'Pirates' and 'Freetards': the Discourses and Rhetoric of Online Music Consumption

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Abstract

The availability of recorded music in online digital formats (e.g. mp3, streams), and the increasing use of the Internet to access and acquire music, has provoked significant public debate in recent years. Sharing of music, for little or no cost, has been extensive and music industry organisations, whose revenue streams and established business models are threatened by this activity, face off against what they see as consumers and advocacy groups that support this alternative to commercially-priced physical recordings. Yet the digital music market has matured as this debate has proceeded, and in 2013, music is available through a variety of paid online services, to stream or download at relatively low cost. And while many of the earlier arguments advanced both for and against online formats and free file-sharing have proven difficult to sustain, the rhetorical positions adopted by many producers, distributors and consumers of music more than a decade ago are recited broadly unchanged. And indeed, sharing has long been at the heart of debates about the economics and culture of music. What, then, can this debate tell us about music consumers and their relationship to the music industry?

This paper investigates the ways in which online music consumption has been presented during the period from 1999 to the present. It focuses specifically on both internal and external constructions of music consumers, including file-sharers and their communities. The study examines these discourses and rhetoric not for their oft-cited commentary on rich music industry organisations or freeloading file-sharers, but instead for their insights into popular music consumption cultures and their practices. Their narrative of criticism and justification help us to explore the identities performed by music consumers, and to understand how those consumers make meaning from their consumption.

Key Words: popular music, online music, music industry, music culture, file sharing, downloading, discourse, rhetoric.

1. Introduction

With the launch of Napster in 1999, the sharing of copyrighted music files online quite suddenly became a significant mainstream activity. A public debate about the implications of this for the major music industry continues even today. Participants in this debate have take up some quite extreme rhetorical positions, with many arguments hinge on speculation – whether or not someone who downloaded a song for free would or would not otherwise have bought it, for

example – and in essence it's impossible to bring this debate to a satisfactory conclusion. We can, however, use the debate as a source of information: participants reveal their views of music consumers and their own consumption practices, and we can learn something about the way public debates are shaped by advocacy of particular positions and by ways of thinking about those positions.

In what follows, I will investigate some of the ways in which online music consumption has been presented during the period between 1999 and the present day, focusing on constructions of music consumers, including file-sharers. I will examine the discourses and rhetoric employed in the public debate for insights into the culture and practice of popular music consumption. The narrative of criticism and justification helps us to explore the identities performed by music consumers, and to understand how those consumers make meaning from their consumption.

2. The story so far...

There is already a substantial body of academic work on online music, a large amount of which has tried to measure the volume of file-sharing taking place and its impact on the music industry,¹ and there has been some polarisation among academics on this issue.² Unfortunately, this economic focus has tended to crowd out other aspects of the debate altogether.³ Other scholars have criticised this reductionism,⁴ and offered a more nuanced understanding of the impact of the technical innovations that have taken place.⁵ People can now consume music in more ways than they ever have previously, and practices in relation to music have changed as a consequence. It's also been suggested that an understanding of music consumption should be rooted within wider notions of music fan practice.⁶ Some scholars have explored consumption in more detail in particular contexts, and they have highlighted the need for further analysis.⁷ Unfortunately, some studies that have investigated music consumption have adopted (probably unwittingly) the rather pervasive rhetoric of the major music industry, and this has potentially distorted their outcomes.⁸

My aim here was to avoid some of these problems by looking at perhaps more organic sources of information. To gain ready access to discussions which incorporated not only industry views but also those of music consumers themselves, I decided to base this study on news coverage of online music, specifically that produced by the British Broadcasting Corporation (BBC)'s online news service. There is a huge amount of material in the public domain about online music, but the BBC's material gives a sense of continuity: they have a consistent and accessible archive of online news over around 16 years, and certainly between 1999 and 2013, and they generally avoid the inflammatory stances of some well-known commentators on online music, such as The Register's Andrew Orlowski, who is known for calling file-sharers 'Freetards'. The BBC open many articles for comment, and their extensive readership means that stories can often attract

hundreds of reader responses. Here, then, I see news as a provocation, which elicits comments from readers.

