



Neutralizations and Rationalizations of Digital Piracy: A Qualitative Analysis of University Students

Robert Moore¹
Troy University, USA

Elizabeth C. McMullan²
Troy University, USA

Abstract

The current study examined the use of neutralization techniques by university students who shared copyrighted files through the user of peer-to-peer file sharing programs. Qualitative interviews were conducted with forty-four university students in an attempt to determine whether neutralization techniques were employed by file sharers. The results indicated that multiple neutralizations were employed by a small number of participants. However, each participant indicated support for one of six neutralization techniques. Explanations of how these findings impact the movie and music industry's response to digital piracy are discussed, as is the need for further research on neutralization theory and file sharing.

Keywords: Neutralization theory, P2P files sharing, computer crime, intellectual property

Introduction

The issue of digital piracy has become a topic of immense concern, such that it has attracted the attention of both legislators and academics. As a result there has been a steady growth in academic literature on the topic over the last several years (Higgins, Wilson & Fell, 2005; Higgins, Fell, & Wilson, 2006; Higgins & Wilson, 2006; Hohn, Muftic & Wolf, 2006; Al-Rafee & Cronan, 2006; Hinduja, 2007). Defining digital piracy has been difficult as the term “piracy” may invoke images of those who steal for monetary gain. In reaching a definition, Hill (2007) has defined digital piracy to include “the purchase of counterfeit products at a discount to the price of the copyrighted product, and illegal file sharing of copyright material over peer-to-peer computer networks.” (p. 9). This definition removes the financial gain aspect of digital file sharing in its attempts to provide a simpler definition of digital piracy. However, while attempts to define digital file sharing and digital piracy have become more simplified, the topic is still one of immense complexity. Digital file sharing, sometimes referred to as digital piracy and sometimes

¹ Assistant Professor of Criminal Justice, Department of Criminal Justice and Social Sciences, Troy University, Troy, AL 36082, USA. Email: RMoore8668@troy.edu

² Assistant Professor of Criminal Justice, Department of Criminal Justice and Social Sciences, Troy University - Dothan, Dothan, AL 36303, USA. Email: ecmcmullan@troy.edu

referred to as peer-to-peer file sharing – occasionally abbreviated as P2P file sharing – continues to intrigue both researchers and practitioners in the fields of criminology, economics and computer science. The reasons for this interest are varied, but it is likely that such increased interest can be tied to the fact that the technology has evolved rapidly creating conflicts between users and traditional intellectual property laws. Additionally, there is the fact that many individuals in the music and film industry have blamed the technology for lagging sales of compact disks (CDs) and digital video disks (DVDs) (Pomerantz, 2005).

From a commonsense perspective this issue of financial harm would seem to make sense. If individuals are downloading and copying music and movie files from P2P networks then they are more than likely not paying for these materials. Or are they? There is considerable debate among economic academics about the financial impact P2P file sharing has on the music and film industry. Pomerantz (2005) reported that as much as \$21 billion could be lost on DVD sales and \$12 billion could be lost on CD sales each year because of P2P file sharing. These estimates of loss are believed to be associated with the fact that at any given time there are approximately 1 billion music and movie files available online (Ouellet, 2007). However, some economic experts have countered this argument claiming that P2P file sharing only minimally, if at all, affects the purchase of DVDs and CDs (Oberholzer & Strumpf, 2005; Rochelander & Le Guel, 2005).

The music industry initially responded to file sharing through the use of legal pressure against the software manufacturers who produced file sharing software. However, more recently the music and movie industries have resorted to the use of civil lawsuits against users, focusing more on consumers than on software manufacturers (Rupley, 2004). The viability of these lawsuits has been questioned, as studies have indicated that there has been very little, if any, decrease in the use of P2P file sharing activities as a result of civil litigation against users (Green & Sager, 2004). It is for these reasons that it becomes important to gain a better understanding of what influences a person's decision to engage in digital piracy. Understanding why a person engages in P2P file sharing may allow for the development of better responses to the problem – responses that do not involve costly litigation.

