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'Myths about Musicians and Music Piracy'

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'If something was available for free, and could be freely and infinitely reproduced for free, with no degradation in quality, why would anyone pay to own it for a second time, when they already had it, for free?'

(Witt, 2015, p. 125)[1]

Background

Without hesitation, people casually discuss having watched the latest episode of Game of Thrones having accessed it *illegally*. They are disclosing not only an interest in a TV show, but confessing to a crime – a *normalised* crime. And by people I mean lots of people – conservative estimates suggest at least a third of the global population engages in digital piracy[2]. An obvious reason *why* is to get access to media for free – it's a low-risk, high-reward activity. In terms of music, the focus of this article, my assessment of why is a feeling of poor value for money[3] – this is not the same as simply wanting something for free. And yet, music has never been cheaper in human history (nor have its biggest consumers, young people, had more disposable income).

Such is the backdrop of my research into the *psychology of music piracy*[4]. The search for the motivations which drive engagement in illegal downloading instead yielded insight into the justifications for doing so. Not reasons, excuses. It would appear that people who engage in digital piracy have constructed a belief system, one which is not rooted in reason or logic but in the hearsay that is accumulated from peer association, from sharing and circulating so-called 'knowledge' amongst likeminded friends. It's tantamount to conspiratorial thinking,

rejecting claims which contradict deeply held beliefs. As Shermer (2011) explains: 'Beliefs come first, explanations for beliefs follow' (p.5)[5].

Beliefs about digital piracy – right and wrong

When confronted with evidence which contradicts our beliefs, we are equipped with a diverse toolkit to reject any new information which we choose to ignore – we all do this. Why do we do this? Well, for one thing, we don't like to look silly. Substitute the cartoon angel and devil on our shoulders when in doubt with self-esteem lurking over us at all times. Changing our minds can appear to be a weakness; it should of course be our default setting, to update our beliefs on the basis of new information, but unfortunately many of us tend not to do so.

The persistent belief that digital piracy is 'good' or 'bad' can be likened to a conspiracy theory[6], of sorts – parties on either end sniff out the information that they choose to, on the basis that it supports their existing beliefs. Everything else is rejected.

On a regular basis, when I give presentations, someone will get very angry with me when I simply discuss research findings. I am not challenging them, nor their lifestyle choices – I am discussing research findings. But people typically do not engage in research, nor know how to – so they dismiss it. And, as I have argued elsewhere[7], much of this is likely due to people thinking that they are exceptional, that *mean scores* on this-and-that of course do not apply to them. Furthermore, tell someone something they have never heard before in their life, and they will claim to know it as a matter of fact – if it fits with their view of the world. Often, in the messy world of digital piracy research, the conclusions drawn do not necessarily match people's expectations.

What is compelling in the case of digital piracy is that it is perfectly possible for people with completely different points of view to reach opposite conclusions based on the same information. One thing that facilitates this is the lack of solid evidence from research to clarify

if in fact digital piracy is 'good' or 'bad' – if illegal downloading reduces the drive for legitimate goods or not[8]. Everything else hinges on this.

Intuitively, one would expect that it does: why buy an album if you already have it for free? Certainly, much research supports this view[9], with various claims made about the extent to which illegitimate media consumption offsets legal consumption. However, some research finds the opposite effect, that piracy increases legal purchases[10]. And, just for good measure, research also finds no effect whatsoever[11]. It has even been said that academic research produces supporting evidence for just about any point of view possible[12]. Issues concerning research methods aside, this leaves us with the need to fill some gaps – so why not fill them with whatever is most convenient? Much research does not work its way into the reach of those who actually engage in digital piracy and so those gaps are not filled with anything but white noise. The life of someone engaging in music piracy, for instance, is full of encouraging prompts. If not from their association with likeminded others, then the filtering of information they receive online – by coincidence and by design. Search results are iteratively refined to match our existing beliefs. People tend not to follow anyone on Twitter whose beliefs clash with their own. You will get one version of the truth – the one you were looking for in the first instance.

'Songs mean a lot when songs are bought'

To hone in on music, it's clear that individuals engaging in music piracy believe that musicians are 'filthy rich' and so undeserving of being paid[13]. This finding dates back to as long ago as research published in 2001[14] and has been duplicated in research several times since[15].