The BBC news site returns over 1200 items in response to a search for 'online music', and while many of these give us little information, in order to make this study manageable, I sampled 50 articles in total. These included hundreds of comments by the general public, as well as a number of uncommented stories, which supplied context or included specific music industry commentary. In analysing the postings, I focused on three areas: the ways industry representatives talked about music consumers; the ways consumers talked about themselves; and the way the context of the debate shaped the discourses presented.

3. Fans, consumers and customers

The terminology used by debate participants was notable, particularly the words 'fan', 'consumer', and 'customer'. Music industry representatives seemed tremendously careful about the terms they used, and in this they differed from both commenters and news authors. There was an overwhelming tendency for industry representatives to refer to 'consumers', and they only used other terms very infrequently – 'fan' occasionally as a rhetorical device, for example¹⁰ – which suggests a coherent position and a clear perspective. 'Consumers' seems to act as a catch-all and neutral term: consumers *use* music whereas customers *buy* it, and so through its choice of terminology the industry appears to address all participants in music consumption. For others, there is rather less precision, and terms are used semi-interchangeably: one comment referred, for example, to 'the consumers, the fans', ¹¹ and authors would sometimes vary their terms within a single article. ¹² Furthermore, authorial use sometimes clashed with industry usage: 'despite the launch of many legal download services, customers still seemed to prefer to get their music free online'. ¹³

Interestingly, the terminology used by commenters changed to relate to the nature of the debate. In mid-2000, the term 'fan' was used several times in comments on one Talking Point piece, for example.¹⁴ Yet in a similar piece from mid-2001, 'fan' was being supplanted by 'consumer'; and, as time went on, 'consumer' was increasingly supplanted by 'customer'.¹⁵ Thus while commenters' terminology to describe themselves varied, it seemed to be meaningful. The term 'fan' seemed to be particularly important. It was used in both a positive and negative or critical manner by commenters: some self-identified as fans (e.g. 'As a keen music fan'), ¹⁶ and some musician commenters referred to 'my fans'. ¹⁷ But there was a clear tendency, both among commenters and music industry representatives, to use 'fan' as a way of criticising file-sharing behaviour. 'I think every music "fan" who supported Napster should be ashamed', wrote one commenter. ¹⁸ So fan, along with the related term music-lover, appeared to be used as an indicator of status, value, and credibility. It was also used in the construction 'real fan'; a more explicit assertion of authenticity or critique. 'REAL fans' are

better than consumers of 'ready-made-popstar tv', ¹⁹ we are told, and 'a true fan' would buy multiple copies of the same CD if they had different cover art. ²⁰ But, equally, 'if you steal music you can't be a real music fan'21 and, in the words of one teenager, 'if you were a true fan of an artist then you would go out and buy their music'. ²²

This idea of authenticity is also associated with another term: 'pirate'. Again, this is a term industry representatives seem to avoid, but commenters and article authors use it more freely. Industry quotes refer to piracy, and to pirate goods, but not, in general, to pirates as people. The term is not absent from the discourse of the industry more generally, though – a quick look at IFPI reports shows extensive use of the word (although, interestingly, this usage seems to reduce after c. 2007).²³

But in the context of news, we see the more neutral 'piracy' and its relation 'illegal file-sharing', of which more later. For commenters, though, 'pirate' plays a role of similar importance to 'fan'. Article authors use pirate extensively and (almost) carelessly,²⁴ but commenters seem to deploy it more thoughtfully. It is predominantly used critically, and only on rare occasions do commenters self-identify as pirates, perhaps to note the distinction between youthful and adult behaviour²⁵ or in a more political (and, arguably, non-naming context), to refer to membership of the Pirate Party.²⁶ The broader pattern of use is easily recognisable as a practice of othering. Who exactly pirates are goes undefined, but they are not the person who is talking about them. The issue of authenticity, however, only seems to emerge for those acting in what might be called marginal positions: 'People who download music for profit (the REAL pirates) are wrong, but the vast majority use it to gauge the latest musical influences', we are told;²⁷ 'the real focus shouldn't be on internet downloads for personal use but on the professional pirates that distribute illegal CDs and DVD at car boot sales and markets'.²⁸