Initial research on demographic factors associated with P2P file sharing have found that file sharers were most often male and of lower educational levels (Rochelander & Le Guel, 2005). However, Hinduja (2008) found that less than half of the individuals in his study who engaged in digital piracy were male but that overwhelmingly the individuals were of Caucasian descent. In terms of why individuals engage in software piracy, whereby users download or copy commercial software without paying for a license to use the software, Higgins (2007) has successfully examined digital piracy in light of self-control theory and rational choice theory. Hinduja (2007), also examining commercial software piracy, has performed an initial study on the use of neutralization techniques and found some evidence of the use of neutralization techniques to minimize guilty. Each of these studies has utilized quantitative methodology and as such the current study seeks to add to the literature from a qualitative standpoint. First, however, it is necessary to briefly discuss the evolution of neutralization theory.

Neutralization Theory

In 1957 Gresham Sykes and David Matza released their theory on the use of neutralization techniques to counter feelings of guilt associated with delinquent behavior.

Prior to the development of this theory, it was a commonly held belief that juveniles adhered to a code of values and beliefs that was distinct from those of the general population. Sykes and Matza disagreed, claiming that juveniles as a whole normally adhered to the same beliefs and norms as the larger population. It was only when a juvenile engaged in certain delinquent acts that the individual would move from a state of lawfulness to a state of lawlessness (Sykes & Matza, 1957). Matza (1964) would later term this process whereby an individual would move from law abider to law breaker as “drifting.”

In reaching the aforementioned conclusion, Sykes and Matza determined that there were five techniques associated with neutralizing guilt related to deviant behavior. The first technique was termed the denial of responsibility. Individuals who applied this technique of neutralization refused to accept responsibility for their actions. This denial was believed to go far beyond an initial belief that the individual’s behavior was the result of an accident, and extend into a belief that factors beyond their control were responsible for their behavior. For example, the environment in which one lives or one’s family structure may have caused their behavior (Sykes & Matza, 1957).

The second technique was termed the denial of injury, and related to a belief that there was no injury or harm caused to the person who was affected by the delinquent behavior. Further, if there was any harm then the harm was negated by the fact that the victim could afford the injury, and was therefore not an injury in the truest sense.

The third technique of neutralization, the denial of victim, extended this concept. Individuals who applied this technique accepted that there was a victim to the crime, but believed that the injury was justified because the victim was deserving of punishment or retaliation.

The fourth technique of neutralization was termed the condemnation of the condemners. Here, the individual justified their behavior on the basis that those who were victimized were not real victims because they were hypocrites, or that the victims would have engaged in the same activities if they were provided the opportunity.

The final technique of neutralization was termed the appeal to higher loyalties. This technique of neutralization was applied when an individual recognized that perhaps an act was inappropriate but justified the behavior on the grounds that their immediate social group needed their behavior at the time (Sykes & Matza, 1957).

Subsequent research projects conducted throughout the 1970s, 80s, and 90s, have resulted in the development of five additional techniques of neutralization. Klockars (1974) proposed the metaphor of the ledger technique, which was used when an individual argued that their inappropriate behavior was at times acceptable because the person had spent the majority of their time doing good deeds. In other words, they developed a reserve of good deeds that overshadowed their one bad deed. Coleman (1994) proposed three techniques of neutralization: the denial of the necessity of the law, the claim that everybody else is doing it, and the claim of entitlement. The denial of the necessity of the law argued that the law was the result of the larger society’s attempts to regulate behavior that had nothing to do with the greater good of people. As a result the law was deemed inappropriate and not worth obedience. The claim that everybody else is doing it was used when individuals felt that there was so much disrespect for a law that the general consensus became such that the law was nullified or deemed to be unimportant. The claim of entitlement was used by individuals who felt that they were entitled to engage in an activity because of some consideration in their life (Coleman, 1994). Finally,

Minor (1981) proposed the defense of necessity, which argued that while the behavior may be inappropriate it was also necessary in order to prevent an even greater delinquent act from taking place.

