

CONTEMPORARY PIRATES: AN EXAMINATION OF THE PERCEPTIONS AND
ATTITUDES TOWARD THE TECHNOLOGY, PROGRESSION, AND
BATTLES THAT SURROUND MODERN DAY MUSIC PIRACY
IN COLLEGES AND UNIVERSITIES

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The pilot study used in this thesis examined the attitudes and perceptions of a small group of students at the University of North Texas. The participants in this pilot study ($n=22$) were administered an online music file sharing survey, a Defining Issues Test (DIT), and participated in a small focus group. This thesis also outlined the history and progression of online music piracy in the United States, and addressed four research questions which aimed to determine why individuals choose to engage in the file sharing of copyrighted music online.

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TABLE OF CONTENTS

	Page
LIST OF TABLES	vi
LIST OF ILLUSTRATIONS	viii
LIST OF TRADEMARKS	ix
CHAPTER 1: PIRACY PAST AND PRESENT	
Introduction.....	1
"Pirates" vs. "File Sharers".....	5
Today's Music Piracy	5
MP3 Technology.....	6
Napster	7
The Battles	10
Effects of the RIAA's Legal Tactics.....	17
Colleges, Universities, and their Students	21
Internet Pirates and File Sharers	22
Stealing or Sharing.....	25
Definition of Terms.....	28
CHAPTER 2: THEORETICAL BASE	
Kohlberg's Theory of Moral Reasoning	31
Criticisms of Kohlberg's Theory	37
The Minnesota DIT and Kohlberg's Theory	38

Relationship to this Study	44
CHAPTER 3: REVIEW OF LITERATURE	
Review of Literature	45
CHAPTER 4: THE STUDY	
Purpose of the Study	52
Research Questions of the Study	54
Methodology of the Study	54
Potential Problem Areas in the Study	58
CHAPTER 5: RESULTS AND ANALYSIS OF FINDINGS	
Results of the Study	59
Gender Differences in this Study	66
Differences in this Study regarding Major/Degree of Students.....	68
CHAPTER 6: DISCUSSION AND CONCLUSIONS	
Discussion of the Study	71
Reasoning for Online Music Piracy	72
Individuals Personal Feelings toward the RIAA and Online Music Piracy.....	75
Sharing or Stealing.....	78
Individual's Moral Reasoning and Online Music Piracy.....	80
RTVF Student Participants	81
Music Student Participants	82

Business Student Participants	83
Limitations of the Study.....	84
Suggestions for Further Research	85
Conclusions of the Study	86
APPENDIX A: Online Music File Sharing Survey	89
APPENDIX B: Online Music File Sharing Survey Results	93
APPENDIX C: Defining Issues Test Results	99
APPENDIX D: Business Focus Group Transcript	103
APPENDIX E: Music Focus Group Transcript	112
APPENDIX F: Radio Television & Film (RTVF) Focus Group Transcript	120
APPENDIX G: University of North Texas Internal Review Board Approval Form	135
APPENDIX H: Focus Group Information Letter	137
REFERENCES	140

LIST OF TABLES

Table	Page
B1. I have participated or will participate in file-sharing networks such as Kazaa.....	94
B2. While file sharing, did you participate mostly by downloading files, providing files to other users, or both?.....	94
B3. Participating in file-sharing networks could cause me to be caught by copyright holders, and possibly lead to my prosecution under copyright laws.	94
B4. If I hear or hear about an individual song that I would like to have, it is okay to download that song from a free file-sharing site or service on the Internet	94
B5. If I hear or hear about an entire album that I would like to have, it is okay to download that album from a free file-sharing site or service on the Internet.	95
B6. If I bought a CD a year ago, but now it's lost or ruined, it is okay to download the album without paying for it.....	95
B7. The constantly increasing prices of music CD's have forced people to turn to other methods, such as file-sharing, to attain these materials.....	95
B8. I am well informed of the legal battles going on between the RIAA, file-sharing software developers, and file-sharing users.	96
B9. Individual users should be sued, when file-sharing programs, such as Kazaa, are used to download copyrighted music online.....	96
B10. Online music piracy is as big a problem as the RIAA makes it out to be.....	96
B11. The large amount of subpoenas issued by the RIAA and legal settlements by individuals will decrease the amount of file sharing of copyrighted music.	97
B12. The recent publicity regarding file sharing of copyrighted music has changed my views about fair use of copyrighted material.	97
B13. My feelings about the recording industry influence my decision about whether or not to pay for the use of copyrighted material.....	97

B14. When it comes to file sharing of copyrighted music, my beliefs and values are in sync with my actual behavior.	98
B15. File sharing of copyrighted music is a form of stealing.	98
C1. Personal Interest Schema Score: Participants portion of items selected that appeal to Stage 2 and Stage 3 considerations	100
C2. Maintaining Norms Schema Score: Participants portion of items selected that appeal to Stage 4 considerations	100
C3. Post conventional Schema Score (P score): Participants portion of items selected that appeal to Stage 5 and Stage 6 considerations	100
C4. Participants N2 Score	101
C5. Participants Type Indicator Score	101
C6. Participants Utilizer Score.....	101
C7. Participants’ measured Consolidation Transition Score	101
C8. Participants’ measured Humanitarian/Liberalism Score.....	102
C9. Participants’ measured Religious Orthodoxy score	102
C10. Participants’ measured New Checks total score	102

LIST OF ILLUSTRATIONS

Illustration	Page
Figure 5.1: Who or what deserves most of the blame for online music piracy?.....	62
Figure 5.2: Student Average Stage Scores.....	64

LIST OF TRADEMARKS

Trademark

Encarta[®] (Microsoft Corporation, Redmond, WA, www.microsoft.com)

Microsoft[®] (Microsoft Corporation, Redmond, WA, www.microsoft.com)

Morpheus[™] (StreamCast Networks[™], Inc, www.morpheus.com)

Napster[®] (Roxio, Inc., www.napster.com)

SPSS[®] (SPSS Inc, Chicago, IL, www.spss.com)

Verizon[®] (Verizon Communications, www.verizon.com)

Windows[®] (Microsoft Corporation, Redmond, WA, www.microsoft.com)

CHAPTER 1

PIRACY PAST AND PRESENT

INTRODUCTION

This thesis outlines the major factors, technology, and events which have led to the emergence of online music piracy in America's colleges and universities, and the legal confrontations and battles which have ensued. This thesis aims to determine what the attitudes and perceptions toward online music piracy were among a group of college students from the University of North Texas by measuring their moral values and moral judgment as they related to online music piracy. The pilot study used in this thesis aims to determine if there is any correlation between an individual's moral reasoning and his/her views toward, and state of involvement in, online music piracy.

During the "Golden Age of Piracy" swashbuckling, sword-toting, treasure-seeking pirates roamed the oceans and seas and were feared by people. From the 9th through the 11th century, the Vikings terrorized western European coasts and waters. The Hanseatic League, formed in the 13th century, was created partially to provide a mutual defense against northern pirates roaming the North and Baltic seas. Muslim rovers scourged the Mediterranean Sea, commingling naval war on a large scale with thievery and the abduction of slaves. In the 17th century, the English Channel swarmed with

Algerian pirates, operating out of northern Africa. The buccaneers were pirates who, during the 16th and 17th centuries, preyed mainly on Spanish commerce with the Spanish American colonies (Microsoft® Encarta Reference Library 2004, 2003a).

Piracy waned with the development of the steam engine and the growth of the British and American navies in the latter part of the 18th and early 19th centuries (Microsoft Encarta Reference Library 2004, 2003a). However, history shows early pirates did not like risking their lives, and while there were outstanding exceptions, early pirates usually only pirated so long as the dangers of capture remained slight (Pringle, 1953, p. 172). In today's society pirates similar to legendary pirates Edward "Blackbeard" Teach and Sir Francis Drake still exist. Every now and then a news report will surface informing the general public a pirate or group of pirates has robbed or perhaps even killed someone on the oceans or seas. This was the case in 2001, when world famous yachtsman Peter Blake was killed by pirates on the Amazon River (Swift, 2001, p. 4).

A pirate is defined as one who commits or practices piracy, somebody who commits robbery on the high seas, especially regularly, and someone who uses a ship to rob or otherwise attack shipping on the high seas (Pirate, n.d.). Piracy is defined as the crime of robbery, or other act of violence for private ends, on the high seas or in the air above the seas, committed by the captain or crew of a ship or aircraft outside the normal jurisdiction of any nation, and without authority from any government. (Microsoft Encarta Reference Library 2004, 2003a).

While pirates of the past are likely not as active as they once were, they fail to compare to the new breed of pirates who now threaten the world with their presence. “contemporary pirates” are smarter and some would say even more dangerous than the infamous pirates of past years. Contemporary pirates have the intelligence, resources, and manpower to acquire and steal treasures, goods, services, and many other things of value. The bounties they can collect can be gathered easily, flawlessly, and with near invincibility. One difference between pirates of the past and contemporary pirates is during the “Golden Age of Piracy” pirates were easily recognizable and identifiable to most people, while the pirates in today’s society are virtually invisible. Their near invincibility gives them a superhuman attribute which only increases their mystique. Add this to their generalized and glorified reputations or modern day myth of being near impossible to successfully track down, capture, and bring to justice, and it is easy to see why contemporary pirates pose more difficult challenges than the pirates of the past.

Pirates of today aren’t all simply involved in piracy for monetary gain or personal wealth, as there are a variety of reasons why a person might become a contemporary pirate. Some contemporary pirates might merely engage in piracy for bragging rights or simple curiosity reasons. Some might believe they are serving the public as a modern day Robin Hood type character, who assists others in providing an alternative to big businesses and corporations. Others might claim the business world’s unreasonable costs have driven them to piracy, or claim piracy simply allows one to gain something for little or no cost. While the reasons one might become a contemporary pirate can vary, the act

of piracy remains illegal and the danger and risks associated with this choice carries major legal consequences.

While historic pirates committed piracy in the form of gold, silver, or contract services, contemporary pirates yearn for music, computer software, and motion pictures. The majority of these goods are accessible in an endless playground thousands of times larger than all the oceans and seas combined, called the Internet. The contemporary pirate can best be defined as someone who duplicates or uses copyrighted or patented material without authorization, permission, or the legal right to do so (Microsoft Encarta Reference Library 2004, 2003a).

There are several media forms which one can choose to pirate, but currently music is among the most widely addressed in the media, with the recording industry and artists calling for retribution and consequences, technological developers and individual users calling for a better fair use policy, and the legal system trapped in the middle of the battles. While pirates come from all different races, ethnicities, backgrounds, and countries, one of the most interesting nesting spots for contemporary pirates is the university environment, particularly in the United States. The university environment is supposed to be reserved as a safe haven for learning, academic excellence, career advancement, and scholastic prestige. Yet, it is one of the major avenues by which piracy currently occurs in this country. "The ready access to file sharing sites and the ease with which files can be downloaded by broadband connections has emboldened American university students to engage in piracy" (Holland, 2003a, p. 8).

Similar to most criminals during ancient times, pirates of the past did not seem to have been greatly influenced by the severity of punishment awaiting them if caught. But, like most criminals, they were easily deterred by the probability of being caught (Pringle, 1953, p. 209). The question here is whether or not the increasing possibilities of being caught, sued, and punished by media organizations and individual copyright holders will serve as a great deterrent to contemporary pirates, and cause a sharp decline or even bring piracy to a screeching halt in the near future.

"Pirates" vs. "File Sharers"

As the author of this thesis, I understood the word *pirate* might be perceived as having negative implications to some. Those who oppose the sharing of music files over the Internet often refer to the individuals who engage in this activity as “pirates,” while those who are actively involved in the file sharing community often refer to themselves and others as “file sharers.” For the purpose of this thesis, these terms were used interchangeably.

Today’s Music Piracy

Before one can analyze online music piracy in America and its occurrence at colleges and universities, one must first look at how online music piracy and the phenomenon known as file sharing came to exist. The two things that have basically brought us to where we are today in online music piracy are MP3 technology and Napster.

MP3 Technology

History has shown the development of each new medium and means of distribution eventually supplements other media and the media before it (Lorek, 2001, p. 43). This trend has continued with the new medium of digital files and distribution of music in the form of MP3. The acronym MPEG stands for Moving Picture Experts Group, a group which has developed compression systems for video data, including a subsystem which compresses sound called MPEG audio Layer-3. When shortened, it becomes known as the acronym MP3. MP3 compression reduces the number of bytes in a digital file without significantly affecting the overall quality of the sound. The MP3 format compresses a digital song file of CD quality by a factor of 10 to 14, which helps keep the file from taking up large amounts of space on a computer's hard drive, and makes it easier to upload and download the file over the Internet (Brain, n.d.(b)).

“The MP3 format for digital music has had, and will continue to have, a huge impact on how people collect, listen to, and distribute music” (Brain, n.d.(b)). The MP3 movement is one of the most amazing phenomena the music industry has ever seen, and unlike other movements, such as the cassette or compact disc (CD), the MP3 movement started not with the industry itself, but with a huge audience of music lovers on the Internet (Brain, n.d.(b)).

The simplicity of the technology has made it easy for anyone to distribute music at nearly no cost, or for free, and has made it easy for anyone to find music and access it instantly. MP3 technology makes it simple for users to download an MP3 file from a Web site and play it, rip a song from a music CD and play it directly or encode it as an

MP3 file. MP3 technology even allows individuals to record or convert files from one format to another and share them with multiple users across the Internet. To listen to an MP3 file, all a user needs is a computer with a sound card and speakers and easily available software. If a user adds an Internet connection, a compact disc burner drive, and an MP3 player, s/he can create MP3s and burn them to CDs. While this might sound like a lot of equipment, these items usually are standard on most computers purchased today.

There are literally thousands of sites on the Internet where one can download MP3 files, and all a user has to do is visit one of these websites, search for a song, and download it to the hard disk of the computer. Most songs can be downloaded quickly, especially with a high-speed Internet connection.

Napster

“What began in 1999 as an idea in the head of a teenager has redefined the Internet, the music industry, and the way we all think about intellectual property” (Tyson, n.d.). Napster basically pioneered the concept of peer-to-peer file sharing. This approach served as the most logical and effective solution to allowing many users to share music with each other, because of the way the infrastructure of the Internet works. On the Internet, web servers hold data and information and process requests for information. Web browsers allow users to connect to servers and view information or retrieve files. Bigger websites with lots of traffic usually have to buy many machines and other equipment to support the requests from its users.

Initially, Napster provided users with a reasonable amount of songs, eventually growing to having millions of songs available. Napster attempted to exploit a loophole in

copyright law which supposedly allowed friends to share music with friends. This loophole was known as the Audio Home Recording Act (AHRA) of 1992. The Audio Recording Act of 1992 requires all digital recording devices to contain a system which allows the digital recorders to make a first-generation copy of a digitally recorded work, but does not allow a second-generation copy to be made from the first copy (U.S. Copyright Office, 2003).

The AHRA also requires manufacturers to pay a tax, which is distributed to copyright owners whose intellectual property is supposedly being copied, in exchange for copyright holders waiving their right to claim copyright infringement against the manufacturers and consumers of these digital recording devices (Duke L. & Tech. Rev., 2002; Microsoft Encarta Reference Library 2004, 2003b; U.S. Copyright Office, 2003). Napster's legal concept behind the AHRA was, "All of these people are sharing the songs on their hard disks with their friends." However, the courts did not agree with Napster's logic, but they still were given enough time to try and prove the concept, while they continued to grow in size (Brain, n.d.(a)).

With Napster, individuals could store digital files they wanted to share on the hard drives of their computers and share them with many people throughout the world. Napster allowed users who ran the Napster software to basically turn their computers into mini servers. Because of this, Napster had a large collection of mini servers at its disposal, and these servers enabled Napster to create a large database of music files, which were extremely easy to access and use. In order for a user to provide a song to Napster, all s/he would need was a copy of the Napster software installed on his/her

computer, a directory (or folder) on the computer which would serve as a shared file for others to access, an Internet connection, and a copy of the song they wanted to share, usually in the MP3 format.

To search for a song in Napster, a user had to run the Napster program, which would search for an Internet connection and log the user into the Napster central server if a connection was present. The Napster central server did not contain any MP3 files, as it merely served as an index of all the Napster users who were online at any particular time, and connected them to each other. After being connected to Napster, a user could type in the title or artist of the song s/he was looking for and the Napster software would then search the server for other Napster computers online which had the song the user had requested.

Whenever a match to a user's search was found, the Napster server informed the user's computer where to find the requested file. Napster's server accomplished this by creating a list of the results of every shared song available on every hard disk connected to Napster at any particular time, which met the user's search criteria. A user could then click on the file s/he wished to download and the Napster software would attempt to establish a connection with the system hosting the file. If a connection was successful, the file would begin to download directly from the other user's computer. Once the download was complete, the user had the complete MP3 file on his/her computer.

Napster became so popular so quickly because it offered a unique product -- free music you could obtain nearly effortlessly from a gigantic database.

You no longer had to go to the music store to get music. You no longer

had to pay for it. You no longer had to worry about cuing up a CD and finding a cassette to record it onto. And nearly every song in the universe was available (Brain, n.d.(a)).

But Napster's key weakness existed in the way the architecture of the system was designed. "The central database for song titles was Napster's Achilles' heel" (Brain, n.d.(a)). At its peak, Napster was perhaps the most popular website ever created. In less than a year, it went from zero to 60 million visitors per month, but was shut down by a court order because of copyright violations (Brain, n.d.(a)). When the Napster central server was shut down the entire Napster network died because user's computers had no way of communicating with one another.

The Battles

Through the years, the recording industry has battled peer-to-peer networking companies, the results of which were successful in some cases, and unsuccessful in others. The Recording Industry Association of America (RIAA) was able to successfully shut down Napster. However, the RIAA was not able to accomplish the same with other services, such as Kazaa[®], Morpheus[™], and Grokster. In fact, the RIAA was actually counter sued by Kazaa developer Sharman Networks in an antitrust claims suit in January 2003. Sharman Networks claimed music labels and studios conspired to keep authorized and copy-protected versions of their songs off Kazaa, and blamed piracy on the entertainment companies, saying they failed to work with Sharman Networks to create a legal alternative (Associated Press, 2003a). But a federal judge ruled the company could not pursue an antitrust lawsuit against major recording labels (Associated Press, 2003a).

In April 2003, a federal judge in Los Angeles rejected an effort led by the RIAA to shut down file sharing services Grokster and Morpheus, ruling instead the industry should pursue the individual users of those services (MacMillan, 2003). This served as a setback in the RIAA's battle against piracy, as it would eventually do just what the federal judge suggested. Later in 2003, after repeated warnings, cease and desist letters, instant messaging tools, and many other resources, the RIAA began to use a new tactic of going directly after individual users instead of trying to attack the technology (Ahrens, 2003).

The first individuals to face charges were four students from three different universities. Daniel Peng, a sophomore from Princeton University, Joe Nievelt, a junior from Michigan Technological University, and Jesse Jordan and Aaron Sherman from Rensselaer Polytechnic Institute were all sued by the recording industry. The RIAA would try to make an example of these four students to show others how seriously they meant to pursue those who were committing online music piracy (Knopper, 2003, p. 23). Each of the four defendants ran local area networks (LAN) in the computer systems of their universities which were used to tie together several computers and make the contents of each computer's hard drive available to other users on the network. The RIAA said the four defendants each ran search engines which enabled users to find and download songs illegally (Ahrens, 2003; Holland 2003b, p. 8).

The RIAA asked federal judges to shut down the students' file sharing services and award them cash damages, which under copyright law could amount to as much as \$150,000 per song. The RIAA claimed the sites offered 27,000 to 1 million songs each,

which were available for students to download for free (Ahrens, 2003; Holland 2003b, p. 8). In the end, none of the students admitted guilt or wrongdoing, but agreed not to knowingly infringe on song copyrights in the future and to take down their file sharing networks, in addition to making monetary settlements. Jesse Jordan settled for \$12,000, Daniel Peng and Joseph Nievelt each settled for \$15,000, and Aaron Sherman settled for \$17,500 (Ahrens, 2003; Carlson, 2003a, p. A34; Collins, 2003; Holland, 2003b, p. 8).

After the cases were settled, Howard S. Ende, the lawyer for Daniel Peng said "It's very unfortunate that the recording industry, in trying to protect their profits, has used the legal system to intimidate students who are often their best customers. Rather, the industry should be working with colleges and universities to resolve its economic problems created by the development of new technologies" (Ahrens, 2003). Some individuals shared his sentiments, while others praised the court's results and findings.

