

ROUNDERS OR ROBIN HOODS?

ROUNDERS OR ROBIN HOODS?
QUESTIONING THE ROLE OF THE TICKET SCALPER
IN URBAN MARKETPLACE ACTIVITY

By

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Abstract

Given the long-standing sociological tradition of studying marginal or fringe subcultures, I am surprised that sociologists have not investigated the social life world of ticket scalpers. Until this research, no sociologist has attempted to ascertain an understanding of what ticket scalpers actually do in the “here and now” of everyday life. Therefore, given the lack of attention directed toward ticket scalpers or ticket scalping, this study is intended to provide the sociological discourse with some preliminary insights into the lived experience of ticket scalpers.

This research is theoretically grounded in the symbolic interactionist tradition and the cultural studies movement. Blending the central tenets of Blumerian interactionism (Blumer, 1969) with the critical approach of cultural studies, this thesis addresses the social conceptions of ticket scalping and ticket scalpers. Using ethnographic data collection methods including interviewing, participant observation, field observation, and content analysis, the research spanned a twelve-month period. Centrally, the field research efforts were orchestrated around ticket scalpers and their clientele while other groups such as the police, venue and league security, and members of corporations including Ticketmaster and promotional tour companies were also interviewed to provide insight and opinion on the social activity of ticket scalping.

Several principal questions are debated through the presentation of the data that seek to define, examine, and challenge the social conceptions of ticket scalping. Where

does the process come from, and how does it continue to exist? How does the ticket scalping process actually occur as an emergent economic transaction? What role do agents of social control play in the process, and who are these agents? How different or similar are ticket scalpers from the so-called “legitimate” institutions of ticket distribution? This thesis is not intended to provide all the answers to these questions, rather it introduces sociologists to the nature of the ticket scalping process around these central debates.

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**Rounders or Robin Hoods?
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in Urban Marketplace Activity**

Introduction

On any given evening, ticket scalpers appear downtown Toronto to follow whatever events are in town. On this particular Thursday the events happen to be a headline rock concert and a major league baseball contest between the floundering Blue Jays and a divisional contender. Clad in faded running shoes, knock off designer sunglasses, and carrying cellular phones, ticket scalpers make their way into the entertainment industry through illegal means. As stock market traders live off the entertainment of business, scalpers live off the business of entertainment. These guys are rouges, runabouts, maybe even common criminals, but socially we refer to them as "ticket scalpers."

Even though the ticket scalping and stock market trading are similar forms of economic exchange they are at polar opposites of the economic legality spectrum. The way stock traders acquire and trade their "stock" is usually legal, and their added-on commission fees are accepted as part of the business. While the ticket industry is steeped in service fees the added on service fee the "illegal ticket broker" or "ticket scalper" charges is strictly forbidden by law. The manner in which the "law" attempts to regulate ticket scalping is important then from the onset. In framing an analysis of

ticket scalping the necessary point of commencement is to first consider ticket scalping as an “illegal activity” and the social / legal implications of being involved in scalping activity.

The very term “scalper” is derogatory in connotation. The racist implications of the term relegate the “scalper” to a criminal or outlaw status through a pejorative labeling process. The modern use of the term has roots embedded in over two hundred years of economic activity.¹ “Scalp money” (circa 1712) referred to the money or reward paid out for bringing in the scalps of men or game animals. By 1869 the term had taken on another popular meaning, this time referring to a process involved in the buying and selling of stock. A “scalper” bought stocks secretly from inside sources or friends and sold these stocks to other friends at slightly higher (albeit still less than market value) price to accumulate profit.

Around this time (1870’s) scalpers began to be considered as “professional” speculators who widely “scalped” the stock market for small profits. Very shortly following this transfer of meaning the term mutated again, this time taking great strides toward the current usage. “Ticket scalpers” in the early 1900’s became known as persons who bought up the unused or return portions of railway tickets and then re-sold them (for a profit) to other railway patrons. Shortly after, “scalping” became a term

¹ The history of the term “scalper” and “scalping” presented here is referenced from *The Oxford English Dictionary* 2nd ed., Volume XVI (Simpson and Weiner, 1989:567-569).

commonly associated with reselling tickets to popular entertainment spectators for more than face value.²

In 1990 the law provided our current definition of scalping. Statutory law in Ontario regulating the scalping process is the *Ticket Speculation Act (1990)*. Under this Act the official position on ticket scalping (referred to, in relation to historical application of the term, as “ticket speculating”) is developed and the process defined according to the canons of enforceable law. The statute commences by broadly defining what a “ticket” is, and ends by noting that a ticket can be considered an entrance document “to an amusement of any kind” (*Ticket Speculation Act*, section 1).

According to the statute, one is guilty of “ticket speculation” when a ticket is sold for more than face value, when one attempts to sell a ticket for more than face value, or even if one shows an intention to commit this act. A ticket speculator may include the “customer” as anyone who offers to purchase a ticket at a higher than face value price or shows intention to purchase at a higher price (*Ticket Speculation Act*, section 2).³ As a result of any of these infractions, the perpetrator can face a maximum fine of \$5,000. Finally, the Act establishes the legality of box office sales by venue owners, corporate ticket promoters, or brokers (*Ticket Speculation Act*, section 3).

² Even though ticket scalping had been going on since the onset of paid attendance events in North America (Guttmann, 1986), the widespread use of the term “scalper” did not evolve until sometime within the period of the late 1920s to 1940. It is often misleading when historians use the term with a “modern” significance in mind and cite references about scalpers in the 1800s without mentioning that few referred to these men as scalpers, or that few were involved in the mostly unorganized and sporadic process of ticket scalping.

³ In the state of Ohio, the city of Cleveland has made it illegal to sell, purchase, or attempt to do either, below face value.

The study of the scalping process begins with a grasp of how scalping has been and is now defined. Since in many ways we are socialized to trust the law to clarify social issues of ambiguous ethics or morality, we look to law for definitions of activity as being appropriate or inappropriate. Based on the parameters of the legal definition of scalping, the term “scalper” is used in this research to denote *an outlaw who illegally sells pre-purchased or stolen tickets at an inflated or above face value price to third party consumers.*

At the end of this Thursday evening in the busy world of Toronto’s entertainment scene, scalpers have made an economic killing. One will not read in the Friday edition of the newspaper about the money made on the street corners, in the back alleys, or over the telephones through scalping transactions on this day. Unlike their stock market counterparts there is no index or classified section of the newspaper marking scalpers’ going rates or earned income for every day of trading. Their economy is an underground or black economy that at the same time is ignored, recommended, utilized, denigrated, supported, and misunderstood by different segments of society.

Building on these considerations, the principal goals of this thesis are to present, describe, and critically assess the nature of the black market scalping economy within the context of the commercialized entertainment industry. Ticket scalping is examined as both a legitimate and illegitimate form of economic trade through ethnographic research into the ticket scalping process. Through the course of the thesis it is argued that so called “illegal ticket scalping” closely parallels, as a form of social and economic exchange, the mostly corrupted practice of selling tickets “legally” or “properly” (according to legislative standards). Thus, *the thesis outlines and assesses the everyday*

occupational activities of the ticket scalper as both a rounder (criminal) and a Robin Hood (outlaw) who may, according to social perception, either follow closely or completely subvert a conceptualization of classic free market exchange.

This thesis is presented in eight Chapters with the first two outlining the context (*Spectator Sports, Ticket Sales, and Ticket Scalping*) and the theoretical/methodological approaches (*Theoretical Background and Research Methodology*). The next five Chapters outline and detail ticket scalpers' relationships among one another and with specific segments of the community. Chapter 3 (*[Con]Textualizing the Street Huslter*) questions the mass media attempts to "criminalize" scalping activity. Chapter 4 (*Acquiring Cardboard*) details how ticket scalpers acquire tickets as commodities from a wide range of sources, and introduces the scalper as an "outlaw." Chapter 5 (*Scalpers and Their Marks*) focuses on the tenuous relationships between scalpers (as outlaws) and their clients.

Chapter 6 (*Avoiding the Pinch and the Legal Scalpers*) critically examines the role of large organizations, conglomerates, corporations, and sports leagues in both promoting and preventing scalping activity, while outlining how and when "outlaw" scalpers encounter agents of control. Chapter 7 (*Public Enemy Number...?*) illustrates how media attempts, referenced by Chapters on ticket scalping activity, are largely ineffectual in "criminalizing" ticket scalping. Chapter 8 (*Hustling, Rounding, and Generic Social Processes*) indicates potential approaches to studying "similar" social phenomena and ties together several recurring sociological themes prevalent in the thesis.

Chapter 1: Spectator Sports, Ticket Sales, and Ticket Scalping

Chapter 1: Spectator Sports, Ticket Sales, and Ticket Scalping

It would be premature to commence any substantial discussion of ticket scalpers or ticket scalping without first addressing the nature of spectators and spectatorship. To understand the peculiar social function scalpers serve in the entertainment and leisure industry, a socio-historical review of ancient and modern spectators is essential. Since the spectator is inexorably connected to the economic transaction of ticket scalping, a working definition and consideration of the “spectator” forms the basis of a larger historical analysis into the first forms of scalping in North America. Without the paying spectator, the ticket scalper cannot exist. Therefore, the primary entrance to the world of the ticket scalper is through the eyes and interests of the spectator.

1.1 Spectators, Fans, and Entertainment

By definition the term “entertainment” should not be separated from its social context. While it may hold true that one could find some form of satisfaction, interest, fascination, or enjoyment from a self-directed and self-completed action, the attribute of something being defined as “entertaining” is most often associated with a joint or social action (Mead, 1934; Blumer, 1969). Understood in the group context as such, several key analytical separations must be made to fully distinguish the various means by which people are entertained.

Without attempting to define every instance of social entertainment, two major categories are employed as part of the research to distinguish between those who are entertained by an event, group, team, or performance. It makes logical sense to create

an academic line between the *fan* and the *spectator*. Borrowing from Guttman's (1986:5) separation between the two, the term "spectator" refers to *those individuals who attend a live event, performance, or game either by actual physical attendance at the venue, or through the medium of television as a form of secondary spectatorship*.

The defining characteristic of the spectator is not grounded in the act of watching an event, even though Guttman's analysis would seem to suggest this to be the case. Guttman's definition fails to take into account the principal economic element in being a spectator. A person becomes a "spectator" through the process of exchanging financial resources for a "seat," or even more generally in exchange for admittance to an area of private space housing a specific event. The spectator is given the ability to witness the event by trading an amount of money for a designated seat (or field, dwelling, standing room) or in the case of television, for access to cable or pay-per-view stations.

The term "fan" is at the same time more and less problematical than the term "spectator." Notable recent research exploring the dynamics of being a "fan" includes: Ashley and Song (1995), Eastman and Riggs (1994), Hemphill (1995), Marcum and Greenstein (1985), Melnick (1989; 1993), and Shoham and Kahle (1996). Citing from Guttman (1986:6) once more, a "fan" is one who has an affective attachment or fascination with an object, group, or event. To extend Guttman's definition of a fan, one needs to indicate that fans may also be economic consumers in that they buy apparel, posters, music, memorabilia, and other objects symbolically "representative" of the subject / object of their fascination. The fan actively follows and sustains this economic relationship over time.

These two categories are not mutually exclusive. Certainly one may be a fan of something and periodically become a spectator. The opposite may also be the case in that a spectator may become a fan over time and develop a deepened or heightened fascination with some group, object, or activity. In other instances the two may be completely unrelated, as Guttman notes (1986:6). One may watch a live event without having any previous, current, or future interest in that being watched. Thus the event serves as a form of “temporary” entertainment. Conversely, a fan, such as a fan of a musical group, may have never or will never actually watch a performance of the group but will religiously listen to their recordings or follow their exploits through the media.⁴

Jackson (1988) adds a significant economic element to the definition and conceptualization of the spectator. Defined through a series of financial, temporal, affective, identity, and existential components, Jackson interprets spectatorship as characteristically steeped in investment (Jackson, 1988:315). Although Jackson’s speculative essay lacks empirical evidence and requires elaboration, his idea that spectatorship hinges upon investments made to others has merit. Since Jackson (1988) postulates that people receive a “return on their investment” in the act of being socially entertained (by various means and methods) his thesis has significant theoretical weight if we consider how people justify “necessary” and “unnecessary” expenditures (economical, emotional, physical) in the process of seeking out entertainment and being entertained.

⁴ Again the distinction is being made that while listening to music is a form of “witnessing” in a sense, it does not fit into the criteria of spectatorship as outlined in its definition. Therefore, listening to pre-recorded music is a form of a fan activity.

This research is obviously more concerned with the spectator than the fan, although both are evident throughout the discussion of the research findings. The economic history of ticket scalping closely parallels, or is in fact born out of the economic history of the spectator seeking to witness events. Keeping this consideration in mind, the next section of this Chapter briefly outlines some historical points in the development of the relationship between the spectator and what spectators watch. As is suggested, this relationship has evolved over centuries and any critical assessment of the modern “legal” distribution and acquisition of tickets should commence from this historical consideration.

1.2 Situating the Spectator Historically

To understand the modern significance of ticket scalpers to the entertainment industry, a useful first step is to understand the historical development of the “pay-per-view” (i.e., spectating) tradition. This section introduces several points in the evolution of the entertainment spectacle as a closed event restricted via admission fees or simply “tickets.” The analysis is sub-divided into three main sections, “early” and “modern” spectating, and then concludes with a brief statement on several historical roles of the criminal element in the entertainment industry.

1.2.1 Early Spectating

The term “early,” as it refers to spectatorship, is employed here in reference to the history of entertainment spectatorship up to the late 1800’s. Admittedly this is a rather broad category encompassing a huge historical time frame. An exhaustive historical analysis of early spectatorship is not required for the purpose of this thesis and it will suffice to simply indicate some major historical trends in “early”

spectatorship. Such trends are cited to establish a context for the discussion of ticket scalpers, and to provide a socio-historical explanation for the contemporary nature of so-called “legitimate” ticket sales.

The Greeks and Romans were avid spectators of large scale events. Greek and Roman entertainment spectacles served several purposes, all of which were spectator specific. For example the Roman games being places for the public to greet emperors with accolade, for the emperors to present their heirs to the throne, as a site for the public renunciation of criminals, for the humiliation of soldiers who had disgraced the State, and for the general dissemination of “proper” political and religious ideals according to the State (Guttman, 1986:31). Roman citizens were the chief spectators of the events, and Roman slaves the principal participants.

The first Greek stadium was built at Olympia, and spectators were obliged to sit on grassy slopes as a crude yet natural form of seating. Not until the Roman era would stone or even wooden seats be used as part of the stadia architecture. The Greek stadia were simple in function, and primitive for any person traveling to see the event. When cramped and huddled together on the grounds inside the stadia, the crowds often became rowdy and the Greeks quickly found a need for both *mastigophoroi* (whip-bearers) and *rabdouchi* (truncheon-bearers) as two of the first groups of stadium-employed security guards (Guttman, 1986:17).⁵

The next major records of entertainment spectators came from the 15th and 16th centuries, as English tournaments of jousting, archery, sword fighting, and military re-

⁵ These security guards were hired and governed by an administrative board in the stadium at Olympia referred to as the “Hellanodikai.”

enactments (Guttman, 1986:38) grew in their level of organization and frequency and moved away from the customary English meadow, field, or open countryside (Guttman, 1986). During this period, the first of the English entertainment venues were constructed and spectacles of entertainment became more organized and patterned. Permanent wooden structures were raised to accommodate the “new” city spectators. Unfortunately these structures were no more adequate than the first Roman structures over a thousand years earlier, as frequent structural inadequacies resulted in accidents that caused spectator fatalities.

To combat the increasing rates of spectator mortality, Edward III ordered the construction of stone buildings. The social stratification of audiences increased during this period as separate venues were constructed (varying in amenities and quality of materials) for the different social classes of spectators. The tournaments of the Middle Ages were organized to stratify the spectators into three groups: events for nobility, the bourgeoisie, and for the peasantry (Guttman, 1986:35).

With the exception of the Romans, spectators in “early eras” received free and open entertainment. The games and spectacles were funded by the State or the elite to promulgate hegemonic ideals and values, and hence mass attendance was encouraged. The Roman situation varied significantly in one respect in that while most spectators “contributed” a small fee to watch, plebes (those who received “welfare grain”) did watch at no cost (Guttman, 1986:23). Even though most paid for seating, the determining factor for seat location hinged on one’s social status. The State’s interest for allowing the plebeian order to view the games at no cost was to instill in them the same ideals of order and self-control witnessed by those who could afford to make a

contribution to the State, and to promote the ideology of excellence through athleticism (Guttmann, 1986).

1.2.2 Modern Spectators

The period comprising what is to be considered “modern” for this analysis commences circa 1850 and follows to present time. North America is the main focal point for this discussion. As “civilization” moved westward so did spectator events, and new social conditions influenced the process of spectating. These new influences would have direct impact on the eventual start of urban ticket scalping.

Petryszak (1978:16) suggests spectator events began to increase in popularity in North America around 1850, as religious sentiment surrounding the immorality of sport began to wane. For instance, mass sport spectating flourished toward the end of the 19th century as, combined with a new found acceptance of sport and sport spectacles, other influences drew popularity to the practice of sport. These other influences included: the English admiration for the aesthetics of athletics, the social admiration of prowess through strength (directly in line with the American “wild west,” frontier, or cowboy mentality), and widespread availability of recreation activity for the total population increased the attention given to sport and leisure pursuits.

The movement of social life from an agrarian to urban lifestyle acted as perhaps the greatest influence on the rise in popularity of spectator sports during the modern era. As hours of the day spent at work decreased (accompanied by a rise in the standard of living), more people found an opportunity to engage in spectating (Petryszak, 1978). The first few sports of the modern spectating era included: baseball

(primarily), football, ice hockey and lacrosse (Canada), bowling and lawn tennis, and boxing (Hall, Slack, Smith, and Whitson, 1991).

The modern venue is another phenomenon of urban life. The commercialism and commodity-based character of the entertainment business could not be better exemplified than through an examination of the modern stadium. At the beginning of the 1900's, the stadium increasingly moved from the rural location to the downtown urban setting. To combat the costs of travel to a stadium located in non-metropolitan areas (and to provide facilities for the growing numbers of people doing activity in the city) "modern" venues began to move to metropolitan locations (Riess, 1989).

With the advent of public transit such as streetcars, subways, and eventually buses, the first of the large venues in "central business" or "core areas" such as Madison Square Garden or the Montreal Forum, allowed the public to flock to all types of events (Riess, 1989:203). Even though the turn of the century stadia were often as cheaply constructed as some of their Greek or Roman counterparts, architects attempted to capture (and still do) the same splendor. The central reason behind building cheap, wooden stadia was that teams or events moved frequently, and the economic feasibility of investing large amounts of money into a fleeting practice seemed ridiculous to most owners (Riess, 1989).

The names chosen for modern stadia have changed in the modern era for several reasons. To distance the team or the nature of the event from a historically "rural" or "unprofessional" image, modern names no longer describe a place as a "field", or "grounds" (Riess, 1989:221). The magnificent wonders of technology and artistry (not terms typically associated with rural venues), are now reflected by terms such as

“Coliseum,” “Stadium,” “Forum,” “Palladium,” “Dome,” “Center,” or “Gardens.”

Other modern stadia wear their corporate investors’ names like badges. Venues such as “The Molson Centre,” “The Corel Centre,” “General Motors Place,” and “The Fleet Center” are now tributes to the power of capital advertising through entertainment.

The modern venues are now constructed from the most advanced materials, house larger and larger numbers of spectators, and feature crowd comforts never experienced before. But how large of a cross section of society ever experiences these comforts? That is to say, who attends, or even has the ability to enter these facilities? More importantly, is there a historical explanation of contemporary crowd composition that would explain to whom modern entertainment venues cater?

Starting in the later half of the 19th century, English theatres became increasingly “more refined” to cater to the upper classes (Dicenzo, 1992). In an overt attempt to refine “popular theatre,” theatres were given new and more “upscale” interior décor (which included defined seating plans to separate the upper and working classes), reconstructed stages, provided “higher class refreshments,” and arranged theatre schedules around the time schedules of the upper classes (Dicenzo, 1992:21-29). These trends led to the development of the “West End” theatre movement (Dicenzo, 1992:21). Lower-class concerts, music festivals, or “rhythmic ensembles” were increasingly driven away from theatres to more rough, boisterous, and rowdy “music halls” or outdoor musical venues (Bennett, 1988; Dicenzo, 1992; Walvin, 1978).⁶

⁶ Dicenzo (1992) and Bennett (1988) specifically argue that while this trend took over the world of English theatre, popular forms of “alternative” theatre arose in response.

As evidenced then, crowd composition since 1850 has certainly changed regarding the various events which persons watch or participate in as an audience. For instance, the development of the large urban sports stadium plays a key (and ongoing) role in this change. Jackson (1988:317) argues that middle class, white, educated, urban-dwelling males under the age of 30 predominate as spectators. Petryszak (1978:24) argues that since only 1% of American middle class males engage in sport or recreation related activity, while reading only the sports page of the newspaper (and watching up to 6 hours of leisure based television on any given Sunday), sporting events are directly marketed toward this segment of the population.

The social segregation of the arena or the theatre is not an exclusive phenomenon of the modern era --- as Greek and Roman stadia also were markedly segregated (Guttmann, 1986). The social segregation of today however is predicated on different factors, and undoubtedly operates under dissimilar guises than that of early periods. While crowds are unquestionably more socially diverse than ever before including men, women, and children (of all races, religions, and ethnic backgrounds) the construction of new and expensive stadia have had an influence on spectators.

One factor mentioned by Guttmann (1986) is that "original" large and lavish stadia were used to combat crowd violence. By employing teams of security officials, and instituting strict rules of attendance against fighting, cursing, shouting and other "unruly" behavior these new stadia could "control" the large crowds. The desired impact of an impressive looking stadium heavily regulated with codes of conduct was to advance the "civilizing process" (Dunning and Elias, 1986) of spectatorship. To weed

out the socially undesirable from the crowd, those who could not control their aggressive or “inappropriate” behavior were refused entrance or asked to leave.

A similar rationale was used in the construction of “refined” theatres in England at the beginning of the 20th century. Constructing newer venues with strict rules of conduct and high expectation of “civilized audience behavior,” theatre owners and operators hoped to dissuade rowdy spectator behavior. In revamping their venues theatre owners sought to attract, in Bennett’s (1988:235) terms, the “particular audiences” rather than the “popular audiences.” Bennett (1988:235-236) distinguishes between the two by stating;

Characteristics of popular audiences are:

1. complaints about the entrance price;
2. enthusiastic approval and derisive rejection;
3. delight in jokes at the expense of their betters and foreigners;
4. patriotism;
5. a willingness to be swept off their feet;
6. eating and drinking;

Characteristics of particular audiences are:

1. satisfaction at being a member of such an audience;
2. a desire to be seen;
3. concern for their own appearance and curiosity about the appearance of others;
4. well mannered approval or indifference;
5. finding pleasure in the exotic and exclusive humor;
6. a wish to be diverted.

However, with these factors being mentioned, I argue that there has been no single factor that restricts or decreases the potential social pool of spectators that is as important as admission prices. Justified (largely by owners, promoters, and building operators) by the creation of expensive venues, player or performer salaries, and “harsh

fiscal times," ticket prices have historically risen. Rising ticket prices have led to the gradual and systematic domination of the "middle to upper classes" as the regular population of spectators and consumers of leisure (Bennett, 1988; Diconzo, 1992; Veblen, 1973; Walvin, 1978).

The (original) underlying rationale behind charging for entrance into a venue is perhaps as follows;

The problem for the sponsors and purveyors of modern sports was not to keep the mob away but rather to transform it into a crowd of enthusiastic but nonetheless well-behaved (or at least non-violent) spectators...the means to the end was to construct stadiums and arenas to which access was strictly controlled and within which social classes tended to be separated by different ticket prices. (Guttmann, 1986:121)

Encountering rapidly growing crowds toward the middle 1920's, owners were faced with the task of discouraging certain segments of the population from attending while attracting others to attend. Increased ticket prices were seen as effectual in eliminating "lower class hooligans" from spectacles while allowing those who could afford to pay an assurance of seating, location of seating, and freedom from the rowdiness of the lower classes (Guttmann, 1986).

Ticket prices were expensive for the turn of the century blue-collar worker. With up to 20% of an average worker's daily pay being consumed by the average sporting event ticket, few were able to pay such fees (Guttmann, 1986:114). In cooperation with local heads of industry and factory owners, team and venue owners staged most contests or spectacles during the day, usually in the afternoon. The urban, blue collar worker faced a double jeopardy in spectating. Not only would it cost up to 20% of a day's pay to attend, he (men were almost exclusively the spectators) would be faced with the unpleasant prospect of taking an afternoon off from work (if even

allowed) and lose over 50% of his day's pay (Guttman, 1986:122). Combined with the price of taking the rail or subway to the venue, the majority of workers found it unfeasible to attend events.

The cost of admission prior to World War One was minimal, even though it did have an influence on crowd composition. The average price of a ticket to a boxing match cost 50 cents to \$1.00, the average cost to watch horse races 50 cents to \$3.00, and a baseball game would cost 10 cents to \$2.00 (Guttman, 1986:114-121; Riess, 1989:200-228). Following in the Roman, Greek, and early English traditions, the more preferable seating (usually closer to the event) remained reserved for those who paid more.