4. Consuming music

In the course of debate about online music, commenters also often describe their consumption media of choice, their reasons for choosing, their frustrations with their consumption experience, and their wants and needs as music consumers. Although many of these perspectives are very individual, they sometimes indicate a growing consensus about specific concerns with the online music experience. In 2012, this was summarised very well by one contributor:

What if there is no legal release of the song that you download? What if the DRM on a song I have purchased makes it impossible to play legitimately [sic]? What if I already own a copy but the disc has been damaged? What if I have paid for it with no option to refuse, and want an easily storable copy (BBC broadcasts for instance)?²⁹

While we might see this as a (short) manifesto of justifications for downloading music for free, it is clear that there are underlying and important cultural practices here. Throughout the period, many comments mentioned access to back catalogues and music not presently on release, not only as a reason to download, but as an injunction to the music industry to provide desired services.³⁰ Closely keyed to this requirement was the idea of using downloading services and, in later years, streaming services, to revisit songs from the past, to 'wallow for hours in nostalgic listening' as one commenter remarked.³¹ The issue of DRM, digital rights management, first appeared in comments around 2002, but by 2006 this was such a concern that a quarter of the responses to an 'ask the industry' feature engaged with this specific issue.³² Though some people were simply affronted by restrictions on what they saw as their possessions, many others were concerned about the inflexibility that DRM brought to their consumption experience, well summarised in one complaint: 'I would like to download more but the fact that where I listen and watch is not the same as where I download causes me problems'.33 These objections highlight practices of platform shifting, using music in multiple locations, and the importance of convenience and portability in the use of music. Comments also indicated that, when frustrated, people instead downloaded music for free or returned to the use of physical formats.³⁴

All of these issues can be seen to some extent as part of an interrogation of the position that downloading music for free is problematic. Yet, as noted, this is quite a short list in many ways, due perhaps to the changing nature of online music over time. In earlier years, comments referred to other consumption practices facilitated by free downloads which were clearly important to music users. Perhaps the most significant of these, discussed in many early posts, is the idea of sampling music prior to purchase. Drawing analogies in some instances with radio as an initial source of new musical experiences, 35 the desire to preview the contents of an album before investing money and to discover new artists was widespread. 36

Notably, this particular complaint begins to disappear around the middle of our period, suggesting that this need had been met, perhaps by sites like Last.fm and YouTube, and by song previews. Elsewhere, the issue of sharing music with friends, another important practice facilitated by file-sharing and prevented by DRM, can be seen to be met by services such as Spotify, for example.³⁷

Of course, some commenters reject online music entirely, preferring physical music products. A 2013 article about the collapse of music chain HMV elicited numerous comments detailing attitudes to physical and online music. Many exhibited a preference for physical formats, sometimes alongside online music, and cited a variety of reasons including the experience of holding or shopping for the artefact, the security of ownership, and recording quality.³⁸ These issues recur throughout the period, with earlier comments also mentioning problems using online services, the format-specific needs of different consumption locations (at work, for example), and DRM as previously noted.³⁹

5. Economics and law

In many ways, these discourses and practices reflect a nuanced version of those we might expect to encounter. There are, in addition, a number of other practices, which are mentioned in isolation – downloading for free to avoid the embarrassment of buying a particular CD, for example – and other criticisms of the music industry, such as the timing of releases. But the issue of physical versus online formats highlights a discourse which is represented throughout the vast majority of comments on these articles, and which is perhaps more surprising than others. This discourse is focused on economic and financial issues, and is, I would suggest, the dominant discourse in these discussions.