The approach of suing individuals would not stop there, and the suits began to gain even more momentum after a U.S. District Court judge in Washington, D.C., ruled Verizon[®] had to give the RIAA the names of two high-speed digital subscriber line (DSL) customers allegedly involved in rampant illegal sharing of copyrighted music. The Verizon ruling helped pave the way for the RIAA to use the Digital Millennium Copyright Act (DMCA) to acquire personal information about individuals by providing their Internet Protocol (IP) addresses. The RIAA was using provisions of the DMCA to force Internet service providers (ISP) and colleges and universities to provide this information to them.

After the Verizon ruling, the RIAA filed 261 lawsuits against suspected individual Internet music file sharers in September 2003 (Legon, 2003). They also announced the “Clean Slate Program,” which grants amnesty to users who voluntarily identify themselves, erase downloaded music files and promise not to share music ever again on the Internet (Legon, 2003). The RIAA subpoenas snared unsuspecting grandparents whose grandchildren had used their personal computers, individuals whose roommates had shared their computers, as well as colleges and universities across the United States (Carlson, 2003b, p. A34). After the lawsuits from the RIAA’s round of subpoenas were filed, even a 12 year-old girl had been sued.

The suits continued and the recording industry had received total cooperation from Internet service providers, until Boston College, Boston University, and the Massachusetts Institute of Technology (MIT) refused to provide names, citing the subpoenas were illegal because they weren’t filed properly, and didn’t allow for adequate time to notify the students, as mandated by the Family Education Rights and Privacy Act (Collins, 2003; Foster, 2003; Lindsay, 2003). However, this was not a move by these colleges to protect their students, as they said they would comply with the order if the subpoenas were filed properly.

The large number of subpoenas began to force colleges and university administrators to take note, and to devote orientation time educating students about copyright infringement, as well as informing concerned parents about file sharing and piracy (Collins, 2003). Some universities, such as Tufts University in Medford, Massachusetts, placed an emphasis on education, and required every freshman attend an

orientation seminar on copyright infringement before receiving access to a high-speed Internet connection (Black, 2002). Other colleges, such as Boston College and DePaul University, informed incoming freshmen during orientation they would not protect students if the recording industry were to catch them sharing copyrighted music files (Collins, 2003).

The RIAA would send out a round of 80 subpoenas to individuals in October 2003 (Bridis, 2003b) and then another round of 41 subpoenas in December 2003 (Associated Press, 2003b). This brought the RIAA's subpoena count to 382 lawsuits in four months. Not to be outdone, peer-to-peer file sharing service Kazaa began fighting back against the RIAA. Two derivatives of the popular Kazaa peer-to-peer file sharing service actively attempted to block scans by the RIAA and other agencies, escalating the peer-to-peer networking war to a new level (Hachman, 2003).

A major issue which arises when considering the rights provided by the DMCA, which allow the copyright holders to subpoena personal information, is the right to privacy of the individuals versus the right of copyright holders to prevent piracy. While the RIAA suggests no one should have the right to violate copyrights anonymously (Rosen, 2003), others believe personal information should not be attainable through provisions of the DMCA, without having to go before a judge to plead the copyright holder's case or show any proof of infringement (McGuire, 2003b).

In a ruling on December 19, 2003, the U.S. Court of Appeals for the District of Columbia overturned a trial judge's decision to enforce copyright subpoenas, which served as one of the most effective tools used by the recording industry (Bridis, 2003a;

Rainie, Madden, Hess, & Mudd, 2003). The ruling, however, did not legalize distributing copyrighted songs over the Internet, but greatly increased the cost and effort for the RIAA to track and sue individuals whom they believe are guilty of sharing copyrighted music online (Bridis, 2003a). "As the courts make it harder for record companies to track music piracy and file sharing companies develop technology to mask their users' identities, file-swappers will come back in angry droves" (McGuire, 2004a). After the ruling the RIAA vowed to continue its fight against individual file sharers whom it believes engages in infringement of copyrighted music online.

On January 21, 2004 the RIAA made good on its promise, as it brought suits against 532 individual file sharers whom it believed were guilty of committing online music piracy (Bridis, 2004a; McGuire, 2004b). The lawsuits were filed in New York City and Washington D.C., against defendants known only as "John Doe," and identified only by their computer's IP addresses (Bridis, 2004; Holland, 2004, p. 5; McGuire, 2004b). The suits filed by the RIAA name "egregious" file-sharers, whose computers host more than 800 files which are accessible for other peer-to-peer networking users to download (Roberts, 2004). The lawyers for the RIAA were forced to work their way through the court system and provide evidence of copyright infringement in order to obtain the names and locations of the John Doe defendants. Cary Sherman, president of the RIAA stated in a telephone conference, "The message to illegal file sharers should be as clear as ever: we can and will continue to file lawsuits" (McGuire, 2004b).

The RIAA did remain relentless in its efforts to combat online music piracy as it continued to file lawsuits against individual users. But in March 2004, the recording

industry's John Doe lawsuits were dealt another devastating blow, when a federal judge ruled the RIAA could not use a single lawsuit to group mass quantities of suspected individuals together and sue them (Read, 2004a). The federal judge's decision placed an obstacle in the recording industry's way, in the form of higher legal fees due to the costs of additional subpoenas and lawyers. But once again this did not stop the recording industry's efforts, as it continued to file more lawsuits against individuals suspected of engaging in illegal file sharing of copyrighted music.

On March 23, 2004 the RIAA began to target more suspected illegal file sharers at colleges and universities, as it sent out 532 subpoenas, of which 89 subpoenas were sent to 21 different colleges and universities. This group of subpoenas also marked the first time the RIAA made public the names of the colleges and universities it subpoenaed. In an interview, Cary Sherman stated, "We've always intended to address copyright infringers on university networks...These lawsuits are just part of a multipronged process to try to ensure that college students understand they're not immune from the consequences of illegal activity" (Read, 2004b). The colleges and universities named in the RIAA subpoenas were California at Berkeley, California State University at Northridge, Colorado at Colorado Springs, Drexel, George Mason, George Washington, Georgetown, Indiana University at Bloomington, Indianapolis, Loyola Marymount, Marquette, Maryland at College Park, Michigan at Ann Arbor, New York, Northern Colorado, Pennsylvania, Stanford, Vanderbilt, Villanova University, the University of Arizona, and the University of Southern California (Read, 2004b).

On April 28, 2004 the RIAA filed another 477 subpoenas against individuals suspected of illegal file sharing of copyrighted music, in which 69 subpoenas were served to 14 different colleges and universities. Again the RIAA made public the names of the colleges and universities which were subpoenaed. The colleges and universities named in these RIAA subpoenas were Brown, Emory, Georgia Institute of Technology, Gonzaga, Mansfield University of Pennsylvania, Michigan State, Princeton, Sacred Heart, Texas A&M University at College Station, Trinity College in Connecticut, Trinity University in Texas, Virginia Tech, the University of Kansas, and the University of Minnesota-Twin Cities (Read, 2004c).

The recording industry has remained persistent in its filing of subpoenas against individuals, and has vowed to continue lawsuits along with other tactics in order to protect its interests. But only time will tell how long the RIAA can continue filing lawsuits and, in its effort to stop online music piracy, whether it's feasible to subpoena every single person who is suspected of engaging in the illegal file sharing of copyrighted music.

Effects of the RIAA's Legal Tactics

There is thought to be a link between the threat of lawsuits and the recent dip in file sharing traffic. "Although critics roundly accused the RIAA of bullying music lovers with the lawsuits, those tactics appear to have paid off" (McGuire, 2004a). Some believe that due to the negative publicity and the threat of steep fines, downloaders may be altering their downloading habits. "For some the prospect of getting sued is a pretty effective deterrent, for most folks just understanding that it was illegal is enough"

(McGuire, 2004a). In the fall of 2003, Nielsen//Netratings reported there was a significant fall in the amount of traffic to file sharing sites after the RIAA began to file lawsuits against individuals (Livsey, 2003). "However, with millions of loyal users, these applications aren't likely to go off-line in the near future" (Veiga, 2003).

Research conducted by different organizations supports the notion that the RIAA's lawsuits are having an effect on the illegal sharing and downloading of digital music files online. A survey conducted by comScore Media Metrix with individuals eighteen years of age and older found there had been a large decrease in the number of downloaders. The most significant of these was a decrease of 58% of women, 58% of parents with children living at home, and 61% of individuals with some amount of college education (Rainie, Madden, Hess, & Mudd, 2003). comScore also reported major file sharing services had experienced declines in the number of users between November 2002 and November 2003 (McGuire, 2004a).

In May 2003, the NPD Group began to track deletions of music files, and found 606,000 households had deleted all the digital music files on their computers. The NPD Group also found, out of those households, 80% of the individuals had fewer than fifty files, while 10% had more than 200 files (Graham, 2003d). In August 2003, the NPD Group found the number of deletions had increased significantly, as 1.4 million households deleted all the digital music files from their computers (Graham, 2003d). From August to September 2003, the NPD Group found the number of households downloading music online using peer-to-peer services declined by 11%, and the total number of downloaded music files decreased by 9% (Graham, 2003d).

In a study released by the Pew Internet and American Life Project, results showed significant decreases in illegal sharing of music files online. This occurred during the recording industry's string of lawsuits against individuals (McGuire, 2004a). The Pew Internet and American Life Project study of Internet users eighteen year of age and older, showed in the spring of 2003, Americans who said they downloaded music in the spring of 2003 fell from 29% to 14% in November and December 2003 (McGuire, 2004a; Carlson, 2004, p. A34).

The survey also found 20% of users said they had stopped downloading and sharing music online due to the string of subpoenas and lawsuits by the recording industry (McGuire, 2004a). The Pew Internet and American Life Project survey also tracked a decline in the amount of downloading by Internet users of all age groups and income levels between May and November 2003 (McGuire, 2004a). Mary Madden, of the Pew Internet and American Life Project, believes there definitely is a segment of the American population which doesn't want to deal with potential lawsuits from the recording industry and are scared away from using file sharing services (McGuire, 2004a).

Further evidence suggest the RIAA's tactics are not only causing individuals to limit or completely stop their use of file sharing services, but also to consider using the legal alternative of online pay services which exist on the Internet. Rainie, Madden, Hess, and Mudd (2003), reported comScore observed a growing number of individuals had turned toward legal online music pay services to download music instead of using file sharing services. In November 2003, comScore found 3.2 million Americans visited the

legal online music service Napster.com, and 2.7 million Americans visited the legal online music pay service Apple iTunes (Rainie, Madden, Hess, & Mudd, 2003).

However, some critics of the RIAA's tactics believed the decline in downloading was only temporary, and the legal actions of the RIAA will eventually come back to hurt music sales and revenue. In September 2003, the NPD Group fielded a MusicLab survey which found threats of litigation were negatively affecting consumer's impressions of the recording industry. About 67% of recent file-sharers reported they had experienced an increased negative opinion of record companies caused by the recording industry's lawsuits. A little over 40% of individuals who had not downloaded music online reported they had experienced an increased negative opinion of record companies caused by the recording industry's lawsuits (Graham, 2003d).

Green (2003) believes the music industry must recognize litigation is not the solution to the online music piracy challenge being presented by new technology and demands of the music marketplace. Gorry (2003) believes while highly publicized actions might be legally sound and might even slow online music downloading and sharing in certain settings, the actions simply cannot stop the transformation of the music business, because the technology of sharing is already too widespread.

Some colleges and universities have taken a "pay now" versus a "pay later" approach to possible lawsuits and litigation with the recording industry. Graham B. Spanier, president of Pennsylvania State University, announced in November 2003, the university would try to curtail illegal file sharing on the campus network by offering students pre-paid access to the legal online music pay service Napster 2.0 (Read, 2003, p.

A29). During the same month, the U.S. Naval Academy took an early stand against online music piracy and actually seized 92 computers and punished 85 students whom it detected were pirating copyrighted material (Kiernan, 2003). Also in November 2003, two students at the Massachusetts Institute of Technology (MIT) created a service called the “Library Access to Music Project” (LAMP), which was designed to help distribute music to students legally by operating like a combination of a library, radio station, and jukebox. Unfortunately, the project was suspended after it encountered complications with licensing agreements (Carlson, 2003c, p. A32).

Whether the RIAA’s actions are considered too extreme or severe depends on whom you ask. Some universities and students alike are trying to combat online music piracy in a creative way, while attempting to protect the university’s interests and still provide students with the music they desire. However, such a task will not be easily achieved, and plenty of obstacles certainly await those who attempt to mend the communication gap between the recording industry, universities, and students.

It is extremely important to acknowledge the past legal battles and decisions which surround online music piracy because the United States’ justice system will ultimately decide what the final rulings, laws, and amendment changes will be to current copyright laws, if there are any. Also, it is no secret that when rulings are made in federal courts they usually set precedence for similar cases in the future. This makes it even more important to recognize the decisions and rulings handed down in the past, because they will most likely affect those in the future.

Colleges, Universities, and Their Students

The university audience is often associated with its craving for music, movies and fashion (Rainie, Kalehoff, & Hess, 2000). In 2002, according to figures from the *Chronicle of Higher Education*, about 14.5 million students were enrolled in colleges and universities across the nation, which equates to approximately 5% of the U.S. population (as cited in Jones, 2002). Jones (2002) found, compared to the rest of the general population, college students are heavy users of the Internet, to the extent it has become an important part of a student's daily routine. About 88% of college students are online, compared to 59% of the general population.

Madden and Lenhart (2003) found broadband users and frequent users of the Internet are much more likely to download songs than dial-up users. Broadband plays a pivotal role in piracy, because most of the Internet pirates are college students who have free high-speed Internet broadband access provided by the university, which allows for extremely fast uploading and downloading of near-CD quality music (Paradise, 1999, p. 241). In 2000, about two-thirds of all Internet pirates had attended college at some point in their lives, and 37% of all Internet pirates were currently in college (Pew Internet & American Life, 2000). These pirates used the resources provided by the university for piracy because they possibly felt they were part of a movement which believes the Internet differs from the established commercial marketplace (Paradise, 1999, p. 231).

One characteristic which sets today's college students apart from past generations is their degree of familiarity with the Internet, as the typical college student of today is often introduced to the Internet at an early age (Jones, 2002). This familiarity contributes

to college students leading all other Internet users in file sharing of all types, and makes them twice as likely to have ever downloaded music files when compared to all Internet users (Jones, 2002). Madden and Lenhart (2003) found about 50% of full-time students and 40% of part-time students download music files to their computers, compared to 25% of non-students. These percentages are considerably higher than those from a study conducted in 2000 by Pew Internet and American Life (2000) which found, of the students with Internet access, one in five were Internet pirates. This significant increase possibly has to do with students overwhelmingly expressing a lack of concern for the copyrights of the files they download (Madden & Lenhart, 2003). Students who share files say they are not concerned about the copyright status of the files they share with others online. About 88% of full-time students and almost 75% of part-time students say they do not care if the files they share are copyrighted or not. However, only 59% of non-students do not care about copyrights. (Madden & Lenhart, 2003).

File sharing causes many college students to expect to be able to sample, if not outright pirate music, movies, software, and other media (Jones, 2002). Many college students believe illegal websites which distribute music can benefit artists by functioning as a promotional vehicle (Lam & Tan, 2001, p. 68). Beliefs such as these may possibly lead to even more difficulties for the RIAA and other industries, which wish to implement and enforce anti-copying technologies (Jones, 2002; Rosencrance, 2003). But the message from the RIAA and its artists toward colleges and universities is very clear. “If you are a college administrator and you turn a blind eye to illegal downloading on

your campus, you are encouraging larceny in your hallowed halls of education" (as cited in RIAA, 2003a).

Internet Pirates and File Sharers

The Internet is becoming a marketplace for the sale of pirated goods, as it is now similar to a worldwide flea market or mail-order business (Paradise, 1999, p. 242). In 2000, Pew Internet and American Life (2000) found 35 million Americans, which equates to 38% of all Internet users, had either downloaded or listened to streamed music. And 14% of all Internet users downloaded music they did not own, without paying for it.

By 2001, almost every demographic group and all experience levels of the Internet had experienced a significant growth in music downloaders (Graziano, 2001). Graziano (2001) found while Internet users remained hesitant about engaging in many sophisticated online activities, less-experienced users and newcomers to the Internet were almost as eager as experienced users to download music. "Today, file sharing is the most popular method of digital music acquisition," (Graham, 2003b), and the majority of people with access to the Internet have only basic experience with digital music (Graham, 2003c).

One of the major attractions of the Internet to newcomers is the fact they can download music so conveniently and usually at no cost to them (Graziano, 2001; Borland, 2003a). In 2003, Madden and Lenhart (2003) from the Pew Internet and American Life Project found, based on a nationwide survey of individuals eighteen years of age or older, 21% of current Internet users share files by allowing other users to download audio or video files from their computers (Carlson, 2003b, p. A34). They also

found African-American and Hispanic users were more likely to share files than White users (Carlson, 2003b, p. A34). Over the three months the survey was conducted, 5% of all Internet users said they had posted audio files to the Internet themselves (Madden & Lenhart, 2003). This was further confirmed by Edison Media Research, which conducted a national survey in May 2003 and found heavy downloaders were increasingly downloading files through file sharing services (Charneski, 2003).

Charneski (2003) concluded the heavy downloaders of copyrighted works through file sharing services tend to represent the same people who once represented the heavy purchasers of copyrighted works. But, the NPD Group concluded after conducting consumer-tracking surveys, while file sharing has a huge impact on music sales, there are other causes of the decrease in music sales, which must be addressed, and have as large, if not a larger, effect (Graham, 2003a).

Stealing or Sharing

One of the biggest problems for the RIAA, artists, and other copyright holders is trying to convey to Internet users that music piracy hurts the artists and is a form of stealing (Lenhart & Fox 2000). Many pirates on the Internet are not even aware they have committed a crime (Paradise, 1999, p. 233). This is mostly due to the fact a user can commit piracy from the comfort of his or her own home, without physically taking anything from anyone. Theft usually involves some type of tangible product, which can be physically taken, sold, or destroyed. This makes the Internet a unique marketplace (Paradise, 1999, p. 231). Because digital piracy involves an intangible product, the average consumer is little concerned (Paradise, 1999, p. 249). In 2000, Lenhart and Fox

(2000) found 78% of all Internet users did not consider downloading music for free and saving it on their computer hard drives to be a form of stealing. And the majority of those users have no concern for music protected by copyrights.

Some Internet users rationalize piracy as a way of “getting back” at the product they feel is overpriced (Paradise, 1999, p. 249). Charneski (2003) found part of the getting back attitude was due to the fact half of the people age twelve to twenty-four thought recording artists and record labels were all rich, with expensive cars and houses. Some believe more education is needed to inform individuals downloading copyrighted music is illegal, and let them know, even though the record companies and recording artists may be rich, most songwriters are not (as cited in RIAA, 2003a; Lam & Tan, 2001, p. 64).

But overall, the average consumer likely has misconceptions about the difference between right and wrong, because intellectual property law is complex. In today’s society, if one is caught stealing, one most likely will go to jail. A gap is created between the thought of stealing something tangible and pirating something intangible, because even when caught, many pirates do no jail time (Paradise, 1999, p. 248). This gap is further widened by the fact most Internet users cannot differentiate between legal and illegal digital copying and downloading, as certain types of copying are legal for the purpose of parody, fair use, and personal backups, as authorized by legal doctrines under copyright law (Paradise, 1999, p. 249).

Paradise (1999) believes Internet users commit piracy to undermine the established order of things. In some cases, Internet pirates are not receiving any monetary

benefit, and are not primarily concerned with money, as pirating has become a subculture (p. 233). This makes piracy seem less like stealing to most users because of the lack of monetary gain. Because the downloaded files are digital, there has also been a growing belief they are free (Radcliffe & Sazama, 2002). However, Bernoff (2003) found the threat of jail or fines would stop about 61% of 18-19 year olds, and 68% of 20-22 year olds. Charneski (2003) believes the RIAA and record label's anti-piracy campaign are beginning to show signs of success, as customers and potential pirates are starting to believe piracy is morally wrong.