Sentiment held that delegating seating according to price established a framework in which those who could not or would not pay high admission prices received seating farther from both the event and the upper class spectators. As admission prices served to weed out the working class from the events, the internal social segregation of paid spectators furthered this process by relegating those who could afford only the most meager of tickets to the back or standing rows (thus keeping the "undesirables" of the paid attendees to the back or unseen regions). Diconzo (1992: 30) writes that as early as 1880 price increases in the modern theatre attempted to accomplish similar results in that;

By minimizing inexpensive seating and raising the prices of new seats, managers were doing their best to attract a more affluent (and presumably more respectable) audience, while driving out the "pittites"...by 1880, the middle-class conquest of the theatre auditorium, and consequently of the drama itself, was complete.

Considerable incompetence and corruption characterized the handling of the first of the modern forms of ticket allocation and sales (Riess, 1989). Not infrequent or

uncommon was the overselling of events. By cramming as many people possible into venues, owners could raise considerable revenue. Latecomers would often experience dramatic and unannounced raises in ticket prices or ticket surcharges at the gate. These sudden price increases often led to fist fights that were uncontrollable by the inadequate security hired by the venue (Riess, 1989:207). Overcrowding often ended up in tragedy as fights broke out frequently and many were injured or even killed in the exiting melee.⁷ Again, this would prove to be a justification for the construction of newer and larger facilities with even higher ticket prices.

Modern ticket prices for live event entertainment vary considerably, and reflect a myriad of economic considerations. In accordance with venue size, funds required to pay off the long term debt of building and operating a stadium or theatre, public demand for seating (perhaps the principal consideration), rental fee of venue, salaries demanded by performers, the various fees appropriated by agents, promoters, and sponsors, and many other "middleman fees," ticket prices can range anywhere from \$6.00 to \$3,000 (figures based on Ticketmaster's 1996-97 Canadian prices, for more detail see the Ticketmaster World Wide Web page at, www.ticketmaster.ca).⁸

Taking a cross section of live event entertainment spectacles, Hurst (1994:35) lists the average cost of sports tickets based on "season purchase" prices. According to listed seat prices, the respective average costs for major league sports tickets ranged from (in

⁷ In fact, the practice of selling "festival seating" in more recent times lead to similar results. Several concerts of the mid 1980's ended in tragedy with youths losing their lives in massive over-crowding and the scrambling for seats. The most publicized case of such concerts was a "Who" concert at Riverfront Stadium in Cincinnati in 1983.

⁸ Dizenzo (1992) and Walvin (1978) specifically list the costs associated with maintaining a theatre and producing live performances.

United States funds): baseball - \$9.66 to \$10.69; hockey - \$28.11 to \$30.96; football - \$28.68 to \$31.05; and basketball - \$25.16 to \$27.12. Music concerts have ranged in price (in 1996, Canadian funds) from \$15.00 to \$3,000.00 dollars, while musical productions such as *Phantom of the Opera*, *Cats*, *Beauty and the Beast*, *Stomp*, and *Joseph and the Amazing Technicolor Dreamcoat* ranged from \$23.00 to \$110.00.⁹

Ticket prices for a given sporting event vary much more considerably than suggested from the above averages. For instance, the complete range for Toronto Maple Leaf seats (from Greys to Golds --- quality or worth indicated cleverly according to social stereotypes associated with each color) is \$21.00 to \$82.50, and Toronto Raptors' prices range from \$17.66 to \$117.66. These figures are minimal in comparison to American counterparts as exemplified by Los Angeles Kings' ticket prices that cost between \$21.00 and \$305.00.

The effect of continual increases in ticket prices, in all spheres of the entertainment industry, is the further segregating of the pool of potential spectators. Hurst (1994:35) maintains that the increasing average costs to attend sports events have led to the systematic alienation of the middle and lower classes from the events. Owners, rebutting this claim, have argued that with increased player salary and dwindling attendance ticket price hikes are required as sports teams collect anywhere up to 60% of operating revenue from ticket sales (Hurst, 1994:34).

Hurst (1994) claims the effects of strong-arming spectators (he refers to as "fans") out of the venues to the confines of their living rooms through the raising of

⁹ The prices of music performances were acquired from the on-line Ticketmaster information Web site (in Canadian funds).

ticket prices are a consequence of socio-economic factors. For example, 90% of spectators for the NHL's Florida Panthers franchise are male, 87% are white, 45% work at a professional occupation, 44% have a graduate degree, with the average income of 60% of the spectators is greater than \$50,000 (Hurst, 1994:35). Furthermore, it is estimated that just over 40% of season ticket holders are corporations. Hurst suggests some feel that the active pursuit of corporate season ticket holders by team owners pushes the "true fans" of the event out of the arena, and in effect, establishes a context which allows corporations to entertain their clients through the events by writing tickets "off" into "entertainment" expense accounts.

1.3 Organized Crime and the Leisure Industry.¹⁰

With the advent of mass spectator involvement in entertainment, particularly in the field of sport, and with the practice of paying for one's own entertainment through ticket prices, great sums of money could now be acquired by eager promoters and owners. The growing city became a fertile ground for gathering large, fee-paying audiences, and eventually big business leaders tapped into the spectator market. By the early 1920's political leaders and local gamblers came to wield considerable power and influence over the spectator industry dominated by baseball, boxing, and horse racing (Riess, 1989:173). Recognizing the status and profit to be gained through a command of this industry local level politicians claiming to be "capitalists" used inside influence and power to acquire a stranglehold over the entertainment industry.

¹⁰ This section details the criminal element in "entertainment" but has focused on sporting events exclusively.

The corruption of modern spectating in North America most likely began in the world of boxing, now notorious for corruption (Riess, 1989). American lawmakers attempted to ban the practice of prize fighting on many occasions, with all attempts achieving limited success (Riess, 1989). Promoters often worked around the law by not publicly announcing the fight, but letting bar owners disseminate the knowledge to their patrons. Interested parties would simply show up to the train station on the day of the bout, purchase a ticket for the train and for the match.¹¹

Toward the end of the Depression in America gambling became legalized in 18 States in order to booster the stagnant economies. Hoping that legalized gambling would promote tourism and local spending, legislatures often eased up on gambling restrictions that eventually resulted in a boom in illegal off track betting (horse racing). Off track betting parlors were characteristically working class and as Riess (1989:193) writes;

They regarded their gambling as highly rational behavior which provided them with an opportunity to utilize their "expertise" as rich people did in the stock market. These bettors preferred neighborhood bookies to the tracks; they could save time, travel expenses, and taxes by patronizing bookies, who also extended credit.

Later, this relationship between the bookmaker and the client would change to be more impersonal as people utilized friends of "bookies" to relay bets, or used the telephone to call in wagers without ever having to meet the bookmaker face to face (like the modern day scalper and his client, as discussed in a later section of the thesis).

¹¹ This practice is essentially tied, as will be discussed, to the origin of the word "scalper."

Certainly the discussion of organized crime and baseball warrants an entire paper in itself. An interesting point for this thesis however, is that the practice of ticket scalping is first addressed by sport historians in reference to baseball. The police were frequently called upon to ensure “appropriate” crowd behavior at baseball stadia, including the prevention of ticket scalping. In Chicago and New York the police would often patrol the inside of the park at no extra cost to the stadium owners (Guttman, 1986).

These early developments in the modern era of entertainment are critical to understanding the very essence of the black market economy of ticket scalping. This Chapter has introduced some of the key issues in forming a basis for a comprehensive analysis of the ticket scalper. The historical progression of sports spectating, and attempting to contextualize both the nature of the spectator and the criminal element in sport entertainment, have been the focal areas of this Chapter. The following Chapter establishes a theoretical and methodological framework for the subsequent analysis of ticket scalping. Chapter 2 considers ticket scalping as a theoretical and methodological problem, and explains how this research has approached the study of scalpers, and what objectives were designed for the thesis.

Chapter 2: Theoretical Background and Research Methodology

Chapter 2: Theoretical Background and Research Methodology

Before we can gain an understanding of the lived experience of ticket scalpers, it is necessary to describe the theory and methodology utilized in the research process. Using the central tenets of symbolic interactionism (Blumer, 1969), elements of dramaturgy (Goffman, 1959), and cultural studies (Hall, 1980; Williams, 1977; Grossberg, 1986) this study is grounded in the tradition of studying the intersubjective nature of human existence. Attending to the primacy of studying human groups engaged in interaction, this research respects both the agency and influence of others in the accomplishment of group, joint, or collective activity. Centrally, this Chapter details the importance of studying ticket scalpers from an “interpretivist” standpoint and the value of studying such a group ethnographically.

2.1 Revisiting Symbolic Interactionism

Building largely upon the interpretivist traditions of Simmel (1950), Dilthey (in Ermarth, 1978), and Mead (1934), the interactionist framework informing this research is Blumerian (1969) in essence. Blumer, stressing the importance of a combined interpretivist theory and methodology (arguably not completed by any other interpretivist sociologist until Blumer), laid a conceptual outline for studying human group life.

Symbolic interaction rests in the last analysis on three simple premises. The first premise is that human beings act toward things on the basis of the meanings they have for them...The second premise is that the meaning of such things is derived from, or arises out of, the social interaction that one has with one's

fellows. The third premise is that these meanings are handled in, and modified through, an interpretive process used by the person in dealing with the things he encounters. (Blumer, 1969:2)

These premises encourage social scientists to pursue the study of social interaction as human group life. Refuting the notion that an objective, external, macro social structure solely determines human experience (in the same way as “laws of nature” determine the everyday weather) Blumerian interactionism points out the primacy of human agency in creating social structure and social order. Instead of approaching the study of societal interaction through a structural functionalist gaze, interactionists approach the study of society as situated (albeit historically influenced) joint action.

The influence of symbolic interactionist thought pertaining to this research can be summarized by seven principal tenets of how to approach the study of human lived experience. All of these assumptions involve the primary belief that subjective experience exists in the group context, or simply that *human life is group life*.

In particular, interactionists view human group life as:

1) *Intersubjective*; reality is not objective or law-like on the one sense, but in order to have a “society” there must be a shared or common understanding of reality.

Reflecting Cooley’s (1922), Mead’s (1934), and Blumer’s (1969) thought on the role of others on the individual’s understanding of society and the formation of the individual self, the concept of intersubjectivity demands the sociologist to respect how meaning is socially shared and negotiated.

2) *Multi-perspectival*; that reality does not assume one form, and that meaning is not universal of inherent in any object, action, or thought. This becomes significant

when one considers that even though there may appear to exist a consensual or “objective” agreement on the meaning of an object or reality, this definition of reality is nevertheless intersubjective.

3) *Reflective*; attending to the Meadian (1934) concept of role-taking, sociologists should be mindful of how people take others into account when formulating, proposing, doing, and interpreting lines of joint action. Taking others into account also signifies both accepting and resisting the influence of others in collective action.

4) *Activity based*; society and human lived experience is organized around ongoing activity. Whatever form of activity, in any instance, is relevant.

5) *Negotiated*; formed around the premise of intersubjectivity, people have the ability to influence and resist the influence of others’ definitions and meanings for the world of action, interaction, objects, and thought in society. Thus the action involved in cooperation, resistance, conflict, and compromise are all paramount to conceptualizing how society “exists.”

6) *Relational*; the study of human groups necessarily examines particular human groups in which people form bonds. In interactionist studies this premise has had considerable influence as a principle of subcultural analysis, and how or when group associations lead to the formation of institutions.

7) *Processual*; that all of human lived experience occurs in an ongoing and built up fashion. Process is fundamental to an appreciation of the emergent and situated nature of interaction. If process is considered fundamental, then it must be held true that the above assumptions are predicated around the premise of process. All of the

above characteristics of group life unfold and are sequenced processually, changing through interaction over time.¹²

To enhance these principles of symbolic interactionist theory, sociologists can utilize generic social processes to further tie together ethnographic research data.

For our purposes, generic social processes refer to the trans-situational elements of interaction; to the abstracted trans-contextual formulations of social behavior. Denoting parallel sequences of activity across diverse contexts, generic social processes highlight the emergent, interpretive features of association. They focus our attention on the activities involved in the “doing” or accomplishing of human group life. (Prus, 1996: 142)

The origins of generic social processes in sociology can be located in works of Simmel (1950, in particular), and are at least recognized as powerful concepts by key “interactionists” such as Mead (1934) and Blumer (1969) who both stressed the benefits of a generic sociology. Contemporary theorists contemplating the merits of generic social processes include Berger and Luckmann (1966), Schutz (1962, 1964), Garfinkel (1967), Strauss (1970), Lofland (1976), Couch (1984), and Prus (1984, 1987, 1996).

By using concepts that have a trans-contextual nature, that is, concepts that can be applied and understood across diverse social contexts and interactions, ethnographic research can be conducted and compared with other ethnographic research in a more focused and analytical manner. This provides the science of sociology with the capability of viewing human group life generically, witnessing how group life is similar and differentiated across social life worlds.

Therefore, when we study outlaw bikers, religious cult members, political party members, baseball players, medical students, card and dice hustlers, or tattooed people

¹² For a further elaboration of these assumptions see Prus (1996).

we become privy to the salient social processes by which everyday life occurs. By employing generic social processes as an analytical device we can fully inspect the generic nature of group life and situated group involvements. Lastly, by applying generic social processes the sociologist is enabled to appreciate the uniqueness of each context of interaction while at the same time providing a conceptual framework to compare and contrast seemingly incomparable life worlds in terms of perspectives, activities, identities, relationships, and commitments.

2.2 Interactionism, Cultural Studies, and Deviance

The symbolic interactionist history of studying social deviance is important in this research. From the early interests of the human ecology movement at the University of Chicago, the study of how and when people “deviate” has acted as a primary interest of the symbolic interactionists. Certainly the sustained attention interactionists have devoted to the analysis of deviance has provided a wealth of substantive knowledge in this area. However, this long standing tradition is a nagging source of criticism against interactionists, in that some argue (i.e., Denzin, 1992) their focus on the so-called micro level of personal or subcultural deviance does little to aid the analysis of deviance as influenced by “larger” macro conditions or situations.

The National Deviancy Conference in Britain in the 1970s, and work done at the Centre for Contemporary Cultural Studies in Birmingham, England since the 1980s, has attempted to amend this potential problem with “interpretivist” theory. Most notably, key theoretical works directly influenced by the “Birmingham school” or the “cultural studies” movement (particularly relevant to this thesis are: Denzin, 1992; Grossberg, 1986; Hall, 1980; Hall et al., 1991; Williams, 1977) have stressed the importance of larger

structural influences on lived experience and the individual's degree of agency in everyday life. The critical theoretical approaches (using similar interpretivist assumptions to symbolic interactionism and dramaturgy) taken by those involved in the cultural studies movement suggest that we should understand the limits that structure imposes on agency and how our freedom to act "at will" is often constrained.

In studying "deviance," the critical approach of cultural studies suggests that acts of "deviance" against a hegemonic group may be interpreted as conscious acts of resistance. Politicizing the study of "deviance," cultural studies work particularly in the area of subculture theory (especially Hall and Jefferson, 1976; Hebdige, 1979) shows how acts considered as "deviance" by some may be constructed and defined as a symbolic statement against a social order or hegemonic ideology by others. Gruneau (1981:10) writes about the importance of studying subcultures in that;

...subcultures, with their various "establishment" and "countercultural" emphases, have been constitutively inserted into the struggles, the forms of compliance and opposition, social reproduction and transformation, associated with changing patterns of social development.

Viewed in this way, the so-called "deviant" or "resistant" acts in subcultures challenge and seek to alter the social structure and / or the social order. Acts of deviance (or what will be introduced in this thesis as "outlawism") may be a direct reply or response to structural constraints that limit an individual or group's ("actual" or "perceived") level of agency, free choice, access to resources, or free will.

Aside from contributions made by proponents of the cultural studies approach to the study of deviance, cultural studies has also made key (and similarly critical) contributions to the sociology of sport. As the study of sport, leisure, or entertainment

is often marginalized and criticized within sociology, this research endeavors to point out the benefits of investigating the role of sport and entertainment in society. By politicizing the study of entertainment and interjecting notions of resistance and outlawism to sport and leisure activity, we can learn much about how entertainment is a site of contested cultural terrain. Therefore, this study of ticket scalpers is intended to explore the economic, political, and social inequalities that have become commonplace in the sport and leisure industry historically referenced in Chapter 1.¹³

Along with the critical approach taken in cultural studies, in formulating a theoretical basis for the study of ticket scalpers I have drawn heavily on theoretical statements and ethnographic research conducted by interactionists categorized under the heading of “deviance.” At the heart of these contributions are Becker’s (1963) defining statements on the nature of deviance, Garfinkel’s (1956) statement on how and when people are successfully stripped of social status, Goffman’s dramaturgical theory (1959, 1963b), and Stebbins’ (1988) theory of how and when people tolerate “difference.”

Other key interactionist statements on “deviance” (in general) informing this research include how social or collective problems are created and analyzed (Blumer, 1969; Best, 1989; Cooley, 1922; Lemert, 1967; Rubington and Weinberg, 1996). To provide comparative background in other “similar” deviant life worlds, the study of scalping is easily compared through generic social process analysis with existing ethnographic work.

¹³ It cannot be stressed enough that cultural studies theory provides a starting point for sociologists in critically assessing the nature of sport in contemporary culture.

The study of the professional criminal dominated early ethnography and there are key pieces to cite in research on scalping. The study of drug dealers and drug use (Adler, 1985; Fields, 1984); the motorcycle subculture (Wolf, 1991); the "unethical" business of used cars sales (Browne, 1973); the white collar criminal (Clinard, 1969); the professional gambler (Leiseur, 1977); and the professional shark, thief, hustler or confidence artist (Cressey, 1953; Ditton, 1977; Goffman, 1952; Inciardi, 1975; Klockars, 1962; Letkemann, 1973; Maurer, 1974; Polsky, 1967; Prus and Irini, 1980; Prus and Sharper, 1991; Rock, 1973; Stebbins, 1971; Sutherland, 1937; Whyte, 1943; Wrighter, 1972) all provide insight into the processes involved in doing ticket scalping activity.

2.3 Outlawism

While the strong tradition of studying deviance influenced the approach taken to studying ticket scalpers, I depart from the classic sociological notion or conceptualization of the "deviant," or at least seek to amend the concept of deviant. Scalpers are considered as social and legal "outlaws." This perspective on scalpers allows a wider interpretation of how and what scalpers do as everyday life, and suggests that deviance may too narrowly define the parameters of right and wrong. Considering the influence of cultural studies on this research through the concept of hegemony, the perspective of scalpers as outlaws (rather than deviants) allows a broader exploration of who defines (and when) an act or a group as "deviant."

Historically, the "outlaw" or "bandit" came from rural areas (Hobsbawm, 1969:25). These rural areas across Europe could not provide all young men with an occupation, hence many turned to "non-agrarian" lifestyles. This freedom from

agricultural employment gave certain young men (unmarried, between the age of 13 and 30 years) the opportunity to engage in other career pursuits (Hobsbawm, 1969:25).

The characteristic bandit unit in a highland area is likely to consist of young herdsmen, landless laborers and ex-soldiers and unlikely to contain married men with children, or artisans. (Hobsbawm, 1969:28)

These young men had few ties to a community and became transients, roaming from region to region. Hobsbawm (1969:27) suggests that being from a rural community and not having a "rural" (i.e., farming) occupation stigmatized these young men, as they did not "fit into" the rural lifestyle nor did they fit into a "town" or "village" lifestyle.

Hence they were "marginal" in all social settings.

The ideology of the early European outlaw is best characterized by a resistance to social forces of "superiority." In the face of oppression from any social institution or agent, outlaws did not "kneel down" and accept injustice like the majority did (Hobsbawm, 1969:29). The outlaws were rugged and frightening men who fought for respect by resisting social authority. As Hobsbawm (1969:29) comments;

These are men who establish their right to be respected against all comers, including other peasants, by standing up and fighting - and in doing so automatically usurp the social role of their "betters" who, as in the classic medieval ranking system, have the monopoly of fighting. They were the toughs, who advertise their toughness by their swagger, their carrying of arms, sticks or clubs, even when peasants are not supposed to go armed, by the casual and rakish costume and manner and costume which symbolizes toughness.

There was a clear division between the poor, land-less, migrant, rural born outlaw and the "common criminal." Hobsbawm suggests (1969:30-33) that the main difference was that the outlaw, while being a "marginal man" still existed within a larger society of networks. Criminals, on the other hand, formed their own "separate" society by severing all ties to community relations and activities. Unlike outlaws who

"fell" into the outlaw lifestyle, criminals were outcasts of society. Furthermore, criminals roamed the countryside and robbed for profit without intending this robbery (or fighting) to be a symbolic act of resistance.

The outlaw did not (historically) seek to ignore the social order, quite the reverse. The outlaw actively challenged the social order through acts of outlawism. Their action was a political commentary, a commentary on the existing social order. However, as symbolic as their activity was (i.e., as a political commentary) they had to be tied to social life to sell what they stole or to buy any commodities they required. To achieve this end, the outlaw required middlemen to buy and sell goods (Hobsbawm, 1969:73). These middlemen served as the connection or economic network between the outlaw group and the law-abiding, dominant social order. Outlaws were not bumbling, ignorant criminals, they were shrewd businessmen who had a keen understanding of the economic system, even though they operated on its margins (Hobsbawm, 1969:74).

Early outlaws did face significant problems in that while they often attempted to help the poor, the poor did not view them as "one of their own." Since they made money from their acts of resistance, the "poor" often resented the outlaws as being part of the "system of the rich" (Hobsbawm, 1969:76). Since they were not law-abiding or authority respecting men, they were labeled by the rich and noble as "criminals."

...the bandit is, inevitably, drawn into the web of wealth and power, because unlike other peasants, he acquires wealth and exerts power. He is "one of us" who is constantly in the process of becoming associated with "them." The more successful he is as a bandit, the more he is both a representative and champion of the poor and a part of the system of the rich. (Hobsbawm, 1969:76)

The noble classes both used and abhorred the outlaw groups. The nobles (particularly in England) could occasionally sway the outlaws to fight for certain causes. Their

numbers could provide the noble lords with sizable fighting forces. More often than not, after their military service had been completed the nobles would then turn against the outlaws and publicly condemn their lifestyle (Hobsbawm, 1969:79-83).

With these historical considerations in mind *outlawism, as it will be used in this thesis, is a perspective and a practice predicated on differential, resistant, profane, or counter hegemonic activity.* The outlaw is one who operates within a larger normative or legal system, but who consciously chooses to, with varying methods and outcomes, pursue a path found to be unacceptable by the leaders or officials of the system or order. The outlaw does not fully (or necessarily) reject the legal, moral, or social structure of society, nor the requirement for some semblance of social order, quite the contrary. The social outlaw simply adopts different perspectives on what a structure or order should tolerate and accept.

According to Hobsbawm (1969:34-60), there are two classic categories of outlaws, and certainly elements of both are relevant to the study of ticket scalpers. First there are the "noble robbers," the most classic of such men being the legendary "Robin of the Hood" (Hobsbawm, 1969:34). The noble robber was a community service agent, acting on behalf of the down-trodden and the poor. He was the bastion of justice in the face of injustice, and was involved in outlaw activity because of the injustice that affected him and "his people." The outlaw, as noble robber, hoped to restore justice and morality to society by committing "victimless crimes" (Hobsbawm, 1969:38). Since he used minimal violence and distributed most of his "acquisitions" to the people, he was seen as a "good" person in the eyes of the people.

An important characteristic of the noble robber was that he had the faith of the people behind him. Since he genuinely cared for the people and attempted to thwart oppressive community figures, few would ever consider "turning the noble robber in to the authorities" (Hobsbawm, 1969:36). A noble robber faced limited risk in being captured or imprisoned because the people would protect him from the law. This protection may have come from direct means (i.e., lodging, hiding the criminal, food, clothing) or indirect means (i.e., not reporting outlaw activity to law officials or simply ignoring the commission of outlaw activity in an area).

The outlaw may take on another role, the "avenger" role (Hobsbawm, 1969:50). Avengers do not live up to the same moral standards as the noble robber. They seek to instill fear in the hearts of those they fight (often the same people as the noble robber).

They are heroes not in spite of the fear and horror their actions inspire, but in some ways because of them. They are not so much men who right wrongs, but avengers and exerts of power; their appeal is not that of the agents of justice but of men who prove that even the poor and weak can be terrible. (Hobsbawm, 1969:50)

The avenger role is not intended (to the same extent as the noble robber) to improve the social conditions for the "underprivileged class," as it is to show the "privileged" the strength of the oppressed. Terror is their mandate, and they inflict terror on society (usually through acts of violence) to point out the inequities between the "haves" and the "have nots" (Hobsbawm, 1969:54). Avengers, as Hobsbawm suggests (1969:58) were most prevalent in times of social tension and dissent in which acts of violence and terror (directed at oppressors) would most likely be held (by the public) in a favorable light.

Whether the outlaw was a noble robber or an avenger, both served a social function. They provided social dissent and resistance symbolic of entire classes of people. As a direct result the outlaws were often mythologized by the oppressed as heroes and liberators. The outlaws believed they acted in the name of good, and to this end, did not believe their own activity was in any way "criminal." They were conscious actors who believed their outlaw activity did some "social good."

In this way, the so-called outlaw is not characterized through total defiance or disrespect for the social order. If anything, the classic literature in the field of the sociology of deviance has shown that the "criminal cultures" (while alternative to the hegemonic) are quite extensively linked to "mainstream" or the "law-abiding" segments of society. By asserting alternative perspectives and methods on how to do "everyday life" activity (thus suggesting alternative ways of interpreting the significance of everyday life experience), the outlaw actively questions the social world around them by challenging (but still working with) the social leadership. The outlaw is not so much deviant as he is dissident.

