



Consumer resistance and anti-consumption

Insights from the deviant careers of French illegal downloaders

French illegal downloaders

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Abstract

Purpose – This paper aims to study consumer resistance and anti-consumption in the context of illegal downloading of cultural goods in France. This practice is socially constructed as deviant by marketplace actors' moral labeling. To that extent, deviant careers are adopted as an analytic framework to articulate these two concepts.

Design/methodology/approach – A comprehensive approach was used. The authors conducted 49 in-depth interviews in 2009. The data collected were then analyzed to build the different steps of downloaders' careers and related identities and practices.

Findings – The deviant careers identified shed light on the social construction of resistant identities and specific consumption practices in which social learning and devices play a major role. Accomplished careers enable deviant lifestyles that could be assimilated to anti-consumption in a mundane context.

Practical implications – This study could help economic actors to improve their understanding of illegal downloaders' statements, motivations, and behaviors. It gives them clues to anticipate the massive changes in consumer culture occurring through dematerialization of cultural goods.

Originality/value – This study sheds light on the distinctive features of consumer resistance and anti-consumption in a case of everyday and secret deviance strengthened by marketplace actors' moral labeling. It then helps to articulate these concepts through profiles related to downloaders' careers.

Keywords Illegal downloading, Consumer resistance, Anti-consumption, Deviant careers, Ethics, France

Paper type Research paper

1. Introduction

Illegal downloading allows consumers to share copyright-protected files, like movies or music, without authorization through multiple means, including peer-to-peer systems. After Napster shut down in 2001, eMule and Bit Torrent have facilitated the diffusion of such practices beyond the initial core of users. Approximately 44 percent of internet users worldwide download illegally at least once a month (IPSOS, 2009). Although its impact on entertainment industries has been disputed (GAO, 2010), illegal downloading is subject to chronic and strong attacks by major marketplace actors, who represent illegal downloaders in the media as "pirates" who endanger the industry



and even art itself. These criticisms become especially prominent during campaigns promoting legal changes; this was seen notably in France during the debate on the HADOPI law[1] in 2009. In contrast, some political discourses denounce this moral labeling as a renewed attempt to privatize culture by delegitimizing consumers' practices (Giesler, 2008).

De facto, illegal downloading challenges the boundaries of anti-consumption and consumer resistance. It offers a means to apply individual practices of market avoidance to inducing major cultural changes in the form of anti-consumption (Arnould and Thompson, 2005; Lee *et al.*, 2009). Yet it continues to rely on and refer to commercial norms to frame consumption practices, as blockbuster hits remain the most downloaded content (TorrentFreak, 2010). Downloaders may express political resistance to dominant systems (Giesler, 2008), but the moral labeling from the marketplace and the diffusion of this practice to mainstream consumers implies alternative stances to activism. Both activists and mainstream consumers are treated equally in legal and moral terms and the participation of both optimizes peer-to-peer file-sharing systems (Giesler, 2006). Therefore, their interactions may differ from previous descriptions (Kozinets and Handelman, 2004).

This article aims to articulate the concepts of consumer resistance and anti-consumption in this specific context. Deviant careers (Becker, 1963) provide an insightful analytic frame to articulate these concepts in the form of outsiders' identities that imply social learning and practices rooted in specific forms of social agency. This article first proposes deviant careers as an analysis framework for studying consumer resistance and anti-consumption, then presents the method adopted, before summarizing and discussing the main findings about the deviant careers of French illegal downloaders.

2. Literature review

2.1 Markets, resistant identities, and anti-consumption practices

Defined as a set of attitudes and counter-cultural behaviors that challenge the capitalist system and oppose oppressive forces (Peñaloza and Price, 1993), consumer resistance features individual or collective action, ranging from political action or boycotts (Holt, 2002; Klein, 2000; Kozinets and Handelman, 2004) to minimizing consumption behaviors (Dobscha, 1998) or avoiding specific brands or products (Fournier, 1998). It relies on a dynamic process of cumulative resistance (Roux, 2007), which implies both financial and emotional costs (Cherrier and Murray, 2007). This process enables the construction of resistant identities related to a desired self (Cherrier, 2009) and critically based on antagonisms and epiphanies (Kozinets and Handelman, 2004). Finally, by encouraging processes of reappropriation of the meaning of consumption (Peñaloza and Venkatesh, 2006), resistance creates subcultures of consumption and rejuvenates the marketplace (Firat and Venkatesh, 1995; Holt, 2002).