The RIAA has made clear its intentions to use all means at its disposal to undermine and eliminate the downloading efforts of file-sharers using peer-to-peer online services (Roos, 2003). But while the complete and total elimination of piracy is a utopian idea, this will probably never come to pass, as there will always be a market and demand for piracy (Lam & Tan, 2001, p. 68). Online music piracy represents a revolution the music industry must endure. Arm waving, suing kids, and digital distribution only stall the inevitable, as do legislation and copyright laws. (Dvorak, 2003, p. 55).

It is important to acknowledge the debate over whether engaging in file sharing should actually be considered as stealing or sharing. While the two terms are similar in spelling and have been used interchangeably by the media, they are perceived as two entirely different acts. One has the connotation of being accepted and legal, and the other carries a completely negative connotation, and represents an illegal crime punishable under federal law.

Definition of Terms

To facilitate the understanding of this study, certain terms were operationally defined:

Audio Home Recording Act (AHRA) was a landmark legislation backed by both the music industry and electronics manufacturers and passed by Congress in October 1992. It provides for royalties to be paid to record companies and artists for each digital recorder and blank tape sold (Microsoft Encarta Reference Library 2004, 2003b).

Compact disc (CD) is an optical disk on which sound is recorded in a digital format by assigning numerical values to measurements of the sound. The compact disc is the most popular medium for recorded music and has almost entirely replaced the record (Microsoft Encarta Reference Library 2004, 2003c).

Defining Issues Test (DIT) is a device for activating moral schemas and for assessing them in terms of importance judgments. The DIT currently has two different versions, the DIT-1 and DIT-2 (University of Minnesota, 2003b).

Digital Millennium Copyright Act (DMCA) is the update to U.S. copyright law in 1998 for the digital age, which contains provisions concerning the circumvention of copyright protection systems, fair use in a digital environment, and online service provider liability (Educause, n.d.).

Digital subscriber line (DSL) is a data connection which allows computers to connect, send, and receive data directly over the digital portion of the telephone network which carries regular telephone traffic (Microsoft Encarta Reference Library 2004, 2003d).

File sharing is the use of digital files on computer networks, where more than one individual can request, review, and modify files stored on a central or shared computer, functioning as a server (Microsoft Encarta Reference Library 2004, 2003h).

Internet protocol (IP) is a set of rules which enables different types of computers and networks on the Internet to communicate with one another. IP defines how data are divided into chunks for transmission, and it also determines the path each packet takes between computers (Microsoft Encarta Reference Library 2004, 2003e).

Library Access to Music Project (LAMP) is the electronic music library at the Massachusetts Institute of Technology. It allows students to listen to music over Massachusetts Institute of Technology's analog cable television system, while designed to operate in full compliance with the law and to respect the rights of all copyright holders (MIT, 2004).

Local area network (LAN) is a collection of interconnected computers which can share data, applications, and resources, such as printers. A LAN enables the fast and effective transfer of information within a group of users and reduces operational costs (Microsoft Encarta Reference Library 2004, 2003f)

Moving Picture Experts Group 1 Audio Layer 3 (MP3) is a compression system for music which helps reduce the number of bytes in a song without hurting the quality of the song's sound (Brain, n.d.(b)).

Peer-to-peer network (P2P) is a computer network which does not have fixed clients and servers, but a number of peer nodes which function as both clients and servers to the other nodes on the network. Peer nodes are able to initiate or complete any

supported operation. A file sharing network is an example of a P2P network (Peer to Peer, n.d.).

Postconventional score (P-score) is a score on the Defining Issues Test which represents the proportion of items selected which appeal to Stage 5 and Stage 6 considerations of Lawrence Kohlberg's Cognitive Development Theory of Moralization (Bebeau & Thoma, 2003).

Recording Industry Association of America (RIAA) is the trade group which represents the U.S. recording industry, with the mission of fostering a business and legal climate which supports and promotes its members' creative and financial vitality. Its members are the record companies, which comprise, create, manufacture, and/or distribute approximately 90% of all legitimate sound recordings produced and sold in the United States (RIAA, 2003b).

Utilizer score (U-score) is a score on the Defining Issues Test which represents the degree of match between items recognized as most important and the individual's choice of action on a scenario or story (Bebeau & Thoma, 2003).

University of North Texas (UNT) is a comprehensive, state-assisted, coeducational institution of higher education located in Denton, Texas. A flagship of a multi-institutional university system, UNT offers a wide variety of undergraduate, masters and doctoral degree programs (UNT, 2003b).

CHAPTER 2

THEORETICAL BASE

Kohlberg's Theory of Moral Reasoning

Lawrence Kohlberg was an educator, psychologist, and philosopher at Harvard University, who developed a theory formally known as the *cognitive development theory of moralization* (Reimer, 1977, p. 60). Kohlberg first published the theory in his doctoral dissertation in 1958 as the result of research he had conducted with young white males in Chicago (Walsh, 2000, p. 37). Kohlberg's theory is based on the idea that at birth all humans are void of morals, ethics, and honesty. Kohlberg identified the family as the first source of values and moral development for an individual. Kohlberg believed as one's intelligence and ability to interact with others matures, so does one's patterns of moral behavior.

Kohlberg described three levels of moral development with two stages in each level, for a total of six stages. This sequence of six stages of moral development was derived from the stages of cognitive development outlined by Jean Piaget (Spohn, 2000, p. 131; Henry, 2001). Kohlberg implemented elements from Piaget's theory, such as the concept of cognitive structures, the stages of development, and the length of the moral-development period (Thomas, 1997, p. 58).

The differences between the three levels are measured by the way individuals organize and structure their social and moral world and associated experiences (de Casterle, Roelens, and Gastmans, 1998, p. 830). The levels and stages Kohlberg developed were as follows:

Preconventional:

1. Punishment-Obedience Orientation (Heteronomous Morality)
2. Personal Reward Orientation (Individualistic, Instrumental Morality)

Conventional:

3. Good Boy-Nice Girl Orientation (Impersonally Normative Morality)
4. Law and Order Orientation (Social System Morality)

Postconventional:

5. Social Contract Orientation (Human-Rights and Social-Welfare Morality)
6. Universal Ethical Orientation (Morality of Universalizable, Reversible, and Prescriptive General Ethical Principles)

In the Preconventional stage people behave according to socially acceptable norms, because they are told to do so by an authority figure. This authority figure usually holds the power of punishment. Individuals at the preconventional level feel like an “outsider against society,” because others force them to abide by certain rules (de Casterle, Roelens, and Gastmans, 1998, p. 830). The Punishment-Obedience Orientation represents stage 1, and in this stage an individual obeys rules in order to avoid punishment, which they feel is automatically warranted. Individuals in stage 1 do not believe in extenuating circumstances or people’s intentions, as they believe something is

either right or wrong, with no gray areas or excuses. (Thomas, 1997, p. 59). The Personal Reward Orientation represents stage 2, and in this stage an individual conforms to society's rules in order to receive rewards. Individuals have no general moral principles in place to guide their individual actions, and when presented with moral incidents, their main goal is to attain a mutual benefit (Thomas, 1997, p. 59).

In the Conventional stage people abide by established laws and principles. People usually conform to personal expectations and social order. Individuals in the Conventional Stage place much value in belonging to a group, and they want to be accepted by society in order to be part of a certain group (de Casterle, Roelens, and Gastmans, 1998, p. 830). The Good Boy-Nice Girl Orientation represents stage 3, and in this stage an individual behaves morally in order to gain approval from other people. Individuals in stage 3 generally follow the "*Golden Rule*," and personally wish to maintain mutual trust and social approval (Thomas, 1997, p. 60). The Law and Order Orientation represents stage 4, and in this stage an individual conforms to authority to avoid censure and guilt. The moral judgments of individuals at this stage usually originate from legal or religious institutions and belief systems (Thomas, 1997, p. 60).

In the Postconventional stage people have respect for universal values and principles. Individuals at the postconventional level understand and accept the values and principles of society (de Casterle, Roelens, & Gastmans, 1998, p. 830). Individuals at the postconventional level understand and accept society's conventions. The Social Contact Orientation represents stage 5, and in this stage an individual is concerned with individual rights and democratically decided laws. Moral judgments made by individuals at this

stage often take into account concern for the protection of the rights of the minority (Thomas, 1997, p. 60). The Universal Ethical Orientation represents stage 6, and in this stage an individual is entirely guided by his or her own conscience. Individuals at this stage understand and respect everyone's point of view, and have universal compassion and respect for human personality and dignity (Thomas, 1997, p. 60).

In Kohlberg's theory the attraction of a higher stage of reasoning causes an individual to develop toward a higher stage, as the reasoning in a higher stage may be more adequate to the logical and comprehensive needs of an individual. But this does not mean an individual will automatically adopt the reasoning of a higher stage, but rather he/she is now able to incorporate the level of moral reasoning associated with a higher stage (Galbreath and Jones, 1976, p. 33). Kohlberg did not believe genetic inheritance or an individual's environment exclusively promoted their development through the six stages. Rather, development was due to a combination of an individual's genetics, environment, motivation, exposure to social roles, and amount of exposure to justice and social institutions (Thomas, 1997, p. 61).

Kohlberg believed individuals could only move through these stages one stage at a time. Kohlberg also believed if an individual's moral behavior matured, an individual must go through orientations in order from Preconventional to Postconventional, without skipping a stage. The reasoning behind this is the attainment of a higher stage will always have to had been preceded by the attainment of all the lower stages. Since each stage requires, as a prior condition, the reasoning of each and every previous stage, it is not possible to skip stages of development (Galbreath and Jones, 1976, p. 32). Kohlberg

“concluded that there is an invariant, cross-cultural sequence in moral development that was attained step by step, with no regression to previous stages or straddling of the levels of moral reasoning” (Spohn, 2000, p. 131).

Kohlberg took Piaget’s concept of stage development, which included four stages, and applied it to the idea of moral judgment. “Kohlberg’s stages are not simply an account of how logical stages apply to moral issues, as he contends that moral stages are related and parallel to logical stages, but distinct from them” (Reimer, 1977, p. 63). Kohlberg concentrated his theory on the moral reasoning of individuals as they develop and mature in the society and environments which surround them, because he believed development occurs in a social context. By concentrating on moral reasoning, Kohlberg is able to gain access to verbally expressed rational skills of individuals, instead of the interior dynamics of emotion, intuition, and imagination, which are more difficult to assess and measure (Spohn, 2000, p. 131). “Kohlberg’s model permitted researchers to ignore the elusive arenas of moral sensitivity to interpersonal and social complexities, intuitive judgments, moral dispositions, and character as the basis of action” (Spohn, 2000, p. 131).

When Kohlberg speaks of moral judgment, he is basically referring to how a person decides which values to act on and whose claims to respect in a situation of moral conflict (Reimer, 1977). When Kohlberg speaks about a stage of moral judgment, he is referring to a stage as being a construct, which is used to decide the consistent differences and similarities in people’s moral reasoning (Reimer, 1977). Kohlberg’s stages do not

describe the content of an individual's moral opinion or value, but rather the structure of his/her moral reasoning (Reimer, 1977, p. 63-64).

According to Kohlberg, individuals develop by themselves through maturational, social, and physical interaction (Hayes, 1994). There are differences in the rate of an individual's moral development and in the highest level of moral maturity certain individuals can attain. For instance, less than 20% of the adult population ever reaches the postconventional level (Galbreath and Jones, 1976, p. 33). Kohlberg used a philosophic form of Kantian ethics whereby moral claims are autonomous and no weight is placed on emotive incentive or practical consequence. Kohlberg based his morality model solely on justice, where individuals are treated fairly and equally (Spohn, 2000). Kohlberg also believed referencing a person's level of moral judgment was the only reasonable way of defining moral activity (Reimer, 1977, p. 65).

Kohlberg offered an educational theory of contemporary times, with an approach to moral development which was philosophically grounded and empirically sound (Henry, 2001). Kohlberg believed 'knowledge of the good' in terms of conventional belief is not a virtue. An individual may believe cheating is morally wrong, but such a belief does not mean s/he will resist cheating in his/her life. However, true knowledge of principles of justice does involve virtuous action (as cited in Grover, 1980, p. 137). A person's ability to resolve moral conflict increases as he/she mature morally (Galbreath and Jones, 1976, p. 34). Moral reasoning is related to behavior, as some research has indicated. Individuals who genuinely act in moral ways display mature moral judgment (Galbreath and Jones, 1976, p. 34).

Criticisms of Kohlberg's Theory

As with any other theory, there are criticisms of Kohlberg's theory which must be acknowledged when researching moral behavior and moral reasoning. Kohlberg has been criticized for his conservative tendencies. Critics of Kohlberg have suggested his theories lack cultural and situational context and history. Critics also believe Kohlberg's theories make use of universalizability of moral maturity, which he does not sufficiently justify, and his theories "unnecessarily separate individual moral reasoning from actual situations that give life to moral concerns" (Henry, 2001).

Many of Kohlberg's critics question the fundamental cognitive-structural characteristics of his six moral stages (as cited in de Casterle, Roelens, and Gastmans, 1998, p. 831). They argue the ordering and sequence of some of the six stages of Kohlberg's theory could be rearranged. They also argue individuals could abandon their current stage of moral judgment and return to a previous stage, which would directly violate the rules of Kohlberg's theory (as cited in White, 1996).

Harvard University's Carol Gilligan believed Kohlberg's universal model of moral development did not take into account the impact of women's life experiences on their moral development (Woods, 1996, p. 375). Gilligan, who authored *In a Different Voice: Psychological Theory and Women's Development*, has criticized Kohlberg's theory because it contains a gender bias (as cited in Hayes, 1994, p. 263) and places too much emphasis on the principles of justice (as cited in de Casterle, Roelens, and Gastmans, 1998, p. 831; Hayes, 1994, p. 263; White, 1996). Critics also argue Kohlberg's theory makes some assumptions about different cultures which are likely not

valid (Woods, 1996, p. 378). R.A. Shweder believes the relationships between morality and convention differ greatly between cultures, and Kohlberg's theory provides moral principles of a universal nature which do not address these differences (as cited in White, 1996).

Other criticism of Kohlberg's theory include claims by critics of biases toward stage consistency, the theory's failure to provide an explanation for short term development between stages, and doubt among critics about whether or not the last two stages of the theory exist (as cited in Woods, 1996, p. 380). Additionally, Kohlberg's apparent oversight of moral compassion and care (as cited in Henry, 2001), Kohlberg's belief of the relationship between moral reasoning and moral behavior, and whether or not they represent the same thing (as cited in de Casterle, Roelens, and Gastmans, 1998, p. 831) are further noted as theoretical shortcomings.

The Minnesota DIT and Kohlberg's Theory

After a difficult review process and a few setbacks, the Defining Issues Test (DIT) was published in *Developmental Psychology*, a social science journal (as cited in Thoma, 2002b, p. 225). "Originally conceived as a user friendly alternative to Kohlberg's interview measure, the DIT quickly became the basis for a number of significant modifications to moral theory" (Thoma, 2002a, p. 223). The DIT test has been developed, altered, and improved by the Minnesota Group, and is based on Kohlberg's theory of moral behavior and reasoning. The DIT is a testing instrument which uses fictional stories and dilemmas to determine an individual's moral judgment. While taking the DIT, individuals rate and rank items according to their view of the items' moral importance.

The DIT is a research tool used for stimulating and measuring an individual's moral schemas, to the extent they have developed them. The DIT presents an individual with dilemmas, questions, and statements, and uses a Likert scale so a subject can rate and rank the items. When a subject confronts an item which makes sense, the item is usually rated and ranked as highly important. When a subject confronts an item which either doesn't make sense or seems crude, the item is usually rated and ranked with a low rating and is passed over for the next item. The DIT is interested in knowing which schemas, or mental patterns, subjects have already developed in their heads. These schemas usually influence the subject's moral judgment decision-making process (University of Minnesota, 2003b).

The DIT has become one of the most widely used ways to measure the development of moral judgment, and is often viewed as a user-friendly method of measuring the different stages of Kohlberg's theory (Thoma, 2002b, p. 225). The scoring service and ease of use of the test contributed greatly to its initial acceptance and popularity in the social science field (Thoma, 2002b, p. 234). "At its core, therefore, the DIT is a rating and ranking task which produces a non-stage based index of development" (Thoma, 2002b, p. 226).

But just like the moral reasoning theory of Lawrence Kohlberg, in which the DIT was originally based, the test had its critics. The most common of these criticisms involves the claim that the DIT measures something which is neither developmental nor moral (Thoma, 2002b, p. 234). "More often than not, however, inside the field the DIT

was viewed as a quick and dirty measure of moral reasoning with limited theoretical value” (Thoma, 2002b, p. 233)

But even with criticisms such as these, the DIT has been used in over 500 different studies and the Minnesota Group had collected a sample of over forty-five thousand individuals by the mid-1990s (Thoma, 2002b, p. 238). Yet, even with its acceptance, the Minnesota Group decided to try to improve the DIT by creating a new and improved version of the DIT, which addressed several of the alleged shortcomings of the test.

The new version of the Defining Issues Test is called the DIT-2, and is slightly different from the first version of the test, the DIT-1. The DIT-2 is a shorter, updated version of the DIT, which has clearer instructions, a slightly more powerful validity criterion, and purges fewer subjects for bogus data (University of Minnesota, 2003a). The dilemmas in the DIT-2 are slightly different than those present in the DIT-1. The DIT-1 consists of six dilemmas: (a) Should Heinz steal a drug from an inventor in town to save his wife who is dying and needs the drug?; (b) Should a man who escaped from prison but has since been leading an exemplary life be reported to authorities?; (c) Should a student newspaper be stopped by a Principal of a high school when the newspaper stirs controversy in the community?; (d) Should a doctor give an overdose of pain killer to a suffering patient?; (e) Should a minority member be hired for a job when the community is biased?; (f) Should students take over an administration building in protest of the Vietnam War? (University of Minnesota, 2003b).

The Center for the Study of Ethical Development at the University of Minnesota believes the current version of the test is an improved version because several perceived weaknesses have been addressed to reflect the present day occurrences individuals will better be able to associate with, than those from the previous version which were considered outdated (Thoma, 2002b, p. 240). The DIT-2 consists of five dilemmas: (a) a father contemplates stealing food for his starving family from the warehouse of rich man hoarding food; (b) a newspaper reporter must decide whether to report a damaging story about a political candidate; (c) a school board chair must decide whether to hold a contentious and dangerous open meeting; (d) a doctor must decide whether to give an overdose of pain-killer to a suffering but frail patient; (e) college students demonstrate against U.S. foreign policy (University of Minnesota, 2003a; University of Minnesota, 2003b).

The DIT-2 provides a breakdown of the answer sheets scanned and recorded, and reports the results of the: 1) Developmental Indices, 2) Developmental Profile and Phase Indices, 3) Experimental Indices, 4) Reliability Checks, and 5) Demographic Variables. It provides individual scores and case processing summaries for each of these, organized by the five-digit identification number each respondent is assigned (University of Minnesota, 2003a).

The Developmental Indices include Moral Schema Scores and the N2 score. The Moral Schema scores include Personal Interests, Maintaining Norms, and Postconventional. The Personal Interest score represents the portion of items selected which appeal to Stage 2 and Stage 3 considerations. Maintaining Norms score represents

the proportion of items which appeal to Stage 4 considerations. The Postconventional (P score) represents the proportion of items selected which appeal to Stage 5 and Stage 6 considerations. The N2 score is a combination of the P score and degree to which Personal Interests Items receive lower ratings than the ratings given to Postconventional Interests Items (University of Minnesota, 2003a).

The Developmental Profile and Phase Indices are made up of Consolidation Transition scores, a Type indicator, and a Utilizer Score. The Consolidation Transition score classifies profiles as consolidated, showing evidence of discrimination among two or more schema-typed items, or transition, failing to discriminate between schema-types. The Type indicator measures which of the seven type levels a profile best identifies, based on schema preference and whether the profile is consolidated or transitional. The Utilizer Score (U score) measures the degree of matching between items endorsed as most important and the action choice on a particular story (University of Minnesota, 2003a). The Utilizer Score determines the consistency between an individual's choice of the most important issue in a story and the action the individual believes should be taken.

The Experimental Indices are made up of the Number of "Can't decide choices" score, Humanitarian/Liberalism score, and Religious Orthodoxy score. The Number of "Can't decide choices" represent the decisiveness with which an individual selects action choices on the DIT. The Humanitarian/Liberalism score serves as a substitute for a humanitarian liberal perspective on moral issues. This score counts the number of times an individual's action choice on the DIT matches the highest scoring group. The higher the Humanitarian/Liberalism score, the more matches a respondent records, with the

highest score on the DIT-2 registering at 5. The Religious Orthodoxy score is a sum of the rates and ranks for item 10 Story #4, named *Cancer*. This score takes an issue, which asks, “*Should only God decide when a person’s life should end,*” and assigns it a value on a scale of 9, depending on the way a participant responds (University of Minnesota, 2003a).