Ironically, Stebbins' (1988) examination of when forms of deviance are tolerated acts as an appropriate model for establishing a framework of how to study outlawism.

As Stebbins (1988:4-5) writes;

...tolerable deviance is criminal, non-criminal, or legitimate. *Criminal tolerable deviance*, though actually illegal according to the law, is generally treated by the police and the wider community alike as if it were of minor importance when compared with mainstream intolerable deviance. That is, criminal tolerable deviance is seldom officially challenged...*Non-criminal tolerable deviance* lies outside the jurisdiction of the law...nudism as practiced in private camps, is not illegal, nor is heavy drinking and nonpublic drunkenness...*legitimate tolerable deviance*, we may note first that it is actually guaranteed by law. That is, Canadians have the legal right to think as they wish.

The study of ticket scalping encompasses, in varying forms and extents with different groups, each one of the above typologies. Stebbins (1995) often replaces the word “deviance” with “difference” in his updated version of the book, and when considered as difference, the term “outlaw” fits in naturally into the theory.

2.4 Methodological Considerations

Data for this study were collected over an eleven month period, from January, 1996 to November, 1996. The two focal settings for the study were Toronto and Hamilton, both situated in the province of Ontario, Canada. Toronto is a sprawling urban center with an ethnically and economically diverse population of over 2 million, and is arguably the “entertainment center” of Canada. Hamilton is a relatively blue-collar city with some major entertainment venues, and a population of approximately 300,000 (providing an interesting contrast to Toronto).¹⁴

To accomplish the program of studying ticket scalpers, and keeping the corresponding theoretical influences in mind, *ethnographic research* is the primary means of inquiry for this study. Ethnographic research, sometimes used synonymously as the term “qualitative” research, is the study of a way of life of a group of people (Prus, 1996: 103). Often referred to as participant observation, fieldwork, or naturalistic inquiry, the goal of ethnographic research is to strive for an understanding of social world from the

¹⁴ More elaborate definitions of these settings and their venues will follow in a Chapter by Chapter discussion of the scalping process (making more sense when put into empirical context).

perspectives of the participants by the researcher immersing him / herself within that world of interaction.¹⁵

Blumer's (1969) account of the benefits of conducting ethnographic research follow along with Glaser and Strauss' (1967) development of grounded theory through sustained inquiry into a setting. Blumer (1969) argued that only through ethnographic research, or venturing into the world of the intersubjective other, is a researcher enabled to:

- a) respect the nature of human group life (Blumer, 1969:6-7)
- b) achieve an "intimate familiarity" with the persons and their social life world (Blumer, 1969:37-38)
- c) develop sensitizing concepts from research data (Blumer, 1969:141-152)

Researchers respectful of these Blumerian tenets claim the only means by which to research the intersubjective human world and be able to scientifically inspect and explore this world is through ethnographic research.¹⁶

In a much more concise and focused statement on ethnographic research, Jorgensen (1989:12) states that;

...it is possible to describe what goes on, who or what is involved, when and where things happen, how they occur, and why --- at least from the standpoint of the participants --- things happen as they do in particular situations. The methodology is exceptional for studying processes, relationships among people and events, the organization of people and events, continuities over time, and patterns, as well as the immediate sociocultural contexts in which human existence unfolds.

¹⁵ Ethnographic research involves studying how people and groups of people understand or attach meaning to objects and interaction. A central use of ethnographic research is to explain and describe how groups trans-contextually or trans-contextually "make sense" out of the world in (dis)similar manners.

¹⁶ For a complete explanation of the integral processes of exploration and inspection involved in the Blumerian framework see Blumer (1969:46-60).

In the problem of formulating a program for studying ticket scalping, Jorgensen's arguments for invoking the use of ethnographic research make clear sense. Given a misunderstood practice such as ticket scalping to which only few have intimate knowledge and experience, Jorgensen's (1989:12-13) listing of the "appropriate" uses of ethnographic research appear tailor-made for this study in that:

- 1) little is known about the phenomenon
- 2) there are important differences between the views of insiders as opposed to outsiders
- 3) the phenomenon is somehow obscured from the view of outsiders
- 4) the phenomenon is hidden from public view
- 5) the research problem is concerned with human meanings and interactions viewed from the insiders' perspective
- 6) the phenomenon of investigation is observable within an everyday life setting
- 7) the researcher is able to gain access to an appropriate setting

Further justifying the employment of ethnographic research techniques, the issue of representativeness is well satisfied through ethnographic methods.

By pursuing a methodology in which generic concepts and processes are representative of a particular life world, ethnographic research does not concern itself with forming conclusions supposedly generalizable (through rates, statistics, incident numbers, percentages) to all of social life (Corbin and Strauss, 1990). Ticket scalpers are not the focal interest of the study, the concept or process of *ticket scalping* is the focal interest. In this way representativeness is achieved by studying the forms of ticket scalping. Therefore I did not seek to achieve a "representative" sample of ticket scalpers as some form of generalizable population. Instead, the aim is oriented toward representing ticket scalping by investigating and exploring its many forms.

This perspective indicates that representativeness is achieved through fully investigating the actors and interactions that bring about the phenomena in all of their

forms and varying situations. As an integral component of the process of achieving representativeness, proper sampling is essential. In ethnographic research, sampling particular processes or interactions (such as ticket scalping), and not people in a larger population, is the key. To study ticket scalping then, I went to *where* the ticket scalping goes on, talked to *who* “scalps” and *who* are scalped, and watched *how* and *when* scalping occurs (or does not) to achieve a representative sample of *what* ticket scalping involves. This in essence is the core of ethnographic research.¹⁷

The ethnographic research conducted in this thesis is also reflective of the critical approach to doing ethnography supported by those involved in cultural studies. Using ethnographic research to make “larger” or more “macro” statements about society and culture, critical ethnography endeavors to describe and explain how social structure and social order influences everyday life. Geertz’s (1973) concept of “thick description” as an ethnographic tool strives to achieve such results;

(thick description)...intensive, small scale, dense descriptions of social life from observation, through which broader cultural interpretations and generalization can be made. (from Marshall, 1994:533)

Through the critical ethnographic approaches taken by cultural studies, research has attempted to contextualize social acts into broader social structures. As critical ethnographic work points out, individuals and groups do not simply act in their own “life-world,” we have to understand how these groups, subcultures, or “life-worlds” both *influence* and are *influenced by* the society around them. For instance, the study of ticket scalping and ticket scalpers can not and should not be removed from a “larger”

¹⁷ Again what is important to remember here is that the more variation and diversity we find around the concept through the ethnographic research, the more

social context (i.e., North American context, late 20th century time period, influences of dominant economic system, legal system, etc...).

At this point in the methodology section it should be noted that the interpretation of the ethnographic research data presented in this text is but one reading of the data. My reading of the data has inevitably been colored by my interaction with the scalpers, and the friendship that I have developed with the group. Furthermore, I originally brought to the study (as I later brought to the creation of a "sociological" account of ticket scalpers) my own "cultural baggage" as a person. I have provided my own interpretation of ticket scalping (using the guide of "interpretivist" sociological theory) with my own history and set of experiences influencing my reading of ticket scalping activity (see Duncan, 1990:27). While I believe this reading to be "fair," "honest," to some extent "objective," and certainly "social scientific" I can not deny or ignore the potential for varied and oppositional readings of ticket scalping activity (or even the data presented in this thesis).

The methods involved in collecting data followed several categories outlined by Willis (1984:196). By analytically separating aspects of the participant observation model, Willis argues that each respective technique can be used to gather different types of data on various forms of social interaction. This study employed six different techniques from Willis' list that include:

- 1) observation
- 2) just being around
- 3) participant observation
- 4) group discussions
- 5) informal interviewing

representative and relevant the data.

6) published information

Each one of these techniques is considered briefly as they refer to the research conducted on ticket scalping.

1) For a research problem concerned with ticket scalping my first inclination was to observe ticket scalpers “at work.” I traveled to Toronto and observed what scalpers were doing, who they sold tickets to, listened in on conversation between scalpers or between scalpers and any passer by, and generally how scalpers moved about and interacted with the public. I refrained from speaking with any of them at this point, attempting to observe and be as unobtrusive at this time because I knew little about the activity and how to talk to a ticket scalper.¹⁸

Before starting this preliminary observation, I familiarized myself with the existing laws in Ontario against ticket scalping such as the *Ticket Speculation Act*, and conducted a relatively intensive content analysis of media accounts of scalping activity across North America. I found documents and existing reports on ticket scalpers useful in the formation of a methodological plan of attack, and this part of the observation certainly familiarized me with the public discourse on ticket scalping. Dating back to 1971, I have collected (n=58) media related articles, reports, commentaries, advertisements, and editorials on ticket scalping across North America.¹⁹

¹⁸ For a listing of the venues, events, and dates of events used for observation of scalpers see Appendix 1.

¹⁹ This material is presented in a separate section on scalping and the media. All media data gathered in this study was collected from newspapers, periodicals, and the Internet. These observations were based on the 6th technique of Willis' (1984) methodology, the use of published information.

2) While observation provided the necessary foundation for the initial stage of the research, “just being around” proved necessary to gaining entry into the scalping action. Having a contact in the field prior to engaging in any research, I used this name to break the ice when I first made contact with the ticket scalpers. The more events I attended (see Appendix 1 for a list of events) and just hung out at and observed, the more the scalpers were used to seeing me around. After a month in the field I began to approach some of them and use my contact’s name as a reference, asking if the scalper knew my friend. Just being around allowed me to become familiar with the names and the faces, and gather a snowball sample of scalpers (n=23) spoken to as part of this research (although the total number of scalpers observed “on the job” was n=51).

The process of just being around also served another use, apart from conditioning the scalpers to my presence on the scene. Just being around is a vital part of learning how the scalpers live, and what they do in their everyday life. For example, I learned very quickly that one way to indicate to the scalpers that I could be trusted and was not a member of the police force (an assumption made by many scalpers in reference to someone hanging around and not engaged in scalping), was to either walk right over to where they were standing, or turn my back when the police arrived. Just being around allowed me to learn the working norms, the language, and the operations associated with scalping activity (see Appendix 4 for methodological reflections).

3) The more I just “hung out” the closer I came to being a participant in the process. Admittedly, the opportunity to engage in the scalping activity arose on many occasions but since I did not deceive the scalpers as to who “I am” (i.e., a student / researcher) I perceived their offers not as tests in any way. Rather, the offers were

legitimate offers to be included in the business (because they associated students with being “poor” and needy of financial support). The scalping community is a fairly closed community in a sense, and I did perceive that I had been accepted (somewhat) as a person who would hang around with them and “participate” at the scene.

There is a definite barrier in this research for me in actually being a true “participant” in the process since the scalping activity is illegal. To compensate for this, as mentioned, I informed scalpers from the onset of my status as a researcher, without divulging too much information about my research. Mostly the scalpers respected my openness and honesty about my status and were continually intrigued by anyone’s interest in studying scalping for “academic purposes.”

4) The more I was allowed to hang out with groups of the scalpers, the more I was witness to, and later engaged in, group discussions. My contact with the scalpers progressed from actually talking to scalpers “on the job” to following them (after fishing for invitations) to coffee shops, pool halls, bars, and in several instances, to residences. As part of the day’s work, many of the scalpers follow one another to a local place to hang out after the day is done to compare notes and see who has made what kind of money.

Listening to, and participating in, group discussions progressed slowly in that I could tell from the first several occasions that the scalpers were holding topics back from their regular discussions, or not even talking about “the job” at all. However, I later learned that they prefer not to talk about work when they leave the scene. In any event I became comfortable engaging in conversation with groups of scalpers, and I became part of the group in a sense that I was a semi-regular to the scene.

5) I did not feel comfortable asking any scalper for an interview for quite a while after first making it into the scene. I wanted them to regard me as just a regular acquaintance before I asked for a one-on-one interview. Eventually I did open-ended, informal interviews with some of the scalpers (n=16), mostly those who I had known since the beginning of the research, who knew me as a researcher, and who seemed amiable enough. These interviews were informal because I never prepared a set of “structured” questions to be asked, nor did I utilize tape recording devices or a pen and notepad to transcribe the details of the conversation during the actual interview (see Appendix 3 for a list of “general” questions). These interviews were just that, one-on-one conversations sometimes at a venue, a coffee shop, in a restaurant over lunch, or over a drink at a local bar. These informal interviews included 16 different scalpers, with questions directed at understanding “how scalping is done.” The duration of the interviews ranged from 1 to 3 hours.

2.5 Other Interviews and Data Sampling

Apart from speaking with ticket scalpers, I contacted people in the entertainment industry and in law enforcement, who have some role in the ticket scalping process. I contacted all of these groups either through cold calling (asking over the phone if it would be possible to meet for an interview), or I approached these people at their respective places of work (again, asking for an interview). These groups included: the police in both Toronto and Hamilton (n=5), venue, building, or league security in Toronto (n=12), ticket “brokers” in both Hamilton and Toronto (n=6), and scalpers’ customers (n=14). For the last group, scalpers’ customers, I relied on acquaintances and

friends who upon hearing about my research indicated they had utilized scalpers' services in the past.

Although the sample sizes may seem small in some cases, the numbers indicated here only include people I have actually informally interviewed, and not all people in each sub-group with whom I have spoken on occasion. These interviews were similar to interviews with scalpers, lasting 1 to 4 hours in duration and characteristically more of a conversation than a pre-formed, structured interview. However, in these interviews I did utilize a tape recorder in some cases, and in every case I did make notes on a notepad during the interview. Each extract from an interview or observation is coded according to occupation (giving the scalpers pseudonyms) and gender of respondent where applicable.

This Chapter presented an outline of the theoretical and methodological background for the research. In the following Chapters, this theory and methodology is empirically evidenced in reference to the life-world of ticket scalping. Through the analysis of ticket scalping activity my goal is not only to offer a sociological scrutiny of the ticket scalping process, but also to illustrate how ethnographic methods serve in the investigation of all social processes.

Chapter 3: (Con)Textualizing the Street Hustler

Chapter 3: (Con)Textualizing the Street Huslter

I started this research with a perception of ticket scalpers in mind. Even though I attempted to maintain an “objective” attitude toward ticket scalping I could not deny that my image of the ticket scalper had been largely influenced by the public image of ticket scalpers. Before I understood what ticket scalpers do, I thought I understood what ticket scalpers “are” as social actors. However, upon interacting with the scalpers I began to question the image that I had of them, and this questioning led me to ask myself where this image had come from. Upon reflection I realized my initial image of the ticket scalper derived from the source of many of our images of others with whom we have minimal interaction, the mass media. I believe then, any analysis of ticket scalping should address how the media creates a public image of ticket scalpers, and the potential influence this socially constructed image has on the public’s perception of “who” and “what” ticket scalpers “are.”

As a social group, ticket scalpers receive minimal attention in the many forms of the mass media. Rarely does one witness a televised news segment devoted to ticket scalpers or glance over the newspaper and encounter an article written on scalping activity. Journalistic reporting on ticket scalping is sporadic and inconsistent at best, and one should wonder what this indicates. Are journalists and news reporters ignorant or misinformed of scalping activities? Is scalping socially defined as an illegal activity of minute social consequence? Or is it that scalping activity is not yet

significantly shunned by the general public to the extent that it would generate media coverage?

In searching for an answer to these questions, the truth most likely lies somewhere in the middle. Scalping activity has received minimal attention as a combination of these influences and others. Exploring the presentation of this particular illegal activity in the media provides much evidence about the nature of the representation of crime in the media, the social order being reinforced through the media, and how the public is actively involved as the media process articulates “deviance” in society. Inasmuch one learns the active process of creating news and how social groups (such as an outlaw group of scalpers) are temporarily represented in this process.

In this Chapter the media are considered as a viable and extremely influential means of influencing people’s initial perceptions of others and their activities. Apart from the information presented in Chapters 1 and 2, it seems logical to commence a discussion of ticket scalping from this entrance point. Of central concern to those in pursuit of understanding the scalping phenomenon is how the media act as an ideological state apparatus (Williams, 1977) employed to establish and reify (by “concrete” empirical examples of social interaction) the code of social morality through those who can be cited as criminals from this code. The mass media do not simply present those groups who have been externally labeled by other agents as social criminals, the media play an active role in creating and justifying these labels. Considering the media in this manner, the concept of hegemony as it applies to

contemporary society can be injected into the discussion as we consider how the media act as an ideology machine of the hegemonic order.

Specifically though, considering the media as means by which the criminal mystique is perpetuated, attention is directed to how social problems are manifested in the media through groups providing articulation to the notions of good and evil. As an ideological state apparatus the media are tools utilized by individuals as a platform for initiating campaigns against (or in favor of) activities while labeling groups and their activities in such a manner as to elicit an interpretive response from an audience. As evidenced in this Chapter, the media are often used as a forum for doing *public image work*. *Public image work refers to lobbying for, gaining support for, and attempting to maintain support for perspectives on a particular group and/or their activities*. In this instance, I examine how the media do public image work on ticket scalpers in order to associate them with the image of socio-economic criminals rather than conscious outlaws. The image of the economic criminal is being “passed” on to the scalpers as members of the general public interpret and act toward the scalpers as economic criminals.

To illustrate this processes, several theoretical approaches to the labeling process and the creation of social problems have been employed to clarify the media attention (or lack thereof) to scalping activity. Most notably, Garfinkel’s (1956) description of the degradation of characters is an appropriate starting point for understanding the social destruction of image through the media.

Data for this Chapter were collected through the content analysis of media sources. I have stipulated “media sources” (for the purposes of this study) to be periodicals such as magazines, newspapers, computer sources such as over the Internet,

along with television and radio broadcasts. Although no selective qualifications were instituted in the research to screen out any one source as being inappropriate, most sources analyzed originate in large metropolitan areas with widespread circulation normally covering both Canada and the United States. Therefore the data gathered is situated in North America generally, and reflects scalping activity from a variety of Canadian provinces (primarily Ontario) and American states (primarily California and New York). The material collected in the research covers a period of over 20 years, with the vast preponderance of the material being collected from sources reporting on scalping activity in the past 10 years.

Since most scalping activity occurs in typically large urban cities with significant populations, sports teams, concert venues, theatres, halls, and open spaces suitable for live events, the media sources (as mentioned) derive from these areas. Furthermore since the ticket scalping occurs in these areas and is argued to directly affect the populace of the respective areas, it is simple to comprehend the reason for the reporting of scalping activity in large scale, urban media sources. With this in mind, laws are cited as case illustrations are given (scalping is jurisdictional to provincial / state law and punishment) while trying to maintain some semblance of a generalized late twentieth century North American economic atmosphere. Since media coverage of scalping activity is relatively similar across North American regions, cross-contextual comparisons are easily made and synthesized into one analysis of scalping and the media.

3.1 Crime and the Mass Media

Before considering the dynamics of the media's representation of scalpers, acknowledging the role the media play in the overall representation of crime is central. The mass media's role as an information beacon establishes a critical forum for the conception, creation, and promulgation of the deviant mystique and perspectives on the nature of "criminals." Taking this general perspective on how media are utilized, as centers of information or rather "news creation / distribution," one is necessarily confronted with how the media present deviance in general, and how criminals are largely created and defined through case illustrations of socially unacceptable behaviour.²⁰

Sherizen (1978:203) notes that the central problem with the presentation of crime and deviance in the mass media is that the reporting of "deviant activity" in news accounts is typically information rich but analytically bankrupt. By providing quick and simple statistics, incident rates, or other easily translated figures, the news on crime does little to provide individuals with an ability to interpret and analyze crime reports. This creates a situation in which the public as the "news audience" is socialized to selectively perceive news; that is the media, by teaching individuals not to analyze crime news as having textual content, establishes a situation which curtails the public's ability to critically assess crime news as text. Moreover, the most striking feature of this dynamic is that the very absence of sustained analysis of crime in the news does in fact suggest a mode of analysis, as *non-analysis* is the form of social analysis. Reporting

²⁰ This distinction is largely elaborated upon in a later section on scalping as a counter-hegemonic activity through the media.

crime through numbers and incidents teaches a means of understanding crime (and deviance) in such terms, in rates rather than conditions, as figures rather than social actors, as those influenced rather than influencers, and as social deviants rather than social dissidents or conscientious outlaws.

Not only does the media, according to Sherizen (1978:204), illustrate to the public how to interpret crime and deviance, media instructs the public as crime audience what to interpret as "crime" and "deviance." Giving the public specific ways of approaching the recognition of crime or deviance through case illustration, the media places emphasis on certain activity as crime by identifying particular groups and their activities as criminals. Through the creation of an "us against them," a "good versus evil," or a "cops versus robbers" social scenario news media selectively present what is important to the maintenance of the social structure and how what is important is broken by individuals labeled as "criminals." The ensuing dichotomy drags the reader into the complacent position of the social witness rather than critic, and presents selected crime to the reader, watcher, or listener, as examples of "criminal activity."

The reality of criminal activity as created by the mass media then is very much a socially constructed reality. Since the reporting of crime is selective, the attribute of "criminal" is selectively attached to some social groups, and of importance then is understanding how groups (and their activities) are selected in the media articulation of crime. Sherizen (1978) suggests that the selection of crime news is largely mediated by institutional and organizational influence, implying a definite hegemonic agenda in the presentation of crime.

Only the crimes that meet the criteria established by bureaucratically and occupationally determined factors as well as meet the monopoly of official sources have over primary information are considered for selection as crime news. (Sherizen, 1978:207)

Ericson, Baranek, and Chan (1991) provide further claims about the nature of newsworthiness as it pertains to crime news. They cite the main thrust of crime news as being an illumination of the aspects of deviance and control in social relations and organizations (Ericson et al., 1991:239). Deviance is inseparable from control, and the ways in which crime is framed in the media as social deviance implies the lack of the ability of social agents to control the behavior of society's members. Common to the reporting of criminal deviance is the emphasis on problem solving as opposed to problem setting (Ericson et al., 1991:239). Viewed as a problem of social control, news accounts push for the recognition of deviance as a social problem but do little to provide an agenda or formulate a plan for how deviance from the social control can be approached or implemented.

Similar to arguments made by Sherizen, Ericson et al., suggest that news outlets do not mirror the social reality or the commission of crime, but instead construct crime in terms of what sounds troubling or appears as a social ill indicating the extent to which crime and deviance are socially mediated through the media (Ericson et al., 1991: 243). Just as securing the sources (i.e., the police) for crime news is crucial to the media industry in the reporting of crime, equally important is the journalist's ability to take the crime reports and "do something with them" by framing them in some form of social context. Usually this entails creating a hierarchy of crimes on a gradient scale of deviancy, with the "more deviant" crimes receiving significantly more coverage in the

media. Ericson et al., stipulate five areas of deviance into which crime stories are categorized; namely, violence (receiving the most attention), political, economic, ideological / cultural, and diversionary (Ericson et al., 1991:244).

The language used by the media are another area explored in Ericson et al., stressing the importance of treating mass media news broadcasts or reports as social texts. Indicating importance as being spoken in different tones using catchy phrases, printed as separated, enlarged, and/or italicized or bolded, headlines serve as the introduction to the crime story and effectively sets a "mood" for the audience reading of the article (Ericson et al., 1991:244). Similarly, lead sentences typically build on the headline and generally present the perspective taken on the crime or criminal. Both headlines and leads are influential portions of the news presentation for they are often the most memorable and packaged elements of the presentation.

Ericson et al., are more precise is in the answering why news media are so attuned to the notions of crime, justice, and law. By focusing on what is out of place in the social order, the news media outlines the social dangers of activities which are deviant, unpredictable, and out of control (Ericson et al., 1991:4). By outlining the nature of criminal, crime news essentially suggests a normative social order as a desirable social state for those interested in security, predictability, and trust as social fabric. In this way the presentation of crime news reflects how the media is an agent of control itself, a power bloc seeking to continually determine how people are both socially controlled, and how they perceive this ordered control. Not only, as they argue, does the news media suggest what activities are out of place in the larger social schema

of order, they suggest the media as indicating where criminal activities “fit” in the larger social order (or in other terms, where they ought to fit).²¹

With this said, the presentation of the crime in and through the news media is a textual policing of the social order through a recognized authority of social knowledge (importing an extremely influential social power to create and change social images and perceptions) (Ericson et al., 1991:7). Working under the guise of the public interest, the news media are able to (at least attempt to) dictate public morality. By inciting others to become knowledgeable and critical of activities and actors “framed” as criminals, the news media are empowered to solidify hegemonic conceptualizations of appropriate social behavior to sustain the social order or status quo. Through these case accounts deviance becomes personalized and not detached, and the audience is enabled to read, watch, or listen to the actual criminal.²²

Elaborating on the news media as a building site of the social order Ericson et al., discuss the media as part of hegemony. The preliminary part of this analysis hinges on the variety of sources to which news reporters turn in creating crime news. While Sherizen (1978) suggests the principle news source as being the police, Ericson et al., claim there are four crime news sources; spokespersons for government institutions and organizations (such as the police), spokespersons for institutions and organizations outside of government, individual citizens, other journalists (Ericson et al., 1991:11). The first two of these sources provide an overwhelming bulk of information used in

²¹ See Ericson et al., (1991:5) for a discussion of the processes of moral evaluation, procedure and hierarchy.