A major reason given for choosing physical artefacts over digital is cost. Throughout the period, commenters insist that music is too expensive, that downloads should be cheaper than physical products, and that the music industry is too rich. And while I was initially uninterested in what I regarded as a fairly commonplace construction of wealthy major labels, it is such a strong theme here that it would be foolish to ignore it. Robbie Williams' personal wealth was cited as an example of music industry excess in three successive years (2002-4),⁴⁰ and people reported that financial considerations were an important factor in their music consumption choices – whether they bought downloaded or physical music, but also whether or not they bought music at all, and what kind of music they bought when then did so.⁴¹ And while some such perspectives stem from a need to justify the use of file-sharing sites, clearly those choosing CDs over online services for price reasons were signalling a more substantial issue, which formed a fundamental part of their music consumption practices and experience.

We must also consider a further complication here: this is a mediated debate. Some comments were guided by prompts from article authors,⁴² and even where they were freely solicited, commenters were responding to the provocations the articles presented. It is also noteworthy that a large number of articles on these subjects seem to result from music industry press releases. Some articles lead with statements like 'The British Phonographic Industry (BPI) has warned it may sue people who swap songs on the Internet illegally',⁴³ and these might be expected to provoke particular kinds of responses. As a consequence, the rhetoric of the major music industry, articulated in this case through a trade association, has a distinct influence on the public debate. As it is the industry and not the consumers who make the news, therefore, the news reflects industry concerns, shaping the resultant discussion. That music fans reimagined themselves as customers during this debate is perhaps a clear indication that it reflects a specific kind of relationship.

Similar influences can perhaps also be seen in the legal discourse, which surrounds discussions of file-sharing. As noted already, the music industry talk about illegal file-sharing alongside (and often interchangeably with) piracy. In the early years of the study period, the meaning of downloading was rather

unambiguous – there were no sanctioned services in place, so to download or to file-share was to indulge in a particular kind of practice.⁴⁴ But, as official services appeared, a distinction began to be drawn between different kinds of online music access; the influence of the vocal music industry representation is perhaps clear in a strong shift towards a discourse of illegality, therefore; the phrase 'illegal downloading' had, by late 2002, become commonplace in comments.⁴⁵

6. Conclusion

So the public debate about file-sharing and online music more generally reveals a number of perspectives on music consumption. The music industry use terminology carefully, and authors and audiences more freely but with significant meaning, and authenticity is important even when talking about the other.

Commenters initially identified themselves as fans, but came to regard themselves principally as consumers and then, more recently, as customers, with 'fan' and 'pirate' used as oppositional terms reflecting appropriate behaviour. At the margins, the trope of the 'real fan' or 'real pirate' was used to support a case for a particular interpretation or view on that behaviour.

In practice terms, early access to unfettered sharing prompted clear identification of 'desirable' practices which consumers wanted the music industry to facilitate, and which are in fact still under discussion today. In a recent video, a representative of Sony Music Entertainment observed that they are still figuring out what music fans really want. ⁴⁶ Surprisingly, (at least to me) the issue of money appears to be far more central to music consumption experiences than more 'artistic' interpretations of music activity might lead us to believe, not only as a major factor in music-related decision making, but also resulting in an underlying hostility to the major music industry. The extent to which this is a result of music industry and or file-sharing discourse, and the extent to which it results from individual and societal circumstances, benefits further investigation.

Finally, the nature of debates of this kind, and the way they are stimulated and located, clearly affects the discourses presented. Particularly, here, we are reminded of the distorting effect of mediation when there is uneven access to newsmaking.

Notes

¹ See for example, Luca Molteni and Andrea Ordanini, 'Models of Online Music Consumption: Definition and Implications for Management. SDA BOCCONI, Research Division Working Paper No 02-70', *SSRN eLibrary* (2002); Steve Jones and Amanda Lenhart, 'Music Downloading and Listening: Findings from the Pew Internet and American Life Project', *Popular Music and Society* 27.2 (2004); David Bounie, Marc Bourreau, and Patrick Waelbroeck, 'Pirates or Explorers? Analysis

of Music Consumption in French Graduate Schools', SSRN eLibrary (2005); Kembrew McLeod, 'MP3s Are Killing Home Taping: The Rise of Internet Distribution and Its Challenge to the Major Label Music Monopoly', Popular Music and Society 28.4 (2005); William Kinnally et al., 'Getting up on the download: college students' motivations for acquiring music via the web', New Media & Society 10.6 (2008). Peter Tschmuck, 'The Economics of Music File Sharing – A Literature Overview' (paper presented at Vienna Music Business Research Days, University of Music and Performing Arts Vienna, June 9-10, 2010) notes the contradictory nature of the findings of many studies.