The Reliability Checks and additional DIT scores are made up of New Checks total score and Meaningless item check score. The New Checks total score assists in determining whether the respondent’s scores represent moral thinking or are bogus data. The New Checks total takes four problems into account: 1) the problem of random responding, in which an individual’s ratings are checked against their rankings; 2) the problem of missing data, in which blank choices on ratings are evaluated; 3) the problem of alien test-taking sets, in which choices are evaluated to determine if they are made for style rather than meaning; and 4) the problem of nondiscrimination, in which numerous answers do not discriminate. The Meaningless item check score assists in detecting respondents who are trying to fake a high score. “With the DIT, it seems respondents cannot fake high, without also raising their scores on meaningless items” (Coleman & Wilkins, 2002, p. 215). Lastly, the Demographic Variables report the demographic information recorded from the respondents (University of Minnesota, 2003a).

Continuing to convince the field moral judgment could be assessed using the DIT has remained a dominant task on the Minnesota Group’s research agenda (Thoma, 2002b, p. 226). “The Minnesota approach to morality research has been one of the most prolific research traditions in moral psychology, and has been a progressive force in the field and

particularly efficient in suggesting new directions and goals” (Thoma, 2002b, p. 243). DIT research and the Minnesota Group have been instrumental in establishing Kohlberg’s belief in cognitive and developmental moral judgments (Thoma, 2002b, p. 243). Together, they offer the psychology field a theoretical model and research strategy which can help frame future research in the field (Thoma, 2002b, p. 243).

Relationship to this Study

This thesis will use Kohlberg’s theory and the DIT to attempt to measure student’s moral reasoning and judgment, and find any correlations between an individual’s morality and level of participation in online music piracy. The DIT is a proven measurement tool which has been used in hundreds of previous studies, and it is my belief, it will provide reliable results of the small group of individuals it will measure.

CHAPTER 3

REVIEW OF THE LITERATURE

This chapter describes literature relevant to the research purpose of this thesis. This literature review is intended to recognize and outline previous studies which have utilized Kohlberg's Theory as measured using the Defining Issues Test (DIT). This review presents these studies as evidence the DIT is a relevant tool, capable of compiling data for the pilot study in this thesis.

As addressed in Chapter 1, the issue of online music piracy is an extremely hot topic in today's society, and the technology in which it exists is constantly changing. Since online music piracy is such a contemporary topic, the majority of the relevant literature regarding this issue comes from recent sources such as newspapers, magazines, and websites. Unlike other forms of piracy, such as software piracy and piracy of literature which have been around far longer, online music piracy is a relatively new phenomenon. Online music piracy has not yet been thoroughly explored and researched by scholars and researchers to the extent other forms of piracy have been.

The DIT has been used as a data collection instrument in many different studies for many different reasons. It is used as a tool to help researchers measure the moral reasoning and moral judgment of an individual, to the extent an individual has developed them. Moral judgment and moral reasoning can play an important role in the decision

making process of many individuals. When moral reasoning and judgment are assessed, one's moral thinking can be evaluated, and by doing so, we are tapping into the conceptual principles and ideas an individual uses to attempt to analyze and solve social and moral problems (Latif, 2002, p. 177). Understanding what an individual's moral judgments and moral reasoning are can help explain why such individuals choose to engage in different activities, or why they choose to behave in a certain manner.

The DIT has been used to examine and investigate the levels of moral judgment and moral reasoning in which individuals make decisions for a variety of reasons. Previous studies have tried to determine if the age or sex of an individual plays a significant role in their moral reasoning or moral judgment (Al-Ansari, 2002; Coleman & Wilkins, 2002; Latif, 2002). One of the main criticisms of Kohlberg's theory stems from claims of its bias towards males, because women undergo different life experiences, and thus their moral development is different (Woods, 1996, p. 375).

This type of criticism addresses the potential gender biases which can result from using Kohlberg's theory in the analysis of an individuals' moral judgment. In a study regarding online music piracy, sex could be a significant factor when trying to pinpoint how students feel about music piracy. However, studies have found sex does not have a significant effect on moral reasoning and moral judgment. In fact, an analysis of DIT studies found more than 90% of the tests revealed no significant differences between men and women, and when they did, the differences were better explained by differences in educational opportunities (as cited in Coleman & Wilkins, 2002, p. 213).

However, a study conducted by Odell, Korgen, Schumacher, and Delucchi (2000) found males were more likely to listen to and copy music from the Internet than females were. The study measured 853 male and female students from eight colleges and universities, and found 49.6% of males engaged in the listening and downloading of music, while only 26.9% of females engaged in such activities. While this study did not use the DIT, it shows a difference could exist between men and women when studying how they use and manage their time on the Internet.

Coleman and Wilkins (2002) examined the moral development of journalists, using the DIT, and found no significant differences regarding age or sex. Both men and women in the study performed equally, and scored above the average adult (Coleman & Wilkins, 2002, p. 220). Hing-Keung and Wing-Shing (1987) examined the moral judgment of 168 Chinese men and women using the DIT, and found no significant differences according to sex. Al-Ansari (2002) examined the moral reasoning of 189 students at Kuwait University and found no significant differences according to sex. The previous studies of Ma and Leng and Gielin (as cited in Al-Asari, 2002) were validated by Al-Ansari's study which suggested there was no gender effect on the students' moral reasoning (Al-Ansari, 2002, p. 79).

There was however a study which disputes and questions these findings. Using the DIT, Latif (2002) examined the moral reasoning of first-year pharmacy students in the United States and found students' moral reasoning differ significantly according to sex. In this study, Latif (2002) found female students scored higher on the DIT. The results Latif (2002) gathered also supported a theory developed by James Rest, a

developer of the DIT (as cited in Latif, 2002, p. 181). Like Rest, Latif (2002) found from the sample, the students who attended the universities located in the northern states scored significantly higher than students from the universities located in the southern states. A finding such as this could have implications on the results of further DIT studies, depending on whether the studies measure students located in northern or southern states.

If a significant difference between the perceptions of online music piracy in men and women can be established, important principles could be developed which could assist an online music piracy study or studies regarding other related topics. Also, if the moral reasoning of students were proven to be directly related to their geographic location, further research could be developed which could target specific regions and locations in the United States. This research could measure the perceptions of individuals as well as assist others in devising ways of influencing such perceptions.

The DIT has not only been used as a research tool to measure an individual's moral judgment and moral reasoning. It has also been used to evaluate and analyze the effect something has on the moral reasoning of an individual (Fincham & Barling, 1979; Olejnik & LaRue, 1980; Smith, Strand, & Bunting, 2002; Vozzola & Higgins-D'Alessandro, 2000; Zarinpoush, Cooper, & Moylan, 2000). Fincham and Barling (1979) examined the effect of alcohol consumption on moral reasoning using the DIT, and found alcohol had no significant effect on moral reasoning. Olejnik and LaRue (1980) studied the effect of temporary mood states of students on their moral reasoning, and found students in a positive mood performed significantly higher than other students. The study

suggested positive and negative moods affect moral reasoning in students. Zarinpoush, Cooper, and Moylan (2000) also examined the effects of mood on students' moral reasoning using three different variations of the DIT, and found, in general, happy students performed more poorly than other students. The study also determined the mood of the students does in fact have an effect on their moral reasoning (Zarinpoush, Cooper, & Moylan, 2000, p. 409).

Smith, Strand, and Bunting (2002) examined the effect of a 15-week outdoor experimental program on the moral reasoning of 196 students. The study found the students registered higher principled moral reasoning scores than students who did not participate in the 15-week program. However, while the students enrolled in the experimental program scored higher than other students, the relationship between the two sets of participants was not clear-cut (Smith, Strand, & Bunting, 2002, p. 279). Thus, the study acknowledged more research needed to be done in order to further solidify these findings (Smith, Strand, & Bunting, 2002, p. 279).

Vozzola and Higgins-D'Alessandro (2000) examined the effect of moral reasoning on affirmative action hiring decisions using a hypothetical hiring scenario in the DIT. This study found moral reasoning played a significant role in the hypothetical affirmative action hiring decision presented to the participants. For the most part, participants based their decisions on the issue of justice and fairness, as it relates to affirmative action hiring. The study determined the moral reasoning of the participants would probably dictate their actions if it were not for their university's hiring policies (Vozzola & Higgins-D'Alessandro, 2000, p. 143).

Other studies which have employed the DIT have chosen not to investigate the effect something has on an individual's moral judgment and moral reasoning, but rather if a relationship exists between moral reasoning and something else (Hult, 1979; Bouhmama, 1988; Cartwright & Simpson, 1990; Laird, 2003). Hult (1979) examined the relationship between the moral reasoning and ego identity of 80 female college students using the DIT. Hult found identity achievers displayed significantly higher patterns of moral judgment. The study concluded there is a relationship between identity status and moral reasoning in women attending universities (Hult, 1979, p. 206).

Bouhmama (1988) examined the relationship between moral judgment and the formal education of 90 Muslim students in the United Kingdom using the DIT. The study found there was no significant difference in moral reasoning between students according to their education level. However, this study suggested the lack of a significant relationship could have been due to previous studies which suggest individuals' religious beliefs override their moral judgment (Bouhmama, 1988, p. 157).

Cartwright and Simpson (1990) examined the relationship between moral judgment and the teaching effectiveness of 53 student teachers. This study found there was no significant relationship between a particular score on the DIT and the performance grade of a group of student teachers. Laird (2003) examined the relationship between 102 abortion student activists and non-activists and found activists displayed a significantly larger number of principled moral issues than non-activists.

The significance of studies such as these lies in their attempt to measure the relationship between an individual's moral reasoning and judgment and his/her interest,

hobbies, or lifestyle. These studies show the DIT could potentially be used to measure any significant differences between people with similar interests, hobbies, and lifestyles, and those who choose not to engage in the same manner. This is relevant to this thesis, as it attempts to determine if there is any relationship between individuals' moral judgments and their involvement in online music piracy.

Almost all of these studies utilized the DIT to measure targeted individual's moral reasoning and moral judgment for a wide variety of reasons. While none of these studies address online music piracy directly, they all deal with components which made up the pilot study of this thesis. Whether they measured individual's moral reasoning or the effects something has on a student's moral judgment, these studies all provided a basis for the pilot study of this thesis.

CHAPTER 4

THE STUDY

Purpose of the Study

This thesis aimed to address the issue of online music piracy on college campuses in the United States by outlining its progression and development, examining the perceptions of a small group of students attending the University of North Texas (UNT), and undertaking a pilot study attempting to discover whether or not there is a correlation between individuals' moral judgment and reasoning and the level of their involvement in online music sharing.

As the author of this thesis, who also serves as the researcher, I was interested in discovering what students' personal feelings towards online music piracy were, why they did or did not engage in online music piracy, and the role, if any, morality played in their decisions. Colleges and universities have a vested interest in online music piracy, as students who use university resources to engage in file sharing activities open up the university to security breaches, actions from copyright holders, and the misuse of resources intended for educational use.

The goals of this thesis were: 1) to outline the history and technology regarding online music piracy and its appearance and growth in the university environment; 2) to outline the recording industry's efforts to combat online music piracy and discuss the

results of its actions; 3) to determine what the attitudes and perceptions toward online music piracy were by a small group of college students; 4) to compare the attitudes and perceptions of students toward online music piracy with the recording industry's concerns and approach toward online music piracy on college campuses; and 5) to determine if there was any correlation between the morality of an individual and his/her views about online music piracy.

This thesis also conducted industry-based analyses detailing policies, findings, and established statistics of online music piracy. This thesis could serve the author of this thesis, colleges and universities, and the recording industry as a starting point for expanded research. This study will serve as a pilot study to identify issues and determine if a larger study could be warranted.

Colleges and universities will be able to analyze some of the responses from students in the focus groups, allowing them to get a sense of the way a small group of students personally felt about online music piracy. This could assist a college administrator or professor in conducting further research in hopes of determining how college students view online music piracy. Ultimately, courses or educational programs could be developed to address online music piracy concerns.

Likewise, the recording industry could use further study in this area to gain a better understanding of students' attitudes toward music piracy. A new approach could possibly have a more positive widespread effect on online music piracy. An approach which deals with the concerns of students and individuals could be more widely accepted than the heavy-handed approach which is currently being used.

Research Questions of the Study

The research questions of this thesis were:

1. What are students' attitudes toward online music piracy in colleges and universities?
2. How do students feel about the RIAA and the measures being taken to combat online music piracy?
3. Does students' rationale for committing online music piracy involve confusion between the concepts of "sharing" and "stealing"?
4. How do the measured morality judgment characteristics of individuals relate to the state of their involvement in online music file sharing?

Methodology of the Study

The focus groups in this research included three groups of six to nine student volunteers, which allowed for personal assessments, reactions, and comments to be collected from individual students. The student volunteers were from the Department of Radio, Television, and Film, College of Business, and School of Music at the University of North Texas. These departments are representatives from the College of Arts and Sciences, College of Business Administration, and College of Music, respectively, which account for approximately 65% of the students enrolled at the University of North Texas. The focus group with College of Business majors was held on Thursday, April 15, 2004 at 3:00 p.m. The focus group with Radio, Television, and Film majors was held on Monday, April 19, 2004 at 3:00 p.m. The focus group with College of Music majors was

held on Tuesday, April 20, 2004 at 4:30 p.m. This study did not claim validity as being representative of the colleges and universities in the United States, nor of students from the University of North Texas. It simply was designed as a pilot study to evaluate the potential of measuring the moral reasoning of online music sharers. The researcher felt students from the three schools represented an adequate cross-section of students for a pilot study.

Because this thesis is using the focus groups as part of a pilot study, which is not meant to be a representative sample of students at the University of North Texas, I chose to use a sample of convenience, rather than a purposive sample. The student participants in this study were selected using a snowball sampling approach. In applying the snowball effect, the researcher asked several individual students to participate in the focus group. After receiving their acceptance to the invitation, the researcher requested they bring along 1-2 friends or fellow students from within their same college or major.

Each person who participated in one the focus groups was given a name tag with a five-digit pre-assigned identification number already displayed. This five-digit pre-assigned identification number coincided with the number on the test instruments each participant was given. The number was used to ensure the survey and Defining Issues Test-version 2 (DIT-2) were associated with the same participant. The participants were then reminded the discussion section of the focus group would be audio recorded for transcription purposes. The researcher indicated to the participants exactly where the audio recording equipment was located.

The participants were then each presented with an information letter (see Appendix H) which explained in detail how the data collected during the focus group session would be used. They were also informed of their rights as research participants, and how to contact the UNT Institutional Review Board (IRB) or myself, if they had any future questions or concerns. The information letter explained to the participants the discussion session would be recorded, but only for the purpose of transcribing and providing individual quotes for the thesis work. The information letter stressed no names would be used in the thesis and the audio recording from the focus group would not be physically included with the thesis work, nor publicly played at the thesis defense or any other form of public performance.

The participants were then given the survey regarding music piracy (see Appendix A) and asked to answer the questions as honestly as they possible could. The survey contained instructions which informed individuals the survey was designed to measure their perceptions regarding online music piracy and informed them their answers were voluntary and would remain anonymous. The survey was comprised of various statements regarding online music piracy and the participants were provided a Likert Scale and asked to rank the level to which they agreed or disagreed with the statements. Each statement included a Likert Scale with the options of 1) Strong Agree, 2) Agree, 3) Undecided, 4) Disagree, and 5) Strongly Disagree. The participants were asked to place a check mark next to the answer which best represented their personal feelings or attitudes toward a particular statement.

Participants were then issued the DIT-2¹. The DIT-2 is a device for activating moral schemas to the extent a person has developed them, and for assessing them in terms of importance judgments (University of Minnesota, 2003a). The DIT-2 contained dilemmas, fictional stories, and questions which presented the participants with a means of rating and ranking the items in terms of their moral importance.

After the DIT-2 had been conducted, the researcher moderated a discussion with the participants regarding their feelings and perceptions toward online music piracy, anti-piracy tactics, and where they saw the issue of music piracy in the future. After the discussion period was concluded, the focus group was adjourned. The Defining Issues Tests were then sealed in an envelope and sent to the Center for the Study of Ethical Development at the University of Minnesota for coding. After the coding of the DIT-2 had been completed, the Center for the Study of Ethical Development at the University of Minnesota returned a diskette and paper report to me by mail.

I then recorded the results in an electronic database software program called SPSS[®] 12.0 for Windows[®]. This software program allowed me to perform a statistical analysis of the survey results. The DIT-2 results were then compared to the online music sharing survey results, using the SPSS 12.0 for Windows software. Correlations between the two tests were identified which could indicate links between the moral judgments of a respondent and his/her perceptions and attitudes toward online music piracy.

¹ For a complete version of the DIT-2, please contact the University of Minnesota Center for the Study of Ethical Development, 206A Burton Hall, 178 Pillsbury Drive SE, Minneapolis, MN 55455.

Potential Problem Areas in the Study

As author of this thesis, I acknowledge there were potential problem areas which could arise during the research of this thesis. One such area could have been the information and data compiled from the DIT-2 and the focus groups. This data was solely dependent on the accuracy and honesty of the participants who ranked, rated, and answered the questions and statements on the survey and DIT, and participated during the discussion.

In the event participants were reluctant to provide accurate or honest answers, the results of the tests would not have been indicative of the participant's true feelings or perceptions of online music piracy, which would definitely skew the results. This would complicate interpretations of correlations between moral judgment and students' perceptions of online music piracy. Also, as stated before, the main purpose of this study was to serve as a pilot study to test and determine if a larger study would be viable. This limits the results from this study to evaluating the practicality of the methodology.

However, even with these potential problems, the author of this thesis believes the topic of this thesis, and research methods undertaken to attempt to answer the research questions of this thesis, were sufficient to arrive at conclusions which could be used in further research by myself and others.

CHAPTER 5

RESULTS AND ANALYSIS OF FINDINGS

Results of the Study

The three focus groups used in this research study were comprised of a total of twenty-two students, with a total of ten male student participants and twelve female student participants from three different campus schools. The Radio, Television, and Film (RTVF) focus group included a total of nine students (3 males, 6 females). The Music focus group included a total of six students (5 males, 1 female). The Business focus group included a total of seven students (2 males, 5 females).

The pilot study used in this thesis aimed to address four questions regarding online music piracy in colleges and universities. Research question #1 asked, *What are students' attitudes toward online music piracy in colleges and universities?* This question was primarily concerned with students' personal feelings regarding online music piracy and the reasoning they had for engaging in online music piracy.

The Online Music File Sharing Survey administered to the participants found the majority of the students (15 out of 22) had participated in file sharing of copyrighted music online. Of the fifteen students who indicated they had participated in online music piracy, only one student indicated she provides copyrighted music for others to

download. The majority of the students only downloaded files. The majority of student participants (15 out of 22) felt it was acceptable to download a copyrighted song from the Internet for free, while three students were undecided. However, half of the student participants (11 out of 22) indicated they felt it was unacceptable to download an entire music album from the Internet for free, while two students were undecided. This could indicate students do not have a completely care free attitude regarding online music piracy, and though they may actively engage in the act, they do draw the line at some point.

But the perception of some students changed slightly when asked about music they had previously purchased. The majority of student participants (13 out of 22) indicated they felt it was acceptable to illegally download an entire music album of a CD they previously bought, but had lost or damaged. Although this act remains a form of online music piracy, the reasoning of the students seems to indicate they believed they should continue to have ownership of the music they purchase, even if they no longer own the physical medium in which it was originally distributed.

While student participants believed engaging in online music piracy was acceptable and justifiable in some cases, some students in this study did realize participating in such activities could eventually lead to trouble. Over half of the student participants (12 out of 22) indicated participating in file sharing networks could ultimately lead to their actions being uncovered and having lawsuits filed against them by copyright holders. The results lend themselves to an assumption indicating, while the

majority of students felt illegally acquiring music online definitely poses a risk, they still felt it was acceptable to engage in such an act.