²² This symbolic case illustration of deviance is critical to the later stages of the discussion of social problems as collective behavior and “moral entrepreneurs.”

reporting crime news. In recognizing these primary sources one is confronted with the ideological composition of much information given to the news media. With hegemonic interests in mind organizations “give” the news media information that will reaffirm a desired social order and image of those who violate the social order. Since criminals themselves are rarely sought out to provide the details of criminality activity, those who “stand to suffer” in light of the violated social order are typically viewed as the authoritative sources of the news information and inevitably the nature of social deviance. As the news media are seen as authoritative sources of information, the sources of this news information become reaffirmed as authoritative and their perspectives on social order and deviance become normative and authoritative (at least in theory).

News is then entwined with political processes in the selection and production of crime news. Journalists, news broadcasters, editors, and publishers become part of the hegemonic order through their acquisition, creation, and presentation of the crime news (Ericson et al., 1991:12). In association with law makers and law enforcers they become a coercive apparatus utilized as an ideological state apparatus for the creation and promotion of a social order that actively pursues articulation of outlawism to justify this social order. The news media act in relation or in conjunction with the hegemonic order in a relationship of superiority in the construction of notions of “good versus evil.” As Ericson et al. (1991:12-13) comment;

Hegemony addresses how superordinates manufactures and sustain support for their dominance over subordinates through dissemination and reproduction of knowledge that favours their interests and how subordinates alternatively accept or consent this knowledge...The hegemonic process is at the core of transactions between journalists and sources...The news provides a daily barometer of

hegemonic processes...the news provides 'indicative features of what the hegemonic process has in practice had to work to control' (Williams, 1977:112-113). The central aspect of this focus is reporting claims to authority and challenges to those claims, in the context of conflict over one or more of the following: the stratification of expert knowledge; the stratification of official knowledge; key values such as freedom and equality; rights associated with these values, such as rights to liberty and well being, and just procedures to achieve these rights including legal procedures.

Viewed as such, the news media actively engage in the structuring of social reality rather than providing "journalistic" description of social events. Contrary to certain belief the media is not a separate entity unto itself as a neutral body of fact takers and objective reporters. As Ericson et al., illustrate, the news media are inexorably linked to the hegemonic selecting of how people are reported and spoken about, formulating plans for how outlaws are to be presented, and given a definite authoritative image as information sources and authors of knowledge (Ericson et al., 1991:16).

As this brief discussion of hegemony, the social order, and the nature of "criminals" (in the media) suggests, the news media play an active role in the creation of the good versus evil dichotomy. The weight of this power to influence public perspective is tremendous (again at least in theory).²³ As Dominick (1978) mentions, most people's encounters with the law and the entire legal system / process are through audience participation with the media. People are not normally directly exposed (participating as defendants or plaintiffs) to the legal process so what is known about crime and perceptions of criminals are influenced by what is presented in the news media outlets. This establishes the condition in which the news media are enabled to

²³ Most sources on the nature of news media and the presentation of crime in the news are careful to suggest that while the media are considered and often shown to be

exert hegemonic influence over the mass of news readers as an audience. The next section of the discussion considers how characters are discredited in the media, and the processes of creating deviance as contradictory to a social order. To facilitate this analysis theoretical approaches to the study of deviant typing are considered as they apply to the study of the social degradation of characters to promote a normative order.

3.2 Scalpers (Re)Presented Through the Media

If the preceding discussion bears any strand of truth, media are a device which act as an ideological state apparatus to selectively choose groups and their activities to be categorized as examples (stories) of crime and deviance. Such stories effectively characterize these groups and criminals, and what should be examined is the very social process by which the news media employ to achieve these characterizations. The overall analysis of scalpers in the media considers fundamental processes involving how the media attempt to characterize scalpers as “criminals” not “outlaws,” and subsequently the techniques of social degradation employed by supporters of the social order who perceive the actions of others as not being in line with the hegemonic order.

3.2.1 Media as Degradation Ceremony

Cromer (1978:225) notes that the lines of acceptable behaviour are most clearly drawn by witnessing behaviour as opposite to “normality,” as deviant behavior. Through the news media people are able to witness, within the confines of almost any social location, the deviant actor. Cromer argues that the news media is not an objective medium of information, news reports are prejudiced as cultural devices of mass

influential, this is relatively difficult to support in many instances and indeed has been supposedly refuted in case illustrations.

discrimination and public degradation (Cromer, 1978:26). Cromer asks the question of what exactly constitutes public degradation, and how is it that people are signified as “inferior species” as deviants through the mass media. In a revision of Garfinkel’s (1956) degradation ceremony essay, Cromer utilizes the concept of the ritual public denunciation as an integral function of the news media in creating images of social deviance.

The public rites are designed to effect the alteration of total identities. Degradation ceremonies therefore take the form of a “publicly delivered curse that the denounced is not as he appears to be but is otherwise and in essence of a lower species.” If successful, they culminate in the ritual destruction of the person concerned. (Cromer, 1978:228)

Asserting similar arguments to Mitroff and Bennis (1989), Cromer (1978) states that the prime function of the mass media in cases of ritual destruction is to create a “thicket of unreality” to exist between the actual deed and our perception of the action as a social activity having detrimental consequences to society in general. Media reporters, through their selective interpretation of events and presentation of biased reports establish the voice of the media as the voice of criminal prosecutors, and in the traditional legal sense speak “on behalf of the people” (Cromer, 1978:230-232). Therefore it is assumed that the ritual destruction is not only for the benefit of the people, it is performed by the people as represented by the news media. Lastly, media rituals intended to assassinate characters involve typifying the deviant’s behavior as classically deviant, linking the deed to the character’s innate personality, with the suggestion that these deviant type actions are a “sign of the times” or symptomatic of a decaying social order (Cromer, 1978:236-239).

The obvious link to Garfinkel's (1956) work on status degradation ceremonies requires further explanation. Garfinkel's work clearly outlines the main processes of the degradation ceremony, and these processes can be illustrated in reference to the representation of scalpers in the news media. In an attempt to denigrate ticket scalpers the media's typically negative portrayal of this group, as is suggested, has not achieved the goal of public humiliation and shame as intended. Instead, if anything the media's reporting on scalping activity has made some of the public more aware of the availability of scalpers as sources of tickets in the community and the general pervasiveness of use of scalpers by the public (making the scalping process appear less isolated and deviant than perhaps considered).

Garfinkel (1956:420) defined a degradation ceremony as;

Any communicative work between persons, whereby the public identity of an actor is transformed into something looked on as lower in the local scheme of social types, will be called a "status degradation ceremony."

Social deviance, like any other socially configured attribute is only relevant as a signified status if it is socially recognized and utilized. Akin to feelings of guilt and shame, social deviance takes effect as actors begin to teach the targeted individual or group to perceive themselves as "deviant" and thus deserving of the societal moral indignation. According to Garfinkel, this collective moral indignation forms the basis of asserting the in-group solidarity, the rightness of the indignation, and with the underlying concept of the social order maintain a sense of "rightness and wrongness" in accordance to what sustains or encourages the separation of order (Garfinkel, 1956:421).

Garfinkel (1956) points out eight main stages or constitutive components of the process of creating a status degradation ceremony. These stages are of equal importance

and lend respective weight to the successful completion of the ceremony resulting in the destruction of the social character of the individual or the group. Each of these stages can be compared to how the news media have attempted to degrade the collective social group of scalpers by analyzing news and journalistic accounts on scalping. As is shown, these ceremonies have not met with the desired effects intended, and while scalpers may indeed be socially viewed as criminals, we must question what this label in fact signifies as a reference marker of the group.

- 1) *Both event and perpetrator must be removed from the realm of their everyday character and be made to stand out of the ordinary.*

The very term “scalper” takes the average citizen out of an “ordinary” social position and lowers the status of the individual to that of the outlaw. The term, laden with racist undertones, associates the actor with the activity of scalping, and in fact individuals are not referred to as “people who scalp.” Being labeled as a scalper leads the audience to associate participation in scalping as the defining activity associated with the individual, or simply his / her master status. As this occurs, scalping becomes the chief public identity marker of the individual, as if that is all the person does in life. The racist undertones of the historically prejudicial term to the Native population facilitates a traditional fear and disliking, just as the traditional Jewish slander of “Shylock” applies to those engaging in usury or hoarding money. Example headlines from articles on scalpers using the term as a selling point of the article include;

“Police stalking scalpers” (Rollanson and Martin, 1994)

“America’s Biggest Ticket Scalper.” (Fuller, 1993)

“The Hustle.” (Layden, 1997)

“Scalpers: Why you can’t get good seats.” (Goldberg, 1988)

“Scalpers profit from ticket.” (Lawton, 1995)

Furthermore the “scalping” term implies an economic transaction that is extraordinary. The scalped ticket is not like any other ticket purchased, as the news media notes, and neither is the transaction typical of sanctioned commodity trade. The scalping process is presented as that which violates “normal, fair, free market, ordered, legal, or appropriate” trade.

“Scalping is unfair for those people who want to buy tickets,” Harris said. “I’ve heard people will buy 20 tickets for a concert and they’re not going to use them -- they just want to sell them. That’s not fair.” (Rollanson and Martin, 1994)

Scalping --- selling a ticket for more than its face value and the usual small ticket agency surcharge --- has become so pervasive that in many cities it’s nearly impossible to get good seats to a hot show without paying far more than the face value of the ticket. (Goldberg, 1988)

Scalping? Makes you wonder, doesn’t it? When you get right down to it, just about everybody who makes it into the stands at the Final Four has been scalped. (Telander, 1994)

In southern California, professional ticket scalpers regularly buy up between 25% and 40% of the available tickets to rock concerts and resell them for as much as several times their face value and top seating. (Coyro, 1976)

2) *Both event and perpetrator must be placed within a scheme of preferences.*

Following from above, the scalping transaction as an economic exchange signifies a shift in resource based (commodity) power. News media often argue that scalpers unjustly remove the ability of the mass of live entertainment seekers to seek out and acquire tickets on a fair and competitive basis. They argue scalpers remove the ability for people to have equal chance at paying “official / normative / sanctioned” rates for tickets. Essentially, the problem is not so much that scalpers take control out of

the hands of the general public. The problem appears to be (based on those who are given voices in the media to complain about the scalping problem, such as promoters, league officials, musicians, and ticket company executives) that the scalping process removes the ability to control or order the ticket selling process from the leagues, teams, theatre agencies, companies, rock groups, and ticket agents.

John Yeomans, general manager of Ticketmaster Edmonton division says he (police sergeant Al Bohachyk) was instrumental in alerting the media to the burgeoning scalping "problem." (Fuller, 1993)

Therefore the structure, or ordering of the ticket sales is commonly presented as detrimental to the customer, with the preference being emphasized on keeping all sales the responsibility of authorized distributors. Again the use of headlines and language which speaks directly to the consumer (illustrating how they are being "taken") outlines a slant against the scalping process as a form of trade.

...There's a general dislike of people cornering the market on any commodity. (Fuller, 1993)

The scalpers and record bootleggers are twin parasites of the music business. (Pond, 1981)

....the fans are getting screwed. (Nager, 1985)

- 3) *The denouncer must so identify himself to the witnesses that during the denunciation they regard him not as a private but publicly known person.*

The news media are a perfect forum for this technique. News reports and journalistic accounts illuminate the often ignored or secret process of ticket scalping and present it for all to witness. News sources with wide distribution allow audiences to read about the evils of scalping, and the outlaws involved as "scalpers." Being respected authoritative sources of information, news media can rely on this image to

denounce scalping from an “authoritative” (thus correct) social position. News reporters are speaking on behalf of the people against scalpers, and they act not just as a person or group concerned about scalpers, but on the part of a society concerned with crime. The news accounts of scalpers are also careful to include publicly known persons with socially influential or important positions as references, to condemn not just particular scalpers but the entire scalping process as a form of outlawism. This includes musicians, promoters, athletes, lawyers, or the police as sources who are expected by the press to be respected and interpreted as authoritative.

Stones scams could set legal precedent...Mick and Keith and the boys could be setting precedent - maybe all the way up to the Supreme Court. (Rollanson and Martin, 1994)

“It’s okay to buy something for your own personal use, and by all means we don’t object to you selling it for a profit,” observes law professor Levy. “What we do object to is you buying more than you need, hoarding it and then trying to make a killing.” (Fuller, 1993)

“Every single show by a major act is scalped,” said Sting’s manager, Miles Copeland. “I know it happens in every single city.” (Goldberg, 1990)

...Bill Graham is heading a group, Californians Against Ticket Scalping, that hopes to get anti-scalping legislation introduced next year. “Everybody knows that it is unethical and immoral,” Graham said recently, “What we intend to do is make it illegal.” (Goldberg, 1990)

“If you gotta pay \$200 for a ticket that’s marked \$12.50 it’s not right and you shouldn’t stand for it. Tickets should go to the fans not the scalpers” (comments made by Bruce Springsteen). (Pond, 1981)

- 4) *The denouncer must make the dignity of the supra-personal values of the tribe salient and accessible to view, and his denunciation must be delivered in their name.*

The most common technique against scalpers in this respect is to cite anti-scalping laws pertinent to the area spoken about in the report. By doing this scalpers become first and foremost lawbreakers, not just breakers of social convention or custom.

Since they are signified as criminals “on the loose,” and they publicly flaunt the moral ethic of society, they are deserving of social condemnation.

Most people charged with scalping of tickets plead guilty and pay their fines. (Rollanson and Martin, 1994)

“...the minute you start negotiating the price or sell above the ticket value you are in violation and you will be charged.” (Rollanson and Martin, 1994)

The only law in California concerning scalping is State Penal Code 346, which states that it is illegal to resell concert or sporting event tickets on the premises where the event is taking place. This allows the scalper to obtain a business license and deal tickets from an outside office. (Coyro, 1976)

Bonino estimates that he’s been arrested “at least 20 times,” and been “in a million fights.” (Layden, 1997)

“You can’t keep a good ticket broker down,” he said with a laugh. (Nager, 1985)

Discursive analysis is central to understanding this process, as wording is carefully selected in media accounts to construct the image of the outlaw scalper. The scalper “screws” the public, pays no concern to public trust or business ethics, and amasses large sums of money illegally without paying tax or returning any wealth back to the public. The action of public denunciation against the scalpers gains legitimization through individual reporters recognized with authority as news journalists working within a respected institution (be it television, newspaper, magazine, radio, etc.).

5) *The denouncer must arrange to be invested with the right to speak in the name of these ultimate values.*

It could be suggested here that the news media assume the social right and mandate to speak on all topics relevant to society. As “objective” social reporters this would seem to hold true, but in actuality, the hegemonic order finds it necessary to speak out against these type of criminals. Since they are the main supporter of the

values of controlled economic trade resting in the hands of big business, it is only logical that hegemony asserts (through the media) an inherent right to speak of the sacredness and social sanctity of “proper” economic values. Media sources containing articles or reports on (versus) scalping are categorized by those whose audiences are directly affected by the scalping process, or are “general” sources of social information (i.e., such as newspapers). Consumer oriented magazines such as *Rolling Stone*, *Sports Illustrated*, *Consumer Reports*, and *The Hockey News*, are examples of periodicals whose audiences are expected to be rallied easily against scalping for their familiarity with the scalpers, and hence the outlets are appropriate texts in which one would expect to see articles about scalping. Furthermore newspapers and news broadcasts cover crime, economics, and entertainment and scalping can easily be covered under one or all of these headings.

6) *The denouncer must get himself so defined by the witnesses that they locate him as a supporter of these values.*

Flowing from above, the wording carefully crafted into text is critical for the establishment of a denouncer’s voice to be linked to the values of the social system, or the hegemonic order. Typically this is accomplished by citing how the scalpers violate what “should be,” and thus stress what is “right” in opposition in almost a secondary (yet so primary) and silent manner. By attempting to tell people what they should want to hear (by uncovering the hidden or uncaught criminal in society) the media acts as a consciousness raising apparatus for the hegemony. In effect the media stands as a constant reminder of what is appropriate by questioning that which is deemed (largely through the media in the case of the scalpers) to be wrong. Since these articles speak on

behalf of the public, with their “economic interests” in mind (as has been illustrated above), the media and the discourse on scalpers become associated with what is best for the public, as consumers of live entertainment under siege from the criminal practices of scalpers.²⁴

7) *Not only must the denouncer fit his distance from the person being denounced, but the witnesses must be made to experience their distance from him also.*

This process relies on the socially misguided conception that the media speaks objectively against the scalpers but maintains the just desire to see social justice accomplished on the part of the ticket consumer. Pitted in the struggle against those who would question and snub the social order, the media work to give a voice to the victimized citizen / concert goer / sports fan who has the inability to speak on their own behalf. Ironically then the so-called objective media work in a series of mysterious cloaks. On the one hand they present the ideology of the hegemony on scalping as deviance. On the other they create an impression that they speak not in the interest of big business and a hegemonic social order, but on the part of the common person, the proverbial “little guy” who is exploited by the underground system of crime (which hegemonic ideology cannot control). The effort is made then to detach any conception of the media’s voice as being the hegemonic voice, given instead as the voice of everyone and yet no one specifically in the general public (Goldberg, 1988, 1990; Nager, 1985; Coyro, 1976; Fong-Torres, 1976).

²⁴ The “press” is perhaps one of the most recognized sources of information media which can effectively be considered by the public as generic and distanced from any interest in the ideologies behind the reporting of crime. This misinformed notion is clear here, as there is a definite agenda to the reporting of scalping activity; the media are neither detached nor neutral in the reporting of scalping activity.

- 8) *Finally, the denounced person must be ritually separated from a place in the legitimate order...he must be placed "outside," he must be made "strange."*

This of course is the end result of the entire degradation process, as we have seen in the case illustration of the scalpers in the media. Scalpers by their very name, their activities, and their identities are made strange as being "criminals" outside of the social order. The media are quick to present what the scalpers are doing to the public order of economic trade and the public's ability to attend events at a reasonable and fair price. The media describe how scalpers exploit members of the public as part of their daily activity, how scalpers corrupt youth, relate scalpers to the mob and organized crime, describe the shabby and frightening appearance of scalpers, and will often include criminal sounding nicknames to reinforce the difference between scalpers and the rest of the law abiding, order respecting members of society.

Meister bought more than 12,000 tickets. He did so by hiring people to wait in line. In addition to covering the cost of the tickets, Meister paid these "agents" --- usually high school and college students --- between \$40 and \$100 apiece, depending on the quality of the seats. (Nager, 1985)

Ms. Metella quoted one scalper who estimated that he would make up to \$1,500 selling eight tickets. (Fuller, 1993)

...brokers get most of their tickets by paying kids to buy them up at the outlets or by approaching legitimate fans with good tickets. (Goldberg, 1988)

"Kids don't sell dope anymore," he (Irving Azoff, manager of the Eagles) quipped, "They scalp tickets." (Coyro, 1976)

"I could sell drugs for a living because I'm a hustler," says Cleveland Chris. "But why sell drugs and go to prison when I can sell tickets and make money?" (Layden, 1997)

Where laws are tough, witnesses are required; kids who buy his tickets are not about to tell on him and risk getting hauled downtown with him (scalper "Bill"), the police, he says, are wary about setting up setups. And the fact that he looks a

little menacing — well that's just an on the job safety precaution. (Fong -Torres, 1976)

"It's your deep, almost hilariously Mafia-type voice saying, 'If my friend's business suffers, you'll suffer,' said Miner...."it's getting out of control."
(Goldberg, 1990)

On the street scalpers follow their own code of conduct, and turf wars can get violent. (Layden, 1997)

Lower levels of organized crime are involved in the scalping business in some cities. Other sources said the mob controls some scalping operations in certain East Coast cities. (Goldberg, 1990)

He looks scruffy ("Bill" the scalper), like someone you don't want to mess with, but when he talks about his work he can't help a crinkly-eyed smile. (Fong-Torres, 1976)

"I (Jeff Krump, tour accountant for Aerosmith) worry about being blackballed or having my legs broken. Any time you start tinkering with this kind of money and messing up somebody's livelihood, who knows what could happen?"
(Goldberg, 1990)

Minnesota Mike Fitzgerald seems to have surpassed in reputation the legendary street hustlers of the business: Big Nate Clay, Doug the Rug, Knockout Pete, Wisconsin Tom, Metal Mouth and the ubiquitous "J.R.," who showed up in Baltimore from his home in Beverly Hills, vaguely clad in an Atlantic City Lifeguard tank top. (Kirkpatrick, 1993)

The scalping lifestyle is described as a secretive, law-fearing, and "on the run" lifestyle, confirming to the public the abnormal lifestyle of those who do criminal activity.

Character assassination through the media has undoubtedly created a negative stereotype of the street hustling, profit mongering, capitalistic parasite known colloquially as the "scalper." These media articles and reports may have significant influence in the solidification of the criminal image of the scalper, but they are relatively ineffectual in terms of curtailing the public's use of the scalpers and their services. If the media are expected to be an agent of the hegemony, then the media appear to be a

partial agent at best in the case of the fight against scalpers. The media, while being collectively successful at degrading characters as outlaws here, have been relatively impotent in stirring public action against the scalpers.

“There’s no interest,” said Collins, “Nobody seems to give a fuck.”
(Goldberg, 1990)

“It would seem that no one gives a shit.” (Goldberg, 1988)

3.3 (Con)Textualizing the Street Hustler in Perspective

Even though the media are historically consistent in their (re)presentation of ticket scalpers and ticket scalping, this Chapter has addressed the issues behind this selective description. Media attempts to degrade ticket scalpers illustrate how ticket scalpers are essentially villainized by the news media. Such “villification” relegates the ticket scalping role to the “criminal” role. More appropriately, the (typically) one-sided account of ticket scalping predominantly presented by the news media actively attributes the “crime” label to the ticket scalping process as a form of economic exchange. This is, in a large part accomplished by systematically attacking the ticket scalper’s social and moral character, and turning the scalper into a “deviant.”

These issues become important as the first image many have of the ticket scalper is developed through media accounts, and is certainly (at least to some extent) part of the preliminary image I had of ticket scalpers prior to conducting this research. As the remainder of the thesis illustrates, these media attempts are (for specific reasons) mostly futile. After a series of Chapters (4, 5, 6) which present the ticket scalper in a series of different lights, Chapter 7 responds to this Chapter by giving an account of the media’s effectiveness in creating the “criminal” (versus an “outlaw”) image of ticket scalpers.

Chapter 4: Acquiring Cardboard

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Before a ticket scalper can actually engage in scalping activity the necessary goods of exchange have to be acquired. Like any other commodity trader, a ticket scalper uses a variety of sources to secure these goods. Certainly, the extent to which a ticket scalper is able to develop and secure an extensive network of ticket sources is influential to his (again all scalpers contacted were male) career success as a street hustler. In the world of illegal street sales, what becomes particularly relevant is how and where ticket scalpers “come up” with their tickets while facing of legal barriers and agents of social control.

In this Chapter I describe the scalpers who were part of this study, and suggest a simple typology of them. I also outline the fundamentals of acquiring tickets in the ticket scalping process. Centrally, this Chapter examines the role of the urban ticket scalper by critically examining how ticket scalpers acquire their stock. Seen as an ongoing process of negotiation, influence, interaction, and interpretation, acquiring the goods necessary in the ticket scalping process provides several analytical pivotal points of debate regarding the image of the scalper is an entertainment outlaw or free market capitalist.

4.1 The Main Players

Even though I am somewhat reluctant to establish a typology of ticket scalpers (not wanting to reduce the “types” of ticket scalping into objective, law-like categories), a distinction between ticket scalpers is a useful conceptual tactic at this point in the

analysis. Ticket scalpers are a difficult group to distinguish into neat conceptual categories. They are, like most social groups involved in some form of collective or joint action, extremely diverse while exhibiting common characteristics and traits. The typology provided here is a “loose typology” employed to provide an analytical line between the *types of scalping* and not necessarily the “types of people” involved in ticket scalping.

Much to my surprise the age of scalpers studied ranged from 14 to 42, with the average age between 22-26.²⁵ I had originally believed that scalpers would be much older, having an average age range of between 30-35, and while there were several scalpers contacted within this age range, the younger scalper predominated in the field. Furthermore, *all* were male and all except three (two Asian, and one African-Canadian) in the sample were “white.” A common characteristic of ticket scalpers is that they all, with several notable exceptions, possess “legitimate” jobs. Some are taxi-cab drivers, some are tattoo artists, some are retail store clerks, others work in construction or at factories, and some are students.

The “other” jobs ticket scalpers have are generally flexible in that the hours are not necessarily fixed, nor do they encompass night or weekend shifts. The scalper must be willing to be mobile and not constricted by a rigid time clock or they miss prime opportunities to scalp. The occupations are part time but they provide the ticket scalper with two very necessary social elements; income and identity. Scalpers need the income

²⁵ Since I did not utilize any advanced statistical analysis of ticket scalpers, nor did I place a heavy emphasis on characteristics such as age, these numbers (while being accurate) are not meant as anything other than a general character sketch of ticket scalpers.

from a “straight” or legitimate job to support them during the lean months or during the “off season,” when they are not scalping. Income also provides the ticket scalper with an occupation to claim on a tax form.

The social element provided by a legitimate career lies in the maintenance of a scalper’s social identity. To the outside culture of those not “in the know” of ticket scalping or ticket scalpers, scalpers are known through their jobs as taxi-drivers, store clerks, or students, and not as ticket scalping outlaws. There is an element of positive identity maintenance in holding a regular job. The person’s identity is not stigmatized (Goffman, 1959) by the scalper identity as most of those who know the scalper view him as a regular, hard working, law abiding member of the culture.