- ² For the industry position see, for example, Shane Homan, 'Dancing without Music: Copyright and Australian Nightclubs', *Popular Music and Society* 33, no. 3 (2010). The converse can be seen in Robert L. Frost, 'Rearchitecting the music business: Mitigating music piracy by cutting out the record companies', *First Monday* 12, no. 8 (2007), viewed 24 June 2013,
- http://firstmonday.org/ojs/index.php/fm/article/view/1975/1850.
- ³ Dave Laing and Norton York, 'The value of music in London', *Cultural Trends* 10.38 (2000).
- ⁴ Andrew Blake and Graham Jeffery, 'Commentary: The implications of "the value of music in London" for local and regional music policy', *Cultural Trends* 10.38 (2000); Gilbert Rodman and Cheyanne Vanderdonckt, 'Music for Nothing or, I want my MP3: The regulation and recirculation of affect', *Cultural Studies* 20. 2 & 3 (2006).
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- ⁷ See, for instance, Sarah Louise Baker, 'Pop in(to) the Bedroom: Popular Music in Pre-Teen Girls' Bedroom Culture', *European Journal of Cultural Studies* 7.1 (2004); Dan Laughey, *Music and Youth Culture* (Edinburgh: Edinburgh University Press, 2006); Andy R. Brown, 'Popular Music Cultures, Media and Youth Consumption: Towards an Integration of Structure, Culture and Agency', *Sociology Compass* 2.2 (2008); Nathan Wiseman-Trowse, *Performing class in British popular music* (Basingstoke: Palgrave Macmillan, 2008); Ann Werner, 'Girls consuming music at home: Gender and the exchange of music through new media', *European Journal of Cultural Studies* 12.3 (2009).

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- Geoff Taylor, *Time to take on the file sharers*, accessed 24 June 2013, http://news.bbc.co.uk/1/hi/technology/7452621.stm.
- ¹¹ Rory Cellan-Jones, *Music piracy who's on the moral high ground?*, accessed 24 June 2013, http://www.bbc.co.uk/news/technology-18892655, comment 95.
- ¹² Some use all three, for example Michael Geist, *Why popstars are going it alone*, accessed 24 June 2013, http://news.bbc.co.uk/1/hi/technology/7047723.stm.
- ¹³ BBC, 'Legal downloads swamped by piracy', accessed 24 June 2013, http://news.bbc.co.uk/1/hi/technology/7832396.stm.
- ¹⁴ BBC, 'MP3 verdict: should Napster be shut down?', accessed 24 June 2013, http://news.bbc.co.uk/1/hi/talking_point/853706.stm.
- ¹⁵ Compare, for example, comments from June 2001 (BBC, 'End of free music on the web?', accessed 24 June 2013,

http://news.bbc.co.uk/1/hi/talking_point/1373072.stm), August 2003 (BBC, 'Record sales for 'cheap' albums', accessed 24 June 2013,

http://news.bbc.co.uk/1/hi/entertainment/music/3158767.stm) and April 2005 (BBC, 'Online music lovers "frustrated"', accessed 24 June 2013, http://news.bbc.co.uk/1/hi/technology/4474143.stm).