This is not correct. Data from Musicians Union (2012)[16] reveals that most musicians in UK for instance earn less than £20,000 a year (roughly $28,500). And, some 77% of money made from recorded music is made by just 1% of musicians[17]. If and when The Rolling Stones

die, there will be a huge drop-off that year; the success of a given year in the music industry clusters around a handful of superstars[18]. Also, using the term 'musicians' is lazy – the business practices of musicians varies considerably, in complex ways[19]. Most musicians do not make the bulk of their income (by some margin) from their music, but other supporting roles; teaching music appears to be a big source of income for musicians, at least in UK. To talk about 'musicians' is misleading. It's similar to the way people who know little about drugs tend to talk about *drugs*. As the late US comedian Bill Hicks stated: '*Some* drugs are good. Some are *great'*. Additionally, music piracy affects artists differently depending on where they are in the life-cycle. Yes it can help musicians, but not all of the time[20].

Though not all musicians are rich, it is likely that the ones which are most readily recalled[21] are wealthier than the mass majority of individuals engaging in music piracy. And people's satisfaction with division of resources depends not on how much you have but on how much people have relative to others – we are constantly comparing ourselves to others[22].

It's unclear if people actually believe that musicians are rich or merely like to think so as a way of feeling less guilty about engaging in an illegal, morally questionable activity. My suspicion is that some people do actually believe this, whereas most fall back on it as an excuse. There is a qualitative as well as a quantitative difference between, say, stealing a loaf of bread from a small, family-owned bakers which employs two staff, and a large supermarket chain, employing thousands (and I hesitate to use a stealing example, as piracy is not stealing and anti-piracy rhetoric claiming it is serves only to confuse – piracy is copyright infringement, not theft). Yet, the end result remains the same – you have taken something that, legally and morally, you should have paid for.

In any case, my frustration stems from a reluctance to tell it like it is – getting things for free without paying for it. Simple. But people will dress it up as if it's some grander

political statement or socially driven in some sort of meaningful way. The research does not hold up on this[23]. Overwhelmingly, engagement in piracy is self-serving. The failure to just be up front about things suggests something else is going on. And research from the criminological theory of rationalisation and justification asserts that people only engage in 'excuse' behaviours if they themselves believe what they are doing is wrong[24]. Why bother otherwise? Importantly, the ability to rationalise is a key component in increasing dishonesty[25], with piracy being an inherently dishonest act.

Neatly, the rationalisations associated with engagement in piracy all stem from the denial that there is any harm done[26]. Of course there *is* an effect – by not buying an album but instead downloading an illegal copy, that's one less sale and therefore less revenues. Multiply small numbers by big ones, and you get big numbers. To use a colourful example, employee theft and fraud cost more than robbery, burglary, larceny-theft and automobile theft in USA[27] (and more than all career criminals).

Follow the money

Musicians never really made much money, at least from singles – and current trends highlight the increasing preference for songs once more, not albums. Playlists are the mainstay of new music subscription services such as Spotify. Aside from the 1%, it is clear that musicians' income has dropped and though it would be lazy to place 100% of the blame on music piracy[28], there is little doubt that it has played a critical role[29].

It is however compelling to note that piracy is all but absent from the 2016 International Federation of the Phonographic Industry (IFPI) annual report[30]. It is clear that industry bodies are now setting their sights on Google and Internet Service Providers for *facilitating* piracy – not pirates themselves. IFPI discuss the 'value gap', or unfair remuneration. For instance, YouTube bypasses normal licensing rules; with over 800 million monthly music video users,

YouTube has over 10 times as many the 65 million paying subscribers to subscription services. YouTube was bought by Google ten years ago.

When people listen to music on YouTube artists receive little if any money. YouTube encourage copyright holders who wish for their content to be removed to keep it there, earning revenues via advertising[31] – whilst YouTube do too. Also, 94% of all takedown requests sent by IFPI during 2015 concerned recordings which were routinely uploaded to websites already notified that the content was breaching copyright[32]. Industry are playing a tedious game of whack-a-mole, and it does not help that computing magazines flout their disregard for copyright by routinely listing ways of circumventing blocked websites, etc. Some 49% of videos removed from YouTube breach copyright[33].

Returning to consumers, it is unclear if people are aware of the value gap or if they do not care. Certainly, when Megaupload owner Kim Dot Com had his home raided, photos of his mansion, helicopter and luxury sports cars signposted how financially prosperous it is to facilitate copyright breach on a large scale[34]. Put simply, when you access music for free illegally, it is likely that someone is profiting unscrupulously. This is compelling, given music fans' general antipathy towards ticket scalpers – the subject of ongoing parliamentary investigation in the UK. Research into the personalities of so-called music pirates does however find them to be unfair[35] – so perhaps they are not terribly interested.

A truly victimless crime?

