that what it represents is an interlocking system with diverse agency, inconceivable resources, and unlimited reach that goes by many names but in the present research is called Intellectual Property, Neoliberalism, or Information Capitalism.

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Resistance, not Rebellion

While there is a mature community with significant technological infrastructure at their beck and call, the piracy community, as reported by my participants at least, does not rise to the level of open rebellion as described by Scott. It is true that participants in the present study do perform the activity relatively openly – when they are among other humans. They conceal their behavior from the eyes of the corporate other – surveillance systems that monitor how we interact with technology on a daily basis, which are often built into the technologies themselves. Most participants also describe having confidence they would not get caught because the sheer number of people performing the activity provides them anonymity by way of overwhelming numbers—i.e., “you can’t catch us all!”

Most pirates perceive the average person as holding a negative view of piracy. This is because they assume most people have never taken the time to “think” about piracy and have accepted the hegemonic view provided by the corporate other. That being said, my participants also believe that non-pirates who are exposed to piracy as a legitimate option will innately recognize their domination at the hands of the corporate other, and at that point have a solidarity with pirates. This is evidenced by the fact that most participants report others being either indifferent to piracy behavior, or even interested in learning how to do it themselves. Further, some participants go so far as to argue that the “tech-savvy” people who create anti-piracy technology use their skills to perform and enable others to perform piracy as well. Like Lu’s (2009) observations, however, my participants still slip into using the public transcript and the ideological assumptions of the dominant when necessary to protect themselves or even just without thinking. These observations would indicate that piracy has not risen to a level in which
it occurs as rebellion against a corporate other, but that it certainly exists as organized, if undercover, infra-political resistance.
CHAPTER 7: DISCUSSION

Piracy as Everyday Resistance against a Corporate Other

The main finding of this study is that based on my participants’ descriptions of their activities and motivations, piracy can be interpreted or “read” as a form of resistance against domination by a corporate other. Inspired by Mead’s generalized other, I formulate a corporate other that represents the collected attitudes, expectations, and norms about interacting with corporations and their commodities that are endemic to modern information capitalist society. I further argue that in the accounts of my participants, this corporate other is not perceived as a community of which they are a member, but as a dominant class to which their pirating behavior is perceived as a form of resistance. Based on Scott’s transcript theory, I observe that material domination is perceived by my participants to manifest as wealth extraction from customers, labor exploitation from employees, and erosion of ownership rights afforded to those who purchase media. Many of my participants hold the worldview that interacting with art is a fundamental part of human dignity, so status domination is perceived to be occurring when the corporate other demands payment to access art or takes actions that deprive people of their ability to appreciate that art. Ideological domination is perceived to occur when the corporate other acts to codify IP rights or otherwise enmesh the concept of ownership of art or ideas, another point that my participants ideologically disagree with. Piracy, and the creation of communities around piracy, function as resistance to domination by allowing a space in which a coherent ideological negation (a Pirate Bill of Rights) can be created, where status can be reaffirmed, and where material restrictions can be eluded. However, pirate communities are
perceived to violate the values of the Pirate Bill of Rights in the structures they use to govern themselves as well, and so the concept of the pirate other has been introduced to contrast with the corporate other, as well as capture this internal manifestation of domination.

The corporate other as a facet of transcript theory is the main theoretical innovation presented in this research. However, some other potentially unique observations related to transcripts in an increasingly digital world have been noted as well. The corporate other, of course, likely would not exist in world without mass communication technologies. In fact, it bears a resemblance to Foucault’s panopticon, although I argue that the panopticon embodies an internalized web of dispersed power, whereas the corporate other manifests as an amorphously projected, yet virtually localized source of domination which cannot be everywhere, and thus can be resisted. The arguably new form of material domination, the erosion of ownership rights, is also unique. It mimics the phenomenon that economists would call the enclosure of the commons, but instead of a common property owned by a community being enclosed, personal property owned by an individual is being enclosed.

While transcript theory has been used to investigate piracy in the past, to my knowledge, this research represents the first time transcript theory has been applied to open ended interviews with digital pirates. Previous interviews with digital pirates use other theoretical orientations (Andersson 2010, Da Rimini & Marshall 2014), and previous interviews that draw on transcript theory focus on physical piracy (Ballano 2018). Another project that drew on transcript theory applies it to content analysis rather than interviews (Lu 2009). Keeping in mind that qualitative research is culturally specific, the following sections will compare the findings of this study with similar studies and consider how using this research’s orientation may have altered their findings.
Previous Findings that are Replicated

