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"Everybody does pirating!" – Children's views about online piracy

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Resumo
***"Toda a gente faz pirataria!" – A opinião das crianças sobre a pirataria* online**
Este texto dá um pequeno contributo para a compreensão da pirataria *online* com base nas narrativas de crianças em idade escolar e contributos teóricos da Zemiologia, proposta da criminologia crítica.
Uma abordagem de natureza participativa permitiu emergir na complexidade da vida digital das crianças (um total de 41, na maioria raparigas com idades entre os 10 e os 12 anos).
Os resultados sugerem que a pirataria *online* é moralmente aceitável entre as crianças e que uma preocupante falta de conhecimento e sentido de impunidade pode estar a governar tais práticas que ocorrem *anytime, anyplace*.
Além disso, parecem estar a emergir antigos e novos vetores de vitimização, vulnerabilidade e dano, nos quais a criança pode ser simultaneamente agressora e vítima.

Palavras-chave: Tecnologias digitais *online*, crianças em idade escolar, zemiologia, risco, pirataria *online*.

Abstract
This text offers a small contribution to the understanding of online piracy based on the accounts of school-aged children and by theoretical contributions from Zemiology, as proposed by critical criminology.

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A participatory approach was used to reach the intricacies of children's (a total of 41, mostly girls and aged 10-12) digital lives.
Findings suggest that online piracy is a morally acceptable activity among children and a worrying lack of knowledge and impunity may be governing such practices, which can occur in an anytime, anyplace context.
Additionally, old and new vectors of victimisation, vulnerability and harm are emerging, where the child can become, simultaneously, perpetrator and victim.

Keywords: Online digital technologies, school-aged children, zemiology, risk, online piracy.

Résumé
« Tout le monde pirate ! » – L'opinion des enfants sur la piraterie en ligne
Ce texte propose une brève contribution à la compréhension de la piraterie en ligne basée sur les récits d'écoliers et les contributions de la Zémiologie, proposée par la criminologie critique.
Une approche participative a été utilisée pour accéder à la complexité de la vie numérique des enfants (41, la plupart étant des filles âgées entre 10 et 12 ans).
Les résultats suggèrent que la piraterie en ligne est une activité moralement acceptable chez les enfants. Cela se caractérise par un manque alarmant de connaissances et un sentiment d'impunité régissant ces pratiques qui peuvent se produire à tout moment et n'importe où.
En outre, des anciens et de nouveaux vecteurs de victimisation, de vulnérabilité et de dommages semblent se dessiner dans un contexte où l'enfant peut être à la fois l'agresseur et la victime.

Mots-clés : Technologies numériques en ligne, écoliers, zémiologie, risque, piraterie en ligne.

Introduction

This text offers a small fragment of a qualitative study[1] guided by two objectives: to understand the personal values and meanings school-aged children might use to interpret their technologized lives and, to uncover unintended harmful outcomes that may be (more or less) hidden in children's everyday digital lives. Recognising children as competent agents in their own right (Christensen & Prout, 2002; Livingstone, 2009), a participatory approach was used to reach the intricacies of the relationship between the participants (a total of 41, mostly girls and aged 10-12) and online digital technologies[2] (hereinafter designated as ODT). Drawing from everyday situations, children's voices

[1] PhD thesis entitled "'It's a complicated situation'. Harm in everyday experiences with technology. A qualitative study with school-aged children".
[2] In the context of this study, the concept 'online digital technologies' refers to devices and services connected to the internet that afford flexible communication and connectivity for the user.

were privileged to inform a multi-lens approach, drawing perspectives from the sociology of risk, childhood studies, socio-technical studies and Zemiology, as each perspective represents a different positioning to reflect the complexities enclosed in the technologized world in which children grow, move and participate (Hutchby & Moran-Ellis, 1998). In particular, Zemiology, a variant of critical criminology focused on the study of social harm, plays a key role when scrutinizing children's accounts, guiding both its analysis and interpretation to move beyond the narrow and limiting scope of how risk and crime deal with harm, to a more holistic and inclusive model.