In the years since the release of neutralization theory there have been numerous researchers to apply the theory to a variety of delinquent and criminal activities. Neutralization and rationalization theory has been applied to deer poaching (Eliason & Dodder, 1999), auto thieves (Copes, 2003), a self-professed hitman (Levi, 1981), pageant mothers (Heltsley & Calhoun, 2002), the theft of nursing supplies and medicine by nurses (Dabney, 1995), and abortion (Breenan, 1974). Neutralization theory has even been applied to the act of copying commercial software and/or music discs (Hinduja, 2007). While the majority of these studies have selected to focus on the use of neutralization techniques utilized by individuals who engage in delinquent acts, there have been other studies to utilize the theory in the study of victimology. For example, Agnew (1985) examined the use of neutralization techniques to impact a crime victim's perceptions or feelings of victimization.

Copes (2003) has noted that for techniques of neutralization and rationalization to be applicable, it is first necessary for the individual to believe that there is something wrong with their behavior. After all, if there is no guilt to neutralize then it stands to reason that there is no need for neutralization techniques. Research by Dodder and Hughes (1993) supported this statement, as the researchers found that university students who felt drinking was wrong were more likely to employ neutralization techniques than were students who felt that drinking was an acceptable activity. A second consideration for neutralization theory concerns the temporal facts of delinquent activity. More specifically the question of whether or not the individual applies these neutralization techniques before or after their delinquent acts have been completed? If the techniques are used after the commission of what is deemed a delinquent activity, then the technique is referred to as a rationalization technique (Conklin, 2004).

However, in examining P2P file sharing activity this distinction may become minimally important. Whether file sharers negate their guilt before the activity or after the activity matters little if the individual is going to continue to engage in the sharing of copyrighted materials. It is entirely possible that the individual may employ the neutralization techniques before, during and after they engage in P2P file sharing. This fact came to the attention of one of the authors after a classroom discussion with an undergraduate student. The student indicated that they knew file sharing was in fact illegal and that they understood why it was illegal, yet they still indicated they were intent on sharing files via peer-to-peer networks.

Methodology

Data for the current study were collected through interviews conducted with 44 university students who were self-confessed file sharers. Participants were students in criminal justice or criminology courses from three separate mid-size southern universities, with the universities being selected on the basis of their previous participation in a previous research project involving attitudes of file sharers (Moore & McMullan, 2004). Individuals were selected for inclusion in the study on the basis of voluntary participation. The researchers indicated during the earlier research project that a second study involving interviews would be conducted at a later time and 45 individuals initially agreed on condition of confidentiality to take part in the interviews. However, prior to the

completion of the study one individual withdrew their participation, citing personal reasons for their refusal to take part. The authors chose to utilize college students for a multitude of reasons. It is the belief of these authors that college students are the proper target group for research on digital piracy and P2P file sharing because these are the individuals that: 1) have most access to computers, 2) are more likely to have moderate to advanced computer skills, and 3) are more likely to engage in file sharing of music and movies (Moore & McMullan, 2004; Higgins, 2007; Hinduja, 2007).

Interviews were conducted in person with participants at each student's university. The researchers utilized a semi-structured interview format because of the very nature of the interview. Participants were being questioned about illegal activity in an attempt to determine whether neutralization techniques were present during their file sharing activity. The semi structured format allowed the researchers the opportunity to establish contact with participants and collect some basic data relating to demographics and frequency of file sharing activities. Yet the interview format did not lead respondents' answers in a direction that supported any of the researchers' expected results.

The interviews ranged in length from 30 minutes to 1 hour and 22 minutes. During the course of the interviews participants were asked a variety of questions relating to whether file sharing was illegal, how often they utilized file sharing software, what types of files were most commonly shared, and whether the individual would ever engage in the shoplifting of music or movies from a retail establishment. Participants were then provided an opportunity to explain why they continued to share files after discovering that the activity was illegal.