Piracy as Infra-Politics

Lu’s (2009) research explores piracy as a subaltern opposition to domination. While many of my participants have deeply held convictions about the injustice of IP law or the business practices of corporations, they do not view piracy as being an openly declared opposition to it. This replicates Lu’s findings. Lu finds that resistance mostly occurs on an individual level. The perceived dominant class is fragmented and at different times includes different actors. Western/Developed countries are perceived to have “domination of the global copyright regime” (2009:80). Software companies are perceived to be dominating both the market and the customers who buy (or pirate) the products. Lastly, the nation-state China is alternately perceived to dominate people with its legal regime and use that same legal regime to resist the domination of other countries and corporations (Lu 2009:140). Lu argues that resistance against these dominating classes do not constitute open organized resistance, and as such fall into what Scott would call infra-politics. Participants in this study also do not declare open and organized resistance, so their behavior should also be called infra-politics, even if my participants’ descriptions of infrastructure and coherent ideological resistance would suggest it is more organized than what Lu observed. The corporate other could be considered analogous to Lu’s shifting dominant class, but there is a distinct difference: Lu’s pirates place an emphasis on national identity. Lu specifically draws data from China, and the data in this study mostly comes from America. Lu finds that pirates often perceived their national identity as playing a part in their ideological resistance, but I find no such themes from my American or Canadian
participants. It is worth noting that this study’s data that was collected from countries besides Canada and the United States do bring up national identity as a theme—while that is a very small data set, it replicates Lu’s findings. It is possible that the corporate other, as described by my participants, has the potential to absorb even nations into itself, because nations like the United States often use corporate law and corporate markets as a tool of domination. The corporate other could reveal the interplay or merging of nations and corporations within the perceptions of those who experience colonialist domination.

Regimes of Justification

Andersson (2010) describes five regimes of justification that pirates used to justify their piracy. They are (1) that file-sharing as a phenomenon is functionally impossible to stop, (2) that stopping piracy would require too much encroachment on civil rights, (3) that those who produce media are not (or at least do not have to be) harmed by file-sharing, (4) that everyone should be able to participate in culture through consuming cultural products, and (5) that file-sharing is ultimately better for society. All five of these themes are replicated in the present data, however, I have elected to frame it as the rather more charitable Pirate Bill of Rights. A concept like regimes of justification infers that piracy is something that a pirate understands they must “justify,” implying that it is intrinsically negative and they are trying to avoid stigma. The Pirate Bill of Rights reflects values my participants consistently appeal to when describing their motivations for piracy—no excusing, no justifying—indeed piracy is described as ethical and good.
Hierarchy of Pirates

Eve (2021) describes a hierarchy of pirates. Using transcript theory, one would assume that where there is hierarchy, there is domination. As would be expected, at least two kinds of domination (material and status) are perceived by my participants to be enacted by the pirate other. Ideological domination is not found, however that does not mean it does not exist. The pirate other is perceived by my participants to coerce technology and media, that is to say material, resources from them. Of particular note with regards to Eve’s (2021) research, there is a market-like exchange of these material resources, but there is also an exchange of social capital. Eve observes that The Scene’s culture works to perpetuate its members’ participation; the same is found here, through the application of the concept of the pirate other to help discern what my participants often call the “rules of engagement.”

Previous Findings that are Complicated

The previous section has discussed findings that were replicated in the data for this study. The following section will discuss findings that were complicated or not replicated.

Piracy as an Aesthetic, rather than political subculture

Eve (2021) also argues that piracy is a subculture designed not around political motivations, but rather aesthetic ones. It is possible, even likely, that the higher tiers of piracy, called The Scene, on which Eve focuses are more focused on aesthetics than the lower tiers from which this research draws participants. The elitism and competitiveness that Eve portrays as the norms regulating The Scene do seem rather at odds with the egalitarian nature suggested by the Pirate Bill of Rights (this is addressed in the discussion about ideological domination by the
pirate other). Additionally, Eve’s focus on the essential interplay between the hidden and public aspects of The Scene are vastly different from most pirates’ either flippant or paranoid attitude towards their activity, as suggested by my participants. What is clear, however, is that participants in this study, like Andersson’s (2010) before it, have complex opinions on the politics of piracy. Politics is by no means their only motivation, but insofar as politics can be interpreted as an expression of domination and resistance, it is present.

*Piracy Benefits Capitalism*

As discussed in previous chapters, different orientations and fields lead to differing perspectives and conclusions. Economic viewpoints argue both that piracy can hinder or help organizations that produce media. Because of the methods of the present study, these results cannot corroborate or counter those conclusions, but what can certainly be said is that my participants believe either they are having no impact on the financial bottom line of these companies, or they believe they are hurting the corporate other and get a degree of satisfaction, however small, from that. This behavior can, as has been argued (Jie 2014), further enmesh the pirate’s cultural capital within the bounds of intellectual property owned by these corporations. The person who pirates Adobe Photoshop learns the skills and language associated with Adobe Photoshop, instead of an alternative. This means that when they enter the job market or otherwise draw on their Photoshop skills, they are perpetuating the dominance of Adobe Photoshop as the premiere image-editing tool, instead of undermining it. Their employers will be more likely to purchase it, and people who the pirate trains or influences will be more likely to choose Photoshop as well. My participants rarely consider this. Mostly, they view their piracy of Adobe
Photoshop as a way to avoid the perceived hostile-to-consumer licensing through which Adobe distributes Photoshop.