The qualitative data generated by participants' accounts in the study was organized in three key themes: i) digital inequalities, ii) controlling parental control and iii) online participation and provides relevant information to society in general and to families and other agents in charge of the care and education of the child, in particular.

Control and agency are central aspects that cut across each key theme and destabilise romantic westernised constructions of childhood that no longer embody the contemporary child (Prout, 2005). From a harm perspective, evidence in the study suggests that children's rights can be compromised when digital expectations and needs are not met and digital assumptions are taken for granted, hindering children's educational and social development. Protection and participation rights online are challenged when parents use panoptical and paternalistic strategies that affect children's decisions, judgements and development as well as parent-child relationships in a bi-directional lack of trust. The narratives, however, do not exclusively depict the child-victim. Findings insinuate that children are actively engaging in morally and socially ambiguous behaviours online that include sexual socialization, carelessness, rude and abusive behaviours and illegal and deviant practices (Staksrud, 2009) or less-approved activities on the internet (Livingstone & Bober, 2005), including hacking or the unauthorized download of copyright protected contents.

Considering that deviant practices or less-approved activities on the internet, like the unauthorised download of copyright protected contents are still scarcely addressed in research, in particular addressing children actively involved (Cheung, 2013; Staksrud, 2009), the purpose of this article is to offer children's perspectives on this controversial practice of 'online piracy' (Larsson *et al.*, 2014) as an embedded activity in their everyday lives.

In line with this, the text in a first stance develops to critically evaluate the risk narrative and its limiting theoretical framework in the analysis of the challenges that ODT brought to children's everyday lives. Secondly, to focus on the comprehensive theoretical method Zemiology, as an alternative for understanding the complex landscape where children, digital and online converge. The third section summarizes the methodological approach that guided this research 'with' and 'about' children. The fourth section centres in presenting

and discussing selected data concerning these specific digital experiences. The data presented in this text is part of the key theme 'online participation' mentioned previously. And finally, the last section highlights the main conclusions.

1. Children, technology and the risk narrative

Influenced by media discourses (Buckingham, 2009b; Ponte, 2009; Ponte *et al.*, 2009) and research shaped within developmental theories and a welfarist scope (Kelley *et al.*, 1998), adults tend to adopt one of two contradictory positions regarding children: they are either "afraid *for* or afraid *of*" of children (Boyd & Hargittai, 2013: 245). This occurs as a response to theories around "risk and its management [as they] are now central to how we in the West construct childhood" (Brownlie, 2001: 519) and as a reflex of the dilemmas and contradictions featuring the current position of children in the social context (Buckingham, 2009a). The end of the twentieth century and beginning of the twenty first century was fuelled by dichotomic discourses that reflect, on the one hand, the negative influences of the Information and Communication Technologies (ICT) in children's everyday life, fuelling discourses announcing a crisis in childhood (Furedi, 2001; Palmer, 2007; Postman, 1994); and on the other hand, the positive influences of the ICT in children's everyday life, stimulating discourses that look at children as the "vanguard of the new digital society" (Buckingham, 2000, 2009b; Prensky, 2001; Prout, 2005: 15; Tapscott, 2009).

As an effect of a globalised, networked, mobile and wireless society (Castells, 2010, 2013), children not only became a source of concerns for adults, but also became a reflex of structural problems that society constructed or conspired to reproduce (e.g. stranger danger; online pornography) (James *et al.*, 1998). In line with this, children's digital and online motivations and participation became a double-edged sword when triggering social and parents' concerns and activating harmful, protective, policing and restrictive practices (Mathiesen, 2013; Leung & Lee, 2011) with the aim of protecting children by constraining their participation in digital and online environments.