Participants ranged in age from 18 to 29 ($M = 21$, $SD = 2.07$), with 14 of the individuals being female and 30 of the individuals being male. Ninety-six percent of participants ($n = 42$) indicated that they would never engage in the physical shoplifting of music CDs or movies and 100% ($n = 44$) of participants indicated that they were aware of the illegal nature of file sharing. In examining the types of files most commonly shared, participants overwhelmingly indicated that music was the most shared file type (91%, $n = 40$). Seven percent of participants ($n = 3$) indicated that they preferred to download movies with their file sharing programs. The remaining individual (2%, $n = 1$) indicated that he used file sharing programs to mostly share software programs. Of those participating in the study, 86% ($n = 38$) indicated that they used file sharing programs on an almost daily basis. Nine percent ($n = 4$) indicated that they used the file sharing programs on a regular basis, and the remaining 5% ($n = 2$) indicated that they rarely used the software. These results concerning frequency of P2P use must be interpreted with caution, however, as the participants were volunteers. The very fact that the individuals volunteered to take part in the study is indicative of the fact that they are interested in the activity and will likely engage in the activity on a more regular basis than perhaps the general population.

Results

In examining the results, participants did provide evidence of the use of six of the ten techniques of neutralization. The techniques most commonly employed by participants in the study were: denial of victim, denial of injury, and everyone else is doing it. While the majority of respondents indicated support or use of multiple neutralization techniques, each indicated one of the above six techniques as their primary "justification" for why they continued to engage in file sharing despite the fact that 100% ($n = 44$) knew that the

activity was illegal and that the music industry was using civil lawsuits against file sharers. What follows is a brief discussion relating to how each of the three most commonly encountered techniques of neutralization was discussed.

Denial of Injury

Denial of injury appeared to be the most commonly encountered technique of neutralization with 57% (n = 25) of participants indicating the primary use of this technique. Among participants who showed evidence of this technique the common belief was that no musicians were harmed by their file sharing activities. In fact some participants argued that file sharing not only did not harm musicians but that such activities helped musicians. The argument was that by file sharing a musician's work the musician would become more popular and would ultimately earn more money. As one respondent indicated:

Artists will benefit from file sharing because my friends and I download music from the file sharing program and then we go out and purchase the CD.

I listen to artists' songs off of the file sharing program and then I get more excited about seeing them perform live. I read somewhere that musicians make their money off concerts, so I think file sharing is actually helping the artists.

In reading the above responses it would appear as though individuals in the current study more or less used P2P file sharing to help select which CDs or DVDs to purchase. However, the reality is that despite statements such as those provided above, very few of the participants actually purchased a significant number of compact disks or movies. In fact, several of the individuals could not recall the last time they purchased a CD or DVD at a retail store. Some of the individuals who associated with denial of injury claimed that P2P file sharing actually helped lesser known artists to a greater degree, and better known artists to a lesser degree, with selling concert tickets. One respondent indicated that they had heard ticket sales was where an artist made the bulk of their living and as such the artists were not really seriously harmed by P2P file sharing. This is a serious consideration as Madden (2004) has put forth the argument that thoughts such as these explain why some artists have accepted file sharing. These individuals are believed to accept that file sharing is going to occur and as such they are trying to get more concert tickets sold and thereby increase earnings. However, even if this is the case there is still the consideration that someone in the music industry is likely losing income (i.e. the songwriter, music studio employee, etc). A thought that none of the respondents appeared to have considered.

Denial of Victim

The denial of victim technique tied for the second most commonly associated technique of neutralization with 16% (n = 7) of participants providing evidence of primary support for this technique. This was of little surprise to the researchers as this technique is closely related to the denial of injury. Individuals who indicated support for this neutralization technique felt that there was no victim associated with their activities because the files that they shared were from television series and musical artists who were not going to sell their media anyway. As respondents indicated:

Recording artists are not victimized by this type of activity. I only download music CDs from artists who are no longer a part of the top 100. These individuals aren't selling CDs anymore, so they are not harmed when I download their music.