_Piracy as Mundane, not Radical_

Da Rimini and Marshall (2014) observe that their participants do not need to persuade themselves that their actions are ethical or moral. They argue that the behavior is mundane or normal, and that their participants do not think of the moral/ethical implications of their actions while pirating any more than they might when buying fast food. Participants interviewed for this study have a different story. Often, they express spending significant thought-power on considering the moral/ethical reasoning behind their pirate activity, describing the moral conundrum as part of the fun of piracy. Several even express the belief that piracy is more morally justified than purchasing content (although, they also almost unanimously exclude independently developed video games from this). However, when I ask them if their specific piracy is motivated by this attitude, few deny it outright, but many of them soften that claim. Instead, they portray their own piracy as an act of convenience or a money-saving technique primarily, and their moral righteousness is a pleasant side effect, if they think about it at all in the actual moment of file-sharing.

What is to be made of this? Many participants push the radical edge associated with piracy, but few view it as a core tenet of their own pirate identities. As in the previous study, many participants view piracy as a mundane or normal process, and in their daily practices, moral considerations rarely come up. It is just a habit, another way of interacting with digital media and the internet, and they believe their actions have a minuscule effect on the world, for
better or for worse. However, participants discuss the greater systemic impacts of piracy, believing that it provides a way to escape, or even pose material, status, or ideological resistance against the corporate other. This is where we can see the value that using transcript theory provides. In transcript theory, resistance is not necessarily bold and bright and thrown in the face of the dominant class. Most often it is subtle, hidden, and incorporated into everyday behavior. It is observed that piracy is often a mundane, normal behavior. At least in the cultural context that the present study takes place in, mundane and normal behaviors are also viewed by my participants as containing an essence of resistance.
CHAPTER 8: CONCLUSION

Both supporters of and opponents to online media piracy portray it as not being a form of resistance. Some who say this are attempting to legitimize piracy as an outcome of the structures humans live in, or they are attempting to legitimize the structures that constrain human behavior to disallow online piracy. Others still are just pointing out that online piracy has so far failed to produce any action that is effective in the long-term at undermining systems of capital. Despite these arguments, the interviews paint a clear picture of people who are frustrated with the expectations placed on them by a society that is preoccupied with financial transactions and accumulation. Hearing their stories proves that there is ill will on the part of some people who get cast in the role of consumers by the corporate other. However, while my participants make the compelling arguments that they are being financially exploited, they also make clear that they perceive a warping of cultural artifacts, and to an extent culture itself, to serve the ends of the corporate other that they cast as the villain in their stories. One of the strengths of transcript theory is that it allows for and accounts for material domination, but it also privileges dominations that happen through non-material ways. In an era where so much of human interaction is moderated or even replaced by interactions with technology, investigating how domination occurs through these methods is more important than ever.

Future Lines of Research

To that end, this research presents a few innovations that may guide future research. The concept of the corporate other needs further consideration before it can be sure that it is a distinct concept from other similar ones, but investigating the attitudes that humans perceive corporate
actors have towards them could lead to some intriguing observations, specifically when applied to “fandoms” or other communities that depend on having corporate actors steward the content around which they create their identity. This concept may also have some use when discussing influencers/content-creators or people who make their living on social media platforms. The concept could have some explanatory power regarding how they colloquially discuss “the algorithm.” Additionally, research into how domination and resistance play out in modern/digital environments could take the concepts of “the erosion of ownership rights” which pirates seem to be contesting. Research about piracy specifically might benefit from the ‘Pirate Bill of Rights’ in that it outlines fundamental values that were shared by several of my participants, and perhaps beyond in the greater community.

Limitations

Because of the societal opinions around the behavior in question, it is possible the group of volunteers who self-select to participate in the study, or those who specifically avoid it, share certain discourses that encourage or discourage participation. As a result, some discourses may have a visibility in the responses that does not equal their presence within the community. For example, one finding describes Reddit as an excellent source of information about piracy. However, Reddit is also one of the sites of recruitment for this study. While more participants describe getting information from Reddit than are recruited from Reddit, one should still keep this limitation in mind when considering these findings. Additionally, no women were interviewed during this study, meaning that there could be gendered dynamics at play in internet piracy. Pirates who identify as women exist. There may have been limitations regarding the way
I recruited for this study, or the broader culture of the internet may be more inhospitable (that is to say, misogynistic) towards women, thus making them more reticent to participate. Attempting to recruit women specifically would be another avenue for further study. Women may describe piracy utilizing different discourses than men.