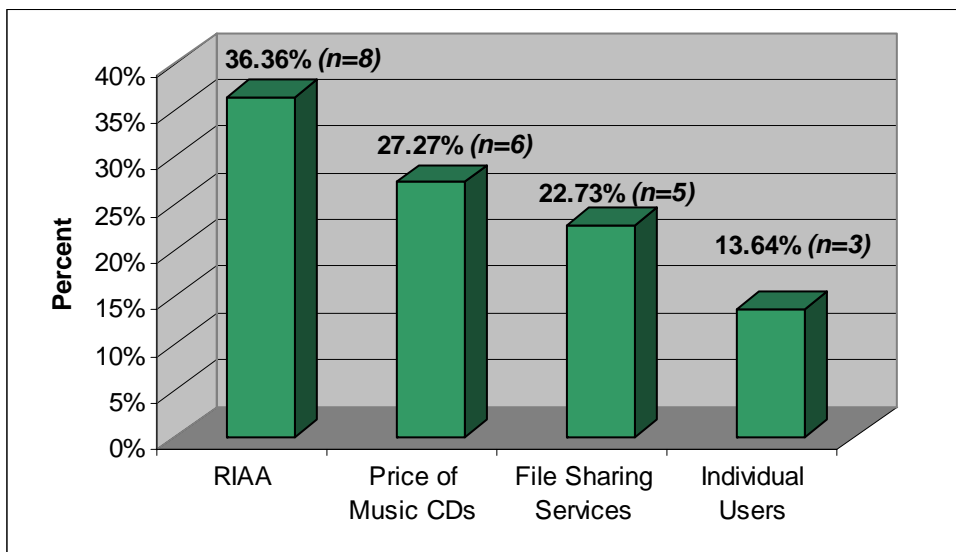
Research question #2 asked, *How do students feel about the RIAA and the measures being taken to combat online music piracy?* This question was primarily concerned with students' attitudes toward the recording industry and their individual opinions on the tactics the recording industry is using to stop online music piracy.

The majority of the student participants (14 out of 22) felt they were well informed about the legal battles being waged between the Recording Industry Association of America (RIAA), individual file sharers, and file sharing services. This possibly suggests the majority of the student participants knew what had been going on, and could make a valid assessment of their feelings toward the recording industry. The majority of student participants (14 out of 22) indicated the cost of CDs had forced individuals to rely on illegal methods of attaining music. Three-fourths of the student participants (17 out of 22) felt individuals should not be sued for engaging in the illegal sharing of copyrighted music on the Internet. This might indicate the majority of the students in this pilot study felt they are not to blame for the current state of piracy, and thus should not be held legally responsible.

When responding to questions dealing with the recording industry itself, the students shared mixed feelings. Most of the participants in this study seemed to harbor negative feelings toward the RIAA. These negative feelings might stem from the RIAA's tactic of filing subpoenas and suing individuals for engaging in online music piracy. As is shown in Figure 5.1, the majority of student participants blamed the RIAA for the current

state of online music piracy. Thirty-six percent of the student participants ($n=8$) believed most of the blame deserved to be placed on the RIAA, twenty-seven percent of student participants ($n=6$) believed the price of music CDs was to blame, twenty-three percent of all student participants ($n=5$) believed most of the blame should be placed on the file sharing services, and only fourteen percent of the student participants ($n=3$) believed individual users were to blame. The majority of students (13 out of 22) also indicated they believed the claims of the RIAA are being exaggerated in its fight against online music piracy. The results suggest the student participants in this pilot study have negative feelings toward the recording industry, along with mistrust in the issues the recording industry addresses.

Figure 5.1
Who or what deserves most of the blame for online music piracy?



When addressing the measures being taken to combat online music piracy, the student participants had reserved feelings as to the effectiveness of these tactics. The majority of students indicated they believed the subpoenas and lawsuits by the RIAA

would have no long term, if any, effect on the amount of copyrighted music shared illegally online. According to the student participants in the focus groups, the RIAA's campaign designed to educate individuals about the harmful effects and seriousness of online music piracy, and persuade them to refrain from illegal file sharing, had not been successful. The majority of the student participants (14 out of 22) indicated the recent publicity surrounding online music piracy had not changed their views regarding illegal file sharing and fair use of copyrighted material.

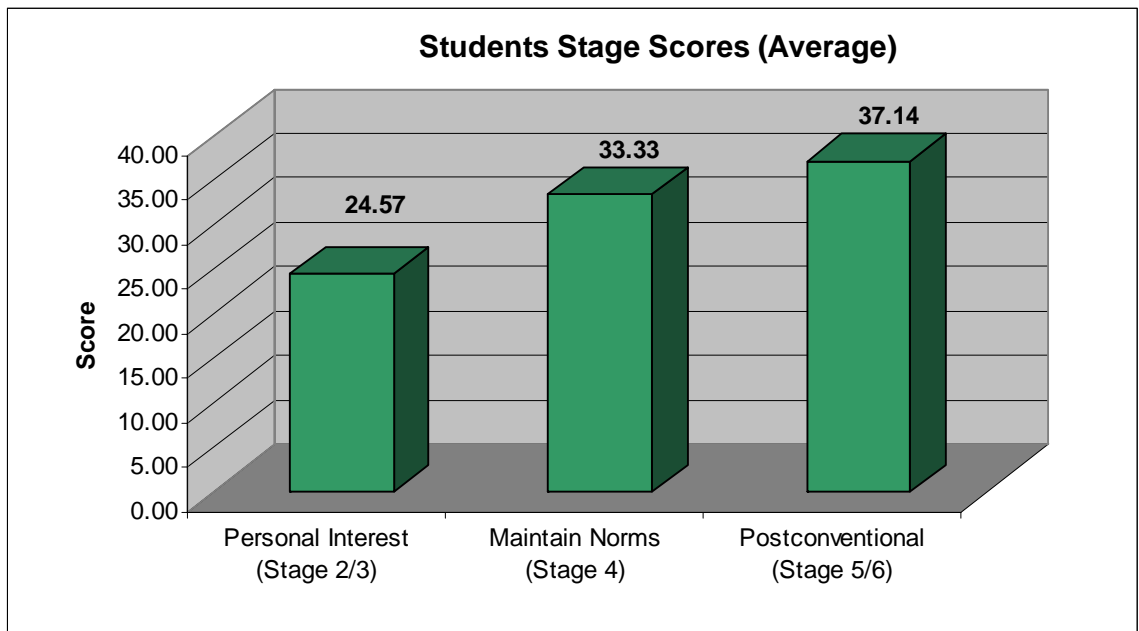
Research question #3 asked, *Does students' rationale for committing online music piracy involve confusion between the concepts of "sharing" and "stealing"?* This question was aimed at determining whether students classify online music piracy as stealing. Students could believe because online music piracy does not involve taking a physical object from a store, it is not a form of stealing. The majority of student participants (13 out of 22) indicated they believed illegal file sharing of copyrighted music was a form of stealing. This distinction will be discussed in greater detail later in this chapter and in Chapter 6 when Kohlberg's theory and the DIT are applied.

Research question #4 asked, *How do the measured morality judgment characteristics of individuals relate to their involvement in online music file sharing?* Research question #4 used the Defining Issues Test (DIT), a research tool used for stimulating and measuring an individual's moral schemas, or mental patterns. The DIT presents an individual with dilemmas, questions, and statements, and uses a Likert scale so a subject can rate and rank the items in terms of their moral importance. After the DIT tests were analyzed and results were calculated by the University of Minnesota's Center

for the Study of Ethical Development, the answers of one female student were purged because the student's total score was unusually high, which suggested she had provided bogus data.

While addressing research question #4, this pilot study was interested in determining which of Kohlberg's stages the student participants mostly used. The DIT provided three sets of scores which were representative of moral reasoning at particular stages of Kohlberg's theory (see Figure 5.2). These scores were not based on a scale, but rather indicate the portion of items a participant selected. The higher the score, the larger the portion of items selected.

Figure 5.2
Student Average Stage Scores



The Personal Interest score represents the portion of items selected which appeal to Kohlberg's Stage 2 (Personal Reward Orientation) and Stage 3 (Good Boy-Nice Girl Orientation). Kohlberg's Stage 2 suggests an individual performs morally in order to

receive rewards and gain benefits, while Kohlberg's Stage 3 suggests an individual performs morally to maintain trust and gain social approval from others. In this pilot study, the student participants recorded lower average Personal Interest scores (24.57) than in either of the two other Kohlberg stage measuring scores. This means, as a whole, student participants referred little to moral reasoning indicative of someone at stages 2 and 3 of Kohlberg's theory.

The Maintaining Norms score represents the proportion of items which appeal to Kohlberg's Stage 4 (Law and Order Orientation). Individuals at this stage usually conform to authority in order to avoid guilt or censure. A high Maintaining Norms score would suggest an individual mostly uses Stage 4 when conducting moral reasoning. In this pilot study, students were measured as having an average Maintaining Norms score of 33.33.

The Postconventional score (P score) represents the proportion of items selected which appeal to Kohlberg's Stage 5 (Social Contract Orientation) and Stage 6 (Universal Ethical Orientation). Kohlberg's stage 5 suggests when reasoning morally, an individual exhibits concern for the protection of the rights of the minority, while Kohlberg's stage 6 suggests when reasoning morally, an individual has universal compassion and respect for human personality and dignity. In this pilot study, the student participants recorded higher average Postconventional scores (37.14) than in either of the two other Kohlberg stage measuring scores. However, there were indications throughout the DIT which suggested the student participants often reasoned across the different stages of Kohlberg's theory.

Gender Difference in this Study

As mentioned before, this pilot study included 12 female participants and 10 male participants. In this pilot study, the results of the female participants indicated they were more likely to engage and approve of online music piracy than their male counterparts. A larger percentage of female students (75%) indicated they participated in file sharing networks more than male participants (60%). More female student participants also felt it was acceptable to download a single song (83%) or an entire album (50%), than their male counterparts who felt it was acceptable to download a single song (50%) or an entire album (30%).

Both sexes felt they were well informed about the legal battles being waged between the recording industry, file sharing networks, and individual users, and both similarly felt they could be sued by the RIAA for engaging in the sharing of copyrighted music online. However, when it came to the point of responsibility, male students took less responsibility for their involvement in online music piracy than female students. A larger percentage of male students (90%) felt individuals should not be sued by the recording industry than did female students (67%). More male students (80%) felt the price of CDs caused individuals to engage in online music piracy, than did female students (50%). Also, nearly the same percentage of female students (58%) and male students (60%) believed the RIAA was exaggerating the effect online music piracy has on the industry. Male students indicated they were much more likely than female students to allow their personal feelings toward the recording industry influence their decision on whether or not to engage in online music piracy.

In this pilot study, one of the most significant observations between the two sexes was more male students (70%) than female students (50%) believed online music piracy is a form of stealing. This indicated approximately 25% of the female participants who think online music piracy is a form of stealing, have engaged in the act anyway. This is further supported by the female participants' responses on the issue of synchronization of their moral beliefs and actions. A larger majority of male student participants (90%) than female student participants (50%) indicated their actions were consistent with their beliefs. This might explain why 33% of the female students believe online music piracy is wrong, yet still engage in the act.

On average, male students recorded higher Personal Interests scores (29.00 to 20.55) and Postconventional scores (39.60 to 34.91) than female students, while female students recorded higher Maintaining Norms scores (37.82) than the male students (28.40) in this study. This means, as a whole, the female student participants reasoned at Kohlberg's Stage 4 (Law and Order Orientation) more than male students. Male students reasoned more at Kohlberg's Stages 2 (Personal Reward Orientation), Stage 3 (Good Boy-Nice Girl Orientation), Stage 5 (Social Contact Orientation), and Stage 6 (Universal Ethical Orientation) than the female student participants in this study. While the results certainly show differences and similarities between male and female students, they are very minor, and thus should be tested more thoroughly in a larger study.

Differences in this Study regarding Major/Degree of Students

The pilot study used in this thesis was split into three focus groups comprised of students whose degree/major concentrations were RTVF, Music, and Business. In this pilot study, a higher percentage of RTVF students (89%) were more likely to engage in online music piracy, than both Music students (50%) and Business students (57%). This could be due to the results which indicated a smaller percentage of RTVF students (33%) felt they could possibly be sued by the RIAA, than both Music students (83%) and Business students (57%).

A higher percentage of RTVF student participants felt it was acceptable to download an individual song and an entire album than both Music and Business student participants. This could be a product of the result which indicated more RTVF students (78%) felt individuals were forced to engage in illegal file sharing because of the costs of CDs, than both Music students (67%) and Business students (43%). The results of this pilot study suggest RTVF students felt the RIAA deserves most of the responsibility for the effects of online music piracy. Not one RTVF or Business student participant indicated they believed an individual should be sued by the RIAA for engaging in piracy, while a small percentage of Music students (17%) believed individuals should be sued.

While a small percentage of both Music students (33%) and Business students (29%) believed the RIAA's claims regarding online music piracy, and felt subpoenas would eventually help decrease the amount of online music piracy, RTVF students felt entirely differently. Not one RTVF student in this pilot study indicated they believed the RIAA's claims of piracy represented a huge problem, nor did any of the RTVF student

participants indicate they believed subpoenas would decrease the amount of online music piracy.

A significantly lower percentage of RTVF students (33%) felt online music piracy was a form of stealing, as opposed to the majority of Music students (83%) and Business students (71%). This might explain the reason larger percentages of RTVF student participants in this study were more accepting of online music piracy. Every Music student participant in this study indicated his/her beliefs were consistent with his/her actions, while significantly lower percentages of RTVF students (56%) and Business students (57%) felt the same way. This suggests the majority of the responses from the three groups of students were indicative of the students' actions if confronted with a situation similar to those in the DIT.

In this pilot study, Music student participants recorded the highest average on Personal Interest scores (29.33), while Business students recorded the lowest average scores (22.29), which were only a little less than RTVF students (23.00). These scores suggest Music students in this pilot study were detected by the DIT as reasoning at Kohlberg's Stages 2 (Personal Reward Orientation) and 3 (Good Boy-Nice Girl Orientation) more often than both RTVF and Business students. Business student participants recorded the highest Maintaining Norms score (38.29), followed closely by Music students (37.33), and lastly RTVF students (26.00). These scores suggest Business students in this pilot study were detected by the DIT as reasoning at Kohlberg's Stage 4 (Law and Order Orientation) more often than both RTVF and Music students. RTVF students recorded the highest average P scores (42.75), followed by Music students

average P score (35.08), and Business students average P scores (32.09). These scores suggest RTVF students in this pilot study were detected by the DIT as reasoning at Kohlberg's Stages 5 (Social Contact Orientation) and 6 (Universal Ethical Orientation) more than both Music students and Business students. However, the DIT measured these three groups of students as not clearly discriminating between the Personal Interests, Maintaining Norms, and Postconventional scores, which means no matter which stage they were currently measured in, they could easily shift toward Kohlberg's other stages in the future.

CHAPTER 6

DISCUSSION AND CONCLUSIONS

Discussion of the Study

The main purpose of this study was to determine what the attitudes and perceptions of online music piracy were among a small sample of students from the University of North Texas. In this pilot study, the online music file sharing survey was successful in gathering information on each participant's history regarding online music piracy, and gathering a broad view of students' levels of knowledge and degree of opinions toward online music piracy related issues. The Defining Issues Test (DIT) allowed students' moral reasoning to be compared to their attitudes toward, and involvement with, online music piracy.

The focus group sessions allowed for the gathering of the students' individual positions on online music piracy related issues, which could clarify the survey data. For the purpose of this thesis, and to protect each focus group participant's identity, the students in the focus groups have been given pseudonyms.

The results from the online music file sharing survey indicated the majority of the students have engaged in online music piracy by participating in illegal file sharing networks. This was the case, even though the majority of the students were aware they

were committing an illegal act, and could possibly be sued for such actions. The students' reasoning behind their continued involvement in online music piracy, despite their knowledge, was revealing.

Reasoning for Online Music Piracy

Based on the evidence discovered in this study, individuals' reasoning for engaging in online music piracy could be due to a wide range of issues and circumstances. One of these issues could indicate individuals view piracy as a victimless crime. During the focus group sessions, Courtney, a Business female student, felt while committing such an act is illegal, she didn't view it as a big deal. "I don't think it's just that big of a deal." Ryan, a Music male student, shared the same sentiments as he attributed students' rationale for piracy being due to the price and ease of engaging in online music piracy. "[I]t's cheap...and it's easy." Illegal file sharing's lure as a convenient and cheap resource for a variety of music seems to serve as a viable rationale for disregarding its illegality. Trevor, a RTVF male student, indicated his rationale for piracy is based on the amount of music downloaded. "Getting one or two songs to see if you like someone is like going to the store and flipping through a book, and say, oh, I like the Picasso, let's go see what I can find."

Besides the idea of being a victimless crime, the convenience the Internet presents also is a possible reason individuals engage in online music piracy. William, a Music male student, felt the convenience served a valued purpose for those in pursuit of music. "...[I]t's a lot faster than having to go somewhere and buy a CD." Brandon, a Music male student, was also intrigued by the convenience online music piracy provided. "...[Y]ou

can get all of the songs you want, and you don't have to buy the entire crappy album.” The illegality of the act also didn't matter to Nicole, a Business female student, who felt the reasoning behind piracy was its convenience. “It's a convenience thing...you don't have to go get it. It's at your house in like five seconds.” Chloe, a RTVF female student, believed one of the reasons individuals download music is because they go through a phase of sharing copyrighted music simply because it is convenient and easily available. “I think everybody goes through a phase, through phases...I had that phase where I downloaded everything, you know, sample stuff[.]”

Compared to other media, the Internet is a fairly new technology, and is probably the least regulated of all media. This basic unregulated haven has a mystique about it which could be viewed as a place where hidden treasure and uncharted territory reside. Unlike television and radio, there is no set of huge corporations which make all the decisions as to what will be shown or broadcast. The Internet is available to anyone who wishes to display or broadcast almost anything. Because of this, material which could never be seen or heard on other media might wind up on the Internet. Jason, a RTVF male student, felt online music piracy allows individuals to attain different types of music, in which they would have no other means in which to gain access. “...[T]hat's one of the only ways that you can find stuff overseas a lot of times[.]”

The study used in this thesis did not focus on the idea of the act of sharing being the sole reason for engaging in music piracy. However, the results of the focus groups indicated maybe the Internet's open environment and file sharings' community-like approach could be perceived as another major reason individuals choose to share

copyrighted music online. The feeling one may receive from being part of a community, or a collective set of individuals who share common interests, could make individuals want to engage in online music piracy, regardless of illegality. Olivia, a RTVF female student, felt networking together with other individuals is what made file sharing of copyrighted music attractive. "...[I]t's the whole building a good of a community. I have it, let me make it available."

The results in this study also suggest the resources of colleges and universities do add to the problem of online music piracy. Because some universities provide students with extremely fast Internet connections, students can use their connections for online music piracy. Brooke, a RTVF female student, indicated she only started engaging in the sharing of copyrighted music because she was provided the technology which made this possible. "I didn't download stuff until I got to college and my Internet was high speed...now I have dial-up, so... that takes, you know, less time to go to the store and buy the CD, then to download one song." But this is not to say colleges intentionally harbor known pirates or purposefully refrain from taking into account the way their university resources are being used.

Just because an individual is presented with all the tools to engage in illegal file sharing, it doesn't mean they will automatically do so. A small minority of students in this study were totally opposed to online music piracy and illegal file sharing. Beth, a Business female student, felt piracy was a big deal and it causes serious financial harm. "...[I]f y'all were really educated on this subject though, you would realize that million of dollars are lost a year...it's a very significant amount of money." Others may not share

Beth's strong sentiments, but rather the Internet's lure of free material just might not interest them.

Individuals Personal Feelings toward the RIAA and Online Music Piracy

This pilot study found the majority of the student participants believe the RIAA is mostly to blame for the current state of online music piracy. The majority of the student participants also indicated they possess a great mistrust in the recording industry as a whole, and refuse to believe claims the recording industry makes regarding the problems online music piracy has caused.

The results of this study could be viewed as indicating student participants have little respect for the RIAA and its claims, and may view online music piracy as a means of liberating themselves from the clutches of the music industry. Chloe indicated she basically doesn't trust the RIAA or any of the statements they publicly make. "I don't trust anything the RIAA says." Chloe ultimately had harsh words for the recording industry and the claims they make and tactics they use against file sharers of copyrighted music. "...[J]ust because you're an old white man, and you don't want to lose your billions of dollars, don't tell me, try to guilt me into buying your music."