There is a considerable body of knowledge which suggests that those engaging in music piracy tend to spend *more* on music legally than those who do not engage in music piracy[36]. Though appearing counter-intuitive, live music probably has a lot to do with it – music piracy has driven up the price of concert tickets[37], and this is where most musicians now make most of their money. There is a certain amount of clout to attending concerts – it's a way of demonstrating

loyalty to a particular artist[38]. And, research highlights it's a key way of *justifying* engagement in piracy[39].

The sort of research which tends to be circulated in the media is the research which tends to depict piracy in positive terms (see above) and it has been said that it is now uncontroversial that those engaging in digital piracy (not just music) are greater consumers of culture overall. Research suggests that such individuals are indeed more open[40], suggesting a general thirst for music – from a variety of sources, some legal, some not; those using streaming services tend also to engage in music piracy[41]. As mentioned above, those engaging in music piracy also spend *more* on music legally, with mixing and matching between legal and illegal services now commonplace[42]. This is probably why the industry no longer attacks infringers as they would also be attacking paying customers – not a smart move.

As far as the so-called war on piracy goes, the real enemy of the creative industries is not that people want things for free – that desire is already being appeased with new business models – but the belief amongst illegal downloaders that piracy is in fact *good for business*. Research shows that it benefits some artists, not others[43] – again, musicians are not one homogenous group. It's complicated.

Conclusions

A key problem with combatting digital piracy is that it is pretty much impossible[44.] There will always be a way to access digital content online. Though anti-piracy efforts are thought to have had little impact, it is clear that people are increasingly using virtual private networks or VPN's to mask their presence online[45]. Though this makes things even more difficult from a policy perspective, it highlights that people do not think they are anonymous online – this can only be a good thing.

The online world is not the same as the offline world. For this reason, it is likely that those who otherwise would not engage in criminal acts offline do so online[46]. It is remarkably easy to download digital media online. In the case of music, if you know how to spell 'mp3' then you're about 99% of the way there. The Internet will do the rest for you. Harris (2010) notes that: 'The internet has simultaneously enabled two opposing influences on belief: On the one hand, it has reduced intellectual isolation by making it more difficult for people to remain ignorant of the diversity of opinion on any given subject. But it has also allowed bad ideas to flourish' (p. 123)[47].

The volume of misinformation on digital piracy is but one example of this, with the industry effectively in the position not of fighting people's desire to get things for free, but people's misconceptions that that musicians are rich, etc. They are fighting beliefs, a hydra-like enemy. With much piracy occurring online, those engaging in piracy are exposed to the opinions of likeminded others. Correct opinions are no more likely to be discovered than incorrect ones[48]. Research finds that people make estimations about the piracy attitudes of others based on their own[49]. Seeing others as we see ourselves is a longstanding finding in psychological research[50].

Google searches cause people to overestimate their own knowledge[51]. The so-called 'Google effect' is inherently insidious in nature, as people are more likely to forget information when told it has been saved by a computer[52]. Insidious in what way? Well stop me if you have heard this rumour, but apparently not everything online is accurate. As shown above, research into digital piracy is patchy. For now, the correct answer to most questions on the subject is 'I don't know'. A perfectly acceptable answer, it is also far superior to one which jumps to convenient conclusions, based on beliefs[53]. It is a fair and honest answer, given the scope of the issue, a multi-causal one, and the resulting difficulties with research methodology[54].

As Lilienfield et al. (2009) explain: 'The media often tends to oversimplify complex phenomena with the aim of telling a good story. But good stories aren't always accurate stories' (p. 251)[55]. And herein lies the real issue at the core of this article – *where people get their information from*. Most people do not read about research, but rely instead on experts to communicate it to them, normally in mainstream media. This is a matter not only in relation to digital piracy. And with the media particularly enjoying prominent coverage of the so-called 'replication crisis', laypersons are forgiven for having little trust in those research findings which do reach them[56].

Biography

Steven is a Psychologist, whose recent Doctoral thesis 'The Psychology of Music Piracy' was the first major academic investigation into psychological aspects of illegal downloading. He has published extensively on the topic, and regularly liaises with industry bodies. He is currently based at The University of Strathclyde and is working on his first book, a co-edited text on digital piracy. Steven lives in Glasgow, and spends most of his disposable income going to the cinema to watch films he has already seen.

Footnotes

1 Witt, S. (2015). *How Music Got Free*. London, England: The Bodley Head.

2 Bustinza, O.F., Vendrell-Herrero, F., Parry, G. and Myrthianos, V. (2013). Music business models and piracy. *Industrial Management and Data Systems*, *113*(1), 4–22.

3 Brown, S.C. and Knox, D. (2016). Why buy an album? The motivations behind recorded music purchases. *Psychomusicology*, *26*(1), 79–86.