Since this study has a relatively small number of respondents (and because of demographics of those respondents), it may not represent all discourses at play and the knowledge generated from it is likely not generalizable. That being said, I do not seek to generalize this study’s findings. The discourses of resistance and domination are present in this sample of the pirate community.

Summary

Using transcript theory, I argue that the public transcript of pirates is produced as a generalized other, a collection of attitudes and behaviors that we associate not with an individual entity but rather with corporate actors that shape the market, media, and the world. The corporate other is externalized but exists within the minds of people and as such people who seek to resist it must always engage with it while performing their resistance. Material domination is perceived in how participants feel like their money and property are being taken away by a corporate other. Status domination is perceived in how participants feel that the corporate other reduces them to a consumer, rather than treating them as human. In keeping with the kaleidoscopic nature of transcript theory, these two forms of domination are perceived to take place within the subculture of piracy as well. Pirate communities often have rules about how much one needs to contribute data and hardware power, representing material domination, and also have a hierarchy of social
position, representing status domination. Ideological domination is perceived to exist in the many ways that piracy is outlawed and IP rights are enshrined for the benefit of corporate actors. The existence of the corporate other itself could be considered a form of ideological domination, in that people are always aware of how the corporate other is impacting them and how the corporate other expects them to act. There does not seem to be enough evidence to detect accounts of ideological domination at the hands of the pirate other, however. Piracy, along with the communities that appear around it, collectively described as the pirate other, are perceived by my participants to represent a form of resistance to these dominations on a grand scale, even though when my participants consider their own motivations for online piracy, they tend to treat it as a mundane, habitual activity more than they view it as politically, ethically, or morally motivated.

This falls in line with what previous research asserts: pirates perceive piracy as a political act when considered systemically, but they consider their own contributions to such a goal insignificant or unimportant. This research provides a framework through which daily practices can be understood both as a part of an ideologically motivated resistance, and also as unexceptional, unexciting everyday occurrences.
WORKS CITED


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Panoramaproject.org. Retrieved February 15, 2023


APPENDIX A: LABEL APPLICATION

Label Application

While some attitudes towards and perceived benefits of piracy are similar, one place in which my findings differ the most from Da Rimini and Marshall’s (2014) methodologically similar research is in the ways pirates frame their own behavior. For one, they find their respondents denying the title pirate. In this study, I have more mixed results.

Embracing the Label Pirate.

When asked if piracy was the right word for the activity, many said yes:

Scott: I think it's fine. I mean, it's definitely not pirating. Well, it is pirating. But it's not, you know, we're not seafaring pirates. We're surfing the internet pirates. Yeah, I think it's, I think it's somewhat appropriate. It's a good term. Perfect. And I don't feel like there's a lot of connotation, like negative connotation to it. I think it's this like- is ambivalent.

Steve: I think it's a broad enough term where I'm okay with using it.

Complicating the Label Pirate.

Others willingly embrace it, even while recognizing its pejorative connotation:

Bruno: I guess it makes sense. I mean, even, even when you think about the actual pirates, you know, the sea. I mean, they were stealing, it's relative to say that doing online piracy, you know, the virtual piracy stealing, some would say it is
some would say it isn't. But I guess people have identify themselves with the, with the piracy, you know, as a term as a community. So they like to consider themselves pirates, they, they're okay with that label. And the people know what they're talking about, the people know what it entails. So I guess it- it does a job well, even though it might not actually be 100% accurate term for the activity of pirating itself.

Denying the Label Pirate.

And others still deny the title in favor of something else:

Jay: I don't know if piracy is the right word to use, but I don't think it is- I think it's easy for a layman person who's not really in the cut, to just be like piracy. But I think what I do is more- I feel like Robin Hood...I don't- I don't think what I'm doing is really wrong. And I don't think anybody would think that Robin Hood was wrong. I think most people say screw the rich. I don't care about the rich. There's so many other people who can't have what they have. So they should do anything that they can to get up to that, you know, get what they can. I don't- I don't think what I'm doing is is piracy. It's piracy by definition, but I think the definition is garbage, okay.

Rand: I, I disagree, in that I think the connotation, you think of someone stealing something physical, you know, whether it's the Pirates of the 16 and 1700s, or the Somali pirates today, you know, where the historical definitions of piracy have
been, where there's actual loss of value, there is actual theft occurring. I think, what modern day piracy, much of what it is today, is all digital. Now, I don't have-I haven't thought about it enough to come up with like a catchy name or anything. But I think if there was to be a new term, it would have to be something separate to differentiate the fact that there is no actual cost in making that duplication of the file that no one's labor to make that original.

Label Application and Domination

HippieHair: They were successful [at convincing everyone to call it piracy]. If that was their [corporate propaganda] campaign, it is no longer commonly referred to as file sharing, and even pirates refer to themselves as pirates and it as piracy. So they definitely warped our minds.