Chloe shared the same feeling as many of the other individuals, in which they believed the RIAA is exaggerating the financial harm to the recording industry. Brooke said, "This whole thing about this fear of, you know, being able to download music ruining the industry. To me, it's the same hype as when being able to make mix tapes came out, and all of the sudden you could make a tape on your own at home, and oh my God, that was going to destroy the music industry[.]"

The pilot study indicated the majority of the participants believed the large number of lawsuits filed by the RIAA will not have any type of long term effect on online music piracy. The results also presented in this study showed the publicity surrounding online music piracy and the RIAA tactics against piracy were not having an effect on the majority of the student participants. Ryan felt the RIAA will never be able to stop music piracy, no matter how many people it sues. He suggested history is on the side of the file sharers. “I saw Napster[®] get shut down and then people are still downloading shitloads of music...there’ll just be another way to get around it. They’ll be more different laws, but they’ll still be another way to get it.”

William basically shared the same belief. Although he felt some people will stop, technology will always be one step ahead. “I think more people will stop, but...it will get worse, just 'cause more platforms that are more advanced will be out there, and be used to get the information.” Melissa, a Music female student, believed it would be impossible to stop all online music piracy. “...[T]hey’re not gonna be able to stop all of it, they can stop some of it[.]” Trevor felt the recording industry is fighting a losing battle against file sharers by filing lawsuits, and he believed it definitely won’t work. “...[T]hey’re not making any of their money back, they’re probably spending more money on their attorney’s[.]”

Software companies have been fighting piracy much longer than the recording industry, and to this day, have yet to stop software piracy. The recording industry has used, and will probably continue to use, scare tactics against individuals. This could

cause people to become more cautious, or cause some individuals to stop sharing copyrighted music altogether.

But no matter whether the recording industry's tactics are working or not, they are not winning the RIAA many new friends. The participants in this study seemed to believe the subpoenas and lawsuits were not only useless, but possibly a bad idea. Courtney believed the individual subpoenas are wrong because of the bias she perceives they carry. "...[T]hey're just picking any random people, like, that they want to pick, they're not like starting with the highest and going down to the lowest, or going with, like, a certain group, like, they're just picking random people[.]"

Chloe felt online piracy does not pose a huge threat to the recording industry, and there will always be people who will find one way or another to get music for free. "I think there will always be computer geeks around, who are going to want to do this stuff and participate and that's great...I don't think it'll ever be to such an extent where it really does present such a viable threat[.]" Ryan indicated he has no sympathy for the recording industry or their efforts to curtail online music piracy. "...[Y]ou're stealing from these people who are going to make millions off anyway. It's kind of hard to feel sorry for them."

However, Nicole felt the RIAA tactics are working because, due to the massive number of lawsuits the RIAA has filed, she is afraid to continue illegally downloading copyrighted music. "I'm scared to download now because, I don't want to get sued, whereas if they were going after the companies, I wouldn't care[.]" Aaron, a Music male student, believed the legal alternatives to illegal file sharing are very cheap and

convenient. "...[Y]ou can just download a single song if you like it, without having to buy a twenty dollar CD. You know you can just pay the dollar, and have the one, one song you really want legally." Trevor himself no longer uses illegal file sharing services, and makes use of legal services, like Apple Music Store, to download the music he wants. "I use the Apple iTunes...to find a song, and then download the song, and things like that."

Sharing or Stealing

The pilot study indicated although individuals are not technically taking a physical item from a store, the majority of the participants in this pilot study felt engaging in the illegal file sharing of copyrighted music online remains a form of stealing. There are several ways the participants interpreted the word "stealing" in this study, as opposed to the word "sharing". Olivia felt file sharing of copyrighted music is not stealing because she's not taking money away from anyone. Olivia claimed she would not purchase music even if there were no means of attaining the music for free. "...[T]he people, they're not losing money off of me because I wasn't going to purchase it anyways." Chloe also felt it's not stealing because no one is losing money from her because she downloads things she had no intention of purchasing. She claims she will purchase anything she really likes. "...[I]f it's music or a band or show or anything that I want to invest in...then I'll go out and buy the DVD or I'll buy the CD."

One of the student participants in this pilot study rationalized his involvement in online music piracy by suggesting the quantity an individual chooses to download determines whether the act is stealing or not. Trevor felt illegal file sharing of

copyrighted materials is only a form of stealing if you do so in mass quantities. "...[I]t's an act of stealing, so much if you're grabbing a whole CD, but if you're trying to get exposed to something, so that you can describe what you like, I think that's a different situation." Trevor represented the majority of individuals in this study, who indicated it was acceptable to download a single song for free, but unacceptable to download an entire music album for free.

Others may feel online music piracy is not stealing because somewhere along the way someone, if not everyone, receives financial gain. Courtney felt it's not stealing because individuals are usually already paying for Internet access, so they should be free to attain anything available through their Internet access. And if the recording industry needs money they should take it from the Internet service providers (ISP). "...[Y]ou are like paying for the dial up and the fastness, so come on, just start taking it out of there".

Although Courtney's interpretation of theft could be perceived as being a little far fetched, she did introduce an interesting personal account, which could be seen as another explanation why some individuals who share copyrighted music online feel everyone should be held accountable for their actions. In this study, student participants like Courtney indicated the RIAA was most to blame for online music piracy and also felt they should not be sued by the RIAA for participating in the file sharing of copyrighted music online.

Based on the results and some of the remarks made by the student participants, it seems they have shaped the definition of stealing to account for the extent in which they engage in file sharing. Ryan felt file sharing of copyrighted music is by definition

stealing, but when put into practice, not necessarily a bad thing. “I think technically it is stealing, but I honestly don’t think it’s that bad.”

However, once again there’s a small group of students in the study who believe there is no gray area, or technicalities, when dealing with stealing and online music piracy. William absolutely believed there is no way an individual can’t consider file sharing of copyrighted music stealing. “I think it’s stealing...cause you’re taking away from someone else’s copyright...You can’t, uh, steal someone else’s idea if it’s already copyrighted.” Melissa believed it has to be considered stealing because you are essentially taking something which is not yours. “...[Y]ou’re taking someone else’s ideas, and you’re using them.” Robert, a RTVF male student, believed sharing copyrighted music online is stealing no matter how you try to justify your level of involvement. “...[T]he bottom line is it is stealing whether it’s hurting someone or not. Maybe it’s a victimless crime or whatnot, but I still think that it is stealing.”

Individuals’ Moral Reasoning and Online Music Piracy

When it comes to morality, the DIT measured the majority of all student participants as not specifically reasoning in only one of Kohlberg’s stages. Because of this, student participants could move between several of Kohlberg’s stages of moral reasoning, which could mean completely different responses from the same individual in the near future. Because the DIT measured the responses and actions as being consistent, an assumption can be made about the participants. This assumption suggests if they were confronted with the issues presented on the DIT, they would act accordingly. The DIT results indicated in addition to the student participant’s answers being measured as

truthful and consistent with their beliefs, they were also very decisive in selecting answers, which is vital in this pilot study. There were, however, a couple of student participants who were detected as being very indecisive in their responses on the DIT, which could have slightly skewed the results of this pilot study. However, the DIT warns this indecision could be due to the multiple and potentially conflicting interpretations in the test, and the DIT takes this into account when analyzing the data.

The DIT suggests the majority of students are reasoning at Kohlberg's Stage 5 (Social Contact Orientation) and Stage 6 (Universal Ethical Orientation). Individuals at these stages are supposed to accept and respect universal values and principles of society. However, the results from the online music file sharing survey indicate otherwise. Abiding by the law is a principle of American society, in which the student participants who engage in online music piracy either are not accepting or respecting. This could mean moral judgment of the majority of the student participants is not playing an active role in their decision making process, and therefore not influencing their personal decisions regarding online music piracy.

RTVF Student Participants

RTVF students were measured as reasoning at Kohlberg's Stage 5 (Social Contact Orientation) and Stage 6 (Universal Ethical Orientation) more than either of the other two groups. In these two stages individuals rely on their conscience for their beliefs, and they usually show compassion and concern for the rights of the minority. Because they were measured as reasoning at this level the majority of the time, a link with the RTVF students' responses regarding the recording industry could possibly be made.

The RTVF students had more individuals indicate they believed CD prices forced individuals to commit online music piracy than any other group, which, as mentioned before, could symbolize a Robin Hood type action or feeling toward sharing copyrighted music online. Although this can not be explicitly proven from the data analysis in this study, the similarities lend themselves to this assumption. However, almost half of the RTVF student participants also indicated their decisions were not influenced by their feelings toward the recording industry, which could be seen as invalidating this correlation. Therefore, I believe there are signs of a correlation between the moral reasoning of RTVF student participants in this pilot study, who were measured as reasoning at Kohlberg's Stage 5 and Stage 6, and their involvement in online music piracy.

Music Student Participants

Music students were measured as reasoning at Kohlberg's Stage 4 (Law and Order Orientation). In this stage, individuals usually conform to authority in order to avoid censure and guilt. The Music student participants tied with the Business student participants for the lowest number of individuals who have engaged in online music piracy. This could be interpreted as an indication the moral reasoning level of Music students forced them, as a whole, to resist or cease from engaging in online music piracy. However, I do not believe there is enough evidence present in the results gathered from the Music participants to suggest such a correlation.

Business Student Participants

Like the Music students in this pilot study, Business students were measured as reasoning at Kohlberg's Stage 4 (Law and Order Orientation). In addition to conforming to authority in order to avoid guilt, individual actions at this stage usually come from religious beliefs. To go along with this notion, Business students recorded the highest Religious Orthodoxy scores which, according to the DIT, indicate individuals place a large amount of religious importance on issues. Business students tied with the Music students for the largest number of individuals who have never engaged in file sharing of copyrighted materials, and also tied with the Music students for the largest percentage of individuals who saw piracy as a form of stealing.

It is my belief that this might be indicative of a correlation between the religious belief of the individuals and their involvement in online music piracy. Because individuals at Stage 4 (Law and Order Orientation) wish to avoid guilt, the results suggesting Business majors engage in online music piracy less than others could be perceived as an indicator of moral reasoning at Stage 4 of Kohlberg's theory. Stealing could be seen as a very guilty action by Business majors and, because they consider online music piracy a form of stealing, they might wish to refrain from participating in such a guilt filled act. Therefore, there are signs of a correlation between Business students' participation in online music piracy and their moral reasoning.

Limitations of the Study

The pilot study used in this thesis set out to address four research questions within a small sample of University of North Texas (UNT) students regarding online music piracy in colleges and universities. This pilot study did so understanding the results gathered could not be validated as representative of the core values, attitudes, or perceptions of UNT students. Rather, this pilot study served as a test to determine if there were any interesting developments among the small sample which could serve useful to a larger research study. It is my belief this study did accomplish its task. Results gathered from the DIT, online music file sharing survey, and focus groups allowed me to interpret and form assumptions regarding student's attitudes and reasoning toward online music piracy.

As author of this thesis, I stressed, while one of the main goals of this thesis was to remain unbiased when processing the data, the reader should understand when applying one's own analysis, there is bound to be some personal bias included, whether conscious or not. However, while interpreting the results, readers should consider this study had several limitations. In serving as a pilot study, the research sample used should not be considered representative of the University of North Texas, nor the majority of its students or their departments and colleges. This study was also dependent on the honesty of the student participants in the study and the focus groups. Lastly, while no generalizations could be made regarding UNT students as a whole, the study did provide a basis for further research in this area.

Suggestions for Further Research

One of the major suggestions for anyone attempting to take this research further would be to find a way to use a representative sample of students from different departments or colleges. By taking a representative sample, the study could be validated and become of more use to colleges and universities, the recording industry, and other interested persons. As author of this thesis, I believe the analysis and results presented in this pilot study were sufficient for its attempted goals, but a larger, more valid study would need to address the following:

- Sample students from other universities in other regions of the United States;
- Sample students from other colleges and majors within each university;
- Ensure student samples are representative of their student populations;
- Utilize an appropriate sample size to provide statistically significant findings;
- Conduct several focus groups within each major of students;
- Utilize different combinations within the focus groups (i.e. Male Only, Female Only); and
- Conduct follow-up interviews with several student participants to gather more personal data.
- Further investigation of the correlations discussed in this pilot study regarding students' moral reasoning and his/her involvement with online music piracy.

Conclusions of the Study

Though the pilot study used in this thesis was small and not representative of any large group of individuals, the results from this pilot study should be taken seriously. The results show while there are some individuals who refuse to engage in online music piracy, there are individuals who are educated, know the laws, and yet still choose to engage in online music piracy. This study was strengthened by the use of the DIT as a proven tool, which allowed for the measuring of degrees of each participant's beliefs and perceptions, rather than simple yes or no answers. The use of focus groups also allowed the pilot study used in this research to collect personal statements and answers from its participants, which can further assist readers in gathering a better perspective on exactly why some individuals choose to engage in online music piracy, while others do not.

At the time this thesis was completed, the RIAA was continuing its battle against online music piracy by filing hundreds of *John Doe* subpoenas, requesting the personal information of individuals suspected of engaging in online music piracy. While a news report touting the filing of four hundred or more subpoenas sounds substantial, there are at least one hundred times as many people engaging in online music piracy who are not sued. And what is to say individuals who are sued and eventually settle those lawsuits with the recording industry will never again engage in online music piracy? As stated by a few of the student participants in this pilot study, it appears the RIAA is fighting a losing battle by attempting to use lawsuits to combat piracy.

The RIAA has every right to attempt to protect its interest and the interests of its members, but its approach might not be the best way to go about doing this. While I

certainly understand sales and profits drive the industry, I also understand it is difficult to achieve either of these without customers who are willing to purchase goods. But, although customers may have a legitimate complaint against the costs of merchandise, I believe these complaints in no way justify engaging in illegal activities, such as file sharing of copyrighted music online.

The recording industry might be better served looking at the software industry and the way it has combated piracy. Although piracy certainly remains a problem in the software industry, companies have found ways to combat piracy and still return a profit. Software companies report losses due to piracy, yet they also take many preventative methods to make it more difficult for users to pirate software. The recording industry should look at some of the preventative tactics being used by software companies, while attempting to continue their battle against online music piracy.

As author of this thesis, I believe the recording industry must recognize that we are in a quickly advancing technological age, and the methods they are currently using to combat piracy, are not quite advanced enough to keep up. A better solution to limiting piracy might lie in embracing the Internet and file sharing even more than the recording industry has thus far, and taking advantage of the Internet as a marketing and distribution tool. Maybe even uniting with software developers to produce physical media, which are harder to pirate, while also developing more legal file sharing networks and Internet sites which provide customers with user-friendly access and the copyrighted materials they desire, while still securing a profit. The recording industry might also want to make use of more studies and focus groups to assist it in its battle against online music piracy.

Larger studies similar to this pilot study could greatly assist the RIAA in determining why individuals engage in online music piracy and what types of actions could entice them to refrain from such activities.

While I believe the results from focus groups and research studies probably will not lead to an end-all solution, they could provide valuable information to the recording industry, which could assist it in the long run. For instance, this pilot study found there are individuals who felt they have been forced to attain music through illegal means, but probably could be won over if the right action was taken by the recording industry. Piracy is not going away, and it will most likely continue to exist and evolve in the near future.

While, today, there are few pirates like Edward “Blackbeard” Teach and Sir Francis Drake roaming the seas and attacking ships, the contemporary pirates of today certainly roam the Internet and file sharing networks, virtually doing the exact same thing. All in all, I believe the recording industry needs to be less focused on ending piracy, and become more focused on attempting to curb piracy. And studies and focus groups similar to the ones used in this pilot study could definitely serve as an important stepping stone.

APPENDIX A
ONLINE MUSIC FILE SHARING SURVEY

Identification Number

Online Music File Sharing Survey

INSTRUCTIONS

This survey and information from the discussion to follow will be used to measure perceptions about online music sharing. Your answers are voluntary and will remain anonymous.

1. I have participated or will participate in file-sharing networks such as Kazaa.

- 1 Yes
- 2 No

2. While file sharing, did you participate mostly by downloading files, providing files to other users, or both?

- 1 Downloading files
- 2 Providing files
- 3 Both

FOR THE FOLLOWING STATEMENTS, PLEASE INDICATE THE EXTENT THAT YOU AGREE OR DISAGREE

3. Participating in file-sharing networks could cause me to be caught by copyright holders, and possibly lead to my prosecution under copyright laws.

- 1 Strongly Agree
- 2 Agree
- 3 Undecided
- 4 Disagree
- 5 Strongly Disagree

4. If I hear or hear about an individual song that I would like to have, it is okay to download that song from a free file-sharing site or service on the Internet.

- 1 Strongly Agree
- 2 Agree
- 3 Undecided
- 4 Disagree
- 5 Strongly Disagree

5. If I hear or hear about an entire album that I would like to have, it is okay to download that album from a free file-sharing site or service on the Internet.

- 1 Strongly Agree
- 2 Agree
- 3 Undecided
- 4 Disagree
- 5 Strongly Disagree

Identification Number

6. If I bought a CD a year ago, but now it's lost or ruined, it is okay to download the album without paying for it.

- 1 Strongly Agree
- 2 Agree
- 3 Undecided
- 4 Disagree
- 5 Strongly Disagree

7. The constantly increasing prices of music CD's have forced people to turn to other methods, such as file-sharing, to attain these materials.

- 1 Strongly Agree
- 2 Agree
- 3 Undecided
- 4 Disagree
- 5 Strongly Disagree

8. I am well informed of the legal battles going on between the RIAA, file-sharing software developers, and file-sharing users.

- 1 Strongly Agree
- 2 Agree
- 3 Undecided
- 4 Disagree
- 5 Strongly Disagree

9. Individual users should be sued, when file-sharing programs, such as Kazaa, are used to download copyrighted music online.

- 1 Strongly Agree
- 2 Agree
- 3 Undecided
- 4 Disagree
- 5 Strongly Disagree

10. Rank the following in order of blame for the current state of file sharing of copyrighted music in the United States.

- 1 2 3 4 The RIAA
- 1 2 3 4 Individual Users
- 1 2 3 4 Price of Music CD's
- 1 2 3 4 File-Sharing Services

11. Online music piracy is as big a problem as the RIAA makes it out to be.

- 1 Strongly Agree
- 2 Agree
- 3 Undecided
- 4 Disagree
- 5 Strongly Disagree

Identification Number

12. The large amount of subpoenas issued by the RIAA and legal settlements by individuals will decrease the amount of file sharing of copyrighted music.

- 1 Strongly Agree
- 2 Agree
- 3 Undecided
- 4 Disagree
- 5 Strongly Disagree

13. The recent publicity regarding file sharing of copyrighted music has changed my views about fair use of copyrighted material.

- 1 Strongly Agree
- 2 Agree
- 3 Undecided
- 4 Disagree
- 5 Strongly Disagree

14. My feelings about the recording industry influence my decision about whether or not to pay for the use of copyrighted material.

- 1 Strongly Agree
- 2 Agree
- 3 Undecided
- 4 Disagree
- 5 Strongly Disagree

15. When it comes to file sharing of copyrighted music, my beliefs and values are in sync with my actual behavior.

- 1 Strongly Agree
- 2 Agree
- 3 Undecided
- 4 Disagree
- 5 Strongly Disagree

16. File sharing of copyrighted music is a form of stealing.

- 1 Strongly Agree
- 2 Agree
- 3 Undecided
- 4 Disagree
- 5 Strongly Disagree

PLEASE PROVIDE THE FOLLOWING INFORMATION ABOUT YOURSELF

Age:
 18-24 25-30 31-39 40 and over

Sex:
 Male Female

Race/Ethnicity:
 White/Caucasian Black/African-American American Indian/Alaskan Native Other
 Hispanic/Latino Asian Native Hawaiian/Pacific Islander

APPENDIX B

ONLINE MUSIC FILE SHARING SURVEY RESULTS

Table B1

I have participated or will participate in file-sharing networks such as Kazaa.

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Yes	2	6	3	--	1	3
No	1	--	2	1	1	2

Table B2

While file sharing, did you participate mostly by downloading files, providing files to other users, or both?

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Neither	1	--	2	1	1	2
Downloading files	2	5	3	--	1	3
Downloading and Providing files	--	1	--	--	--	--

Table B3

Participating in file-sharing networks could cause me to be caught by copyright holders, and possibly lead to my prosecution under copyright laws.

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Strongly Agree	--	--	1	--	--	--
Agree	1	2	3	1	--	4
Undecided	--	--	1	--	1	1
Disagree	2	4	--	--	1	--

Table B4

If I hear or hear about an individual song that I would like to have, it is okay to download that song from a free file-sharing site or service on the Internet.