4 Brown, S.C. (2015). *The Psychology of Music Piracy*. Doctoral thesis.

5 Shermer, M. (2011). *The Believing Brain.* New York, NY: Times Books.

6 Brotherton, T. (2015). *Suspicious Minds: Why We Believe Conspiracy Theories*. New York, NY: Bloomsbury Sigma.

7 Brown, S.C. (2016, March). Dealing with confrontations. *The Psychologist*, *29*(3), 220– 223.

8 Brown, S.C. (2014). Approaches to digital piracy research: A call for innovation. *Convergence*, *20*(2), 129–139.

9 Montoro-Pons, J.D. and Cuadrado-Garcia, M. (2008). Legal origin and intellectual property rights: an empirical study in the prerecorded music sector. *European Journal of Law and Economics*, *26*(2), 153–173.

10 Andersen, B. and Frenz, M. (2007). *The Impact of Music Downloads and P2P File-Sharing on the Purchase of Music: A Study for Industry Canada*. Retrieved from Industry Canada website: https://www.ic.gc.ca/eic/site/ippd-dppi.nsf/vwapj/IndustryCanadaPaperMay4_2007_en.pdf/$FILE/IndustryCanada PaperMay4_2007_en.pdf. However, Barker (2012) controversially reached opposite conclusions from Andersen and Frenz when working from the same dataset – see Barker, G. (2012). Evidence of the Effect of Free Music Downloads on the Purchase of Music CDs in Canada. *Review of Economic Research on Copyright Issues*, *9*(2), 55–78.

11 Oberholzer-Gee, F. and Strumpf, K. (2007). The Effect of File Sharing on Record Sales: An Empirical Analysis. *Journal of Political Economy*, *115*(1), 1–42. Though, as per above, this research has been critiqued also – see Liebowitz, S.J. (2007). *How Reliable is the Oberholzer-Gee and Strumpf Paper on File- Sharing?* (Working Paper No. 1014399). Retrieved from Social Science Research Network website:

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1014399. Disagreements amongst economists researching copyright is commonplace.

12 Mulligan, M. (2015). *Awakening: The Music Industry in the Digital Age*. CreateSpace Independent Publishing Platform.

13 Sinclair, G. and Green, T. (2016). Download or stream? Steal or buy? Developing a typology of today's music consumer. *Journal of Consumer Behaviour*, *15*(1), 3–14 and see footnote 3.

14 Ang, S.H., Cheng, P.S., Lim, E.A., Tambyah, S.K. (2001). Spot the difference: Consumer responses towards counterfeits. *Journal of Consumer Marketing*, *18*(3), 219–235.

15 See footnote 4.

16 Musicians Union (2012, December). *Low levels of pay for musicians revealed*. Retrieved from http://www.musiciansunion.org.uk/Home/News/2012/Dec/Low-levels-of-pay-for-musicians-revealed

17 Mulligan, M. (2014, March). *The Death of the Long Tail*. Retrieved from https://musicindustryblog.wordpress.com/2014/03/04/the-death-of-the- long-tail

18 Pitt, I.L. (2010). Superstar effects on royalty income in a performing rights organization. *Journal of Cultural Economics*, *34*, 219–236.

19 See footnote 12.

20 See footnote 4.

21 Kahneman, D. (2011). *Thinking, Fast and Slow*. London, England: Penguin.

22 Mussweiler, T. (2003). Comparison processes in social judgment: Mechanisms and consequences. *Psychological Review*, *110*(3), 472–489.

23 Lindgren, S. and Linde, J. (2012). The subpolitics of online piracy: A Swedish case study. *Convergence*, *18*(2), 143–164.

24 Copes, H. (2003). Societal attachments, offending frequency, and techniques of neutralization. *Deviant Behavior: An Interdisciplinary Journal*, *24*(2), 101–127.

25 Ariely, D. (2012). *The (Honest) Truth About Dishonesty*. London, England: HarperCollins.

26 Yu, S. (2012). College Students' Justification for Digital Piracy: A Mixed Methods Study. *Journal of Mixed Methods Research*, *6*(4), 364–378.

27 Ariely, D. (2008). *Predictably Irrational*. London, England: HarperCollins.

28 Nowak, R. (2015). *Consuming Music in the Digital Age: Technologies, Roles and Everyday Life*. London, England: Palgrave Macmillan.

29 See footnote 12.

30 International Federation of the Phonographic Industry (2016). *Global Music Report: Music Consumption Exploding Worldwide*. Retrieved from:
http://www.ifpi.org/downloads/GMR2016.pdf

31 Heald, P.J. (2014). *How Notice-and-Takedown Regimes Create Markets for Music on YouTube: An Empirical Study*. SSRN Electronic Journal.