I use file sharing programs to download my favorite television programs. If I had a VCR at the house then I could have taped the episodes. I really don't see how there is any difference between my taping the show and watching it whenever I want, or my downloading it and watching it on my computer. I might could understand if I was sharing current movies.

While the arguments espoused in the second respondent's answer is interesting, more than a cursory discussion is beyond the scope of the current work. It should, however, be noted that this belief is perhaps likely to become even more prevalent with the recent decisions of television studios to post their more popular television programs on the Internet for live viewing at the leisure of fans. This belief is also consistent with at least one company's decision to post television series online for viewing at consumers' convenience (Hulu, 2009).

Everyone Else is Doing It

Sixteen percent of participants ($n = 7$) indicated primary support for the technique of neutralization referred to as "everyone else is doing it." These results actually surprised one of the study's authors as they expected more individuals to associate with this belief. The individuals who supported this belief were actually evenly balanced between two beliefs, both of which lend initial support for further research. First there was a belief that all of their friends were downloading so it was more acceptable to download music and movie files. Second there was a belief that because everyone is doing it then there is less chance of getting caught. As respondents indicated:

Why should I worry about sharing music on the Internet? After all, there are so many people online sharing songs that I sometimes have trouble downloading my one or two songs that I am looking for. I sometimes wish that there were fewer people online.

There were almost two million individuals online last night sharing files. I never allow more than 20 or 30 songs to be listed in my shared folder. Think about it, if the recording industry was going to go after someone then who would they go for? Me, the guy with the 20 songs or the guy with 2000 songs! I read they get paid by the song, so I would hardly be worth their time.

The second statement above lends support for the arguments concerning control theory and deterrence theory as predictors of understanding and controlling the P2P file sharing phenomenon (Higgins, Wilson & Fell, 2005; Higgins, 2007). However, only a small percentage of respondents in the current study associated with these beliefs, meaning additional studies on the issues of control theory and deterrence theory are warranted. Yet another individual felt that because "everyone does it" the music and movie industry would soon be forced to just accept that it is going to happen and move on to harassing some other group besides file sharers. A criminally optimistic outlook that in the opinion of one of the current authors is not likely to happen for some time, if ever.

Discussion and Conclusion

All 44 participants in the current study exhibited at least one technique of neutralization in justifying their file sharing activities. Several participants indicated more than one technique of neutralization, which is consistent with what other researchers have found in similar studies involving different criminal activities (see Hollinger, 1991 and Copes, 2003). Six of the ten neutralizations were found to be primary neutralization

techniques employed by participants in the current study, with the denial or injury being the most commonly encountered technique and denial of victim and entitlement being the next most commonly encountered techniques.

Why do file sharers most closely associate with the denial of injury technique? There are a couple of possible explanations. The first involves the very anonymity of the Internet. When individuals are on the Internet there is a perceived sense of freedom in regards to behavior and expression (Suler, 2004; Rowland, 2003; Bell, 2001; Hinduja, 2007). Because there is no physical interaction between the file sharer and the musician, the individual may more easily argue that there is no injury because the only image they have of the musician or the actor is one in which they are surrounded by financial success. Seeing the individual in this environment may reinforce the file sharer's belief that he or she has not harmed the person with their file sharing activities.

A second explanation involves the misguided belief that individuals are using the music for a greater purpose – a purpose that will ultimately benefit the musician. Participants indicated that sharing files was a method of introducing the artist to consumers. In fact, several participants indicated that they used P2P networks to screen potential artists for future purchase. The question is whether these individuals are actually out purchasing more CDs or DVDs as a result of their activity? In the current study, only one (1) of the individuals who made this argument actually indicated that they purchased more CDs since they began using file sharing programs. The majority indicated that they have either purchased very few CDs or they have a listing of CDs that they are going to purchase once they are out of college and have more money. Measuring exact CD sales that result from use of P2P can be difficult considering that any measures related to the effects on CD sales have been widely disputed in recent years. After all, the recording industry association has indicated that P2P file sharing has resulted in a dramatic decrease in record sales, while independent researchers have found that P2P software has little or no impact on CD sales (Oberholzer & Strumpf 2005).