One participant even discusses the pivoting from calling the behavior “file-sharing” to calling it “pirating” (which as the participant describes it, happened after an intense propaganda campaign put on by the corporate other) as being an example of changing the discussion to have a more ideologically dominating character. Participants often believe there is no victim suffering from their actions, and so therefore, portraying it as harmful or as a crime is inaccurate. This resistance, in which they defy or cancel out the dominant narrative, is ideological negation.

Of course, it is important to keep in mind that this result may be a consequence of the methods used for recruitment. A prerequisite of participation in this research is that the participant identify themselves, or believe others would identify them as, a pirate. Additionally, I recruited primarily from online communities that openly claim the title.
APPENDIX B: A LIST OF PIRATED MEDIA

The following is a list of every specific piece of media my participants mentioned pirating, divided by type of media. It is presented in alphabetical order. Media that appeared multiple times in the interviews are not repeated.

Television, Movies, and Anime:

Airplane
Akira
Attack on Titan
Billy Madison
Bob’s Burgers
Bosnian-Yugoslav Wars – BBC Documentary
Carol and Tuesday
Code Lyoko
Cool Cat Saves the Kids
Deadpool
Deondre T Brown – Diamond Cobra versus the White Fox
Ed, Edd, and Eddie
Game of Thrones
Harry Potter
Jungle Cruise
La Muette De Portici
Legally Blonde
Legion of Fire: Killer Ants
Leni Riefenstahl movies
Little Women
Matrix: Resurrections
Michiko & Hatchin
Mortal Kombat movie 2021
Movie by Moshe Ivanovic
My life in Film – a bbc comedy
Neil Breen Movies
Pay-per-view Soccer Games
Pretty Village Pretty Flame
Psycho Pass
Scent of a Woman
She-Ra and the Princesses of Power
The Beggar’s Opera
The Critic – various episodes, 1994-1995
The Godfather Part One
The Godfather Part Two
The Pennies Opera – German title: Dragmoshgota
Text Media:

Anarchist Cookbook
Bravo Magazine
Dread
Dungeons and Dragons
Making Booby Traps at Home
Playboy Magazine
Slam magazine archive PDF 1994 to 2009
Wheel of Time
Work by Paul Reagan
Work by Shosanna Zuboff

Music:

Bomberman 64 – The Second Attack Soundtrack
Discography of Bob Dylan
Discography of Sublime
Discography of the Beatles
Kid Rock – The History of Rock
Rolling Stones – 12×5

Video Games:

Assassin’s Creed
Astyanax
Banjo Kazooie
Battlefield Bad Company 2
Braid
Breath of the Wild
Castlevania
Guitar Hero 3
Harry Potter and the Deathly Hallows part 1 and 2 The Video Game
Harry Potter for Gameboy Color
Horizon Zero Dawn
Legend of Zelda
Legend of Zelda 2
Majora’s Mask
Mario Bros - multiple games
Mario Kart 8
Metroid
Minecraft
Mortal Kombat Game
Ocarina of Time
Olympic Games Vancouver 2010 video game
Pokemon Emerald
Pokemon Let’s go evee
Pokemon Shield
Portal 1 and 2
Punchout
Rollercoaster Tycoon
Secret Agent Izzy
Sim City
Sly Cooper 2
Spetznas - an obscure Russian games about the Balkan War in the 90s.
Super Mario Odyssey
Super Smash Bros. Ultimate
The Quarry
The Sims & DLC
Unreleased Goldeneye Remake
WWE 2009
Watch Dogs Legion
Where the water tastes like wine
Yakuza Zero

Computer Programs:
Adobe Master Collection
Adobe Photoshop
Kaspersky Anti-Virus
Pluraleyes Plugin for Premiere

SPSS statistical software
APPENDIX C: FLIER

WANTED:

ONLINE PIRATES!

Who I need: Interviewees willing to talk over Zoom or Discord! (Your identity will only be disclosed to the researcher)

Why: I'm doing research into the behaviors and communities of pirates online for my master's thesis.

Requirements: You must be over the age of 18 and consider yourself a pirate or believe you would be called a pirate by others.

Contact me: lcrmchl1@memphis.edu
APPENDIX D: VOLUNTARY CONSENT

<table>
<thead>
<tr>
<th>Title</th>
<th>Behavior and Identity in Pirate Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Researcher(s)</td>
<td>Lewie Carmichael, University of Memphis</td>
</tr>
<tr>
<td>Researchers Contact Information</td>
<td><a href="mailto:lcrmch11@memphis.edu">lcrmch11@memphis.edu</a></td>
</tr>
</tbody>
</table>

You are being asked to participate in a research study. The box below highlights key information for you to consider when deciding if you want to participate. More detailed information is provided below the box. Please ask the researcher(s) any questions about the study before you make your decision. If you volunteer, you will be one of about 30 people to do so.