I have divided ticket scalpers into two broad categories, with the line of distinction being drawn along the scalper’s level of involvement in the scalping process. The two major categories are *professional* and *temporary ticket scalpers*.

4.2 Professional Ticket Scalpers

At any given time any person can transgress the fine line between outlaw and law abiding citizen (as outlined in the *Ticket Speculation Act*) and engage in scalping activity. This does not necessarily make a person a “ticket scalper.” Becoming a ticket scalper involves immersing oneself in the scalping practice, and becoming knowledgeable about the ticket industry in general. Grouping persons who have committed the act of ticket scalping (according to the law) into one category overlooks the essential interactive subcultural element of becoming a member of a culture or a life world of others.

The *professional ticket scalper* is one who makes a focused and deliberate effort to make monetary profits over time through the act of ticket scalping. Professional ticket scalpers are organized hustlers with extensive contacts in the community to all forms of illegal activity and business.²⁶ They know drug dealers, pimps, prostitutes, petty thieves, gamblers, concierges, taxi-drivers, stadium workers, ticket brokers, box office ticket workers, and other people surrounding the tourism or entertainment business. They use these contacts as extensive friendship networks by exchanging favors for favors to accomplish scalping activity.²⁷

Their legitimate jobs play a large role in this process of establishing contacts. Professional ticket scalpers establish many relationships as ticket scalpers, but they also encounter scores of other valuable contacts through their other forms of “legitimate” employment. Since they are each involved in their own respective mosaic of subcultural involvement they encounter people from all professions who become potential friends, ticket suppliers, customers, or “inside men” (Prus, 1996).

Professional ticket scalpers follow events across the country and across the world, traveling wherever and whenever there is a potential profit to be made. While they do not often operate at only one venue or handle only one type of entertainment, scalpers are often renowned for being experts at acquiring the best seats or tickets for a certain type of event or venue. Professional ticket scalpers invest heavily in their scalping activities buying hundreds or thousands of tickets per year, incurring extensive

²⁶ Prus and Irini’s (1980), and Prus and Sharper’s (1991) works detail the importance of developing extensive contacts in a community of fellow outlaws and hustlers.

²⁷ These relationships are fully explained in subsequent Chapters.

travel costs, and mobile communication costs such as cellular phones and pagers (along with the costs incurred for any involvement with the law: legal fees, bail, and fines).

Professional ticket scalpers have extensive careers (Becker, 1963) in the scalping subculture. They associate with other ticket scalpers, know the legal “drill” and are friendly with tolerant police officers and other security agents. They are sometimes involved with other forms of illegal commodity distribution such drugs or prostitution, or other forms of petty criminal activity, thus they are hustlers in an overall sense. I prefer using the term “rounders” (Prus and Irini, 1980) to describe them, because some professional ticket scalpers are typically competent in “rounding up” whatever a person needs: be that a ticket, drugs, a prostitute, a gambling game, after hours party, or whatever a person needs a “middleman” to find. Even though professional ticket scalpers are rounders, hustlers, grifters (Prus and Sharper, 1991), they take pride in their ability as expert scalpers and feel somewhat accepted (or at least tolerated) by a large segment of society.

To summarize the main points, professional ticket scalpers acquire a scalping perspective, are involved in many forms of scalping activity, internalize and exhibit a scalping identity, establish extensive relationships and networks to accomplish scalping, and make intensive commitments to the scalping profession or the scalping way of life.

4.3 Temporary Ticket Scalpers

On the other side of the scalping coin temporary ticket scalpers, either “straight” or “fringe rounders” (Prus and Irini, 1980), are much less organized, directed, or integrated into the scalping community. Their scalping activity is haphazard, unskilled, and they make little if any money from the scalping process. In fact, most temporary

ticket scalpers are looking to utilize ticket scalping as a source of securing only a “small” amount of money. For instance a person, a “straight” or a “square” according to the professional scalpers, may have purchased a block of tickets and by some circumstance one or more of the tickets may be unclaimed or unused. Instead of wasting the money laid down for these tickets, people will frequently scalp the tickets at the venue or some other location to avoid an unrecoverable loss from an unused ticket. Not only can these people be considered temporary ticket scalpers, they are more accurately described as “one-time scalpers.”

In opposition to the “straight” or “square” one-time scalper the temporary ticket scalper category also includes “fringe rounders.” The fringe rounder as temporary scalper may know one scalper or a few scalpers and use this contact to aid their own brief stint into scalping. They may need to make some money quickly, want to experience a brief taste of what it would be like to be a scalper, or even desire to feel the thrill of being an outlaw. They are often “hangers-on” or “wannabes” who have the contact with scalpers but who are not heavily involved in the subculture. Frequently they are young and look up to or admire professional ticket scalpers or are fascinated with hustling or outlawism in general without wanting to involve themselves in a dangerous or stigmatized life world. Their dabbling in the scalping process can and does regularly lead into careers in professional ticket scalping.

This initial or fringe involvement in ticket scalping can be assessed as an integral process of becoming a professional ticket scalper. Following Prus’ (1996) model of career involvement, initial interaction with ticket scalpers provides a context for temporary scalpers to be recruited, develop seekership for, or experience closure leading

to longer term involvements in the scalping subculture. Scalpers may be recruited by other ticket scalpers who actively bring them into the subculture, they may seek out longer involvements from a fascination with the scalpers or the scalping life-world, or may face unemployment or financial strife and experience closure leading to involvement in the scalping scene (realizing the potential to make money scalping and having contacts in the subculture).²⁸

4.4 Getting the Fruit

Techniques for acquiring tickets, or “cardboard,” “juice,” “ducats,” “fruit,” “jewels,” or “goods” vary between ticket scalpers, and most certainly between professional and temporary ticket scalpers. However there are several primary sources that all scalpers rely upon for tickets. Acquiring tickets is the first step in the scalping process. It is the starting point for the actual accomplishment of scalping activity and poses significant barriers to success for all scalpers. In the analysis of how scalpers acquire tickets for resale the issues of ticket availability, public usage of scalpers, the criminalization of space in entertainment, seriousness of entertainment related social policy, and scalping as a form of popular activity are all introduced.

Scalpers ordinarily acquire their tickets through five routes:

- 1) At a box office, authorized retail ticket distributor, or venue
- 2) On the street or “on site” from the public (including “season ticket holders”) or other scalpers
- 3) Through the mass media
- 4) From people “on the inside” at ticket companies, box offices, or venues
- 5) From promotional companies, contests, or tour companies

²⁸ While a few temporary ticket scalpers were contacted through the research process the focal group of later chapters are professional ticket scalpers.

Another defining characteristic demarcating the line between a professional or a temporary ticket scalper is the extent to which they employ a variety of sources to acquire their tickets. Professional ticket scalpers, putting their extensive connections to use in order to get “hooked up,” are forever seeking out new sources of tickets. Temporary ticket scalpers on the other hand rely on two dominant routes for their scalping activity; namely, from the public and other scalpers or from promotional contests, companies, and tour agencies.

4.5 Rounding Up Action - The Professional Scalper

For the professional scalper the most basic route in acquiring tickets for the purposes of engaging in scalping activity is through the box office or venue distributor. Like any other entertainment patron, the ticket scalper can secure a block of tickets through legal retailers by simply standing in line or hiring others to stand in line. Typically the scalpers prey on those who are around the street scene or in contact with their outlaw community to do their bidding. Scalpers hire the homeless, their unemployed friends, or most commonly, street kids who can all be easily found and exploited in light of their own economic situations.

I don't mind standing in line if it comes down to that. Christ it's not my first choice or anything but when it's third and long and I need a score, there's always the line up. The big problem is when some kid working decides he's seen you around too often and he lets his fat ass boss know about me. Then the whip comes down and they won't sell to you so you go somewhere else...that's a pain in the ass. (“Vincent,” professional scalper)

Man I've been in this racket long enough to know better than to wait in line like a mule at the feed trough. That's a rookie's role, you know? I waited in line when I was green about the deal, when I was happy to eat up the scraps they gave me at the ticket window...that was years ago...now I hire a couple of kids from the neighborhood to do it for me, they pick up some cheap seats that people always look for. I give 'em a piece of the action and a little pay to

boot... Believe me, it's better than seeing them washing windows down on Bay street and having yuppies spit at them. ("Uncle Ritchie," professional scalper)

So what if I pay somebody to stand in line for me? It's bullshit anyway, making people herd together to fight over the worst no count seats anyway man. People don't want to stand in line and neither do I, I mean if I had to wait for every ticket... man no way. If I'm up working at night, or out late, or even have to work the next day, I'm not spending any time in a line when I can pay somebody else to do it for me, somebody who does it and calls it ice cream. ("Loose Change," professional scalper)

Professional ticket scalpers become Fagins of a sort, and this role is not easily or objectively appreciated at first glance. While some may argue their recruitment of others to stand in line and gather tickets is corruptive and encourages youth participation in a life of crime, the pay they provide for this service is often one if not the only source of consistent income for these groups.

Yeah I hear that fuckin' argument from the cops sometimes. Look it's simple to me, nobody helps the bums around here except us, as far as I can see it. Everyday I see more street people in Toronto and the politicians don't help them, people driving by in their cars don't want to. I don't see how it's exploitive when we pay them to work, you know? I mean these guys thank me man, they thank me for the money. I get calls all the time from some of the old timers who are just beggin' for a job. ("Peewee," professional scalper)

The relative ease with which professional ticket scalpers can infiltrate and abuse the legal means of acquiring tickets is recognized by people on the inside of companies. To combat this abuse, innovative ticket distribution techniques are introduced. To prevent or at least curb scalping activity, venues have introduced wristband distribution policies, purchase limits, electronic identification systems for tickets, and randomized number drawing. All of these have an initial effect, but the professional ticket scalpers improvise, adapt, and overcome the system with the end result being new found means of acquiring tickets.

Stupid, I think ticket caps are stupid. Only an idiot can't get around a ticket cap. Ooooooh, so I can only buy up four or five tickets. If I've got ten people standing in line, what's the point? ("Wimpy," professional scalper)

The random numbers scam, o.k., this is how it goes down. Oh yeah, keep in mind they do this, not around here yet, but it's because of us. First the outlet releases like two or three hundred numbers, from one to whatever. Then a couple of days later they post a "random" list of all the numbers and according to the order of numbers that's the order of how people line up to get their tickets right. So a couple of things are going on. They want it to be a surprise right, nobody well almost nobody (laughs) knows how the numbers are going to be drawn. So that way we're not supposed to be tempted to line up people to buy up tickets, but we have just as many people, even more actually, lining up to get the numbers. And the outlet seems to think decreasing the ticket limit to like two or three works well with this, and it does actually, so we have to hire some more people to line up. ("Vincent," professional scalper)

Wristbands, ticket maxes, they're easy man. What's a bitch is this new thing being introduced, I can't remember what they call it, but the jist of it is this. Each ticket gets printed with a numerical identification scan code that is used at the entrance wicket that the goon working at the gate scans and all kinds of info about the ticket like where it was sold, who bought it, and all that comes up on the computer. They're trying to nab us at the door, or at least the guy who buys from us. Kinda sounds like busting the johns that go to the whores on Church (street), right?...It's a roundabout way of getting to us, trying to piss off our customers and make them scared to buy from a broker like me and in the end we get banged because our client base gets wiped out...that's the plan anyway. But somewhere there's a bunch of the boys working a plan of their own and in a couple of months we'll hear through the grapevine how to beat the program they lay down on us. ("Sticks," professional scalper)

While rounding up action includes using legal sources illegally, the professional ticket scalper's second main route for acquiring tickets is on site through the public.

Interestingly enough, we see an overlap of roles in these instances. Professional ticket scalpers not only stand in front of venues screaming profusely "who needs tickets?" at the crowd of patrons, they also inquire "who's selling?" Enter the temporary ticket scalper. Professionals pick up single ticket or pairs of tickets from "straight temporary scalpers," or just common spectators who possess an extra ticket or two.

I don't see the problem with buying up a square or two if some Joe Schmo wants to sell me his nickel and dime seat. If he can't find someone to use it I sure as hell can. ("Uncle Ritchie," professional scalper)

I'm like a recycler in the age of recycling. Waste, you got waste, give it to me, I'll take care of it for you I got no problem buying whatever people are selling. ("Jimmy," professional scalper)

I use my pre game time to grab up as much paper (tickets) as possible. The best hustlers, I mean the best, can show up a couple of hours before the gig and walk away after with a fist full of quid... Yeah I think the measure of a good broker is how successful you are in coming up with something from nothing, especially when the pinch is on (the police are around and about) or when a headline show comes to town and all of my sources dry up quick. ("Dreads," professional scalper)

Spectators may also travel to the event fully intending to view the spectacle but are frequently enticed by the presence and influence of scalpers to sell their choice seats for large amounts of money.

I can't count how many times I weaseled people out of tickets. Seek and ye shall find brother, or ask and they will sell if the price is right... People are so goddamn stupid though. Here comes a guy right, I ask him if he wants to sell and he starts thinking about it. I only ask a guy by himself or with one other person, cause if he's with a family, no chance, no way... O.k. yeah, so this guy coughs it up thinking I'm giving him a lot of coin and he's a real shrewd guy. Yeah he's the man. But two seconds later he realizes he wants to see the show still, or his old lady bitches cause their date is fucked up, and it's back to me or somebody else, and so from one guy at least two deals go down. A third when I turn over his original tickets. Then it's all good. ("Vincent," professional scalper)

Another consistent source of tickets acquired through the public are from season ticket holders. Similar to any other ticket holder's desire to sell, season ticket holders use scalpers to reclaim money spent on otherwise unused tickets. However, the many corporate owned season tickets are often given to employees who, rather than for personal entertainment (written off as an expense by the company as corporate entertainment) use the seats to make some quick money by selling the commodities to

scalpers. Inevitably many of the scalpers' best seats come directly from season ticket holders.

Jesus, don't even get me started about those pimps! Man I've got about ten guys who roll up on me regularly with season tickets for sale. Some of them have Leafs' tickets, and some Raptors' but it all means da bigga bucks for moi...primo stuff man, the best. I make the biggest margins off season tickets cause they're the best seats I can get so the price (sticks up thumb). None of them give a shit about the game, they don't even care who's in town. O.k., yeah, o.k., naw that's not exactly true. These guys aren't dumb man, they know just enough to sell the tickets to the hottest games in town, and that's when they start to care about sports, when Wayne (Gretzky) or Mike (Jordan) is in town. ("Brother man," professional scalper)

Ask, go ahead and ask who's got the jack, the power, the run of our business. It's not me, not Jake over there, not you man. Start at the top, not with a guy like me. Start with the promoter...but the big fish I land are from the season tickets. So many of them (season ticket holders) walk up and pretend they have no idea about the deal, or try to pass off like they've never done anything like this before. Power coming out of their ass, and they don't even know it. Man they walk away with a free hundred or two in their hand, but ten minutes later I've got four. Power but no guts to do what I do...clean this up, no way, no one can 'cause as long as season tickets are easy to come by, I got a job. ("Mr. White," professional scalper)

The fringe rounders also sell to professional ticket scalpers to gain entry into the professional circle, or to impress the professionals with their acquisition skills while most professionals sell to one another as part of the everyday process of ticket scalping. Scalpers return favors to one another by selling, at a highly reduced rate, "fruit" they may acquire, or give a fellow professional a ticket or two needed to fulfill a group purchase request.

There's no problem in asking another guy for a seat or two if you're having a tough day. It evens out man. The guys in the crew are pretty tight and passing around singles means nothing but good business. I always remember who's hooked me up with seats and whenever I can't handle an order, I send 'em over to a bro', like a referral business. ("Dreads," professional scalper)

Sometimes if I need a single or a pair I call over to one of my partners and they wheel up with what I need and they get a cut of the action. I don't like asking too much cause the cut isn't as much as it would be if they went solo on the sale. But it's my deal, my people, so my cut is the biggest...Awww I feel shitty every once in a while but we're all in the same business, all looking to make money and the only way to get along is to help each other out and keep competition to a minimum...that's not how it works most of the time though man. Too many guys only look out for old number one, but those dudes don't last. ("Peewee," professional scalper)

The professional scalper need not venture out into the uncertain public arena to do ticket scalping. The mass media provide an impersonal, detached, and faceless context for doing scalping activity. Ticket scalpers utilize newspapers, the radio, magazines, and most recently the Internet to acquire vast amounts of tickets. With a lack of internal or external regulations imposed on the use of public media to round up and sell tickets, the professional ticket scalpers' unbridled usage of the media is relatively unchecked.²⁹

The best investment I make is the twenty bucks it costs me to drop an add in the paper. With a couple of words and a pager number I can advertise to thousands of people what tickets I have or tickets I need. I find the process ridiculous though man. The trick is to make the ad sound like I'm a guy in town who needs a seat for himself, but in reality it's me looking to score a seat... It's a tightrope walk around the law because it doesn't take a genius to figure out the scam, but the cops or the paper don't get pissed unless the ad is way blatant...Respect the boundaries man and things go along smooth. ("Sticks," professional scalper)

I've never had any ad I wanted to put in the paper hassled or rejected, and in four years in the broker business, I've probably bought up at least five hundred tickets through the paper. ("Wimpy," professional scalper)

The professional ticket scalper diversifies his pool of potential sources most extensively through the media. By advertising a need for tickets in the community, the

²⁹ The processes of scalping through and in the media is examined in a subsequent Chapter describing "how" scalpers sell tickets.

professional ticket scalper can contact large populations of ticket holders and reach “would be” temporary scalpers. Similar to advertisements for prostitution and escort services, the wording of these solicitations are vague enough not to be blatant, just encoded enough to convey a message understood by ticket sellers and buyers.

I don't like putting anything in writing, but the guys who do tone it down, you know keep the ad low profile. My best advice would be to use as few words as possible. O.k. like “tickets needed” and what games or shows, then a cell or beeper number and that's all. (“Jules,” professional scalper)

Stressing the importance of having a series of contact networks throughout the community, professional ticket scalpers rely heavily on people on the inside to acquire tickets. The professionals have “people on the inside” who actively set aside blocks of tickets for them, selling the tickets to the scalpers at a fee per ticket amount, or an overall cut of the profits. The people on the inside realize the potential profits to be made from scalping, and compared to the meager money made from the straight work they do, scalping profits seem considerable. Corporations such as Ticketmaster are renowned for being havens for “inside people,” typically at lower levels of employment such as store tellers, or box office workers.

I can't give you any names or name any places, but let's just say I have partners in just about every legit store in this province. For just a few bucks more than it costs to hire a little punk kid to stand in line and wait for tickets I have people hold back tickets for me. Kinda makes their seven dollar an hour job feel a hell of a lot better...we meet these guys around man, or maybe even on the job, they approach a lot. I check the person out before agreeing to anything cause your ass can get stung by an undercover cop pretending to be a worker and shit. (“Dreads,” professional scalper)

I think these guys, well without them you're screwed. They tell me everything I want to know about upcoming events, even what promoters to contact and where the best tickets are going...They come down on the employees at Ticketmaster every so often if they suspect any shenanigans, and the beauty about it is we don't get burned, they do. I'll just move on to greener pastures or

another source...No way, I don't feel "bad" when they get canned, nobody forced them to give me tickets or let me into the front of the line, they're motivated by profits like everybody else. That's the drug of the industry man, seeing how much money is and can be made. Once you try it you're hooked, and once people like me know about you being on it you'll have a hundred guys calling you up asking for favors and all that. ("Jules," professional scalper)

The venue workers aid the scalpers in the same fashion, providing information on upcoming events and giving them the inside track on how to beat programs designed to stifle scalping activity. The inside box office worker, venue employee, security guard, or retail teller are the ones who give the scalpers an advantage on all programs initiated to curb their involvement in the process such as ticket randomization, plastic bracelets, or electronic security scans of tickets.

Like I was telling you before, I can beat any scam they throw down the pipe cause I know people who help me out. Like for instance, ummm, o.k. yeah, like those wristband programs....Hey what's the point if the guy who's passing them out is a buddy of mine or another dealer? He gives me ten or twelve of them under the table before the public even knows about them, and I get a few people to wear 'em and pick up the tickets. Big fucking deal. ("Vincent," professional scalper)

I love it when they pull the random ticket drawing for the line ups. What a joke, I mean honestly man who was the retard who thought that would work? If I can get sheets of tickets, even the card stock the tickets are printed on straight from the people at Ticketmaster, what makes anybody think we can't fix it so that some of the boys are in on the randomization process, right?... If a person or a company comes up with a plan to stomp us out they have to first clean up their own act because I know guys personally who live and breathe off the business given out by people who work for companies like Ticketmaster or store clerks at some bush league retail outlet. These guys are supposed to be the responsible ones, they're in charge not me, and if they want to start the money machine rolling, I'm more than willing to be a part of it. ("Loose Change," professional scalper)

Lastly, and perhaps the most controversial and well known abuse of the ticket distribution system, professional ticket scalpers receive the largest blocks of tickets from event promoters who hold back (from Ticketmaster or other direct ticket distributors)

thousands of tickets per event to be distributed to whomever they please. Promoters sell the tickets to the professional scalpers, becoming professional scalpers in their own right, and receive kickbacks from the sale of the tickets. Claiming these tickets for use by family, friends, contestants, players' or performers' personal use, or other "V.I.P" use, promoters distribute many of the withheld tickets into the hands of the professional ticket scalpers.

I heard from a guy who used to work as a promoter that they hold back anywhere up to seventy five percent of the best seats...Imagine any building o.k., and the bottom half being the best seats, the top being the worst right. Yeah so most of that whole bottom half of the building people never even have a chance at getting...like when it's announced a show sold out in a half an hour, that's bullshit. The few fucking seats they decide to sell to all the chumps are the pieces of burger bun the pigeons fight over in the parking lot. You don't even have a prayer in hell at getting a good ticket to any decent show if you do it legit. So it's not hard to sell out when only like half of all the seats go on a straight sale. ("Vincent," professional scalper)

When I first got started I was amazed when one of the guys waltzed down with a gold mine in his hands. Oh man, like the best seats and I would look at him like a god, and all the time it was killing me how he did it every time...When I got to know him, he introduced me to this promoter buddy of his and then everything fell into place...The promoter runs the show from start to finish. They call the shots, and if you try to buck their system, you get shot. You may as well have a license to print money when you become a promoter you get so much jack in this business. Think about it man, they decide where the tickets go...Any of like "the best" tickets I've ever held I got from promoters. ("Mr. White," professional scalper)

Ticketmaster, I love to hear them explain to people why seats sell out in a half hour. "Well, you know, we have so many outlets that thousands of seats can be sold in a matter of minutes, so you have to understand we handle so many requests it's not our fault." Bull-shit. The thing is sold out because the promoter gives me, the fella down the street, tour companies, friends, the band, the players, and anybody else he damn well chooses a whack of tickets...I get mad when people harp on me for what I do but I can't blame them for so few people even know what a promoter does and how they screw the business over. Nobody should have that much clout, but thank god for us they do or else we'd hafta scrounge like dogs for tickets. ("Jimmy," professional scalper)

Arguably there is no better or more direct supply of the premium tickets than the promoter who effectively administers the distribution of seating. Like the people at the lower levels of the inside racket, the promoters, the upper echelon of the inside scalping business, are in a position to make enormous amounts of money from selling to professional scalpers for additional profit.

Every once in a while I lie in bed at night and wonder if what I'm doing is right and all that, I have a conscience, and that's not the best asset in this business. But then I start thinking about pricks like the promoters who don't have to work their asses off like me. A promoter has everybody standing in line to kiss their ass...If I'm a promoter and I handle hundreds of thousands of tickets a year I make thousands of bucks under the table from private sales. If I call myself a "ticket agent" or "ticket broker" then the promoter can claim he doesn't deal with "scalpers." ("The Juice," professional scalper)

Another supposedly legitimate business operation feeding the professional scalpers' insatiable hunger for tickets is the tour company or entertainment promotional tour business. These businesses, selling event tickets as part of a weekend or overnight deal including transportation (usually bus or air) and accommodations, receive tickets that have been held back by the promoter. The promoter legally sells tickets to companies that are in turn supposed to sell the tickets for a fixed rate to customers, but too often these tickets end up in the hands of scalpers. The tour company, like others in the system, have recognized the potential profits to be made by giving scalpers access to tickets.

Here's a tip for you bro. Tour companies get tickets from promoters and have to pay an arm and a leg for them, so when we get workers at tour companies who do favors for a guy like me we have to pay two arms and a leg for a ticket. So Johnny lunch pail has to pay two arms and two legs for the ticket...Anyone who complains about the prices of tickets, whether they pick them up from me or the other guy has to realize so many hands get greased along the path the end price has to be high so everyone gets covered. ("Brother man," professional scalper)

Who then, in the first analysis of how professional ticket scalpers acquire their tickets, are not professional scalpers of the ticket industry? At every level of activity, from every outlet to every position involved in the public distribution of tickets, there are people who pursue their own economic self interest by selling tickets to “scalpers” for profits. The entire system is nothing more than ticket scalping with scalpers existing in every niche of the industry, some legal and others illegal. The “on the street” hustlers we refer to as the professional ticket scalpers are only one group of professional ticket scalpers in this business. The inside industry thrives on the existence of the street hustler, and this side of the scalping debate is often ignored by critics of the street criminal.

4.6 Scalping by Default

The fringe rounder, as a temporary ticket scalper, generally acquires tickets from similar sources to the professional ticket scalper, but with less frequency or success. This is due, in a large part, to the lack of personal networks established within the ticket distribution community. Without repeating the last section of the analysis, what is addressed briefly here is how people acquire tickets leading to a process referred to as “scalping by default.”