Participants also supported the idea that they were using file sharing programs in an attempt to determine which artists they will pay to see perform live in concert. One participant indicated that they had read somewhere that musicians make the majority of their money off of tours and not off of CD sales. This individual felt that their file sharing wasn't wrong because their downloading of certain songs had led them to purchase concert tickets for bands that they normally would not have even considered. Therefore, in their mind they felt file sharing helped these small bands. It should be noted that there is some support for this argument among musicians, with some smaller musical groups indicating possible support for P2P file sharing (Madden, 2004).

The problem with this view is that the people behind the musical talent likely continue to suffer from the financial losses associated with file sharing. An explanation of this view is related to an earlier explanation, being that the songwriter is not seen as often as the musician. Likewise, file sharers who prefer to download movies are not accepting of the idea that the activity causes financial harm to the screenwriters and the individuals who work behind the scenes. One participant in this study even went so far as to accept that these individuals may be harmed, yet condemned the Hollywood industry for trying to make him feel guilty when the music industry executives were not doing anything to financially help these people.

One of the primary concerns related to file sharing programs is whether or not the government can ever truly regulate both the availability and the use of file sharing

programs. Obviously, it is illegal to share files. The government has made this clear through the use of numerous public lawsuits involving college students as well as nonstudents; ultimately providing evidence that individual users may be held responsible for file sharing activities (Banerjee, 2004). However, attempts to regulate the release of the file sharing programs themselves have been met with limited success, and the future of such arguments may now rest in the hands of the Supreme Court.

Possible Implications of Results

The results of this research provide initial support that: 1) individuals who engage in the sharing of copyrighted materials via P2P networks likely neutralize any guilt associated with engaging in illegal activities, and 2) these individuals have little or no intention of stopping their criminal behavior. The fact that there appears to be little or no intent to stop sharing copyrighted materials could mean trouble for the music and movie industry. The question of how to stop file sharing remains a valid question and one that has no easy answer. After all, if individuals know that their activities are illegal yet continue to rationalize their behavior then the question becomes whether or not lawsuits will ever actually work. Higgins et al (2005) has argued quite convincingly that deterrence theory might be the solution to reducing file sharing, finding that certainty of punishment appeared to be a deterrent to downloading copyrighted software. This makes even greater sense to these authors as the individuals who utilize P2P file sharing software may be completely law-abiding citizens on every level except for when it comes to downloading music and movies from P2P networks. As such, it stands to reason that these relatively law-abiding citizens may consider no longer downloading or utilizing P2P networks if they were more certain of the likelihood of their being caught and charged with a criminal or civil offense. However, in the current study there was some evidence that individuals may believe that their chances of getting caught are very slim because there are so many individuals engaged in file sharing.

Limitations and Need for Future Research

The current study provided initial evidence that techniques of neutralization are being used by file sharers to alleviate guilt associated with their actions. Further research with a larger sample size would allow for a continued understanding of the extent to which file sharers employ these techniques in their day-to-day file sharing activities. Copes (2003) has pointed out that several studies have used sample sizes between 20 and 50 when conducting interviews related to neutralization techniques. However, while smaller sample sizes are viewed as adequate when dealing with the collection of qualitative data, there is also a need for more qualitative and quantitative analysis of data. Hinduja (2007) found in his initial examination of neutralization techniques that there was some support for the utilization of the techniques of neutralization among digital pirates. However, even Hinduja acknowledged that additional studies were necessary because of the fact that the data was collected prior to the utilization of lawsuits. Additionally, future studies should extend beyond the realm of university students. University students, because of their often perceived financial difficulties, may be more inclined to neutralize their behavior because of a belief that they cannot afford to actually purchase the materials. While none of the participants in the current study directly addressed this sense of necessity, there was a small percentage (7%, $n = 3$) who indirectly insinuated that financial situation could play a role in their file sharing activities. Collecting data from a sample of working, non

college students would continue to allow for a better understanding of how neutralization techniques may be used by file sharers.

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