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Strongly Agree	--	3	1	--	--	--
Agree	1	3	2	--	1	4
Undecided	1	--	--	--	1	1
Disagree	1	--	2	1	--	--

Table B5

If I hear or hear about an entire album that I would like to have, it is okay to download that album from a free file-sharing site or service on the Internet.

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Strongly Agree	--	1	1	--	--	--
Agree	1	3	1	--	--	2
Undecided	--	1	--	--	--	1
Disagree	1	1	2	--	2	2
Strongly Disagree	1	--	1	1	--	--

Table B6

If I bought a CD a year ago, but now it's lost or ruined, it is okay to download the album without paying for it.

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Strongly Agree	1	2	2	--	--	--
Agree	1	4	1	--	--	2
Undecided	1	--	1	--	--	--
Disagree	--	--	--	1	2	3
Strongly Disagree	--	--	1	--	--	--

Table B7

The constantly increasing prices of music CD's have forced people to turn to other methods, such as file-sharing, to attain these materials.

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Strongly Agree	--	2	2	--	--	--
Agree	3	2	2	--	1	2
Disagree	--	2	1	1	1	3

Table B8

I am well informed of the legal battles going on between the RIAA, file-sharing software developers, and file-sharing users.

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Strongly Agree	--	--	--	--	--	1
Agree	2	4	3	--	2	3
Undecided	--	--	1	1	--	--
Disagree	1	1	1	--	--	1
Strongly Disagree	--	1	--	--	--	--

Table B9

Individual users should be sued, when file-sharing programs, such as Kazaa, are used to download copyrighted music online.

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Agree	--	--	1	--	--	--
Undecided	--	1	--	1	--	2
Disagree	2	2	3	--	2	3
Strongly Disagree	1	3	1	--	--	--

Table B10

Online music piracy is as big a problem as the RIAA makes it out to be.

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Agree	--	--	2	--	--	2
Undecided	1	--	--	1	1	2
Disagree	1	1	2	--	1	1
Strongly Disagree	1	5	1	--	--	--

Table B11

The large amount of subpoenas issued by the RIAA and legal settlements by individuals will decrease the amount of file sharing of copyrighted music.

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Agree	--	--	1	1	--	2
Undecided	1	1	1	--	1	--
Disagree	1	3	2	--	1	3
Strongly Disagree	1	2	1	--	--	--

Table B12

The recent publicity regarding file sharing of copyrighted music has changed my views about fair use of copyrighted material.

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Strongly Agree	--	--	1	--	--	--
Agree	--	--	1	--	1	3
Undecided	--	1	--	--	--	1
Disagree	2	4	2	1	1	1
Strongly Disagree	1	1	1	--	--	--

Table B13

My feelings about the recording industry influence my decision about whether or not to pay for the use of copyrighted material.

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Strongly Agree	--	1	2	--	--	--
Agree	2	1	2	--	2	2
Disagree	1	2	1	1	--	3
Strongly Disagree	--	2	--	--	--	--

Table B14

When it comes to file sharing of copyrighted music, my beliefs and values are in sync with my actual behavior.

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Strongly Agree	1	--	2	--	--	--
Agree	1	3	3	1	2	2
Undecided	1	2	--	--	--	--
Disagree	--	1	--	--	--	3

Table B15

File sharing of copyrighted music is a form of stealing.

	RTVF		Music		Business	
	Male	Female	Male	Female	Male	Female
Strongly Agree	1	--	1	--	--	1
Agree	1	1	3	1	1	3
Undecided	--	2	--	--	1	--
Disagree	1	3	--	--	--	1
Strongly Disagree	--	--	1	--	--	--

APPENDIX C
DEFINING ISSUES TEST RESULTS

Table C1

Personal Interest Schema Score: Participants portion of items selected that appeal to Stage 2 and Stage 3 considerations

	RTVF	Music	Business	TOTAL
Mean	23.00	29.33	22.29	24.57
Mode	--	--	16.00	16.00
Standard Deviation	11.51	8.45	7.87	9.62
Minimum	4.00	18.00	16.00	4.00
Maximum	40.00	42.00	34.00	42.00

Table C2

Maintaining Norms Schema Score: Participants portion of items selected that appeal to Stage 4 considerations

	RTVF	Music	Business	TOTAL
Mean	26.00	37.33	38.29	33.33
Mode	12.00	--	40.00	20.00
Standard Deviation	12.24	13.49	8.75	12.48
Minimum	12.00	20.00	26.00	12.00
Maximum	44.00	52.00	50.00	52.00

Table C3

Post conventional Schema Score (P score): Participants portion of items selected that appeal to Stage 5 and Stage 6 considerations

	RTVF	Music	Business	TOTAL
Mean	42.75	31.33	35.71	37.14
Mode	--	--	30.00	30.00
Standard Deviation	22.14	11.29	7.16	15.56
Minimum	6.00	14.00	26.00	6.00
Maximum	80.00	46.00	44.00	80.00

Table C4
Participants N2 Score

	RTVF	Music	Business	TOTAL
Mean	42.02	35.08	32.09	36.73
Mode	--	--	--	--
Standard Deviation	19.68	6.91	7.97	13.64
Minimum	7.71	23.43	21.13	7.71
Maximum	73.71	44.73	45.50	73.71

Table C5
Participants Type Indicator Score

	RTVF	Music	Business	TOTAL
Mean	5.50	5.00	5.29	5.29
Mode	7.00	6.00	6.00	6.00
Standard Deviation	2.00	1.55	1.11	1.55
Minimum	2.00	3.00	3.00	2.00
Maximum	7.00	7.00	6.00	7.00

Table C6
Participants Utilizer Score

	RTVF	Music	Business	TOTAL
Mean	0.16	0.09	0.24	0.16
Mode	--	--	--	--
Standard Deviation	0.14	0.10	0.05	0.12
Minimum	-0.05	-0.03	0.17	-0.05
Maximum	0.42	0.25	0.32	0.42

Table C7
Participants' measured Consolidation Transition Score

	RTVF	Music	Business	TOTAL
Mean	1.50	1.50	1.00	1.33
Mode	1.00	1.00	1.00	1.00
Standard Deviation	0.53	0.55	0.00	0.48
Minimum	1.00	1.00	1.00	1.00
Maximum	2.00	2.00	1.00	2.00

Table C8

Participants' measured Humanitarian/Liberalism Score

	RTVF	Music	Business	TOTAL
Mean	3.50	1.67	1.71	2.38
Mode	3.00	2.00	2.00	2.00
Standard Deviation	1.07	0.52	0.95	1.24
Minimum	2.00	1.00	0.00	0.00
Maximum	5.00	2.00	3.00	5.00

Table C9

Participants' measured Religious Orthodoxy score

	RTVF	Music	Business	TOTAL
Mean	3.38	3.33	6.00	4.24
Mode	1.00	1.00	9.00	1.00
Standard Deviation	2.83	2.73	2.83	2.95
Minimum	1.00	1.00	2.00	1.00
Maximum	9.00	8.00	9.00	9.00

Table C10

Participants' measured New Checks total score

	RTVF	Music	Business	TOTAL
Mean	39.75	21.33	62.71	42.14
Mode	--	10.00	--	19.00
Standard Deviation	50.44	22.84	54.24	46.73
Minimum	3.00	2.00	0.00	0.00
Maximum	151.00	57.00	152.00	152.00

APPENDIX D
BUSINESS FOCUS GROUP TRANSCRIPT

BUSINESS FOCUS GROUP TRANSCRIPT

The following is a transcript of the focus group session held on Thursday, April 15, 2004, with School of Business majors at the University of North Texas. This transcript uses pseudonyms for the individuals who participated in the focus group.

(This transcript begins approximately 2 minutes into the focus group session)

Courtney I never bought CD's, and I still don't buy CD's. But I might burn a song, but I was never one of those people that bought CD's, so that didn't take me out of the market of buying CD's.

Jennifer We burned seventy-five CD's last night

(Laugh from girl in the group)

Jennifer Seventy-five in one night.

(Several people laugh)

Beth Well, if y'all were, I mean, if y'all were really educated on this subject though, you would realize that million of dollars are lost a year. I mean, we read it in the packet that we read for marketing...um...we read that there are millions of dollars, and it's very significant amount of money, I mean, it's not...

(Courtney moans and groans)

Courtney It's going to those people, all those that...

(Many people begin talking)

Courtney They're just compiling in the bank, where it's just actually a million dollars

in the bank, yeah a million dollars in the bank in a year is like going to compile to more than they're ever, ever going to need, and it's just...I don't think it's just that big of a deal. I think it's totally different when you just like...

Nicole It's a convenience thing too. Your, you don't have to go get it. It's at your house in like five seconds.

(Low chuckles around the room)

Courtney But you are like paying for the dial up and the fastness, so come on, just start taking it out of there.

(Several people laugh)

Jennifer Exactly, exactly

(Several people laugh)

Victor Yep. It's not helping out the artist any though.

Nicole Yeah, it's going to a different person.

(Several people laugh)

Courtney That's what I'm saying, like, dude you ought to take half of them, take part of their, uh...I think it's the search enzymes, engines...like they are the ones that should get in trouble, not us because if it, if we shouldn't be able to, if we shouldn't be able to do it, then they shouldn't be able to have it out there for us to do, like...

(Victor laughs loudly)

Victor That's like saying, that's like if I, that's like uh drinking alcohol. What the?

Oh my God, that's hilarious.

Nicole Yeah.

(Victor laughs loudly)

Beth I'd say...

(Victor laughs loudly)

Nicole Punish the people who sell the drugs, not the ones who do it.

(Nicole, Beth, Victor laugh)

Beth I'd say it's ignorance. I'd say that people who say that it's not stealing, think that's complete ignorance, but.

Researcher Well since you, um, mention about the, um, search engines and things like that, uh, is everybody here real, uh, pretty much know about what the RIAA is doing and suing people, like...

Jennifer Uh, un...

(Several people whisper to Jennifer)

Researcher Well, what the RIAA is doing...

Jennifer Oh, yeah, yeah.

Researcher They're suing individual users, 'cause they use to go after the software companies, now they're going after individual users. Do you think that's right? Do you think it's right for them to be able to go and say...

Courtney I don't because, they're like picking random people, and I know, I know people that like, that have way more, like they're not, they're just picking any random people, like, that they want to pick, they're not like starting

with the highest and going down to the lowest, or going with, like, a certain group, like, they're just picking random people, which that's kind of, you know, like there's people out there with millions of songs, and they're going to pick someone that has like one hundred. Like, that doesn't seem right to me.

Mark And they're fighting a losing battle.

Courtney Yeah

(Several people begin to talk)

Courtney Pretty much it gonna never, I mean, it/s

(Several people are talking)

Courtney They're gonna have to totally just take it off the Internet, if they ever want it to ever, ever totally go away.

Amanda They can sue people, but as long as it's still there, what's it gonna matter.

Courtney And as long as you have a good lawyer, eventually you're gonna be able to get out of it. There's some way that eventually, you're gonna be able to get out of it...So, ...especially when you're like...uh...nineteen years old, and they're suing you for two million dollars, like, you're going to be like, uh, okay, I'm in school, here you go...like, there's no way you're going to be able to pay that.

Amanda Good point.

Beth I think there are a lot of uneducated people about it, so if you go to sue, there are a lot of kids, you know, in high school, that don't have, know

anything.

Courtney Right.

Nicole About the laws, and they don't know about the copyright things, and so by going after them, it's attacking their parents...you know, so...I mean, I do, I do kind of see where you're coming from, but then again, on the other end, by attacking the individual person, like I'm scared to download now because, I don't want to get sued, whereas if they were going after the companies, I wouldn't care, but...that's, that's one real positive that I can see about, it does open eyes.

Courtney That's the only positive, but then like everyday, like, my friends find new sites that like, they don't know about yet. And like, as soon as they find out about it, everyone stops and goes to their site, cause everyday, there's new people.

Victor Yeah, it's gonna be really hard to try and to get the RIAA, try to get that. That's like, uh, uh, them trying to pull the guns off the market or something like at. I mean, that's gonna be, get...

Jennifer Or getting all the pornography off the websites.

Victor Exactly.

(Several people begin to talk)

Victor How many people, you know, go onto the Internet and look at, you know, porno, I mean, come on now, I mean, not everyone's gonna get...

Courtney There's cops out there.

Victor Kizzled. And the people that get caught, you know, yeah, that... You shouldn't na done that in the first place, but you know, yeah.

Researcher Well, one thing that they say if that, uh, it's to say you may think, uh, the artists have millions of dollars, but they say what happens is that the record industry starts losing so much money, and the labels start losing so much money, that they stop investing on the little guy. It's like, they, like Norah Jones may have never been discovered if, you know, the record companies didn't have a little extra here to, uh, you know, take a chance on the little girl. Like ACDC and all, all the big name rappers, all the big name rock groups, they're gonna get their money, no matter what. They're saying it's what's happening to the little guy. Do you think that's going to eventually happen, maybe we're going to see less and less independents, or less and less little small town people going big, because they say by losing money on piracy, they can't invest in, you know, Joe Blow...

Courtney No.

Researcher ...from Denton, Texas.

Courtney If they're good, I think they're going to turn another way.

Nicole I don't think so, I think that if, then at, goes with the artists have money, like, if the artists have money then they will succeed because they are the ones that are able to get themselves out, and they're able to take chances on doing it without being paid, and stuff like that, and I think that, uh, it all does come down to the little person. I think that that's the whole reason

that it is so.

Researcher What do you think about these legal alternatives that have come out, like they have, um, Napster two point oh, the Apple music store, Pressplay...

Courtney Rhapsody.

Researcher ...Rhapsody. Do you think, do you think that they're going to be able to, you know...

Courtney I think they will be able to work with it but, they have to get more people to sign on it, cause they don't have very select, Rhapsody still doesn't have a lot of the new people. And they're gonna have to lower, like, the money per song to download, like, cause, it's still high, like seventy-nine cents a song still adds up to the same price as a CD.

Nicole It's a good thought though, I think...

Courtney It's a really good idea, but they just need to work with it a little bit more.

Nicole I think it's a really good thought because like, like for example, like my fay, my family, like my dad, it's something about...He will not go download, because he thinks it's stealing, and it's morally wrong, but if he pays for it, he feels like it's completely justified. He likes it for convenience. I think there are a lot of people that will...later on, you know, take advantage of it, cause I like it for convenience, but I still feel like it's kind of wrong, and you know, I'm going to get in trouble for it. But if there's like some place hat I can pay for it, and the convenience is still there, you still don't have to buy the full CD, and I think it is a wonderful

idea.

Amanda It is a good idea.

Mark I think the best way to explain all this is the South Park episode. Did you see it?

(Several people laugh)

Victor Speaking of South Park, last night was pretty good.

Researcher Anybody else want to throw anything out there, or say anything, or ...If not, I want to thank you all for coming. I appreciate it.

APPENDIX E
MUSIC FOCUS GROUP TRANSCRIPT

MUSIC FOCUS GROUP TRANSCRIPT

The following is a transcript of the focus group session held on Tuesday, April 20, 2004 , with School of Music majors from the University of North Texas. This transcript uses pseudonyms for the individuals who participated in the focus group.

Researcher Why do you think individuals share music online?

Ryan Cause it's cheap...and it's easy. Cheap and easy.

(Ryan laughs)

Brandon That way you can get all of the songs you want, and you don't have to buy the entire crappy album.

William Yeah, eh, uh, you can get whatever song, you want.

(William laughs)

William And uh, it's a lot faster than having to go somewhere and buy a CD.

Aaron Availability of rare music.

Fred Cause it's a lot easier.

Researcher Do you think that, um, sharing copyrighted music online is a form of stealing.

Aaron Yes.

Researcher Why or why not?

Aaron You never pay for it in the first place, so what makes it yours.

Ryan I think technically it is stealing, but I honestly don't think it's that bad. I mean, it's like, it's like they're stealing, but I mean, it's not cause you're

stealing from these people who are going to make millions off anyway. It's kind of hard to feel sorry for them.

William It's like you're stealing from babies, huh.

Ryan Stealing what?

(William laughs)

William Stealing from babies.

(Several people laugh)

Brandon No, I didn't think so, because, uh, it's just the same as if I were to borrow a CD from you. And then somebody borrowed that CD from me, and then somebody borrowed that CD from them. You know.

Ryan It's just like burning it.

William I think it's stealing. Cause, uh, cause you're taking away from someone else's copyright. It's kind of like, uh, art, you know. You can't, uh, steal someone else's idea if it's already copyrighted.

Melissa Yeah, because you're taking someone else's ideas, and you're using them.

Researcher Do you think that the RIAA's lawsuits will have any effect on music long term, or at all.

Aaron Have any effect on downloading, you mean?

Researcher Yeah, you think it will stop maybe downloading, or it won't stop it or... Do you think it will have any effect...

Ryan I don't think, I don't think so. 'Cause, I mean, I saw Napster get shut down and then people are still downloading shitloads of music, and you know,

there'll just be another way to get around it. That's what I think. They'll be more different laws, but they'll still be another way to get it.

Brandon I think more people will start paying for it, to download off line.

William I think more people will stop, but it will, if, if, I don't think, I, I...anything it will get worse, just cause more platforms that are more advanced will be out there, and be used to get the information. And the base costs is usually attractive.

Ryan You'll probably find more of the individual or smaller groups that people putting music online opposed to big, uh, I guess, by organizations. It's gonna be harder to track, but it can be just as prolific, you know. I mean if just someone has their personal website, a bunch of sema files, and that could just be as simple as that.

Melissa Cause they're not gonna be able to stop all of it, they can stop some of it, but they're not gonna be able to...

Researcher Okay, seeing how there are all music majors here, um, the RIAA claims that they're losing millions of dollars a year, and they said what that's going to do is, the big groups are still gonna make their money. What's gonna happen is the little guy from Denton, Texas isn't gonna be able to, you know, make a record, cause they can't take a chance on all the little guys, which may one day be one of you all. How do you feel about that? Do you think that's a true statement or what?

Ryan I think it's possible that it could apply to certain people. But from my

experience, and what I see people, cause I don't download that much, just cause I don't like putting music on my computer. I just think it's annoying. But, I mean, for what I see, a lot of people download, they don't download like small artist, they download like small artists, they download, you know, the big artist who...just from what I've seen the big artist who are already millionaires and ... so that's why I kind of don't really feel sorry for them, you know.

Researcher Yeah.

Ryan And I see how it would effect the small artist. But I mean, you kind of have to really be in to that kind of thing anyway and the person who's really into that small scene will be more likely to pay for it anyway, because they would be more supportive of it.

Brandon Exactly. Exactly. That's how I feel. I don't think the, they're not taking into account, that, what he said, that, uh, if they're really into something small, like a little local thing, that they're gonna pay for it. They're not gonna steal it.

William Well, I believe that the statement is true in some ways, but, uh, like he said, I agree with his statement too, and uh, but, uh, I think that it's not all the way true, cause the little person still can get...he's good enough, he can beat through the competition.

Aaron Uh, I think obviously, you know. It can hurt 'em in a, in a way from sales, but, at the same time it also helps them, because it, the vast ability of them,

to get their music out to a wide range of people, is also there, they're not limited to a local record distribution or anything like that, it can go everywhere quickly.

Melissa It depends on who it is, I mean, yeah the, uh, smaller person can uh, uh, beat out the bigger competition, but, I believe that statement is true, but not all the way.

Researcher Okay. Okay. We talked about, um, there are some legal alternatives out there, like Napster 2.0, uh, Apple Music Store. Do you think that, um, first of all what do you think about these stores? Do you think they're a good thing, a bad thing? A waste of time, waste of money. What?

Ryan Personally, they're a waste of my money, because I don't download free stuff anyway, so I'm certainly not going to pay for it.

Brandon I think it's a good thing. It's not really that much different than what stores use to sell...singles of songs. I mean, I'm sure they still do, but it's not any different cause I'm sure, you can get them for like ninety-nine cents or something a song, so...it's not bad.

William Um, I don't think it's a waste of, ah, money or anything like that, but, like that guy said, I don't pay for it so, I don't, I just buy my own stuff, but I think it's worth it.

Aaron Well, I actually use Apple Music Stuff, and I, I like it for what it I use it for, cause you can just download a single song if you like it, without having to buy a twenty dollar CD. You know you can just pay the dollar,

and have the one, one song you really want legally.