### Key Information for You to Consider

**Voluntary Consent:** You are being asked to volunteer for a research study. It is up to you whether you choose to participate or not. There will be no penalty or loss of benefit to which you are otherwise entitled if you choose not to participate or discontinue participation.

**Purpose:** To broaden our social scientific knowledge regarding the activities of ‘pirates’ and their interpretations of ‘pirating.’

**Duration:** It is expected that your participation will last between 45 minutes and 2 hours in a one-time interview on Zoom or Discord.

**Procedures and Activities:** You will be asked to participate in a one-time online audio recorded interview to discuss your history with and interpretations of ‘piracy.’

**Risk:** You may experience stress of inconvenience by participating in this study. You may also experience possible loss of privacy, confidentiality, and social stigma which could result from the potential disclosure of illegal behavior associated with participating in this research study.

**Benefits:** Participating in this research study has no direct benefits to you. However, we do believe this study will fill gaps in knowledge on piracy.

**Alternatives:** If you do not wish to be in the study, there are no other choices except not to take part in
Who is conducting this research?

Lewie Carmichael of the University of Memphis, Department of Sociology is in charge of the study. His faculty advisor is Dr. Carol Rambo.

What happens if I agree to participate in this Research?

Once the Principal Investigator has been contacted by the participant, the Principal Investigator will then respond to their email with dates and times to schedule an interview on Zoom or Discord, whichever is preferred by the participant. Once a time and a date have been decided, for the purpose of protecting the participant’s privacy and confidentiality, an email invitation to the interview will be sent to the participant, along with a passcode to enter the meeting. When the interview begins, recording will start, and participants will be asked if they have read and understood the Informed Consent for Research Participation form and to have their verbal consent audio recorded. Next, participants will be offered the opportunity to review their own interview transcription for accuracy when it has been completed. Once the interview begins, it is expected that your participation will last between 45 minutes and 2 hours in a onetime interview over Zoom or Discord. With the participant’s permission, interviews will be audio recorded. If the participant does not consent to being audio recorded, they will not be able to participate in the research, and their contact information will be destroyed.

You will be asked demographic questions, such as your gender, race, and ISP provider. After you have answered those questions, you will be asked questions about your experiences as a pirate. For instance, you may be asked questions like, “What thing did you have the hardest time tracking down? How’d you finally get it?” If at any point you would like to skip a question, you may do so without worry or repercussions. If you would like a copy of the questions that you will be asked, please email Lewie Carmichael at lcrmchl1@memphis.edu.
identified, and corrected if the participant chooses, the transcription will be coded. The research team includes the Principal Investigator, Lewie Carmichael and their supervisor Dr. Carol Rambo. The information will not be shared with anyone outside of the research team. The only person who will have access to identifiable information (in the form of contact information) will be the Principal Investigator. The Principal Investigator will change and remove all identifiable information from the transcriptions. Contact information will be immediately destroyed after the interview for those who do not wish to inspect their transcriptions. Contact information for those who wish to inspect their transcriptions will be stored until the participant has reviewed the transcription for accuracy, after which it will be immediately destroyed. The de-identified information will be stored for three years on a thumb drive encrypted using VeraCrypt Advanced Encryption Standard (AES)-256 encryption accessible to the Principal Investigator and their Faculty Advisor to give them adequate time to write up the results and publish the findings. After three years, it too will be destroyed with the DOD program, nwipe.

How will my privacy and data confidentiality be protected?

We promise to protect your privacy and security of your personal information to the best of our ability. The Zoom and/or Discord meetings will be passcode protected. You need to know about some limits to this promise. If you choose to participate in the online video interview, it is not within the Principal Investigator’s ability to control the privacy within your physical location during the interview. The Principal Investigator will ensure that their side of the interview will be conducted in a private setting without interruption or distraction.

We will make every effort to prevent anyone who is not on the research team from knowing that you gave us information or what that information is. The audio recordings will be kept in a secure file in an application on the investigator’s laptop and desktop computer. Only the principal investigator and the faculty advisor, Dr. Carol Rambo, will have access to the transcriptions. All audio recordings will be transcribed by the Principal Investigator.

Your information will be combined with information from other people taking part in the study. When we write about the study to share it with other researchers, we will write about the combined information we have gathered.

We will make every effort to keep private all research records that identify you to the extent allowed by law. However, there are some circumstances in which we may have to show your information to other people. We may be required to show information which identifies you to people who need to be sure we have done the research correctly; this would include people from organizations such as the University of Memphis.

The Institutional Review Board may be permitted access to inspect the research records. This monitoring may include access to your private information, if they so require.
Research team members are required to report if a team member suspects child abuse or neglect, or suicidal thoughts. TN Laws may require this suspicion be reported. In such case, the research team may be obligated to breach confidentiality and may be required to disclose personal information.