Recent studies attempt to define a broader scope of reactions against consumption using the concept of anti-consumption (Lee *et al.*, 2009; Zavetoski, 2002), which includes less active and visible actions (Hogg *et al.*, 2009) occurring within the system (Cherrier and Murray, 2007). Anti-consumption may target overall consumption or specific products as a means of achieving societal or personal goals (Iyer and Muncy, 2009). To this extent, consumer resistance is an active form of anti-consumption (Lee *et al.*, 2009; Zavetoski, 2002).

The relationship between anti-consumption and consumer resistance is apparently more complex than this mere distinction and needs further research. In fact, such classifications mainly refer to resistance by activists or deeply involved informants. Consumer resistance may also take form of pacification if market drama induces such narratives to legitimize consumption practices (Giesler, 2008). To that extent, marketplace structure interplays with the construction of resistant identities and the legitimization, or exclusion, of acceptable consumption practices. Yet the way anti-consumption discourses help construct resistant identities (Cherrier, 2009) and interact with changed consumption patterns (Arnould and Thompson, 2005) still needs inquiry. The socio-historical approach of resistant identities and practices proposed by Giesler (2008) might then be complemented by a micro perspective.

2.2 Deviant careers

We adopted Becker's (1963) perspective to address this issue. Becker maintains that deviance is socially constructed by moral entrepreneurs – states, firms, or individuals depending on the case – who work to persuade society that it should enforce rules, and by social interactions that construct deviant identities by defining them as such through moral labeling. People labeled deviant follow careers in which the motives for, disposition toward, or interest in deviant behaviors evolve. Thus, marijuana smokers learn the techniques they need to get high, recognize the effects of the drug, and appreciate them. Continuing to smoke implies a redefinition of their ambiguous feelings as pleasure. To learn to address social control, they also manage social and legal risks and preserve an acceptable self-image through neutralization. Their deviant careers proceed, or not, through triggering events and sociotechnical environments that enable socially constructed changes in representations or motivations. Once accomplished, careers might become deviant lifestyles or subcultures, in which more structured groups can develop specific practices and ideologies that isolate them from wider society, common enemies, and dominant norms.

An interactionist perspective on deviance seems well suited to illegal downloading and more generally to explaining consumer resistance and anti-consumption. This approach can address how consumers react to moral labeling expressed by marketplace actors by recognizing how domination expresses itself through coercion or prescribed acceptable consumption in the form of governmentality (Cherrier, 2009). Moreover, according to this perspective, secret deviance (Becker, 1963) that diffuses outside an activist core implies other forms of anti-consumption or representations of mainstream consumer resistance (Kozinets and Handelman, 2004). Continuities and discontinuities in deviant careers may reveal the dynamics of cumulative resistance (Roux, 2007) by clarifying the steps by which ambiguous consumption practices become redefined and support the social construction of resistant identities (Cherrier, 2009), as well as the establishment of outsiders' consumption subcultures. Finally, rooting deviant practices in day-to-day sociotechnical systems may shed light on the crucial role of devices (e.g. P2P systems, eMule, hard drives, etc.) (Callon *et al.*, 2002), which remains understudied in consumer behavior research (Borgerson, 2005).

3. Method

To explore emerging resistant identities and anti-consumption practices during downloaders' deviant careers, this study adopts a comprehensive approach, in line

with previous studies (Giesler, 2006, 2008; Giesler and Pohlman, 2003). Between June and September 2009, 49 in-depth interviews were conducted, mostly face-to-face, with French informants who varied in professional status, age, sex, residence, intensity, and length of downloading practice (including non-users, legal users, and hackers). These variables imply differences in the interviewees' cultural consumption and internet use. Relatives or friends of informants joined the sample to provide insights into social learning effects. Artists and cultural industry employees were interviewed to provide a comparison with public statements issued by self-designated spokespeople for these professions. During the interview, informants were asked to describe their downloading practices and modifications over time with follow-ups according to their careers and their downloading itineraries (Desjeux, 2006).

The sample data comprise 60 hours of recorded statements, which last an average of 73 minutes per interview, and 881 pages of extensively transcribed data. Two interviews were discarded because of their poor quality. When necessary, we also referred to the informants' blogs or web sites, as well as comparisons with data from a study we made in 2006 (25 interviews) and the experience of two of the authors in the music business. The data analyses consisted of comprehensive listening and reading to detect all key points, recurrent contradictions and associations, and thematic gradations (Kaufman, 2007). The identified themes then served to frame the reconstruction of the downloaders' careers. Triangulation across co-authors resolved any differences in interpretation.