32 See footnote 30.

33 Liikkanen, L.A. and Salovaara, A. (2015). Music on YouTube: User engagement with traditional, user-appointed and derivative videos. *Computers in Human Behavior*, *50*, 108–124.

34 See footnote 12.

35 Brown, S.C. and MacDonald, R.A.R. (2014). Predictive factors of music piracy: An exploration of personality using the HEXACO PI-R. *Musicae Scientiae*, *18*(1), 53–64.

36 See footnote 4 for a review.

37 Houghton (2012) finds that ticket prices have risen by some 39% on average between 2001 and 2010, well beyond the rate of inflation. Black et al. (2007), however, explain that the 'true' cost of a ticket has risen due to the secondary ticketing marketplace. See Black, G.C., Fox, M.A. and Kochanowski, P. (2007). Concert Tour Success in North America: An Examination of the Top 100 Tours from 1997 to 2005. *Popular Music and Society*, *30*(2), 149–172 and Houghton, B. (2012). *Are 360 Deals A Lifeline For The Music Industry?* Retrieved from http://www.hypebot.com.

38 Bennett, R. (2015). Live concerts and fan identity in the age of the Internet. In A. Jones, J. Bennett, & R.J. Bennett (Eds.), *The Digital Evolution of Live Music* (pp. 3–15). Chandos Publishing: Oxford, England.

39 For instance, see Steinmetz, K.F. and Tunnell, K.D. (2013). Under the Pixelated Jolly Roger: A Study of On-Line Pirates. *Deviant Behavior*, *34*(1), 53–67.

40 See footnote 35.

41 Borja, K., Dieringer, S. and Daw, J. (2015). The effect of music streaming services on music piracy among college students. *Computers in Human Behavior*, *45*, 69–4576.

42 See footnote 13 and 28, for instance.

43 See footnote 4 for a review of research into this.

44 Trainer, A. (2015). Live from the ether: YouTube and live music video culture. In A. Jones, J. Bennett, & R.J. Bennett (Eds.), *The Digital Evolution of Live Music* (pp. 71–84). Oxford, England: Chandos Publishing.

45 Mendis, D. (2013). Digital Economy Act 2010: fighting a losing battle? Why the 'three strikes' law is not the answer to copyright law's latest challenge. *International Review of Law, Computers and Technology*, *2*(1–2), 60–84.

46 Holt, T.J. (2015). Cybercrime and Deviance. In A. Attrill (Ed.), Cyberpsychology (pp. 127–144). Oxford, England: Oxford University Press.

47 Harris, S. (2010). *The Moral Landscape*. London, England: Transworld Publishers.

48 Levitin, D.J. (2014). *The Organized Mind*. New York City, NY: Dutton.

49 Cho, H., Chung, S., Filippova, A. (2015). Perceptions of social norms surrounding digital piracy: The effect of social projection and communication exposure on injunctive and descriptive social norms. *Computers in Human Behavior*, *48*, 506–515.

50 See Wood, D., Harms, P. and Vazire, S. (2010). Perceiver effects as projective tests: What your perceptions of others say about you. *Journal of Personality and Social Psychology*, *99*(1), 174–190 and Gilovich, T. and Ross, L. (2015). *The Wisest One in the Room: How You Can Benefit from Social Psychology's Most Powerful Insights*. New York, NY: Free Press.

51 Fisher, M., Goddu, M.K. and Frank, C. (2015). Searching for explanations: How the Internet inflates estimates of internal knowledge. *Journal of Experimental Psychology*, *144*(3), 674-687.

52 Sparrow, B., Liu, J. and Wegner, D.M. (2011). Google effects on memory: Cognitive consequences of having information at our fingertips. *Science*, *333*(6043), 776–778.

53 Jillette, P. (2011). *God, No!: Signs You May Already Be an Atheist and Other Magical Tales*. New York, NY: Simon and Schuster.

54 Brown, S.C. (2014). Approaches to digital piracy research: A call for innovation. Convergence, *20*(2), 129–139.

55 Lilienfield, S.O., Lynn, S.J., Ruscio, J. and Beyestein, B.L. (2009). *50 Great Myths of Popular Psychology: Shattering Widespread Misconceptions about Human Behavior*. West Sussex, England: Wiley-Blackwell.

56 See Earp, B.D. and Trafimow, D. (2015). Replication, falsification, and the crisis of confidence in social psychology. *Frontiers in Psychology*, *6*, 621. doi: 10.3389/fpsyg.2015.00621

Images

See attachment. Image credited to: James Marno.