Ryan Although, I don't use it, I do think that it's, if you're going to have to pay for it, it might as well be fairly cheap, since you're not exactly having to put, you know, material costs into the material production, and so just you're basically just buying the copyright, for it, and that's what, that's pretty cheap. You know, a lot of an album, and if you only have to pay a buck or two, it's a lot better. Like he said, a lot better than having to pay for a twenty dollar album. You know, when you're only going to listen to one or two songs of it anyway.

William It also reduces the, the act of stealing online.

Fred I think that they're worth it.

Researcher Okay, just one more question. You say, sir, that you used, you use Apple. Do you use it for convenience or if, lets say for instance, nobody was getting sued with Kazaa, and there was still Apple Music Store, and you could definitely download music for free, like it use to be with Napster and not get caught. Would you leave Apple Music Store and go to Kazaa or something like that. If there was, they weren't suing anybody would you still pay the ninety-nine cents, or would you go back to the, go to Kazaa.

Aaron Well, yeah, cause I do feel it's stealing so I, you know, ethical reasons I wouldn't download and you do try to support people you like obviously, cause if you, if, if no one supports them then they're not gonna make any money, they're not gonna keep doing it.

Researcher What about you, would you use...go with Apple Music Store if no one was getting caught.

William Well, I'd probably go with the Apple Music Store, just so I could support the artist, I wouldn't, uh, go ahead and download.

Researcher Same question.

Brandon Psst. I'd go with the free stuff. Definitely, they get enough support.

Ryan I don't know. Most of the stuff I buy, I actually want to have, like, the liner notes and everything. Like I want the actual material CD and everything, so, I mean, that's why, I just don't download at all, because I want the whole package. It was, I figure if I really like it, it was worth buying. And, I hear so much single songs on the radio, and everywhere else, I don't feel like I should pay for it or even bother to take time to download it.

Melissa I would buy it. I think that they did what they were supposed to do, they did their work, and they should get what they got for it, and I would support them.

Researcher Thank you all.

APPENDIX F

RADIO, TELEVISION, AND FILM (RTVF) FOCUS GROUP TRANSCRIPT

RADIO, TELEVISION, AND FILM FOCUS GROUP TRANSCRIPT

The following is a transcript of the focus group session held on Monday, April 19, 2004 , with Radio, Television, and Film (RTVF) majors at the University of North Texas. This transcript uses pseudonyms for the individuals who participated in the focus group.

Researcher First question is, why do you think individuals share music online?

Chloe Cause it's free.

Olivia Because it's the whole building a good of a community. I have it, let me make it available.

Chloe You're really nice.

Olivia Well, no. It's more like a bootlegging of other stuff than radio, television.

Jason Or remixes that you can't, that other individuals make, that are bootleg remixes, that you can't find anywhere.

Chloe I know people who are like, my brother is big on copying CD's for other people, but it's like band show, it's live shows that people tape. It's not like CD's you can go buy. So, there's a bit of difference there, but I always did cause it was free.

(Several people laugh and begin talking)

Jason But that's one of the only ways that you can find stuff overseas a lot of times, too, without paying like forty-five dollars to get the stupid CD.

Olivia Yeah, who needs packaging anyway.

Jason Uh, I do.

(Several people laugh)

Brooke That's why I continue buying CD's cause I want the liner notes, but...

Researcher Well, do you think it's a form of stealing?

Brooke Absolutely.

Robert I mean, I'm an artist personally, so like if I did a painting or whatever and I was trying to sell prints of it and everyone was able to just download a copy of my painting or whatever, I wouldn't make any money, you know, and I think there's a lot of uh...There's two arguments. One, new artists trying to break out, you know, that that's the way they get known. But they're not making any money getting known, so...There's so many one hit wonders out there that...I don't know, It doesn't seem like a good idea to me, but...

Olivia I wouldn't buy the music, but I'll download it.

Trevor Yeah.

Olivia Like, so, the people, they're not losing money off of me because I wasn't going to purchase it anyways.

Chloe Yeah.

Brooke That's how I feel.

Chloe I totally agree with that. Like, I'll admit that I like, I like my dance music, but I'm not going to pay for a J. Lo. CD, it's just to have a good time and the CD craps out and I don't care any more. I wouldn't buy it. I wouldn't invest in J. Lo. If it's a band, if it's music or a band or show or anything

that I want to invest in...then I'll go out and buy the DVD or I'll buy the CD.

Trevor It's a higher form of making mix tapes to a degree.

Chloe Yeah.

Trevor I mean, um...but, I see what he's saying with the artist comment, but, most artist, until you get to the level of bring the Rolling Stones, or that sort of level and you have your own record company, you're not making any money off of CD's anyway. I read an article, in I think it was Time, that says the average CD, just the CD itself, not the packaging, but the average CD costses, costs nine cents to produce, and, uh, goes for either the packaging costs, or just straight back to the record company.

Olivia But if you're Christina Aguilera, and you sell like ten, ten million albums, that's...

Brooke I don't know though, 'cause I've heard interviews with someone like TLC, who had a moment when they were huge.

Olivia Yeah, I remember that.

Brooke Huge.

Olivia Yeah, wasn't that the behind the music.

Brooke Yeah, see how much we learn from VH1.

(Several people laugh)

Brooke Um, but, you know, they broke it down and said, even though we selling millions and millions of copies...

Trevor You make money off the live shows.

Brooke ...it's the live shows. It's touring.

Olivia You have to pay the lawyers. You have to pay them all back.

Brooke It's, you know...

Jason It's the merchandise.

Chloe Yeah, you know.

Brooke Right. TLC action figures.

(Several people laugh)

Chloe Yeah, that's it.

Researcher But since you talk about that, um...one thing I saw on the RIAA website, is that they're saying that by losing all this money on piracy, which they say is millions of dollars a year, they say they can't develop smaller artist. Like you were saying, until you get big...

Brooke They wouldn't be developing smaller artist anyway.

(Several people laugh)

Chloe Yeah.

Brooke It's just a crock...I don't know...This whole thing about this fear of, you know, being able to download music ruining the industry. To me, it's the same hype as when being able to make mix tapes came out, and all of the sudden you could make a tape on your own at home, and oh my God, that was going to destroy the music industry.

Trevor It was going to destroy radio, is what it was saying...

Brooke And, well right and ...It didn't, it didn't all it...because the thing is like...If I download...

(Several people laugh)

Brooke If I download the music, the chances are if I really like the artist, I'm going to buy the CD eventually anyway. I tend to like, to get a mixed CD, like my brother is the one who download and mixes stuff for me. And you know, that way I get a feel for the artist and then you know, if I like it, I definitely support it, and I end up buying the real thing, because I do like having the liner noted and the nice CD collection and everything, so...I don't know...

Trevor The other part of it too is because, I mean, they don't support the smaller artist. You're not gonna hear them on the radio and so, if you see, like a sign for a band and you're like, who is that, you can't hear it on the radio. There's no way to hear it unless you download a track or two. And half the times...

Olivia There's the satellite radio.

Trevor Yeah, half the times with the smaller people, you can't find the whole CD anyways. You're going to end up buying it if you like it that much to begin with.

Chloe Yeah, and to me, like, I don't trust anything the RIAA says, just like I don't trust the MPAA and Jack Valenti, because those commercials that come on before films and says you're taking money out of my hands, and

cause I sell popcorn at the movie theatres, that's crap.

(Several people laugh)

Chloe I'm a graduate student in radio, TV, film, I know how film works, and I know that's crap, so, you know, just because you're an old white man, and you don't want to lose your billions of dollars, don't tell me, try to guilt me into buying your music.

Olivia And they play that shit before the movie that you pay for to get in.

Brooke Yeah.

Olivia And they're marketing to the wrong audience and they should advertise on Kazaa.

Chloe Exactly.

(Several people laugh)

Chloe Jack Valenti pops up. Please don't do this, close download.

(Several people laugh)

Jason You could post like instant messages with the like downloading is wrong.

(Several people laugh)

Jason You shouldn't download, but, close, you're still downloading.

(Several people laugh)

Chloe Stop! Stop!

Researcher Okay, you don't agree with what the RIAA says, but what, do you agree with what they're doing, with the individual users being sued, for maybe thousand of dollars at a time. Do you think it's going to affect anything.

Trevor I don't want to bring, I , I don't know what to bring in what's been done recently, other than the partial birth abortion ban, which is about one third of one percent of all...and there's a law against it. You know, it's like making a law against flag burning. I haven't really seen a big rash of flag burning going on.

(Several people laugh)

Trevor In the city, to the point where we need to have a constitutional amendment about it, and the same thing with the RIAA, it's just, you're doing something to make a point, you're trying to get publicity.

Brooke Right, right. To me it's not about them making a statement, about how wrong, it's about going, it...

Trevor And they're not making any of their money back, they're probably spending more money on their attorney's doing it than they...but they're spending less money on their attorneys than they would be on, you know, the commercial before the movie, type thing. And it's, it's a publicity stunt, I think...

Researcher Here's an anonymous question for you. Anybody here ever used Kazaa?

Chloe I totally got out of music, or downloading and stuff before Kazaa, but I have a lot of friends who do use Kazaa, they like suck quite a lot. But I was like...

Brooke Like old Napster and DSL.

Chloe Yeah.

Olivia Old Napster was good. It didn't have that much spyware, but Kazaa...I've just seen so many problem to other people's computers, just, all kinds, bad stuff from it.

Chloe Yeah, and plus I guess I would, you know, I think everybody goes through a phase, through phases, and for me, I had that phase where I downloaded everything, you know sample stuff. And to, and to hear new things, everything and, then I, that's where it helped me develop my interest, so now if I, I know what I'm really going to like. I know what I'm not going to like, and if I'm going to invest.

Brooke Yeah. Well, part of it too, for me was just, I didn't download stuff until I got to college and my Internet was...

Chloe Yeah.

Brooke You know, hooked up and it was.

Jason High speed.

Brooke High speed. So now I have dial up, so...

Chloe Yeah, that...

Brooke That takes, you know, less time to go to the store and buy the CD, then to download one song.

Chloe Absolutely, absolutely.

Brooke So, that's part of it, I think is when you get to college and most dorms have that connection, like there's sort of that woo, cool, now I can do this and download that, so...

Researcher Well, if you still had high speed, or if you still do have high speed, um, would you still be using it now? When, when you see every week, eighty – four people, one hundred people get sued. Would you still be using it to the extent that you did back then, when it was pretty much free?

Trevor Well, part of it too, is they can't sue you for downloading the music. They can only sue you for sharing the music, because in doing that you're breaking copyright laws, um, downloading the music actually isn't. Now theoretically, if they got a search warrant and came to your house and found the music on your computer.

(Several people laugh)

Trevor But, they could never get the search warrant to begin with, so downloading music, as long as, you don't actually share, is not illegal, which is why things like Kazaa now, the speed at which download of the amount that you get in your search results is based on how much you share. Um, I've actually got a friend who downloads...

Olivia I didn't know that.

Trevor Yeah, who downloads all of, tons and tons of music, but he uses random sites, you know like FTP sites and things like that.

Olivia That's what I prefer doing.

Trevor Um, but I don't download anymore, cause he does enough for eight or ten people and I just get what I want...

(Several people laugh)

Trevor ...from him. But when he was using Kazaa, what he would do was put three or four porn movies in his shared folder, so that his shared rate went way up.

(Several people laugh)

Trevor And then he wasn't sharing music and couldn't be sued for it.

(Several people laugh)

Chloe That's great! Making porn work for you.

(Several people laugh)

Chloe That's what I call the money shot.

(Several people laugh)

Jason Ten thousand seconds.

Researcher Okay, we're already said, you know, everybody's pretty much made it a general consensus that they don't think it's going to hurt anything. The RIAA can't sue everybody. What about these legal alternatives. Do you think they'll be able to make a big enough dent in, um... You think they'll have a prolonged exposure or prolonged success, like Apple Music Store.

Trevor I've used Apple Music Store. It's ironic...

Researcher Do you think it'll be around ten or fifteen years from now, or..

Trevor It's nice.

Olivia That you can't...It's doesn't, it's not a MP3 form.

Trevor No, it's, if you have to download their iTunes though you can or convert, you can convert it to a MP3.

Chloe See, I think that speaks to the real issue, is that how many people are going to be well versed enough on all the technology to be able to download stuff, convert files, and...

Trevor Well, the thing is you can keep it...

Brooke I wouldn't really want to go through and do it. That's why I'm like, I'll just go to the store and buy it.

Trevor What you can do, is you can calmly burn it to a CD. I think twenty, times or something like that. Ten or twenty times. Well, the thing is once it's burned to the CD, unless you're giving the CD away, you've still got it. You can still take it back off the CD and burn it...again. So, it's not like you're losing the music, it's just.

Olivia It's just the hassle.

Chloe It's, it's the hassle of mix tapes. You know, I mean...

Trevor It's such a higher level. Like to me, I know one day, now I know how to do these fun technical things. But, I know one day, I'm going to be like my mom, and I'm going to be sitting in front of a computer going, where is the any key. I can't find the any key. I don't get it. And I know that, I'm gonna be...I'm already at a point in my life where I am so busy with real world activities, that even if I had the accessibility to download music, I wouldn't spend the time doing it. I don't even go online at home at night. I'm working all day.

Trevor That's actually why I use the Apple iTunes. Cause like she said, with dial

up, It's just not worth it. To find a song, and then download the song, and things like that. But, I mean, it was fast connection, you just click, it downloaded, it was ninety-nine cents. I mean...

Chloe Yeah, I think, I think there will always be computer geeks around, who are going to want to do this stuff and participate and that's great, but I don't, I don't think it'll ever be to such an extent where it really does present such a viable threat to these, the RIAA wants to believe it does.

Olivia If anything, we see those awesome iTunes commercial, with the silhouettes dancing.

(Several people laugh)

Olivia ...then put that on Kazaa.

(Several people laugh)

Researcher Anyone else want to chime in the whole music piracy thing.

Robert I still think it's wrong. I mean the point is not who it's hurting or whatever or not it is it is wrong or whatever. And it...the bottom line is it is stealing whether it's hurting someone or not. Maybe it's a victimless crime or whatnot, but I still think that it is stealing.

Trevor But it, is it better to come by art, the...wrong way, than never be exposed to it at all. Isn't it better to actually come in contact with it, than never see it, because it would never come out of their vault, or never get played on the radio.

Robert I think art is meant to enrich somebody's life. Yes, you have to get

through, through the ceiling and it's probably not...

Olivia But some CD's are produced that are never made again, like you know, the original Metallica, or something like that. You can finally hear the songs, through the Internet, but otherwise, would never find it.

Robert Ask Metallica if they care.

(Several people laugh)

Researcher Do you think you might be a little indifferent because...

Robert I am a pretty indifferent.

Researcher Since you're an artist, whereas, um, if you had a famous director, a favorite director you probably wouldn't take anything from him cause you like, you want to support him. Whereas he's, he may be into artists or whatever you take music because this artist, not really your industry. You think that might be different, like artist, may feel a little bit differently, than someone who's not an artist.

Olivia No, cause I still buy soundtracks a lot.

Researcher Oh.

Olivia Like, I just did never bought that many CD's in the first place, even before I downloaded. The thing is for the movie side of it, it's just the quality of the stuff that you get on person to person file sharing is just so bad, I mean you could be part of a newsgroup and get it, but the people who download from newsgroups probably weren't going to the movie theatre at all or buying DVD's anyways. So, it's kind of like, that's really not affecting it.

Blockbuster still makes tons and tons of money, and there are tons of people that will buy 'em, you know. I would...if they get more upset about how popular used DVD's are sold, through stores, and they're really not making much money off of that.

Trevor I think the problem that I have, is the people who get on, like she said, and buy the new J, get the whole new J. Lo CD, that's, that's a problem. Getting one or two songs to see if you like someone is like going to the store and flipping through a book, and say, oh, I like the Picasso, lets go see what I can find. You know, so the, the issue there is, I mean, I think it's, it's an act of stealing, so much if you're grabbing a whole CD, but if you're trying to get exposed to something, so that you can describe what you like, I think that's a different situation. And maybe I'm just rationalizing, but I don't know.

Olivia And MP3 are really not that good of a quality, I mean they're not the same file rate as CD's, and they, there, you miss a lot of the really highs and the low lows. Where if you're kind of deaf, then it's bad to good quality.

(A few people laugh)

Olivia But otherwise, you know, if you're that much of a nut about it, then you'll probably just get the CD.

Researcher Well, thank you for taking part in the survey...

APPENDIX G
UNIVERSITY OF NORTH TEXAS
INTERNAL REVIEW BOARD APPROVAL FORM

UNIVERSITY^{of} NORTH TEXAS

Office of Research Services

March 1, 2004

Christopher Latson
Department of Radio, Television & Film
University of North Texas

RE: Human Subjects Application No. 04-028

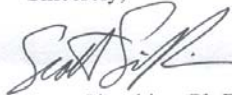
Dear Mr. Latson,

Your proposal titled "Contemporary Pirates" has been approved by the Institutional Review Board and is exempt from further review under 45 CFR 46.101. **Federal policy 45 CFR 46.109(e) stipulates that IRB approval is for one year only.**

It is your responsibility according to U.S. Department of Health and Human Services regulations to submit annual and terminal progress reports to the IRB for this project. Please mark your calendar accordingly. The IRB must also review this project prior to any modifications.

Please contact Shelia Bourns, Compliance Administrator, ext. 3940 or Boyd Herndon, Assistant Director for Compliance, ext. 3941, if you wish to make such changes or need additional information.

Sincerely,



Scott Simpkins, Ph.D.
Chair
Institutional Review Board

SS:sb

APPENDIX H
FOCUS GROUP INFORMATION LETTER

**UNIVERSITY OF NORTH TEXAS
INSTITUTIONAL REVIEW BOARD**

INFORMATION LETTER

Page 1 of 2

Title of Study: Contemporary Pirates
Principal Investigator: Christopher Latson

Before agreeing to participate in this research study, it is important that you read and understand the following explanation of the proposed procedures. It describes the procedures, benefits, risks, and discomforts of the study. It also describes your right to withdraw from the study at any time. It is important for you to understand that no guarantees or assurances can be made as to the results of the study.

Start Date of Study: 03/01/2004

End Date of Study 04/30/2004

Purpose of the Study:

The purpose of this study is to examine the perceptions and attitudes towards the issue of online music file sharing by individuals associated with the University of North Texas. This research will serve as a pilot study for measuring and determining the relationship between student's moral values and judgments and their perceptions and attitudes toward online music file sharing.

Description of the Study

This study consists of a Defining Issues Test (DIT) and survey questions and a brief discussion session after both the test and survey have been completed. The length of subject participation should be approximately 60-90 minutes.

Procedures to be used

The investigator will provide each participant with a DIT test and a survey. Upon completion, the investigator will collect both the test and the survey. The investigator will then hold a brief discussion session in which participants will have the opportunity to express their thoughts on the issue of online music file sharing. This portion of the focus group will be recorded using an audio capturing device for transcription purposes. The audio will not be used or played publicly after the focus group. This data will be compiled and then grouped and/or sorted in order to allow for comparisons of the data collection to be easily transferred into charts and graphs.

Description of the foreseeable risks

There are no foreseeable risks involved.

Benefits to the subjects or others

This study will allow participants to express their thoughts and feelings towards online music file sharing without any fear of reprisals. This study has the potential to serve as a starting point for continuing research for any future studies regarding online music file sharing.

**UNIVERSITY OF NORTH TEXAS
INFORMATION LETTER**

Page 2 of 2

Procedures for Maintaining Confidentiality of Research Records

The names of the participants will not be published in the investigator's thesis, in which the results of this study will be used.

Review for the Protection of Participants

This project has been reviewed and approved by the UNT Committee for the Protection of Human Subjects (940) 565-3940.

Research Subject's Rights

Christopher Latson has explained the study to me and answered all of my questions. I have been told the risks and/or discomforts as well as the possible benefits of the study.

I understand that I do not have to take part in this study and my refusal to participate or my decision to withdraw will involve no penalty or loss of rights, benefits, or legal recourse to which I am entitled. The study personnel may choose to stop my participation at any time.

In case problems or questions arise, I have been told I can contact Christopher Latson at 940-369-9346 or 713-249-4309 or Dr. Samuel J. Sauls, University of North Texas, Department of Radio, Television, and Film, 940-565-2537.

I understand my rights as research subject and I voluntarily consent to participate in this study. I understand I may keep this information letter for my records.

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