Scalping by default typically involves the scalping of tickets unwanted or unusable by a person or persons. A common practice of “straight” temporary ticket scalpers, scalping by default implies a perspective adopted indicating a desire to avoid the loss of money incurred in a wasted ticket. Instead of throwing a ticket away, or simply giving a ticket to someone without monetary compensation, people can resell

their tickets at the venue for profit. Knowledge of this practice arises from the general knowledge of the existence of a scalping business, and scalpers in general.

I've bought so many tickets from scalpers that I felt like I knew how to do it myself, so when my brother couldn't go with me to a Jays game I went down to Skydome and just stood there with the two tickets in my hand and in about five minutes the tickets were gone...I didn't feel like watching the game by myself so why not sell 'em. (temporary scalper, male)

Scalping, no way, I don't think of myself as a scalper. I mean if I have extras (tickets) I know how to get rid of them, but I don't scalp for a living, that's wrong...well yeah I do buy from them (scalpers) all the time though. (temporary scalper, male)

C'mon man what's the harm in some poor sap using me to ace his extra ticket? Believe me we don't make a ton of money from these guys, usually the tickets are so bad (ones picked up at the box office) that about half the time we may not even be able to sell them...why will I buy them? Singles are always in demand no matter what the show, so I have to pick up a few, ummmmm (laughs), usually the guy looking for a single won't pay a lot anyway so the cheapest risk is to buy crappy singles off the street. ("Uncle Ritchie," professional scalper)

In these cases the sources for acquiring tickets are normally through the box office (ticket company), or through a promotional contest. At the last minute people are confronted with a situation in which an extra ticket exists that may have been claimed by someone else who is no longer able or willing to use the ticket. The scalping by default action does not carry with it the same internalization of the outlaw identity as the process is interpreted by most scalpers, spectators, customers, and police as a one-time event not to be repeated. Furthermore since the person is not a professional scalper, and merely seeks to cover the losses (with some profit) potentially incurred by wasted tickets, s/he rarely perceives the act in any way as being "wrong."

This being noted, the scalping by default mentality receives little sympathy in the eyes of the police. The police have recently frowned upon the practice. They argue

that these forms of ticket scalping provide the professional ticket scalpers (as previously suggested) with a means of acquiring more tickets, and it sends out a message to the public that ticket scalping in certain forms is acceptable. According to the letter of the law, any and all forms of ticket scalping (in Ontario) are illegal, and the police have begun to actively pursue the “one-time,” “default,” or “straight” temporary ticket scalper with similar rigor and enthusiasm (or lack thereof) as the professional ticket scalper.

The problem with citizens letting their tickets go in the public auction of ticket scalping is in the creation of a garden of sources for the ticket scalpers. They (scalpers) can pick out and take advantage of an “everyday” sports fan who wants to get rid of their tickets. What we want is for people to refrain from selling to the scalpers. Faced with the grim reality of either selling or losing money, we realize most people sell if they can muster up the courage. Unfortunately, citizens are learning the hard way the police cannot tolerate any form of ticket scalping... they’ll face the same penalties the pros do. (police officer, male)

4.7 Acquiring Tickets in Perspective

The process of acquiring tickets indicates how all types of ticket scalpers are involved in a system that supports and fails to regulate (when so desired) the ticket scalping process. Whether we are contemplating the role of the professional ticket scalper or the temporary ticket scalper, how scalpers obtain tickets is a starting point for a critical evaluation of the scalping “industry.”

For example, where does the average spectator fit into this process? If we strictly remain with the issue of ticket acquisition, the average spectator is the most adversely affected by the process. As an estimated “street figure,” up to 75% of the best seats for an event are never available to the general public (sold as season tickets first, or being held back by promoters, and allocated to scalpers or some other inside source). More

and more the public is taken out of the arena of ticket competition. The public is increasingly pushed toward the upper reaches of the venue, facing “nose bleeds” from high altitude spectating, having little or no chance at ever securing the prime seats for an event.

With the impossibility of taking a day off work to wait in line, or wasting time trying to get through the telephone lines to buy tickets to an event, is the scalpers’ acquisition and sale of the best seats a direct public service? Does all the scalpers’ networking and connecting needed to acquire tickets compensate for the public’s lack of interest in or inability to do the same networking and legwork? Do these scalping middlemen, by flushing out ticket sources and digging up the commodities for an all too willing, and now more reliant, public actually do a disservice to this public? Scalpers can only exist as long as there is a market willing to bear the brunt of the costs of the commodities. Most critics of ticket scalping fail to recognize or admit that the public willingly exchanges the ease of buying a choice ticket five minutes before an event for an inflated price asked by the scalper.

From the analysis of ticket acquisition, we can also see how the general public are heavily involved in the scalping process. The events chosen and the people involved are mostly what have been referred to as “low culture.” Rock concerts and sports events are prime spectacles for the scalping industry, and the scalpers (and their customers) are not typically members of the social elite. From this, the public’s role in the criminalization of public space is a crucial point of analysis. The public’s subversion, for scalping purposes, of public venues, institutions of business, mass media, and community street space creates an outlaw ethos in the urban scene.

With all of this being said, the “social jury” is still out on the issue of ticket scalping. With a mosaic of social interpretation surrounding the practice of scalping, no one group or social authority seems to exhibit the strongest voice on the ethics or morality of the process. As long as the public continues to play a role in the scalping process, and as long as professional and temporary ticket scalpers are able to locate and acquire a myriad of tickets from various sources, there will be ticket scalping.

Chapter 5: Scalpers and Their Marks

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I'm just trying to make a buck man, a squirrel trying to get a nut. I guess the difference between me and the dude down the street who runs the Mr. Sub is that I take it to the extreme, get it? I have to hustle, make something from nothing most of the time, come up with the impossible for people. But it's the ultimate capitalist system brother. Look around next time we're down there. A crowd of people all stand around and some of us are selling tickets, others buying and a whole lot don't give a shit what the hell anyone else is doing... Unlike anywhere else though, when customers go down there they know there'll be brokers and a lot of tickets. ("Peewee," professional scalper)

These comments, made by a ticket scalper known to me as "Peewee," assert a fundamental underlying principle of the scalping lifestyle. Scalping is a form of hyper-capitalism, or capitalism that is more like original capitalist ideology than makes the economic power blocs of the ticket industry comfortable. As a black market or outlaw economic structure, scalping is based on hard work, competition, entrepreneurial risk, and elastic market prices. To succeed, scalpers must be industrious, diligent, have a keen understanding of the laws of supply and demand within an "underground economy," and provide a service sought after by the public. Ticket scalping is a paradox of capitalist exchange reflecting a spirit of capitalism long forgotten by bureaucratic, corporate capitalism. This corporate capitalism is increasingly regulated to insure that a few large economic power blocs control what is or what is not considered sanctioned capitalist trade, thus creating the scalping paradox. Ticket scalping is, in a theoretical sense at least, a classic form of free market exchange, but within the North American free market, the scalping economy is outlawed.

Where the “legal” market often experiences peaks and valleys of success, the commodities of the black economy are forever in high demand. Dominated by the business of the lower socio-economic strata of our culture, outlaw commodity consumption flourishes in the ticket scalping market. The outlaw market creates an alternative form of capitalism, closely mirroring the dominant practice of capitalism (methods of exchange) but with a counter-hegemonic or profane ethos in response to state attempts to monopolize a particular commodity industry such as the ticket industry.

People turn to the outlaw market when the legitimate means of acquiring tickets fails; that is, when possible avenues of commodity consumption are blocked (noted in the previous Chapter). When we consider the outlaw economy we begin to develop an appreciation of how different social classes have varied abilities to consume on a wide scale. In a social system devoted to the relentless pursuit of commodity consumption the public is often faced with an interesting series of obstacles to overcome.

Arguably, we are taught to consume by almost every agent of socialization encountered from childhood onward. Combined with this, sport and entertainment heroes are romanticized as commodities of consumption in their own right. However, as already established, popular access to entertainment spectacles (as commodities) is hampered through system restrictions. The double bind of the system is that people are encouraged to consume events like sports and entertainment as a part of “culture,” yet pitted against a heavily controlled access to these scarce commodities.³⁰

³⁰ Arguments that spectators have limited access to entertainment are contained in Chapters 1, 3, and 4.

Outlaw forms of consumption such as the ticket scalping market arise in this process. Given meager access to entertainment the general public create their own sources of access. We are socialized to consume, and in this pursuit the outlaw economy facilitates this consumption. The desire to consume becomes a part of the collective conscience and the outlaw form of consumption allows the public to pursue alternative forms of consumption to meet these desires.

The scalping outlaws work within a free market or laissez-faire system (at least among themselves), turning hegemonic capitalism on its head. There is a classic exchange-payment-consumption relationship between buyers and sellers, but the consumption is more categorically “recycled” as commodities have already been purchased and re-purchased by at least one other party. Goods are “returned to the earth” or back to the “grass roots spectators” (as suggested in the analysis of how scalpers’ acquire tickets).

As an alternative (albeit more “theoretically capitalist”) form of capitalism the scalping economy and its many characters have their own language of trade, codes of trade, and locations of trade. As is examined in this Chapter, each part of the scalping process creates a form of exchange that subverts and changes capitalism to meet (supposedly) the needs of the public. The public’s participation in scalping activity shapes and reaffirms a resentful sentiment to the “legitimate” system of ticket distribution and reveals an active resistance to controls placed on entertainment related consumption.

Through an analysis of what is involved in performing the act of ticket scalping, this Chapter critically assesses the role of the outlaw in commodity consumption. An

interesting dichotomy serves as the launching point for the discussion. The “general public” comprises a large portion of the city’s population. They live where the action is, where league sports take place, where concerts are held, and where large venues are located. They live in what can be considered the “modern periphery” of the inner city. Their access to tickets is minimal and they are strangers or onlookers in their own backyards. They live next door to the arenas, stadia, and buildings that house entertainment but they are forever “peeking through the holes in the fence” or “standing on milk crates” peeping through windows.

Through the case of ticket scalping we are witnessing a progressive suburban re-centering of cultural capital. The ability to watch sport and entertainment as a form of consumption is leaving those who live in the urban core, shifting outward to the more affluent suburban areas. With the economic capital leaving the urban core so is the power to consume this form of cultural capital. The manner in which ticket scalpers fit into this process has several potential interpretations. I consider the role of the ticket scalper through two different gazes.

The ticket scalper could “empower the public.” By putting tickets back in the hands of the public, one interpretation of the ticket scalpers’ role views scalpers as providing access to entertainment which the public would not otherwise find. In this sense scalpers are public servants through the risks (social, legal, economic) they voluntarily assume as outlaws, as the classic Robin Hood or noble robber.

A second interpretation is that ticket scalpers “empower the empowered.” As the scalping economy’s ticket prices are ever increasing, we must consider whether or not the public are being effectively priced out of the market. The affluent already

comprise much of the paid seating for most forms of urban entertainment, so is the scalping market becoming an extension for their access to even greater proportions of paid attendance? Viewed in this manner scalpers are the tools of the elite and their outlaw behavior exists to serve the interest of the economically privileged classes.³¹

The “truth” lies somewhere in between in that scalping accomplishes both tasks in certain instances. What is needed to successfully examine how both of these roles are carried out simultaneously by ticket scalpers is a comprehensive analysis of how scalper-customer sales are accomplished and how the scalping transaction is achieved. This commentary on the role of the scalper and his relationship to the general public is grounded in the field data gathered in this research. To illustrate these points further, the remainder of this Chapter is devoted to the forms of scalping uncovered through the research by providing a typology that describes and assesses the types of scalping transactions.

5.1 The Mark as Interpersonal Influence

The “mark” (Goffman, 1952) is the target, the customer, the person who buys from the ticket scalper. However scalpers do not necessarily view the mark as a particular person. As “true capitalists,” the mark is often more generally a sale, a potential profit, or a gain of financial capital for the scalper. Viewed this way all people who pass by the scalper are potential “marks” if they possess financial resources.

It’s all the same, all the faces mean nothing. I don’t care if you’re white, black, short, or fat, if you’ve got the money I’ve got the time. (“Jules,” professional scalper)

³¹ Important to note is that Toronto’s demographic composition includes several “wealthy” areas in and around the city. Therefore, Toronto’s mixed housing policy locates “upper class” spectators in the city *and* in the surrounding suburban areas.

The most passive way of viewing scalpers' customers would be to examine the scalper-customer relationship as a tactician-target (mark) relationship, making the analysis of scalping activity relatively simple in that clearly defined roles could be extracted from the process and dissected by cleverly employed sociological concepts. This analysis would be very misleading. Scalpers and customers alike are both at once targets and tacticians in the scalping process. Each have interests to be served, each seek to gain something, and each have a part in the process of negotiation involved in ticket scalping.

Hey, it's like this you know. I've got these little things in my hand that a guy wants. I want to sell 'em he wants to buy 'em, so let's start the bidding. But maybe like one or two times out of ten it's as easy as naming a price and getting some money. I mean, there's this obligatory need people feel to try and haggle with me. Christ, I hate it because sometimes, o.k., well sometimes it's alright because I'm still making money on the deal but sometimes people will, and believe me about this, will fight over like a buck or two just to say they haggled me down. ("Vincent," professional scalper)

That's why I go to scalpers. I can't ask Ticketmaster to change their prices and their seats are shitty. I can go to the market (the place where scalpers hang out) in front of the Gardens a few minutes before the game and get good seats and pay what I want...sure their prices are higher, I know that. The point is I know they'll have good seats and I don't feel as if there is no room for me to work out a deal to get them. (customer, male)

Both scalpers and their clients are interested in purchasing and selling. The outlaw market of ticket scalping thrives on this symbiotic relationship. Scalpers do not own any ultimate position of control in the market, the outlaw market is best described as an arena of inter-personal influence (Prus, 1996). Scalpers possess tickets, tickets that people are seeking, and will go to great lengths to acquire. Possessing (as the supply side) the commodity is indeed empowering in any situation of bargaining, but so is the

wanting of the commodity (as the demand side).³² All parties maintain bargaining power in that they can either align with or distance themselves from the scalping transaction. Scalpers can choose not to sell, stand firm on a high price, or not even offer their tickets to people at all. Similarly, and equally influential, customers can negotiate lower prices, shop among other scalpers, or simply not buy anything at all.

For instance, reflecting this sentiment of intersubjective power, scalping market prices must be attuned to both the availability of the scalpers' tickets and the number of customers searching for tickets.

A good way to tell if the price I'm asking is too high or I think the seats are better than they are, are my first few hooks. If I send out the line to five or six people and they smirk or laugh or shake their head I got to re-evaluate. ("Sticks," professional scalper)

There's not a hell of a lot a' complicated math here, there are two basic (economic) climates. If no one is interested in my seats or if a bunch of the boys (other scalpers) are about, prices have got to come down, but I never let on, even though I can tell like five minutes after I show up that the prices will come down. But I start licking my chops man when people are swarming around. The more the merrier cause it means my prices stand firm and if somebody don't like my price they can fuck off somewhere else. ("Dreads," professional scalper)

As the previous Chapter indicates the public also carry significant weight in the supply relationship in that they are important suppliers to ticket scalpers. The "power" in the outlaw market relationship of exchange is then best described as situated and negotiated, reflecting the influences surrounding the exchange. Both scalpers and their customers have the ability to "control" the negotiations involved in each separate exchange.

³² This supply and demand relationship is particularly elastic in the black economy. Butterworth (1994), Clinard (1969), and Ray (1991) all detail the "factors" influencing price bases in outlaw economies.

Surrounding this situated power involved in exchange is the creation of scalper-customer roles. Roles are situationally constructed in the outlaw market to accomplish the illegal trade. Even though the public are generally aware of scalpers' existence and there is something of a collective or shared understanding of what a ticket scalper is, unless one has dealt with a scalper, one has little or no knowledge of how scalpers do "their thing." Conversely, people (mainly) have little knowledge of how they are supposed to act should they wish to purchase a ticket through a scalper.

I felt kind of stupid the first time I bought a ticket from a scalper. I hummed and hawed and stumbled about where I wanted to sit or how much I wanted to pay. Actually I remember that I didn't even think you could, you know, not accept what they charge...how the hell was I supposed to know what to do. I didn't want to look green like a fool but I really did. (customer, male)

The only time I've ever gone to a scalper I just wanted to buy the ticket and get out of there. My friend who's used scalpers before gave me some pointers like don't buy from the first one you see, don't hold money in your hands, and um, try not to look too eager. Wait there was something else...oh yeah wait until the concert starts to ask (laughs). I didn't do any of that. I walked up with my fist full of money, went right to the first man I heard saying that he was selling tickets and bought a God awful seat for way too much. (customer, female)

Similarly, ticket scalpers encounter a new personality with every sale. While they have extensive dealings with the public and develop "encounter scripts," there is no objective recipe for making a sale. Scalpers are often as unsure of how to handle a customer as customers are unsure of their interaction with scalpers.

Each person is new right, these people don't come out of cookie cutters, so for me to make them cough up their dough, I've gotta get inside their head right, and figure out what they are all about. ("Jules," professional scalper)

Situational roles are established through the workings of the scalping exchange. Scalpers and customers are very broadly just that, suppliers and purchasers in a very limited and vulgar reduction of the process. Underneath this surface relationship roles

are expeditiously created to facilitate the illegal trade. We must keep in mind that scalpers and their customers meet under trying circumstances, ever wondering if the encounter is to be discovered by agents of social control. The exchange is generally brief in duration taking anywhere from a matter of seconds to periods totaling a half an hour.³³

Sometimes a guy will take up like a few seconds to make up his mind, but then there are these fuckin' procrastinators who rather me rob them at gun point than give fifty or a hundred bucks to a person on the street. ("Mr. White," professional scalper)

I don't know why but I always get the trailers, the guys who float from this guy or that guy looking for a seat. They always end up in my face and every time it means I have to listen to this guy complain about anything from the price to how hot it is outside...Or even worse is the guy who stands there looking confused and shuffles his feet around or twist his face all up and says nothing. They are never, well almost never a buyer and it takes about twenty minutes to finally get rid of them. ("Wimpy," professional scalper)

Even though the outlaw scalping act occurs openly in public, the participants are generally concerned about the presence of "the law," "heat," "the boys," or "the man." Scalpers not only have to be aware of the plain clothes police and/or venue security detaining them, they are always keeping watch for undercover police. In effect every customer they encounter could be an undercover police officer.

Undercover cops look pretty square, they still haven't mastered to the technique of looking like a regular person. All I need to do, if the mustache and track suit don't give them away first, is talk to them for a couple of seconds. I ask what's up, and what they're looking for all vague like. If they answer me back all vague doing double talk then I get suspicious and back off...oh yeah, I say something like I have no tickets or that I'm not selling anything. ("Vincent," professional scalper)

³³ This duration directly pertains to face-to-face encounters only, and does not include scalping through any form of the media.

The public's brazen flouting of the law is a must in the outlaw scalping market. Both scalpers and their customers are involved in the snubbing of legal restrictions against ticket scalping. The social finger of contempt is easily pointed at the ticket scalper for breaking the law in this respect. One can not ignore the public's religious participation in this outlaw exchange. Both groups have a vested interest in doing business without raising the suspicion or ire of the law and hence attempt to negotiate a system of trade to accomplish everyone's separate goals.

5.2 Doing the Hustle

During the participant observation with ticket scalpers and their clients (augmented by the interviewing), several salient types of scalping trades or scalping hustles were noted. Particularly evident were three hustles: *the fast hustle*, *the go nowhere hustle*, and *the rough hustle*.³⁴ Through the introduction of these three types of hustles, the various situational roles of ticket scalpers and their clients are introduced.

The *fast hustle* can be the most preferable for ticket scalpers. The *fast hustle* involves a completed transaction, a sale between a scalper and their client(s) which "goes down" relatively quickly (within a minute or two) without complication. The *fast hustle* most frequently occurs before the event has commenced. This usually indicates that the market is a scalper's market, with many consumers circulating looking for tickets. Spectators with a high interest in seeing the event and relying on scalpers for their tickets often become nervous or impatient and rush to the venue and find the first

³⁴ The term "rough hustle" has been borrowed from Prus and Sharper's (1991) analysis of the card and dice hustling communities.

scalper they encounter. This high demand enables scalpers to charge very high prices for their “cardboard.”

I’m the blood in the water that attracts the sharks. The best thing for me is a big crowd, not because it means there are a lot of people around to buy, just because it means people will be nervous when they see a big crowd and think they have to rush to get tickets. When they find me, they snap up whatever I got. (“Loose Change,” professional scalper)

My belief is that the best of the best of us are like McDonald’s. In and out like clockwork. Fry ‘em up, wrap ‘em, and send them to eat cause if you get good turnover you handle a lot of people and make a bunch of money. (“The Juice,” professional scalper)

Shrewd spectators wait until after the event has commenced to seek out ticket scalpers. The *fast hustle* in this case does occur, but with a slightly different twist. Customers bide their time fully aware that scalpers’ prices generally drop several minutes into the event. Faced with the prospect of “eating” the tickets (facing a loss) scalpers will hold clearance sales as a *fast hustle*. In these cases the customer’s insight into the economics of the outlaw market enable them to negotiate a price more in line with the amount they would like to spend (or the significance or value they attach, through the outlay of money, to witnessing the event).

I hate dumping or clearing out my stock but there’s no way in hell I’ll go home all chumped up because I wouldn’t dump. It’s a pain in the ass but an unfortunate outcome of this business cause there’s no guarantees that you sell everything every time. (“Jimmy,” professional scalper).

The best time to get the scalper is when they are sweating. I love watching them scurry around a half an hour after games have started trying to flag everybody down, that’s when I step up and buy. All of a sudden a price that was no way gonna be changed an hour ago bends like hell...the price goes right through the floor. (customer, male)

The *fast hustle* can occur in several locations, with the most typical being the front of the building or venue in which the event is housed. Scalpers cleverly position

themselves on street corners, thoroughfares, or other high traffic areas in order to encounter as many potential marks as possible. Scalpers also lay claim to territories at several venues, “working” a particular corner or location. The more veteran scalpers have access to the more prime (i.e., high traffic) areas (see Appendix 5 and 6 for venue overviews). Being known for working a certain territory becomes critical in doing *fast hustles*, as customers are often repeat customers and expect to find a specific scalper in a particular spot.

The only way to establish territory is to go there time after time. Yeah I guess it’s frequency more than anything else, like a squatter. So you find a good place that nobody already hangs out at, that’s important and then go to the place, hang out and after a while the boys expect to see you there, and clients look for you in that spot when they show up. As I always say, “if you can’t be regular, at least be consistent,” that’s the only way to be known. (“Uncle Ritchie,” professional scalper)

You should never weeze on another scalpers’ digs man, that’s just wrong, especially one of the old boys. If they got it, it’s their’s and you shouldn’t roll up on it unless they give the a-o (acceptance). (“Moses,” professional scalper)

Furthermore, the “prime” locations for a venue are those of high public traffic (as mentioned above), and to facilitate the *fast hustle* the scalper must be visible to large numbers of people. Scalpers attract many fast hustles through this public visibility.

A crowd around is always prime. You’ve seen it right, the football huddles of people all peeping in. Right in the middle there I am calling the plays (laughs). And that’s all great for business right. The more people around the more visible I am and like the Pied Piper people will follow me around. It’s the best marketing I could ever get. (“Jules,” professional scalper)

Being on a street corner or standing right where the subway is near are the best places, anywhere where people are forced to come by to get to where they need to be man. Hell, I follow motherfuckers right out into the parking lots, just like the other boys... Yeah I see so many guys doing that more, trying to be the first thing people see when they pull up... Plus the cops get pissed off if we stand around the door too much and almost never go out into the lots. (“Vincent,” professional scalper)

The *fast hustle* can occur over the telephone (via the newspaper) or can be established through the Internet. In both of these cases clients are responding to advertisements made by ticket scalpers. These forms of the *fast hustle* are generally favorable to the ticket scalper in that there is little price negotiation involved, and the scalper need not venture out into the “risky public.”

When my pager goes off and a guy is calling me up about an ad in the paper it takes about thirty seconds on the phone and a deal is done or it isn't. There's almost no negotiation involved here brother, it's “here's my price, here's what I got, and that's that.” If the sale goes down I tell the person to meet me wherever I go before the game and we do the deal badda-bing, badda-boom. (“Brother Man,” professional scalper, male)

I prefer doing business over the phone by far man, for two easy reasons. O.k., one is that it's over pretty fast like. There's not much hassle there and with voice mail and shit I don't have to be in one place all the time, I get my messages whenever I can. And second, I don't know of any guy, oh wait except one guy, yeah only one who's been stung for selling tickets through the paper...Yeah, that guy got burned selling phonies and some bitch got crusty and called the man to step in. (“Vincent,” professional scalper)

The *fast hustle* is also more commonly associated with marquee events or one-time events such as concerts or “special” spectacles.

When Jordan is in town people get all stewed up and crazy. So any ticket I get no matter how crappy, gets eaten. That's a rule I think. If there's a lot of press coverage or it's something people won't see everyday then they come down and buy. I find that funny, man. I mean the Jays or the Raptors play how many games but it takes a big name from *another* team to get people to want to see the games. Concerts and shit are another story cause the band may never come back so it's totally a one-time thing for sure so I can understand why people want tickets fast. But the same rules apply...The best sales now are for country music, and I can't figure that out. I hate that shit, but hey I don't have to listen to it, other people can pay me to let them. (“Dreads,” professional scalper)

Similarly, scalpers find it easier to accomplish *fast hustles* when there are few other scalpers in the vicinity or when other scalpers have low quantity or quality of tickets in

their possession. All of these influences lead to what is considered the scalper's market, or when ticket scalpers have a greater position of influence in leading the course of trade.