**What if I want to stop participating in this research?**

It is up to you to decide whether you want to volunteer for this study. It is also acceptable to decide to end your participation at any time. There is no penalty or loss of benefits to which you are otherwise entitled if you decided to withdraw your participation. Your decision about participating will not affect your relationship with the researchers. The individuals conducting the study may need to withdraw you from the study. This may occur if you are not able to follow the directions they give you, if they find that your being in the study is more risk than benefit to you, or if the Principal Investigator decides to stop the study early for a variety of scientific reasons.

If you would like to stop participating in this research, please communicate that with the Principal Investigator immediately. If suddenly during the interview you change your mind, communicate that to the Principal Investigator and the interview will be stopped. Any information that you already gave will not be used if you request. If at any point after the interview you want to withdraw from the research, email the Principal Investigator at lcrmch11@memphis.edu. If you are to withdraw from participating in the research after the interview, all your information will be destroyed and will not be used in the study.

**Will it cost me money to take part in this research?**

There are no costs associated with participation in this research study.

**What if I am injured due to participating in this research?**

It is important for you to understand that the University of Memphis does not have funds set aside to pay for the cost of any care or treatment that might be necessary because you get hurt or sick while taking part in this study. Also, the University of Memphis will not pay for any wages you may lose if you are harmed by this study. You do not give up your legal rights by participating in this study.

**Will I receive any compensation for participating in this research?**

You will not be compensated for taking part in this research.

**Who can answer my question about this research?**
Before you decide to volunteer for this study, please ask any questions that might come to mind. Later, if you have questions, suggestions, concerns, or complaints about the study, you can contact the investigator, Lewie Carmichael, lcrmchl1@memphis.edu or Dr. Carol Rambo, carol.rambo.phd@gmail.com. If you have any questions about your rights as a volunteer in this research, contact the Institutional Review Board staff at the University of Memphis at 901-678-2705 or email irb@memphis.edu.

Instead of asking you to sign this Informed Consent for Research Participation, we requested that the signature be waived in order to protect your identity. We have shared this form with you and request audio recorded verbal consent before proceeding with the interview.
APPENDIX E: FACE SHEET

Pseudonym: ________________________________

Age: _______________________________________

What gender best describes you: ____________________________

What race(s) best describe you: ____________________________

What ethnicity(s) best describe you: _________________________

Marital Status: _________________________________________

Education: _____________________________________________

Country of Residence: _________________________________

State/Province of Residence: _____________________________

What is your current socioeconomic status: __________________

Have you had other socioeconomic statuses in the past: ________________

If so, what were they: _____________________________________

Would you say you live in a rural environment or urban environment, or somewhere in between: ____________________________________________

What is your internet service provider: _____________________
APPENDIX F: INTERVIEW GUIDE

Thanks for participating in the study. Just as a reminder, if you don’t want to answer any of the questions, just let me know, and we can move on to the next one.

1. Can you remember the first time you ever heard about the idea of pirating? What do you remember about that? What was the attitude towards piracy like?

2. Do you remember your first time pirating something? If so, what was it? How did you do it? Do you remember anything else about what got you started into piracy (How did you figure it out)? What was your technique? Do you still use that method? Why or why not?

3. So far, we’ve been working with an implicit understanding of piracy, but I’d like to ask if you could give me a more formal definition. What is piracy? Is that the right word for what you do? Does something else fit better? Why do you use that word?

4. Do you know many other [pirates]? Do you mostly know them through online or offline interactions? Any that are especially good or talented at it? What makes them good, in your estimation? Any others that were particularly good? (Keep asking until saturation reached) Did they have any material or technology that helped them?

5. Do you know anyone who was especially bad at [pirating]? What kind of qualities makes someone bad at it?

6. How do you rank yourself as a [pirate]?

7. What is your best story related to this? Any other good ones?

8. What is your worst [pirating] experience? Any others?

9. We may have touched on it earlier, but why do you [pirate]? Has your decision to pirate ever been influenced by your socioeconomic status?

10. Do you [pirate] everything? If not, how do you decide what you [pirate] versus what you obtain some other way and what are some of those other ways?

11. Do you ever upload or otherwise provide things for others to [pirate]? What sort of things do you do this with most commonly? What’s your process for this/these?

12. What kind of things do you [pirate] most often?
13. Would you say you have easy access to other [non-piracy] methods to obtain these things? What are they?

14. What do you think the biggest risks or frustrations while [pirating] are? How do you protect yourself from those while [pirating]?

15. Let’s imagine I don’t know anything about [piracy]. Now say I wanted to watch the latest Dwayne “The Rock” Johnson movie, but I didn’t want to pay for it. What would you suggest my first step be? And then what? And then what? Say it wasn’t available there, what other methods might I try? Why did you suggest starting with one over the others? Are there any other ways to [pirate] things that we haven’t covered? What pros or cons might these methods have? Which of these methods have you done?