4. Main findings: downloaders' deviant careers

4.1 Guilt, flow, and careers

Things happened insidiously. First you hear about eMule, then you download it, and as time goes by you realize it is awesome to download. First, you feel deadly reticent and as time goes by . . . At the beginning, it was only for dead artists, clear conscience. [. . .]As time goes by, technical advances make it easier and quicker. You come back from work, choose a movie, download it and watch it quietly with your girlfriend. [. . .] Hard disks and laptops help a lot. Then you begin to exchange stuff with your friends that also download and it gets bigger. [. . .] My first idea was to make a masterpieces library. But you quickly realize you cannot find these movies, at least me. I'm not that much into technology and softwares. [. . .] And my ideal video library is not done yet: I have mainly recent blockbusters. [. . .] The thing is, you download, you feel like you're a pirate, that somebody will knock at the door and finally you get the last blockbuster, you don't ask you questions any more, you even get movies you don't want to see (Laughs) (Loïc, 31, manager, trivialized).

When I heard that Napster existed, two days before its end, I discovered Godspeed You! Black Emperor, I have downloaded everything in one day [. . .] It's really easy now [. . .] when I was downloading lots of bootlegs I wasn't selective, I downloaded way too much stuff (laughs) it was hard to cope with the rhythm . . . I was putting too much pressure on myself (laughs) . . . [. . .] Now I use audioblogs, I listen on MySpace to be sure I may like it and then only I download . . . I also follow the advice of friends [. . .] Now I delete 20 percent of what I download . . . no more . . . But I would like it to be 0 percent [. . .] Majors are not here to promote music, they are here to do marketing studies, so who cares? (Laurent, 32, computer worker, professional).

Downloading behaviors change over time, implying different stances taken against market actors and their moral labeling. The choice between continuing illegal

downloading or purchasing is related to two main issues that preoccupy downloaders: content flow and guilt (see first quotes). Downloaders thus may go through four successive deviant profiles: novice, amateur, professional, or trivialized. As novices, they discover the ease of access to cultural goods, which brings a sense of euphoria, frenzied acquisition of previously known cultural goods, and immersion in downloading (Csikszentmihalyi, 1990). In many cases, these newcomers learn key devices and skills from relatives or friends during their first internet access. Although they are unlikely to perceive a sense of deviance, marketplace moral labeling may induce fears of legal action that tend to diminish over time when they observe no sanctions and come across a vast number of others who also download illegally.

If they continue to download illegally, they must keep on finding interesting content that matches their existing or new cultural tastes, and provides distinction (Bourdieu, 1984) or eclecticism (Lahire, 2004). Amateurs' motives then switch to culture freedom and resistance to marketplace hegemony (Giesler, 2008). Users increase not only the amount of content they download but also shift their perceptions of the effects of their actions on artists. Amateur deviants must develop techniques to neutralize the implications of the moral entrepreneurs' work, including creators, owners, and governments, to retain a favorable desired self. Resistant discourses, as mentioned in the second set of quotes, relate to the themes described by Becker (1963): denying responsibility and injury, blaming the victim, condemning the authorities, and appealing to higher principles or authorities. Moral arbitration can adapt this resistance to smaller actors: downloaders might refuse to download smaller artists or newcomers, and buying some cultural products may express a meritocracy that they want to defend. In this profile, deviant identities imply both reformist and radical resistance stances (Peñaloza and Price, 1993).

4.2 Neutralization and moral arbitration techniques

Appealing to higher principles: "I'm really into music. And it's a dream come true: music must be free. True artists will benefit from that diffusion." (Pierre, 47, musician, amateur).

Denying responsibility: "The young download wildly but they also buy hard drives, iPod, cell phones . . . Don't try to fool me, Mp3 sticks with 5000 songs on or full external hard drives, it is necessarily downloaded stuff. It is the same with Rizla King Size rolling papers. What am I supposed to do with them? Origami?" (Sam, 32, entertainment worker, trivialization).

Denying the injury: "Ok, it's illegal but they are always whining like corner shop owners moan taxes. They did the same with video recorders and they are still alive!" (Florence, 47, employee, amateur).

Blaming the victim/condemning the authorities: "I don't kill anybody with that. Metallica? I won't cry for them. Working-class people waiting to be fired hearing that? It makes me want a revolution! Governments just play the same game . . ." (Julien, 23, student, amateur).