Drawing from Prout (2005), contemporary childhood became a hybrid and interconnected phenomenon affected by late modern global, social, technological and communication progress and processes that are fragmenting and undermining traditional concepts of childhood and no longer apply to the modern notion of childhood (Prout, 2005). To understand the contemporary childhood that emerges from the intersection of late modernity and the connectedness of lives mediated by ODT, one has to consider the intersection of "personal biographies, structural factors, and subcultural meanings and ideologies" (Hutchby & Moran-Ellis, 2001: 1) with "a multiple set of constructions emergent from the connection and disconnection, fusion and separation of these heterogeneous materials" (Prout, 2005: 144). As Prout (2005) argues, childhood is more

than a social phenomenon. It is a hybrid of nature and culture that has to be studied within the scope of heterogeneous, complex and emergent social relations "made up from a wide variety of material, discursive, cultural, natural, technological, human and non-human resources" (Prout, 2005: 2, referring to the Actor-network theory, a possibility to reach the ambiguity of contemporary life).

Marked by the uncertainties and vulnerabilities resulting from a darker side of techno-economic development (see Beck, 1992, 2002; Giddens, 1990, 2002), 'risk' became a major topic of research in social sciences and an inevitable discussion in researching about modern life in general, and the interwoven relationship between children and ODT, in particular. As a consequence, there is a growing empirical corpus of multidisciplinary work endorsing the complex and mediated worlds of children, associated with the risks arising in the context of internet use (which includes the online risk: infringement of copyrighted materials). In particular, the work undertaken by the EU Kids Online project, represents a major contribute to current understanding, debate and research across Europe since 2006.

Nevertheless and developing from Green's (2009) analysis, the risk narrative envisions a narrowed theoretical framework in the analysis of contemporary social challenges and changes influenced by a politicisation of risk discourse and risk society ignoring alternative approaches. It tends to emphasise a loss of trust in humankind, community and progress leading to more social problems based on blame, suspicion and the promotion of safety around control and surveillance (Boudia & Jas, 2007; Gill, 2007; Hope, 2013; Van Loon, 2002). Underpinned by an adult-centred agenda (Sarre, 2010), this approach can harm, undermine and inhibit child's life in many ways (Gill, 2007; Stokes, 2009). In line with this, Green challenges researchers to "abandon the assumption that risk is the dominant [...] framework for making sense of public understanding [...] [and] to question whether the risk society is necessarily the most appropriate characterisation of late modernity" (2009: 507). Encouraged by Green's challenge, the present study developed by placing children as experts in their networked lives and by seeking a more holistic approach to reach a better understanding of the challenges and intricacies this relationship between human and non-human entities entails, more specifically, the case of the unauthorized download of copyrighted contents.

2. The Zemiology approach

The concern that children will experience less positive and harmful experiences in their everyday mediated lives, triggers overreacting and obsessive anxieties among adults. As a consequence, protective schemes tend to gain expression over participation rights, reinforced by surveillance or legislative measures

(Livingstone, 2013), under the postulate that all children are permanently 'at risk' (Furedi, 2001) in the digital landscape. However, one cannot ignore that the frontier between positive and negative experiences can be blurred, as they seem to be correlated by ambiguity (Bond, 2014; Staksrud *et al.*, 2013).

To solve the contemporary ambiguities, a more inclusive and holistic approach borrowed from critical criminology is proposed to rethink the heterogeneous networks of human and non-human entities – Zemiology, a variant of critical criminology focused on the study of 'social harm'.

The 'Zemiology project' recognises the contributions and the important steps taken by criminology to the understanding of 'harm' (see Hillyard *et al.*, 2004), but moves outside its "highly partial, biased and distorted" (Hillyard *et al.*, 2004: 2) sphere into a more broaden perspective about 'social harm', with the aim of apprehending the "nature and significance of current world transformations and their effects on various aspects of contemporary social meaning" (Hil & Robertson, 2013: 6-7). In other words, to extend the limits of harm beyond the criminal instances and adapt its theoretical and conceptual demarcation to the current technological and social challenges, avoiding misrepresenting children's digital everyday lives context as a result of misreading it.