16. Movies are considered by some to be the “default” thing [pirated]. Do the methods used to [pirate] movies differ from the ways one might obtain other things?

17. What would you say the most obscure thing you’ve [pirated] is? How did you get your hands on that one? Did it require different methods or knowledge?

18. What thing did you have to work the hardest to get? How’d you get it? What sort of complications did you run into? Did you need to do anything differently to get it?

19. How long have you been doing it? What was it like back then? Has there been much change between then and now? What are the differences, and why do you think it changed like that? Are these changes better, worse, or maybe a little of both? Why?

20. How do you think people learn to do it these days? Is it different from when you got started?

21. How do you think [pirating] might change in the future? Do you expect that will be better or worse?

22. Has anyone ever found out you [pirated]? Who? How did they react?

23. Are there folks who don’t know about it, or who you may conceal it from in your everyday life? If so, why do you conceal it?? How do you think they would react if they did know?

24. Some people think of [pirating] as theft. Have you heard that? Are they right? Have you heard other people describe it differently? How so?

25. Have you ever gotten in trouble for [pirating]? What are some of the consequences you’ve seen people face from this, if any?

26. Have you ever [pirated] something because you didn’t know it was against the rules?
27. What do you think the average American’s perception of [piracy] is?

28. Is there anything you wish the general public knew or understood about [pirating] that you suspect they don’t know?

29. Do you expect you will keep on [pirating]? Why or why not? For how long? What might make you stop?

30. Do you enjoy pirating? Why do you think that is the case?

31. Do you know others who feel the way you do?

32. Do you know others who feel differently? Why do you think that is the case?

33. Were there any questions that I did not ask here that you think should be asked of folks who engage in [piracy]? [Ask them their own question if they have one]

Thank you again for participating.
APPENDIX G: WAIVER OF SIGNED CONSENT

Waiver of Documentation of Informed Consent
45 CFR 46.117(c)

The Institutional Review Board (IRB) may consider waiving the requirement for obtaining documentation of informed consent if the following conditions are met. To request a waiver, justification for the waiver should be included in the IRB submission and should address each of the criteria listed below.

1. IRB may waive requirement to obtain a signed consent form for some or all of subjects if:
   a. the only record linking the subject and the research would be the consent document and the principal risk would be harm resulting from breach of confidentiality; each subject must be asked whether subject wants documentation; or
   b. the research presents no more than minimal risk and involves no procedures for which written consent is normally required.

2. In cases where documentation is waived, the IRB may require investigator to provide subjects with written statement regarding the research.

[Note that 1a above is not included in FDA. 1b is included in FDA and HHS regulations 21 CFR 56.109(c)]

REQUESTING WAIVER OF DOCUMENTATION OF INFORMED CONSENT
45 CFR 46.117(c)

I am requesting that the Institutional Review Board (IRB) consider waiving the requirement for obtaining documentation of informed consent in order to protect the privacy and confidentiality of the respondents. Before meeting for interviews, I will share the consent form (see Appendix B) with respondents and request audio recorded verbal consent before proceeding with the interview.

If the respondent would like to inspect a copy of the transcription, their contact information will be saved until they have been given the opportunity to review the transcription. Once the transcript has been reviewed, the contact information will be destroyed. For those who do not wish to inspect a copy of the transcript, their contact information will be destroyed immediately after the interview. Given that the contact information will be destroyed, and the transcription de-identified, a signed version of the informed consent form would be the only identifiable information remaining.

The only record linking the subject and the research would be the consent document and the principal risk would be harm resulting from breach of confidentiality.
If documentation of informed consent was waived, informed consent would still be recorded and each subject would be provided a written statement regarding the research.
APPENDIX H: IRB APPROVAL

Institutional Review Board
Division of Research and Innovation
Office of Research Compliance
University of Memphis
315 Admin Bldg
Memphis, TN 38152-3370

June 13, 2022

PI Name: Lewie Carmichael
Co-Investigators:
Advisor and/or Co-PI: Carol Rambo
Submission Type: Initial
Title: Behavior and Identity in Pirate Communities
IRB ID: #PRO-FY2022-429

 Expedited Approval: May 10, 2022

The University of Memphis Institutional Review Board, FWA000006815, has reviewed your submission in accordance with all applicable statuses and regulations as well as ethical principles.

Approval of this project is given with the following obligations:

1. When the project is finished a completion submission is required
2. Any changes to the approved protocol requires board approval prior to implementation
3. When necessary submit an incident/adverse events for board review
4. Human subjects training is required every 2 years and is to be kept current at citiprogram.org.

For additional questions or concerns please contact us at irb@memphis.edu or 901.6783.2705

Thank you,
James P. Whelan, Ph.D.
Institutional Review Board Chair
The University of Memphis.