Taboos: "We only download older films, classics that should be out of copyright . . . Well, I must admit. Once I broke the rule. I sinned . . . We never do that because we love to go to our small cinema. So we try not to create more unfair competition." (Florent, 30, teacher, amateur).

Meritocracy: "Buying a CD has almost become a militant action. I'm ready to contribute for someone who really deserves it. In fact, I often buy some CDs while attending concerts. But a lot of artists do not deserve it . . ." (Loïc, 31, manager, amateur).

Third, increased use challenges the control that deviants exert on their own practices. “Professional” downloaders have developed skills to optimize their downloading and may coordinate their activities with peers to obtain more content and avoid traceability. They begin to appear as deviants or addicts, even to their friends and relatives. To avoid this image, they redefine their identity as professionals, describing themselves in terms such as “amateur encyclopedists,” “historians,” or “DJs,” and reconstructing acceptable identities by referring to more established or esteemed work roles. Another control method relies on the expanded capacity of devices, which can reduce the tension of making choices through giga- or tera-octets of content. Tagging data enables distinction through customized playlists, but random access to songs through a shuffle function helps downloaders to avoid acknowledging that they have too many songs. These practices provide new attachments to the market through the devices used (Callon *et al.*, 2002).

The last of the four profiles is trivialization, when downloading has become part of day-to-day routine, just another means to acquire cultural goods, a “little market” with no failures (see third set of quotes) or a “video recorder” that emancipates users from TV programs (see second set of quotes). Acquired content adapts to everyday consumption, probably at a lesser but still frequent rate. Peer-to-peer systems use stabilizes, and conventional purchasing more or less stops. The neutralization techniques are still evident in statements, accompanied by utilitarian justifications that express an assumed deviance. Their deviant career may lead downloaders to deny usual marketplace mediations like online shopping sites while they continue to consume traditional goods.

As Becker (1963) predicted, social learning enables these careers. For example, learning about tastes involves cultural, quality, and choice dimensions, often outside traditional market mediations. To maintain the pleasure of downloading, downloaders may translate their consumption into amateur-professional stances, as the third set of quotes reveal. Similarly, technical learning takes place in an ever-changing context where devices play a major role. For example, external hard drives help beginners to manage the flow of data by providing sufficient space and allowing procrastination. But acquiring such tools also implies another step on the path to amassing more content. Finally, hard disks create content overflow when used for face-to-face exchanges with peers.

4.3 Some positions assumed by downloaders

Being a professional: “Both softwares work on both of my computers 24/7. One for specific films or music, the other for mainstream stuff . . . I always want to discover new stuff. That is why I divide my playlist of the week into 50 percent known songs, 50 percent new ones. And I looked at my statistics, I consume one giga a week . . . We divide work with a friend of mine and I go by his flat on the weekend to exchange movies and tunes” (Eric, 39, worker, professional).

Being an encyclopedist: “Well, now I’m known as a rock specialist by my colleagues, not yet a scholar, but . . . So I use downloading to make sure they think that. It’s my new hobby: having a complete rock library and learning all about the history of rock’n’roll. All is on the hard drive: songs with comments, dates, covers. We have to keep historical meaning of that for our children” (Steph, 45, entertainment worker, professional).

Letting devices do the work: “What I downloaded is my own private radio. And I let my computer be the DJ. If I had to choose I’d put the tunes I hear on the radio. Random is better. I rediscover songs I used to listen to a long time ago. You should try” (Maxime, 22, student, professional).

Going shopping: “With eMule, I use four web sites where all is classified by themes. You even have the stars for the quality of films and comments! And every day you have new ones. So I go shopping at my little market every day, choosing my apples. It’s quicker than going outside” (Bruno, 46, artist, trivialized).

Social learning takes place in most of our informants’ social networks. Friendship networks reinforce downloading activity by recommending new content or efficient devices to acquire and by providing exchange opportunities continuously through USB sticks or social media. Children enroll parents by offering them burnt disks or DVD players, then teach them how to download themselves. Between couples, downloading reflects gender divisions of household labor as well as strategies to reduce moral labeling by delegating moral issues. To that extent, deviant norms of cultural consumption emerge in contest with the market but still in an everyday context.