Only one study (Hope, 2013) was found which suggested that Zemiology can be useful to everyday problems arising in the context of children's digital lives and is worth of considering to understand the applicability of Zemiology. According to Hope (2013), drawing from a Zemiology lens, adopting restrictive measures to solve problems only perpetuates harm, because it privileges control, blame and fear; reinforces unbalanced power relations; limits the chance of debate and participation and is socially stigmatizing. Instead, a more holistic approach of harm is a positive and creative method that points solutions to deal with everyday problems. It applies and responds to immediate local needs and calls for finding a concerted response by the community and for the community. In a zemiological approach the voices of those involved are valued and heard. Individual voices count for taking decisions. This approach not only empowers the marginalised, but also "highlight[s] neglected issues" (Hope, 2013: 278) and reduces the possibility of misinterpretation. In this sense, a zemiological approach would enable engagement between children and adults in interconnected and open dialogue – respecting mutual rights and responsibilities – to seek dynamic, imaginative, creative and positive solutions, putting aside out-dated and pessimistic, restrictive and over-protective actions that simultaneously constrain children's rights and opportunities, enhancing instead harm that follows from adults intoxicating anxieties and fears.

However, this is a challenging process since adults have to share power with children and respect and value children's contribution, otherwise their voice is incomplete.

3. Methodology

The focus of this research is children, their experiences and expertise to develop a deeper understanding of their digital and online everyday lives. In order to gain a deeper insight of its subjectivities and complexities, this study is informed by the constructivist tradition (Guba & Lincoln, 1998) and a qualitative approach was privileged to generate in-depth narrative data with school-aged children from diverse socio-economic backgrounds and from younger ages in line with gaps identified in the literature (Livingstone & Bulger, 2013; Ólafsson *et al*., 2013).

The research took place in settings where children had a free access to the internet and where an informal use of ODT prevailed. Access to the field was granted from two institutions: the Portuguese nationwide government initiative, 'Programa Escolhas'[3] (Braga and Porto region) and the Palmeira School Parents Association in Braga region. Children's participation was voluntary in this study. In the cases in which parents signed the consent, but children were not willing to engage in the research, the children's right not to participate prevailed.

A total of 41 participants aged between 6 and 15 years old were enrolled in this participatory research. Since fewer boys than girls (33 girls and 8 boys) participated in the research, inevitably the data generated gives a more gendered view of children's technologized lives.

Participants from 'Programa Escolhas' come from families with low educational qualifications and low incomes with at least one of the two parents unemployed and living on a social subsidy. The participants integrated in the groups of Palmeira School Parents Association – children's activity centre come mainly from families with medium and low socioeconomic status.

The ethical framework that guided this study endorsed the consequentialist model elaborated from the feminist ethic of care (Denzin & Lincoln, 1994) and ethical symmetry (Christensen & Prout, 2002). To ensure that children's rights and well-being were protected, consideration of ethics was a reflexive exercise that happened "before, after and during the research" (Boyden & Ennew, 1997: 42). To protect children's rights to privacy and confidentiality, identities and personal information about the participants were concealed. Respondents' identities were replaced by a pseudonym.

Corroborating with Santana and Fernandes (2011) that significant gains come when spaces for free dialogue are opened to children, the research meetings were structured through the use of participatory and group activities with the purpose of capturing children's understanding, experience and perceptions of their digital lives. Dialogical, flexible, reflexive techniques supporting participation and power balance were privileged with the aim of grasping the subjectivities, complexities and contradictions inherent to children's digital lives

[3] http://www.programaescolhas.pt/

and giving children the opportunity to express their knowledge, share experiences and reflect on everyday situations (Santana & Fernandes, 2011). In line with this, group activities (e.g. games, drawing and role playing games), focus groups, group and individual interviews and participant observation were the techniques applied to stimulate discussion about a topic, to observe the participants' behaviour, routines and events occurring in their everyday contexts, offering interesting insights about their digital habits and interactions.