The *go nowhere hustle* involves exactly what the name indicates, and is representative of about one in every three interactions with a mark. The hustle is trouble from the onset, there is a definite reluctance of the mark to buy, and the scalper may be asking too high of a price for low quality tickets. The scalper may not be able to provide what the client is searching for in terms of seat location, seat pricing, or amount of seats available.

If I've got exactly what they don't want, according to them in their own minds, there's no way they'll buy. I can throw at them every line in the book and make it seem like if they don't go in they'll die...Oh anything can be the problem man. I could have pairs and they need four together, and they *must* be together. Or the price is a few too high, or the seats are in the wrong end or too high. Whatever the case, it's not acceptable and it's over. ("Peewee," professional scalper)

I always hate cop-outs like, "oh man there's nothing I can do, people won't spend on me," but yeah I gotta admit some people just won't. I feel like saying well then why the fuck did you come down here anyway. That doesn't happen at the Ampitheatre (Molson) or places sort of out of the way, you know? It goes down at Skydome or Massey (Hall), and especially the (Maple Leaf) Gardens. Any place where people are naturally walking by and might stop to find out what's available just for kicks. ("Vincent," professional scalper)

The most frustrating aspect of the *go nowhere hustle* for the ticket scalper is that the client will frequently linger around asking the scalper time and time again about the price or seat location. The experienced scalper does not devote large portions of time to a *go nowhere* because it means forsaking other potential hustles. To this end, scalpers must develop a keen perceptive sense of the other's willingness or intent to buy.

If they guy walks around from broker to broker, he's probably not gonna buy anything, and if he's alone probably not either. If the guy's a flake and jerkin' you around he'll say stuff like "oh I have to think about it," or "gimme a couple of minutes." I can give the guy a lifetime cause the bitch ain't gonna buy anything. ("Jimmy," professional scalper)

It's an impulse buy man, and if the guy doesn't buy when he gets the first impulse forget about it. If that light in his eyes isn't there and he doesn't seem all stoked it's a waste of time. ("Sticks," professional scalper)

Marks associated with the *go nowhere hustle* try to finagle the price of the seat down, as a high ticket price (according to them) is their primary reason for not committing to the purchase. These "clients" come to the event earlier than most, hanging around and trying to get a feel of the market before approaching the scalpers. Scalpers are aware of their presence as the people involved in the *go nowhere hustles* are regulars to the scene and may in fact know the ticket scalpers on a first name basis.

There's this guy who come around with his wife, I call him "Bill the pill." A pill right cause he's a tool man, an idiot. Once in a while he'll wheel up and ask about Jays tickets, and man I don't think any one of the boys have ever sold a ticket to this freak but he's always around. Jesus man shit or get off the pot... There are all kinds of characters like him, they hang around the scene and talk to us and for all I've thought about it I can't figure it out. ("The Juice," professional scalper)

The *go nowhere hustle* ends without a sale in every case. The client usually withdraws from the negotiation, or recognizing the futility of the deal, the scalper walks away from the interaction. Reflecting the fact that the majority of *go nowhere hustles* occur in front of the venue, *go nowhere customers* typically seek out other scalpers and attempt to initiate a series of other negotiations. To combat the frustration of other scalpers and to facilitate a smooth operation of the scalping market in the area, scalpers inform each other about these individuals.

There's no way I'm gonna leave one of the brothers hanging, you know? If there's an asshole who's a troublemaker and not interested in doing business I'll spread the word right there and then. ("Dreads," professional scalper)

If another broker comes over and whispers to me not to strike up a line with a guy then I better pay attention, or I'm fucked. A guy who hassles me or takes up my time is powerful 'cause it fucks up my business. If someone is screwing me over by taking up too much time I get frustrated, and other people can pick up on this and it looks like I can't handle my business and that I'm no good as a broker. ("Jimmy," professional scalper)

The *rough hustle* usually begins as an interpreted *go nowhere hustle*. There is an apparent lack of certainty to buy on the part of the client, and the ticket scalper may not have given an effective sales pitch.

I usually ask people to step into my office and then back up a few feet. I try to get the deal between only me and the client. But if the shit isn't going down I can say that it's the guy a lot of the time, but if I haven't made him want to feel as if he should buy from me then it's my fault and I have to try and recover within a few seconds or it's done. ("Wimpy," professional scalper)

With the apparent problems from the onset, occasionally a perceived *go nowhere hustle* can be turned into a *rough hustle*. Scalpers relate an initial belief that a sale is going nowhere but suddenly the interaction shifts indicating a potential sale.

If the guys says "well" then he's thinking about it again, and you've got a second chance. Also if he asks "how much" or repeats the price and touches his face, he wants to buy. If the hands go into his pockets, he's reaching for money, or at least trying to find it so he's ready to buy. If he looks at whoever he's with he's looking for confirmation so he wants to buy. And if he does any of these together you're back in business. ("Mr. White," professional scalper)

The *rough hustle* is characterized by trouble from the onset of interaction. There may be serious discrepancies between the price and location of the seats wanted by the client and that available from the scalpers. Clients use this technique to gain leverage in the bargaining process.

Why should I pay top buck for the grays? I could stay in the comfort of my own home and see replays and everything so why would I put myself in a position where I couldn't see the details without specs (binoculars). If I do buy them I act all aloof and indifferent so it doesn't seem like I really want the tickets and I get cheaper seats. (customer, male)

Clients are not inactive, receptive dupes of the ticket scalping exchange. In essence their agency reigns supreme in that while the scalper does possess the ticket commodity, they (as clients) have not invested anything in the process as yet and have absolutely nothing to lose (arguably) by not buying. Viewed from this perspective, the scalper becomes the mark of the customer, and is more a target of influence than perhaps originally perceived.

Hell man, I know the score don't think I don't. They've got zero to care about they can walk away whenever they want, what the Christ does a client care? Really, think about it. When the deal is going all hard for me it's when the client knows too well we're really at their mercy, you dig? So I end up getting taken when the guy is wise and realizes he's got the jack. ("Dreads," professional scalper)

In many of these cases, the hour is getting late, and *rough hustles* come about from *go nowhere hustles* to ensure the scalper has at least a percentage of their nightly expenses covered. The scalper "gives in" to the adamant bargaining of the client not in light of any tactical expertise by the customer, but because of the grim reality of experiencing financial loss.

Rough hustles occur in two other fashions that are not considered as an evolution from the *go nowhere hustle*. If the scene before an event is characterized as a customers' market (i.e., many tickets available from other scalpers, show not sold out at the box office, prices of tickets from all sources very low, low public interest in the event) scalpers' hustles are considered "rough." Sales, if any, are extremely hard to secure, the

money made from the sales is minimal, and they do not typically sell to large groups in any single transaction.

On nights when all I'm sellin' are singles I'm not eating anywhere great that night. Sellin' singles or a few pairs equals going home with nothing much. ("Loose Change," professional scalper)

I don't get involved with concerts that the gate prices are already low. When the promoter and Ticketmaster don't think there's gonna be a high demand, it's a pretty good indication of what our market will be like. ("Uncle Ritchie," professional scalper)

The big time gigs are great but it's always the Catch-22. Every broker or would be broker in the area crawls out of the woodwork and makes it to the scene. Basic economics again man, too many competitors the prices have to go down unless there's incredible demands, but from my experience our supply and stubbornness to drop prices usually outweighs all demand. ("Sticks," professional scalper)

A hustle may also be considered "rough" in the event that there is considerable "bogarting" being done between scalpers. In the spirit of the adage professing "no honor among thieves," scalpers will occasionally undercut one another's prices or "steal" clients from one another to avoid taking a loss for the night (almost exclusively in a client's market).

The son of a bitches that bogart always get theirs man. Once a guy is known for pricing seats way under other brokers or lies about the seats he has to the boys he's fucked. Nobody will ever let him in on deals or use him as a referral client. And there's no way, oh Christ no way, that all our connections on the inside won't hear about this bullshit...Stupid business, it's just a stupid businessman who does it. ("Jimmy," professional scalper)

Lose their territory that's what happens to them. If a broker screws around with others a few of the boys get together and bum rush his spot, that's the surest way to hurt somebody man. By flexing him out of his prime location it sends out the message he'd better straighten out or get the hell out for good...The guy won't ever get trusted again for a long time. ("Sticks," professional scalper)

5.3 Scalping Through the Media --- The Counter Hegemonic

Big time scalpers cumulatively spend millions of dollars each year in advertising in newspapers and buying radio time to advertise. They must have access to thousands of tickets to spend that kind of money on the radio. "We're talking about really big business," said Steve Kingston general manager of New York City radio station Z-100. "These brokers spend tens of thousands of dollars in New York money." (Goldberg, 1990)

The media provide ticket scalpers with a vital supplement to their street sales.

Anyone who has ever been to a large-scale entertainment event has undoubtedly encountered a series of individuals gathered in front of the venue asking who is selling tickets and who is buying tickets. These individuals are scalpers engaged in "field work," selling and buying tickets for an event on the day or evening of the event. This type of work demands that the scalper be an effective salesman under the pressure of having to sell his tickets in a limited amount of time, or be left with useless resources. To alleviate some of this pressure scalpers will often use the media to advertise tickets in their possession for events weeks in the future.

Scalpers commonly advertise in the classified section in newspapers and magazines, over the television and radio (in the United States), and recently through World Wide Web pages and bulletin boards over the Internet. These advertisements are characteristically vague concerning the number of tickets available, the price, or the location of the seats in the building.

AC/DC, leafs and other tickets avail. Call 975-xxxx (*Toronto Star*, March 24, 1996)

Leafs, we BUY/SELL/TRADE, we PICKUP/DELIVER 905-884-xxxx (*Toronto Star*, February 17, 1996)

Sports, Concerts & theatre, 416-429-xxxx (*Toronto Star*, March 10, 1996)

The scalper will include a phone number (a pager number, a cellular phone number, or an unlisted private residence number) or a post office box number to enable customers

to contact the scalpers. In this rather abbreviated discussion of the media outlets available for scalpers to sell tickets, two main outlets are considered, the newspapers and the Internet, one as traditional outlet and the other as a modern and rapidly developing outlet.

5.3.1 Scalping Through Newspapers

Ticket scalper advertisements are normally located under the heading of "Services" or "Articles / Tickets for Sale" in any given newspaper. Over a 2 month period, advertisements were monitored in the *Toronto Star* for the frequency of advertisements selling tickets in the classified section. Over this time span the number of advertisements ranged from 6 to 20 per day.³⁵ In most newspapers advertisement space is bought by a person, or a group, for a nominal fee depending on this size of the advertisement, the number of words, and the number of days the ad will run. Advertisement prices quoted from newspapers range from \$20.00 to \$200.00 per ad (figures taken from *Toronto Star* based on size, location, and duration of ad in the newspaper).

Typical of these advertisements is a careful ambiguity in the wording, including information as to the availability of tickets, and little else. Scalpers do not wish to pin down in writing any price for example for several reasons. Two of the most important are that first, while the intention of the advertisement is remarkably obvious, professional scalpers do not want to make easy targets of themselves by blatantly

³⁵ The months involved were February and March, 1996. Advertisements indicating tickets being sold at or below market value were not included, nor were advertisements involving ticket agencies like Ticketmaster or companies promoting group tour packages involving entertainment events.

scalping in the media. Second, they do not want to fix any quotable price in writing to harm profit potentials by removing the negotiating process from the procedure.

The tell-tale sign of an advertisement as being a scalper's ad is the announcement of availability of tickets to a series of concerts and events. To cut down on the costs of advertising and to attract a large number of potential customers scalpers provide a list of all tickets available, but rarely referring to amounts, price or location.

A BIG ALL CONCERTS! LEAFS, NBA, Rod Stewart, Buy/sell. 416-484 -xxxx (*Toronto Star*, April 17, 1996)

AC/DC, Steve Earl, Lou Reed, Foo Fighters, Julio Iglesias. We deliver. 905-884-xxxx (*Toronto Star*, March 24, 1996)

A-1 all the best Leafs, Raptors, Bills, concerts, theatre. 416-698-xxxx (*Toronto Star*, March 3, 1996)

The date of the show may be included as one of the only details provided about the tickets, and the ads are normally closed with the words "call at (number)," or "b.o." (best offer). Ironically, scalpers' ads are generally located on the same page, beside, or underneath "introduction services," "escort," or "dating service" ads which are commonly fronts for prostitution activity. From media reports on scalping activity, these advertisements are rarely ever policed by local law enforcement agencies, and even more infrequently are scalpers charged with scalping activity through the newspapers.

More recently, scalpers have taken to flogging their wares via newspaper classified ads...while the city's constabulary responded to the article by charging two people with illegal resales, a spokesman confesses police don't fully understand the rationale behind the anti-scalping legislation. (Fuller, 1993)

...this is the first time an individual advertising through the classifieds has been charged locally (Winnipeg). (Fuller, 1993)

Newspapers seem an ideal forum for ticket scalping activity as the internal regulations of newspapers are practically non-existent and agents of social control turn a blind eye to the practice.

The police will act upon newspaper advertisements in a situation described in the preceding section (and in the previous chapter), namely when public interest is high for an entertainment event and there is a subsequent flurry of scalping activity in the media. In an attempt to arrest a large number of scalpers the police take action, and to make a public example out of scalpers the police use media reports (ironically the same media providing a forum for the scalpers) as a method of reporting their success in arresting scalpers for the public to witness (Fuller, 1993; Rollanson and Martin, 1994). Therefore, the newspaper is a site of contested terrain for the scalpers as on the one hand they are continually degraded by media reports on scalping activity, but on the other hand scalpers can use the media as sites of resistance to what is considered normative and legal sanctioned trade (and the acceptable / legal forms of marketing associated with economic trade). As yet, no measures have been taken to ban ticket advertisements from the newspapers (Goldberg, 1991; Fuller, 1993; Rollanson and Martin, 1994), and until strict laws are enacted the newspaper will continue to be an excellent source of marketing and sales for ticket scalpers.

5.3.2 Scalping Over the Internet

If the newspaper is a site with relaxed codes of acceptable and non-acceptable advertisement providing a fertile ground for ticket scalping, the Internet is a relative Shangri-La. As a rapidly growing source of information and medium for communication characterized with confusing laws and few limits about what is legal

and non-legal, the Internet is a growing site for scalping activity. Scalpers have developed their own World Wide Web pages where customers can log in and access pages of information on ticket availability, entertainment venues (in the form of maps and diagrams), upcoming events based by region or city, and can leave order forms and e-mail addresses for scalpers to contact their customers. Increasingly common is for customers, after having found the event and the venue of interest, to follow a step-by-step procedure involving an order form which can be e-mailed back to the scalper.

One of the common techniques employed by the scalpers to help "legitimize" (in a legal sense) their activities (particularly in the United States) is to become licensed "ticket brokers" who "find" tickets for people. The assumption is that these brokers will locate people with tickets who are interested in selling them, buy the tickets from the customer at face value and then sell them to other interested customers with a legal service charge. There is a legal limit (a maximum of 33% of the ticket price) which can be levied as a service charge (Goldberg, 1991), but since most operate with cash (cheque, or money order) scalpers posing as brokers often find it easy to falsify the amounts charged if asked by police or taxation departments. This practice has blossomed over the Internet and some scalpers registered as ticket brokers are registered clients with credit card companies and customers can purchase tickets (in the business this is considered a potential remedy for the customers to this extremely risky practice) "sight unseen" with their credit cards. The remedy being of course if the tickets show up and are not those promised or "knock-offs" (false tickets) the customer has the ability to

cancel the transaction. This is of course tempered by the risk of having the credit card number illegally copied or intercepted by someone over the Internet.

Bulletin boards are also common to the Internet. These are sites resembling the classified section of the newspaper. Ticket ads are placed by scalpers in identical methods as placed in the newspapers, and what distinguishes the Internet from the newspaper are the sheer amounts of the ads, the frequency of advertisements of tickets wanted and not just for sale, and the cost of placing the ads. These bulletin boards such as WEBTIX (<http://www.intemkt.com/webtix/conads.html>) are mixed with ads selling and asking for tickets, from scalpers and non-scalpers. Placing an ad on a bulletin board such as WEBTIX is free of charge and WEBTIX (except for the "legalized" broker in the United States) on last reference contained over fifty advertisements. These bulletin boards are prime locations for scalpers to conduct the business of searching for tickets across the country, and for acquiring clientele. Although there are no universal rules to spotting scalpers' ads they are typically vague (as in the newspapers) concerning the details of the tickets and the price.

Following the dimensions of the overall discussion, the process of being associated with the outlaw is largely removed over the Internet (and through newspapers as well for that matter). Rather than having to meet with the outlaw face to face and be publicly associated with the scalper (thus discreditable as well) much of the personal element is removed from the process. The exchange becomes significantly "faceless" and impersonal, and it is harder for the police to witness (publicly) the transaction and the violation of the law associated. "Proving" the transaction through the media (short of setting up police insider stings) becomes very difficult. Through the

media false names, aliases, post office boxes, and phony “brokerage” houses can all be used to hide the identities of the scalpers and create trouble for the police in trying to pursue the scalpers.

Scalping over the Internet is just beginning to evolve and in the years to come, unless the Internet is policed with a strong arm, more access to the Internet by more of the public will equal more business for ticket scalpers. The largest obstacle for ticket scalpers right now is the lack of access to the Internet for the general public of ticket purchasers. With expanding use of the Internet and recognition of the sales potential involved with Internet sales, scalpers will unquestionably begin to explore the Internet as a medium which may provide a legally less risky and socially widespread means of selling their resources to a large audience of consumers.

5.4 Scalping Through the Media in Perspective

In the face of the police and social agents of control, scalpers advertise their ticket resources to the public and resist the narrowly defined legal codes defining sanctioned trade. “Field sales” are definitely a form of open and public resistance in their own right but advertising scalping, an illegal activity through the media adds a new dynamic to the process. Scalpers are using mass forms of communication such as the newspaper and the Internet even though these forms of media are frequently used to degrade and criticize scalping activity. By advertising in these media outlets scalpers are taking advantage of every opportunity available to promote their activity, regardless of the source. Rather than scurrying underground or keeping scalping activity in back alleys, scalpers are up front and open about their activity and promote themselves in the

face of the law. This is as we have seen, a consequence of the inability (or indifference) of agents of social control such as the police to enforce laws on scalping.

Logically, any group interested in remaining out of the public eye would refrain from advertising their group in the newspapers or over the Internet, even more so if said group engages in outlaw activity. Scalping, as a business that relies on contact with large sectors of the public provides a case of a group who have not been deterred by agents of control to refrain from outlawism. As social outlaws, their resistance to working within the confines of sanctioned trade are made public through the media, and while this may be presented in an unflattering portrait by the media in certain respects, one should not ignore how scalpers largely resist this typification of activity and character, and pursue their own interests through the media. In short, scalpers utilize forums of public information and communication to promote “deviance” and engage in resistance against the sole utilization of the media as an ideological state apparatus geared toward maintenance of the normative social order while defaming social groups such as scalpers.

Countering the use of media as tools of the hegemonic order to assert the proper boundaries of economic trade, the media can be used by the scalpers as a site of cultural resistance. Actively pursuing the media as a marketing tool in the public, scalpers gather and maintain support for their outlaw practices through the public forum of the media. These media sources can be large outlets like the newspaper which attract huge audiences of daily readers. Media sources employed are also more “private” such as the Internet, where scalpers and their customers alike can maintain discretion and secrecy. In both cases the “traditional” uses of the media are questioned. Are the media cultural

platforms existing solely for the hegemonic order, or are the media acceptable outlets for resistance against hegemony? While the hegemonic messages are displayed with more frequency and openness (particularly in the case of the scalpers), outlaws often find methods of circumventing tradition and utilizing state owned mediums of discourse to resist social ideology and promote counter-hegemonic philosophy.

5.5 Trust and Customers

The scalping transaction, no matter how brief, involves the element of trust. In everyday life, people encounter situations in which trust becomes an integral component of interaction. Certainly on many levels, trust is a defining characteristic of the social order in general. Even in the black market exchange of commodities trust is an important aspect of the trade. Trust may be involved to an even greater extent for outlaws and their customers because the exchange is not regulated, legal, or in any way guaranteed by warranty or license.

Trust must be established extremely quickly in the scalping exchange. Prus (1991) has detailed the importance of trust in the economic exchange, and Donnelly (1994) has illustrated the significance of trust in sport. In both cases, trust between the participants of interaction is needed to experience feelings of validity, truth, and sincerity as components of interaction. Since the scalping exchange is a black market exchange, scalpers and their customers generally know little about one another's interests, backgrounds, reputation, reliability, or honesty.

Scalpers and their customers both take risks in the exchange process. Scalpers must be able to trust their ticket sources, invest large amount of money in securing the tickets (they must then have a trust in their own ability and the viability of the market),

and they must trust their customers to be able to pay for the tickets solicited and not misrepresent themselves (i.e., in the case of undercover police officers).

You roll the dice every single time bro', every time. I could pick up say twenty or thirty tickets for a show and maybe have four or five customers so I end up takin' it in the ass. You never know man, you don't. ("Dreads," professional scalper)

I don't know any of these people from Adam and I like it that way. All I care about is if they got the green, that's the only i.d. I ask for. ("The Juice," professional scalper)

The cops, let me tell you about the vice cops. These guys, for the most part anyway, leave us to hell alone as long as we don't piss them off. I mean most of the time if they're gonna roust us up they either come down in plain clothes and walk right up or they send down some beats (uniformed officers) and make a sweep. O.k., the trouble starts when they're putting the heat on and we get a lot of press or something like that. Then anybody I meet could be undercover so you have to watch out, right. That's when it's wise to not trust anyone. ("Vincent," professional scalper)

Customers on the other hand take a large leap of faith with ticket scalpers. They must be able to trust the scalper's commodities as being legitimate. A great concern among law enforcement officials and ticket agencies is keeping the "phonies," or "shit" (fake tickets) off the street. However, it is not uncommon for the poorly connected or "hack" (rookie) ticket scalper to produce fake tickets with the aid of photocopiers, laser printers, and other production technologies. The more "legitimate" ticket scalpers guard each other from acquiring or selling fakes, and often advise customers about how to recognize a fake ticket. The scalpers I interacted with through the course of the research do not actively circulate fake tickets, but did express an understanding of how fake tickets are produced.

I dunno, maybe I was born yesterday or something but I've never thought for once that tickets I've been sold were bogus. Sure, people have warned me about

it and thought I was crazy for buying tickets from scalpers but I've never had any problems, never. (customer, female)

There's a couple of things you do to spot a phony if it isn't obvious by looking at the fuckin' thing. If the ink is still wet right (laughs) awww it's a fake. The true test is to take a match right, or a cigarette and hold it about an inch under the ticket and if the thing burns through...fake. The tickets are printed on thermal paper so it should turn a purple or like dark blue if it's legit...Or you tear a little rip out of the corner of it and you should see a pink or a red color in the middle. That's the official Ticketmaster stock, but if we can get our hands on the stock you can never tell...Why not? Well I don't know what's going on at Ticketmaster and who they got workin' for 'em and all that, but they gotta do something about their printing system. Wait a minute what the hell am I saying, no they don't. Yeah well anyway ummm, they're idiots man their tickets have the primary printing colors that any hack can reproduce with a hot printer. ("Mr. White," professional scalper)

Even if the tickets are authentic, customers who may not know the venue or the seating plan of the building have to rely on the scalpers' word as to the location of the seating.

The best insurance for people is to let them see where they are going. I carry this little map with me, almost all the cats I know use them. Look "here's the seat" I say and point to the section of the Dome. It's a gimmick we use so that people know exactly where they're gonna to be and don't come out all shitty if they end up in another place than they thought. It's a problem, you know. So many guys think they know the floor plan of the Dome cause they been here like once. ("Jules," professional scalper)

Back in the old days, well I guess it was only a few years ago, all kinds of badness went on. I think to some extent the nickel and dimers still do it but I haven't heard too much about it for a while. These little punks who can't get good seats on their own so they lie to people about where the seats are...It's so easy man, most guys have no idea. If I'm a guy who wants a seat or two I can sort of know where the red section or the blues are, but that's a big section right and being in the first row of the section is a hell of a lot different from being in the last row of the section...They're (customers) at your mercy man. ("Sticks," professional scalper)

Finally, since there is no guarantee as to the degree of satisfaction to be experienced through witnessing the event, customers are taking a gamble or a risk in paying high prices for an event when they are uncertain of the outcome.

To establish a context of trust as an important part of the sales process, scalpers find it necessary to develop skills for “sizing up” their marks. Successful scalpers, more often than not, are experts in deciphering a mark’s “situation” within a very short period of time. Scalpers use physical indicators such as size of the group the person is in, dress and attire, and general demeanor to initially typecast their marks. Scalpers build on their typology of marks from the preliminary moments of interaction by attending to their clients’ verbal cues and how they “start off” with the scalpers. Lastly, scalpers take into consideration other influences in the interaction such as the time of the event, the day of the week, the weather, and the retail prices of the tickets in establishing amicable interaction.