5. Discussion

The goal of this study is to articulate consumer resistance and anti-consumption by characterizing the deviant careers of French illegal downloaders. Moral labeling and legal action combine to construct both deviance and socially accepted norms of consumption. Downloaders in turn resist by redefining the meaning of their consumption and adopting alternative consumption or anti-consumption practices. The combination of the widespread diffusion of illegal downloading and its very private dimension, suggests the changed nature of these concepts. This field encompasses cases of both secret and ordinary deviance, a distinction that has not been sufficiently addressed in previous work (Fournier, 1998; Peñaloza and Price, 1993). By investigating downloaders’ careers, this study emphasizes the major role of the day-to-day sociotechnical environment. This approach grounds anti-consumption and consumer resistance within micro-social forces and individual trajectories.

The deviant careers observed reveal the social learning needed to confront the guilt associated with being labeled a pirate and to adjust consumption to the flow of downloaded content. We define consumers’ resistance in terms of four distinct profiles through which downloaders may progress in their career to solve these tensions. These results are consistent with those of Giesler (2008), even if the micro perspective adopted induces reformulating market tensions into practical issues for downloaders; we introduce bases for the construction of resistant identities different from hero identities he proposed. Furthermore, changing narratives related to market drama seem to coexist, probably reflecting the diffusion of downloading to mainstream consumers. The critical discourses outlined in prior research (e.g. Kozinets and Handelman, 2004) offer techniques to neutralize the judgments of marketplace moral entrepreneurs, even by mainstream consumers. These discourses and practices express what is at stake when governmentality extends the domination of the marketplace to the definition of consumer identity (Shankar *et al.*, 2006). To that extent, it is not surprising that

consumer resistance includes critics of both marketplace legitimacy and their own needs and temptations.

However, the careers of accomplished downloaders do not appear to create deviant groups, as is the case for marijuana smokers (Becker, 1963), even if it enhances organized action between peers. More similar to individualized collective action (Micheletti, 2003), downloading instead allows for a plurality of deviant consumption styles with similar goals or objects, such as those described by Iyer and Muncy (2009) but in a single context. Furthermore, downloaders may react to moral labeling by reshaping their practices with more active roles, prefiguring alternative relations with the marketplace (Dalli and Corciolani, 2008). Extending the concept of working consumers (Cova and Dalli, 2009; Cova and Pace, 2006), these roles challenge emancipation and empowerment supported by extensive access to cultural goods. The stress induced by making choices in a liberal world (Shankar *et al.*, 2006) increases in this case because of the abundance of goods downloaded, which add costs to resisting beyond those observed by Cherrier and Murray (2007). But this choice also requires moral arbitration. By re-moralizing buying with a meritocratic perspective, downloaders express an alternative side of gift-giving and purification (Giesler, 2006) and the centrality of being an acceptable consumer in the market governmentality (Cova and Cova, 2009).

Through assimilation, this study offers a better understanding of deviant careers, the construction of resistant identities, and anti-consumption. None of these is articulated linearly: they co-construct one another through day-to-day social interaction in socio-technical agency. Fast-paced technological and marketplace changes continuously recreate the tensions that structure downloaders' careers. To that extent, and from firms' point of view, it is still difficult to estimate the extent to which these forms of market opposition create opportunities (Holt, 2002). Business models dedicated to free content would require government interventions, and the illegitimacy of market-related solutions seems widely accepted. Our study indicates that the situation could be worsened by coercive approaches and moral labeling that push mainstream users into activist postures and new attachments to the marketplace (Callon *et al.*, 2002). Yet observed practices, especially re-moralization, could be integrated into marketing efforts to reconnect consumers with the marketplace and thus increase willingness to pay, as exemplified by the existence of fan communities.

This paper presents two main limitations. The French case on which it is focused has clear cultural specificities. To that extent, it complements previous analyses made mainly in the US context. Cross-country inquiry would bring further insights into consumer resistance and anti-consumption through downloading. Second, data were collected with single interviews and may have been affected by recall bias that could have been avoided with a longitudinal study. Follow-up would enable us to observe previous informants' reactions to the enforcement of HADOPI law. Finally, this paper opens two further research avenues. The first is related to the willingness to pay for cultural items. This willingness, in connection with the development of deviant careers, should be investigated deeper for evidence of specific actions related to downloaders' profiles. In a similar way, the role played by devices seems essential to understanding how consumers construct their identities in relation to market governmentality. Download practices, as well as social media, should be further investigated from this perspective.

Note

1. The HADOPI law (Creation and internet law) is a French law introduced in 2009 to promote “the distribution and protection of creative works on the internet.”

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