A first approach to data, using open coding (Strauss & Corbin, 1998), generated 162 descriptive codes. In a second phase, those blocks of information were analysed in order to fit under themes. A first list of twelve potential or candidate themes was reached. Although reorganizing the data under candidate themes was helpful to collate the information, it was not insightful enough to provide a rich and useful theoretical map. In a third phase, induced by theoretical approaches driven by data itself propelled to submit the twelve candidate themes to a refinement process by establishing relationships between them to reach more conceptual groupings (Riessman, 2003). Three final key themes (Digital inequalities, Controlling parental control and Online participation) structure the findings and answer the research objectives. In the data analysis process two analytic methods were applied: *thematic analysis* and *narrative analysis* for their flexibility in organising the data in rich detail, as well as compatibility with participatory and constructionist research paradigms (Braun & Clarke, 2006).

To solve the quality issue from a social-constructivist research standpoint and ensure the quality of the analytical generalizations (Schwandt, 2007; Yin, 2010), triangulation was applied by combining different techniques for data collection: inter-methods triangulation, triangulation of data, and theoretical triangulation (Flick, 2005).

4. Results and discussion

Requiring little technical knowledge, the download of content protected by copyright laws is a morally acceptable ability (see also Staksrud, 2009; Larsson *et al.*, 2014) among the children involved in this study, without fearing any kind of punishment. It should be noted, however, that this is a grey area and some children are not very sure what online piracy is. Others are not aware they are doing something wrong, and, according to the children, even their parents seem to do it:

> "My friend [name of a boy] does it. He has all the movies from America. His father does it and he keeps the movies" (Grace, aged 12, GM_EL_GP4_070214)

When trying to define it, in children's own words *pirating* means,

a) "withdrawing movies from the [inter]net" (Hera, aged 10, GM_AP_PG1_030214);
b) "see a movie that has not yet come out in theatres" (Tinker Bell, aged 11, GM_AP_PG2_040214; Grace, aged 12, GM_EL_PG4_070214);
c) "steal movies [from the internet]" (Rapunzel, aged 11, GM_EL_PG4_070214).

Less sure of what pirating means is Kiara (aged 10) who claims that "is like withdrawing from the internet, but that's not quite piracy" (GM_AP_PG2_040214).

To complicate matters, Jenny (aged 10) reveals in her conviction that "downloading one or another [content] from time to time" (GM_AP_PG2_210114) is all right and Kiara states that to be considered more or less piracy "you have to sell [it]" (GM_AP_PG2_040214).

Upholding Cardoso *et al.* findings (2007), several participants claim downloading media files from the internet. As Kiara's heightens this is a common practice and in her own words, "everybody does pirating" (GM_AP_PG2_040214). And to do it they are using online resources such as, *Piratuga*, *MusicTube*, *OX7*, *Turcation* and *MP3* (Geppetto, GM_ET_PG3_040214; Hera and Jessica GM_AP_PG1_030214; Jenny and Tinker Bell, GM_AP_PG2_040214). The difference is that in the past younger generations were saving the contents in CD's and DVD's and even before that, in tape and videocassettes and nowadays, media consumption is more disposable, immaterial and challenging.

Additionally, children act as competent experts when talking about the resources they use to download copyright protected contents as the following account depicts.

> Geppetto [aged 10]: I already did [piracy] with games, music.
> […]
> Research: And movies too?
> Geppetto: I have done it. The Mercenaries 2. Fast and Furious 6.
> Research: Where do you go to do this?
> Geppetto: Google. I have a proper program. My uncle has. I don't know the name.
> Research: And you use it to download?
> Geppetto: Yes. I download the movies and I have one for music, which is the MP3. There, you can download the music faster.
> (GM_ET_PG3_040214)

Nevertheless, when asked to decide which was the right answer to the following situation,

When I want to get a music/movie:
a) I search for it on the internet to download it
b) I go to a virtual store to buy the music/movie
c) I ask a friend to pass it to me/send me a copy

the participants' answers became faltering and uncertain and option c) was the most prevalent choice.