- ¹⁶ BBC, 'UK song-swappers "could be sued", accessed 24 June 2013, http://news.bbc.co.uk/1/hi/entertainment/music/3395161.stm, comment 47.
- ¹⁷ E.g. BBC, 'Napster: A musician's view', accessed 24 June 2013, http://news.bbc.co.uk/1/hi/entertainment/1168030.stm.
- ¹⁸ BBC, 'End of free music on the web?', comment 30.
- ¹⁹ BBC, 'Digital download day: Your views', accessed 24 June 2013, http://news.bbc.co.uk/1/hi/entertainment/music/2293175.stm, comment 88.
- ²⁰ BBC, 'Copyright controls "out of tune", accessed 24 June 2013, http://news.bbc.co.uk/1/hi/technology/2968216.stm, comment 3.
- ²¹ John Kennedy, 'Digital music: Industry answers "How can teenagers be persuaded?"', http://news.bbc.co.uk/1/hi/entertainment/4642374.stm#7.
- ²² BBC, 'MP3 verdict: should Napster be shut down?', comment 28.
- ²³ See for example, IFPI, 'IFPI Music Piracy Report', viewed 24 June 2013, http://www.ifpi.org/content/library/piracy2001.pdf; 'The Recording Industry Commercial Piracy Report', viewed 24 June 2013, http://www.ifpi.org/content/library/piracy2003.pdf; 'Digital Music Report', viewed 24 June 2013, http://www.ifpi.org/content/library/digital-music-report-2007.pdf.

⁸ For example, the UK Children Go Online study assumed that the downloading of music was illegal, and related it to hacking (Sonia Livingstone, *UK Children Go Online: End of Award Report*, viewed 24 June 2013,

⁹ For example, Andrew Orlowski, *Take that, freetards: First music sales uptick in over a decade*, accessed 24 June 2013,

- ²⁴ BBC, 'Net firms in music pirates deal', accessed 24 June 2013, http://news.bbc.co.uk/1/hi/technology/7522334.stm., for example.
- ²⁵ BBC, 'Digital download day: Your views', comment 25.
- ²⁶ Finlo Rohrer, 'Getting inside a downloader's head', accessed 24 June 2013, http://news.bbc.co.uk/1/hi/magazine/8106805.stm, comment 9.
- ²⁷ BBC, 'UK song-swappers "could be sued", comment 23.
- ²⁸ BBC, 'EMI boss defends music industry', accessed 24 June 2013, http://news.bbc.co.uk/1/hi/entertainment/music/3079908.stm, comment 25.
- ²⁹ Cellan-Jones, 'Music piracy who's on the moral high ground?', comment 58.
- ³⁰ For example: Rory Cellan-Jones, 'Facts about file-sharing', accessed 13/4/2011, http://www.bbc.co.uk/blogs/technology/2009/11/facts_about_filesharing.html, comments 19 and 41; BBC, 'MP3 verdict: should Napster be shut down?', comments 3, 6, 50, 73, 75, 77, 79 & 100.
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- ³³ Ibid., comment 68.
- ³⁴ E.g. BBC, 'Online music lovers "frustrated", comment 27.
- ³⁵ For example, BBC, 'UK song-swappers "could be sued", comment 23.
- ³⁶ For example, BBC, 'MP3 verdict: should Napster be shut down?', comments 19, 25, 27, 37, 57, 59, 63, 69, 84, 89 & 100; BBC, 'Digital download day: Your views', comments 28, 59, 67, 88 & 90; BBC, 'UK song-swappers "could be sued", comments 4, 10, 12, 32, 41, 50, 74 & 81.
- ³⁷ Schocker, 'Spot kicks', comment 4.
- ³⁸ BBC, 'Digital music 'becomes mainstream' in the UK', accessed 24 June 2013, http://www.bbc.co.uk/news/entertainment-arts-21365281, see particularly comments 28, 108, 64, 96.
- ³⁹ BBC, 'Digital download day: Your views', comments 41, 52.
- ⁴⁰ Ibid., comment 33; BBC, 'EMI boss defends music industry', comment 24; BBC, 'UK song-swappers "could be sued"', comment 55.
- ⁴¹ For example, BBC, 'Digital download day: Your views', comments 43, 74, 41.
- ⁴² 'You told us your views on the price of CDs', for example: BBC, 'Record sales for 'cheap' albums'.
- ⁴³ BBC, 'UK song-swappers "could be sued"'.
- ⁴⁴ See, for example, BBC, 'MP3 verdict: should Napster be shut down?' and BBC, 'End of free music on the web?'
- ⁴⁵ BBC, 'Digital download day: Your views'.
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