Children's talks reveal that with the support of handheld devices, online piracy reaches a new level, since as a result of technological development and easy access to and consumption of a myriad of copyrighted contents (see Cheung, 2013; Larsson *et al*., 2014) they can download in an anytime, anyplace context, as the following example depicts. During a research meeting Giselle asks the researcher if she knows the singer Anselmo Ralph and asks her to name a favourite song. As the meeting evolves she discretely downloads the music and suddenly she states, "the download stopped. Is it this one, Teresa?" (GM_AP_PG2_210114).

As a consequence of the double-edged sword of modernity, the picture that emerges from children's narratives evidences the contradictions enclosed in the misinterpretation of technological affordances (see Hutchby, 2001). Evidence related with the unauthorised download of copyright protected contents reflects a more complicated picture of children's agency and online participation proving that old and new vectors of victimisation, vulnerability and harm are emerging, where the child can become, simultaneously, perpetrator and victim and a third party can, on the other hand, undertake the victim condition, for example when author's rights are not respected (Yar, 2012). To complicate matters further, participants' accounts suggest that a worrying lack of knowledge and impunity may be governing such practices, which in the present technological context can occur in an anytime, anyplace context.

Conclusion

Across the participants' accounts, the data not only captured challenges and contradictions enclosed in children's digital activities, it also does so in ways that invites adults to think differently about such practices and, ultimately, childhood from the standpoint of children themselves. Data collected within the study suggests that children's online activities are shifting (Yar, 2012) and fracturing traditional perceptions of the child-victim in need of protection as they become actively interested and engaged in harmful activities, such is the case of the unauthorised download of copyrighted contents. Ultimately, evidence suggests these ambiguous activities reveal "a highly complex and complicated network of [human and non-human] relationships" (Bond, 2014: 3) that needs to be addressed as it reflects a more complicated scenario of children's online participation, proving

that new vectors of victimisation, vulnerability and harm are emerging and challenging the romantic westernised vision of childhood (Clarke, 2010).

The stories portrayed in this text illustrate and are part of children's everyday lives. They represent everyday challenges, complexities and contradictions. The narratives depicted, however, do not represent the innocent, vulnerable and pure child in need of protection nor do they represent the problematic or evil child. The situations portrayed characterise the ordinary child (Buckingham, 2009a) involved in his/her own everyday life. Nevertheless, children's accounts may present a complex challenge to the moral values and legal norms society uses to scrutinize what may be considered normal or deviant (see James & Jenks, 1996).

Unable to predict the long-term impact that these ambiguous experiences may have on children's development, parents, educational and political agents have to make the effort to envision children's technologized experiences through children's own eyes and voices, with caution and without pre-conceived ideas of what is acceptable or not acceptable, avoiding misrepresenting and misinterpreting meanings, norms and values attached to it. In other words, avoiding addressing harm with more harm.

Children's own accounts, powerfully exemplified illustrate how representations of childhood are changing as children become more active and participative. Nevertheless, they also offer clues that suggest that granting access and use does not *per se* support children to pursue a wise and empowering participation online and meaningful use of ODT. Because children are not innately digitally wise (Prensky, 2009) as their accounts illustrate, an enhanced and positive use of ODT presupposes providing children with opportunities and competencies that enable them to navigate safely and wisely the sophisticated and complex technologized world. To facilitate such effective and meaningful e-inclusion, community efforts are vital to achieve a positive transformation. Instead of debating, preventing or managing by controlling and blaming, family, political and educational actors must compromise and engage at a community-level, and address dialogic and empowering responses to this and other real problems that may harmfully constrain children's and third parties rights.

Finally, special consideration must continue to be paid to illegal and deviant practices on the internet (Staksrud, 2009) addressing the children actively involved in such activities (Cheung 2013, Staksrud, 2009).

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