Fridays and Saturday nights are better for business usually, and so are evening events. Anything on like a weekend afternoon is death. The crowd is mostly made up of families or groups of people who’ve planned the day out for weeks so the market is pretty damn dry. (“Uncle Ritchie,” professional scalper)

Rain turns everything upside down man. Rain can either do one of two things make your life hell or make it a damned hell. I don’t even go out anymore if it rains, there’s no point. Some guys have the philosophy that people buy faster in the rain, but I don’t think so. (“The Juice,” professional scalper)

When the window price (through legal means) is low I’m careful not to ask too much and price myself out of the game...the best trick in these cases is to suck people in by yelling out how much I’m selling for. Think about it, how many times since you’ve been around have you heard prices. Never man. If the seats are cheap and I can sell for cheap then let people know...shout it and they will come. (“Peewee,” professional scalper)

The end result of these processes is the creation of a general typing formula scalpers use to classify their marks. From my participant observation in the scalping scene, there are three general types or categories into which scalpers place each prospective customer. All of these categories relate to how roles between the groups are

established, the perceived element of trust which is required, and who dominates in the negotiation process.

The first category of customers is colloquially referred to as the *Johnny lunch pail*. This group is comprised of clients who come from the lower socio-economic strata of society. Scalpers feel the most comfortable dealing with people from this category, and the reverse is generally the case as well. Clients in this category are able to speak to the scalper in "their own language," and the scalpers most easily relate to these clients as they predominantly share similar backgrounds.

I say things like "what's the word man," or "how's living" and they know. They don't give me the deer in the headlights look like I just asked them what planet we're on... We're here man (makes a motion pointing his first two fingers from his eyes to my eyes). ("Brother Man," professional scalper)

I think people who have it a little harder than others know what this racket is all about. They know I'm trying to make a buck and they're not confused about the deal, you know? They don't give a shit how I got the tickets and they know I'm making some serious coin doing what I'm doing. In some way I'm sure most of them wish they could make it like me. ("Jules," professional scalper)

I remember a couple of weeks ago these guys showed up in a stretch limo. Man it was funny there's this dude who's hanging out the side window and a guy and his old lady popped out the top of the sunroof drinking champagne. Christ they looked like the Beverly Hillbillies going to see Alice Cooper. But they're real man and they're enjoying themselves and I dig that. They were a bunch of hicks who looked like they didn't know enough how to drive a car let alone be driven to a concert in one and I knew, man I mean I knew, buddy renting the limo blew his whole summer wad on the night to impress all his friends... they came up to me about ten minutes after they showed up and man they bought five tickets from me and I gave 'em a little break on the seats. I figured they'd spent enough already and I still got mine anyway. ("Dreads," professional scalper)

These clients may also be street savvy in their own right and are not easily hustled by the scalpers. Recognizing this element, there is little "double talk" or hustling involved in these transactions.

You can't con a con and you shouldn't try to run the dozens on a dude just because he looks rough. Hell look at me, I'm as rough looking as they come but don't fuck with me man... Giving people "the business" isn't cool in times when I'm sellin' to someone who looks like they been around, you know, a person like that can see right through you and it annoys them so they tell you to fuck off and then take off. ("Jimmy," professional scalper)

Not surprisingly, most of the transactions involving the *Johnny lunch pail* are *fast hustles* and tend to be sources of large revenue for scalpers. This category dominates all scalper clientele, but again is usually reflective of the type of event and other factors previously mentioned.

Turning back to the concept of situated role creation, scalpers act as guides into the entertainment scene for members of this category. They not only provide access to entertainment which the people might never find through any other source, they also answer questions about the event and/or the area in general. Scalpers are facilitators in this sense, and in effect wield considerable influence in determining prices of the exchange. In other cases the *Johnny lunch pail* may be familiar with the "streets" and know a great deal about the scalping racket, or is familiar with the area and the event, only requiring the scalper's outlaw services for a few brief moments.

A lot of them know the score so all it takes is a "how much" from them, "fifty" from me, and then "o.k." or "forget it" from them. ("Wimpy," professional scalper)

The second main category of scalping clients is the *suburbanite*, again indicating exactly what the term implies. These people travel from the confines of their "out of town" homes to witness events in the city. Like the *Johnny lunch pail* they are most often fans of the team, the group, or the performance and may frequently travel into the city to spectate. *Suburbanites* will normally have large sums of money to spend, but do not.

They seek for the “best deals” on tickets, and attempt to negotiate heavily with the scalpers (meeting varied degrees of success).

I hate when fuckers stand there and look as if I’m putting a bullet between their eyes when I tell them how much I want. C’mon for Christ sake I’ve seen the guy pull in the parking lot in his four door family “Beemer” (BMW) but he doesn’t want to spend a couple hundred on seats...Oh he wants to use me right alright, but he doesn’t want to pay the premium for what I do. (“Jimmy,” professional scalper)

A lot of guys haggle and haggle thinking they’re getting somewhere but they’re not because all the time they’re talking I’m hearing that Charlie Brown’s teacher’s voice and I’m thinking to myself there’s no way I’m giving this seat to this prick for any less ‘cause I know he can afford it. (“Peewee,” professional scalper)

Suburbanites travel in groups, with the most common being either a “date” scenario or a “family outing” scenario. In both cases scalpers amend their selling techniques to pass different images and assert different roles.

When a dude is taking his girl to a show and wants seats from me then I get him by the balls right away. Compliment him on his girl, say how good the show is going to be and how the last show was a sellout and I couldn’t believe how good it was. They hear all this and see people going in all excited and shit. Then the guy is cornered and his girl starts giving him the hand squeeze and the cow eyes like they have to get in...after that I can charge whatever I want and they’ll probably pay. (“Brother Man,” professional scalper)

A family is like a dream come true most times. Mom and dad can’t look like monsters to the kids so they have to buy from one of us and I want it to be me so you smile a lot, call the guy sir or his wife ma’am, and talk to him like you would to your eighth grade teacher. When I say how much I’m asking it’s almost apologetic and I’ll say something like “yeah, forty apiece, that’s what I have to ask for them.” If the wife and kids don’t see me as a fiend or are not afraid of me I’m in...be their friend and seem like a good Jo, like unkie Jo the scalper. (“Uncle Ritchie,” professional scalper)

Again, the scalper carries a great deal of power in these relationships for several reasons. Since the family or the couple has traveled in to the witness the event, without having tickets previously, scalpers realize most do not want to return without viewing

the event. Prospective buyers not only face pressure from the scalper to buy, they also face pressure from their partners or their family to buy. Not being socialized into or familiar with the workings of the inner city or "inner city people" such as hustlers, the *suburbanites* are generally wary of the ticket scalpers. The scalpers often find humor, friendliness, and typical sales pitches to be the most influential techniques of neutralization to the deviant image of "scalper" and to quickly establish a hint of trust. In terms of the types of hustles *suburbanites* are the "average" group, being involved in all types equally.

You can't make it like they're going to fit into this hole or that. People who live in the 'burbs come in and every one of them is a different story, more so than other types of people I suppose though. I get easy sales and tough ones, ups and downs. ("Wimpy," professional scalper)

The last category of scalpers' clients are the *high rollers*. *High rollers* live just about anywhere, but the dominant characteristic of this group is their overall affluence. They are higher income customers who rarely think twice about spending great amounts of money on their personal entertainment. Ironically they are the group most likely to be involved in *go nowhere hustles*.

High rollers make me laugh. I mean I see so much money, take so much money from people who go and see sports you know, but I have to wonder sometimes if I was in his shoes would I spend so much on a fuckin' hockey game? ("Jimmy," professional scalper)

The guys with the suits coming from the two hundred dollar dinner are shit heads. Games or shows are passing fancies man. They've got the moolah but if they don't feel like spending or that they're getting a good enough deal from you they don't buy...They hook me though 'cause one sale with this guy could be the difference between a good night and a loser. If I get stupid or desperate I'll follow this guy around or keep getting right in front of him so he can't take off without hearing my best sales pitch...doesn't end up going anywhere most times. ("The Juice," professional scalper)

High rollers hold high paying and influential jobs including doctors, lawyers, and business people. Even though these people bring substantial amounts of money to the transaction, scalpers are least inclined to interact with these customers. Citing poor attitude towards scalpers, an insistence on determining the price, and general “cocky” disposition, scalpers frequently veer away from *high rollers*.

Attitude, holy shit it’s nothing but attitude man. One time a guy, oh man I couldn’t believe this, he told his kids to wait “over there” while he talked to me. Ain’t that a bitch man. He had it his way I’d a been standing in the alley in a line with hookers and (drug) dealers standing over bums.
 (“Sticks,” professional scalper)

They call you “boss,” or “chief,” or “partner,” like a hot-shot all talking down and all and if it’s bad I just quote a wicked high price and they pull a shoot (leave). (“Peewee,” professional scalper)

A guy rolls up on me and starts yapping about how much he wants to spend before I get into my spiel then the price goes up five bucks. He keeps at it, ten bucks, and if he’s too much trouble, twenty. My prices are usually higher than people wanted to spend in the first place so when they hear my amended prices most of them shake their heads and walk away. (“Mr. White,” professional scalper)

A conclusion which could be drawn from this hesitance is that scalpers perceive a lack of bargaining power in the relationship. Combining this with the tendency for *high rollers* to look down upon scalpers, ticket scalpers simply do not prefer dealing with *high rollers*, however there are instances in which scalpers will deal with *high rollers*. If the *high roller* appears to be somewhat happy-go-lucky, flashes around a lot of money, or seems particularly naïve about the nature of ticket scalping then scalpers will engage in an exchange.

You shouldn’t be allowed to make a lot of money if you’re fucked up (naïve). I’ve taken guys for two or three times what I would normally charge when they don’t care about the money they spend or have no idea what scalpers charge.
 (“Loose Change,” professional scalper)

There are a few Leafs' fans I do business with about once every month during the season that have been coming to me for years now. God I make a couple thousand bucks from them every year, and they love to spend like water. I went out to dinner with a buddy and his wife around the corner before a game last month. You should see this here guy, the dude doesn't throw around nickels like manhole covers. He drops a dime (hundred dollars) like nothing, and as long as he does I know we'll keep doing business. He's a good egg, I give him a price and he pays it and don't complain ever, he's just that kind of guy so I don't take advantage ever. ("The Juice," professional scalper)

Too frequently for ticket scalpers these interactions end up being *go nowhere hustles*, becoming *rough hustles* too infrequently to be pursued more vigorously by the ticket scalpers. This is not to say *high rollers* do not purchase tickets from scalpers. In fact, *high rollers* buy up great amounts of tickets through scalpers. The point of interest here is that the *high rollers* generally end up purchasing from the non-seasoned or the "rookie" ticket scalper. These rookies are too eager to sell and have not developed the necessary hustling techniques to maximize profits.

I love watching green brokers getting fleeced by good rollers. So many of them get taken but trial and error is the best way you can learn the art of trading. ("Peewee," professional scalper)

I used to run into guys with money that hustled me all the time. In most businesses there's some angle or hustle being worked so a lot of guys with money who own their own business know how to hustle. When I first started I'd get caught up by their game and that's the biggest mistake I could ever make. They'd do all the talking and run me in circles until I couldn't hold firm on a price and couldn't remember what I had originally asked anyway...I think you don't have money unless you know how to make it and if you know how to save it when you can. Clients save money by picking on the weak, you know the boys who are alone, afraid, and have no idea how to sell. ("Uncle Ritchie," professional scalper)

The veteran ticket scalpers do rely on long standing relationships with high rollers in some instances. The repeat customers scalpers have are typically *high rollers*, who exchange money for tickets with the scalpers over lengthy periods of time. They

are known as a special category of *high rollers*, referred to as *whales*. *Whales* know the cellular phone numbers and pager numbers of the ticket scalper, and know where and when the scalper will be before an event. They are friendly business associates with the scalpers, and the exchanges occur without much bargaining or negotiating. Their long-standing relationships are categorically ones of trust and respect.

The whale is the be all and end all of this game Homes. The whale's money gets you by when times are tough and luck is gone. He's the steady the customer of Gibraltar who always comes back and you always kiss that ass. I shouldn't say that though man they don't treat us bad. In fact I think a lot of them dig us and genuinely respect what we do for them and that's rare one...Most people look at you like they get nothing from the deal right, like yeah, like they deserve the seat and deserve it at the cheapest price. My cool clients I sell to actually thank me and get so totally tripped when I sink into some premium gear (tickets). ("Dreads," professional scalper)

Aside from the big payoff of knowing a whale, there's a prestige thing associated with it amongst the brokers. Reeling one in is one thing but keeping him on the hook is another. It takes a special kind of broker you know? Not everybody can do it. I need to come up with great fuckin' seats all the time for him, cut him some good rates, and be on call whenever he needs me. But I do it for the money for the payoff, for the pride of bragging that I can do it. ("Wimpy," professional scalper)

I'll only give out my pager number to one of my whales. I don't like being hassled by some Joe Brown Shoes who wants to talk or needs a single for the Frampton reunion tour...I'm lucky to know three and have two of them in my stables. At first I thought one of them was 5-0 (police) but then I saw him dealing drugs one night at a bar and started thinking everything was on the up and up. ("Brother Man," professional scalper)

5.6 Scalpers and Their Marks in Perspective

Although the scalper-customer roles are, in essence, generally singular in most cases (seller-buyer) both scalpers and their clients do not act singularly in developing interaction to act these roles out. There is a complex web of interaction that takes place to facilitate black market trade. People develop reflective roles in negotiating the

exchange, and certainly exhibit elements of personal agency in the process of interpersonal influence characteristic of the scalping transaction.

I do not wish to render this form of exchange down to an economically driven or deterministic equation. While price does play a significant role in the consideration of exchange on both the parts of the scalpers and their clients, price is not in any sense an overwhelming "factor." The process of influencing and being influenced by others is perhaps at the heart of the exchange, as I have tried to establish in this Chapter. The scalping process, like other forms of trade, is a social process of interaction and those investigating the scalping exchange from a sociological standpoint should be concerned with the integral interpersonal aspects of trade rather than the legality or economic factors of the market.

Who benefits most from the scalping relationship? Generally, scalpers certainly reap the benefits of the trade financially, but which "category" of customers most benefits? Answering the questions requires a "middle of the road" response because almost every strata of society appears to utilize scalpers' services. While in some cases those who can afford scalpers (the *high rollers*) are the only group who regularly purchase the scalpers' best seats. Other cases indicate that scalpers provide access to seats (admittedly, by all parties involved, at high prices) which the "common" person would have little ability to secure. The first problem with this line of thought is that critics argue that the public would have access to these tickets legally if the scalpers did not "steal" tickets from their hands in the first place. With the field data gathered and presented in the previous Chapter, this argument seems somewhat illogical and poorly conceived.

Thus the social impact of black market ticket sale is not at once easily pinned down or objectively rationalized. The issues presented in this Chapter are reflective of the social confusion of how to deal with ticket scalpers as customers, legal reformers, concerned citizens, or supporters. Similarly ticket scalpers are confronted with uncertainty and distrust from the public, and must consider these as legal risks in ticket scalping on an everyday basis. We send out mixed messages about ticket scalping to the scalpers (and ourselves) daily as the issue (regardless of any legal statute or code “banning” ticket scalping) does not receive any consensual social interpretation.

I believe this articulates an uncertainty about the importance of sport and leisure in Canadian society in general. Certainly it bespeaks the stigmatized role of sport and entertainment issues in the discourses of “legitimate” or “serious” social policy. Ticket scalping is a doubly stigmatized issue in this sense for not only is it stigmatized as a sport (predominantly) related issue, but an issue involving the “low” or the “popular” culture. The following Chapter considers when the issue of ticket scalping becomes a serious social concern calling for some form of state involvement to curb scalping activity. Centrally, I pose the question of whether it is the act of ticket scalping that threatens the hegemonic, or is it the idea or philosophy underlying black market or counter hegemonic trade that is the threatening aspect.

**Chapter 6: Avoiding the Pinch and
The Legal Scalpers**

Chapter 6: Avoiding the Pinch and the Legal Scalpers

Rules and regulations such as statute law are only as effective as they are enforceable. Statute law is essentially ineffective until it is realized through practical application. On the other hand, laws do not automatically gain credibility through application. Scalping legislation is a prime example in that while clear and definite legal boundaries are established to define and prohibit “scalping” as an activity, the overall influence or effects of anti-scalping legislation are unclear.

Two potential explanations can be advanced to understand this paradox. First, the anti-scalping legislation could be largely ineffective due to a rather sporadic and haphazard application of the law. Scalping is a relatively low-ranked criminal offense, given low priority by agents of social control such as the police. Given this relative lack of concern for preventing scalping, the legislation against ticket scalping appears for the most part as pointless law that attacks an essentially “victimless crime.”

Second, and stemming from the first explanation, anti-scalping legislation could be described as ineffective in relation to the way scalpers’ customers are dealt with by the law. *The (Ontario) Ticket Speculation Act* is rarely enforced against scalpers’ customers and since it only carries minimal fines, the deterrence factor is minute. Compounding this side of the problem, since scalpers themselves are rarely fined or “swept” from city streets their habitual presence at events is a strong indicator to the public that anti-scalping legislation is a low-order social concern (if a concern at all).

This Chapter explores the processes involved in attempting to control scalping activity. Considering the rationale behind anti-scalping legislation and attending to how and when the legislation is enforced, this Chapter points out the persons centrally involved in the “control” of ticket scalping. Approaching the study of ticket scalping along these lines, the critical processes involved in the social construction and promulgation of hegemonic perspectives on activity deemed criminal become clearer. In exploring these processes we can see how agents of control actively serve to protect these perspectives.

6.1 Outlaws and Tolerance

A central question of this Chapter is whether or not the most threatening aspect of ticket scalping is the activity itself or the underlying counter hegemonic ideology of black market ticket scalping. This question is largely answered through the incorporation of Stebbins’ (1988) work on tolerable differences into the discussion. As a perspective or institutional approach, tolerance is perhaps the axial point when considering how scalping is controlled or how anti-scalping legislation is enforced (one not necessarily involving the other).

Stebbins (1988:259) outlines two basic forms of tolerance, *habitual* and *enlightened*. *Habitual tolerance* is a polite tolerance based on an overriding normative philosophy that stresses the need to respect individual diversity (Stebbins, 1988:259). Rooted in the democratic and certainly the (theoretical) spirit of freedom and fair play, *habitual tolerance* suggests that discrimination and prejudice should be exchanged for consideration and leniency. *Enlightened tolerance* is more deeply internalized in that this form of tolerance develops through direct knowledge of other’s perspectives. It is built

around an understanding of the other, and through self-reflective assessment of the other's perspectives (Mead, 1934; Blumer, 1969). Tolerance is deeper at this level because the tolerant perspective is founded upon more than courtesy or compliance.

Even more specifically, Stebbins (1988:261-262) refers to *empathic enlightened tolerance*. This form of *enlightened tolerance* involves an understanding of the other's perspectives but there is a crucial element of distance. The toleration in these cases involve the enlightened outlook but the person tolerating refrains from internalizing and subsequently adopting the perspectives or the standpoints of others (Stebbins, 1988). As described in this Chapter, *enlightened empathic tolerance* becomes a perspective frequently adopted by agents of social control when interacting with ticket scalpers.

Just as a definition of tolerance establishes a context for studying how ticket scalping is regulated, the types of tolerable differences Stebbins (1988:4-7) describes establish a context for studying scalping as a generically outlawed activity. As a form of *criminal tolerable deviance* (Stebbins, 1988:4) ticket scalping is an example of how certain activities can spawn legislation to prohibit the activity, but through a series of influences enforcement of the law is limited. Therefore the ongoing interpretation and implementation of the law is grounded, as will be argued in this Chapter, in the tolerant or intolerant standpoints that social groups adopt toward activities and ideologies.³⁶

6.2 Scalpers and "The Man"

The antithesis of the Robin Hood, noble robber (Hobsbawm, 1969) or the scalping outlaw is the proverbial Sheriff of Nottingham or the police officer as long arm

³⁶ Stebbins' examples of prostitution and drug subcultures are (arguably) close parallels with scalping as a form of tolerated exchange and "victimless crime."

of the law. Certainly the extensive body of knowledge gathered by sociologists on the police as a subculture (and other agents of social control) reflects how agents of control have considerable institutional leeway in determining how outlaws are “handled.” In the initial stages of this research, I expected the police attitude to be largely confrontational and disrespectful toward ticket scalpers and their scalping. More in line with Waegel’s (1981) analysis of how police typify crimes, ticket scalper-police encounters are much less frequent than I had originally expected.

Waegel (1981) maintains that police detectives create a hierarchy of crimes to be pursued. These crimes are categorized in order of seriousness, potentiality for arrest, and status advancement (pending arrest of suspect). Certain crimes such as homicide, drug dealing, and rape are given high priorities while the more common (and difficult to pursue) crimes such as robbery and assault are relegated to lower order crimes (Waegel, 1981). Ticket scalping is another example of a low order crime. While any officer may arrest or detain a ticket scalper, the crime of ticket scalping normally falls under the jurisdiction of the “Vice,” “Vice and Drugs,” or “Special Investigations” departments of the police force.

I deal specifically with organized crime in all forms...According to the departmental jurisdiction I can arrest anybody, but I’m responsible for investigating groups like ticket scalpers. (police detective, male)

As mentioned, with a myriad of crimes to pursue detectives in these departments establish a hierarchy of crimes, and in this hierarchy scalping falls toward the bottom. The police do not perceive ticket scalping as a grave social threat and therefore ticket scalpers receive minimal routine attention. This does not mean ticket scalping is viewed as “irrelevant” by the police, it simply means that ticket scalping

ranks rather low on the police hierarchy of crimes. Normally the police stress their own institutional limitations (size, budget, time) or the limited involvement of people in ticket scalping as the principal reasons for not adopting a more “serious” attitude to ticket scalping.

Look there are a dozen other cases I would open before a scalping case. Too many kids in Toronto are getting into drugs and alcohol, there are more violent crimes than ever, and I would much rather devote my time to putting a rapist behind bars than a ticket scalper. (police officer, male)

We’re like any other institution. We have a time clock, duty rosters, and a fixed budget. Working in constraints like these we have to organize our peace keeping activities to maximize the efficiency of our patrol forces. It sounds like bureaucratic mumbo-jumbo but it’s true and it’s true because we’re expected to be everywhere all the time, wherever crime is going on but we can’t. We’re only so big and can do so much at once so a part of designing a program of law enforcement is establishing target areas, even within a task force department like this one...it’s hard to justify to the public that the government or the police, using public tax dollars, should be concerned with ticket scalping in the face of other more immediately grave social fears like drug abuse or homicide. (police officer, male)

The police also express concern for the “arrestability” of ticket scalpers. Even though statute law is clear and limited in potential interpretation, the structure of the law does not provide the police with sufficient motivation to arrest ticket scalpers. The typical legal punishment for scalping is a rather small fine, a fine that has not proven to be an effective deterrent. Police officers relate an element of frustration when witnessing how “criminals” like ticket scalpers receive nothing more than a slap on the wrist after having been collared through police persistence and occupational expertise.

Either one of two things happen to scalpers. A scalper appears before the court and is given a five or six hundred dollar fine, which he takes out of his back pocket, and bang he’s out on the street again. We’ve done our job and that’s that...Or the scalper appears and instead of an open and shut case a crafty lawyer who’s handled scalping cases before steps in and wastes about an hour of the court’s time arguing about the letter of the law. The arresting officer wastes

an entire morning giving testimony about the arrest and the whole thing is a waste of time because the scalper almost always gets convicted and fined.
(police officer, male)

I think scalpers will never face jail terms and that's probably the main reason for my own working philosophy on scalpers. There's a stack of paperwork I can show you that I have to fill out after any collar is made and believe me the last thing you want to consider during the hour or two it takes to fill out the form is the perp getting off with a token charge like a small fine... Well yeah, it's easy to charge somebody for scalping but it's hard to send a person to jail for re-selling Toronto Maple Leaf tickets, right. (police officer, male)

If ticket scalping receives a low grade of seriousness or a marginalized status internally in the police force, police detectives find little status advancement through arresting ticket scalpers. Combining the low status of ticket scalping as a crime and the relative ease of finding and arresting scalpers, police officers do not gaze upon the scalping arrest as requiring a great amount of occupational skill. Ticket scalping cases are not prestige cases then as the case does not involve large amounts of time, effort, or skill.

It's not hard to pick up a dozen scalpers on any night. Arresting scalpers is like arresting prostitutes right, it's street sweeping...they're right out in the open for the taking. (police officer, male)

Police officers' interaction with ticket scalpers on a regular basis is another influence on how scalping is internally viewed. When I refer to police in this argument, I am referring to the patrol officers or the "beat police" who are dispatched to various areas of the city. The police have considerable agency in making arrests. To control ticket scalping however police officers do not always have to enforce the law because informal street rules of conduct can be established between the police and ticket scalpers. Ticket scalpers can greatly influence how the police perceive their role as peace officers, and the police interpretation of scalping, through the ways in which

scalpers present themselves to patrol officers and the relationships established with patrol officers.

Informal street norms of black market exchange are established between ticket scalpers and the police officers to create an amiable atmosphere. For example, ticket scalpers do not normally wave tickets or money in the air. They do not act in a violent or hostile manners with their clientele or amongst each other. They set up business in locations that will not prevent access to the building or hinder the regular flow of people into a venue. Scalpers, if involved with other forms of illegal street trade such as drugs or prostitution, will not solicit other business while engaged in scalping. Lastly, ticket scalpers gain the favor of the police by complying with occasional police suggestions to move along or take business elsewhere.

I got this guy I know Ed who's a metro cop and every so often my man Ed rolls up and says to me he says man you guys gotta clear out friend or you're going downtown again. So we move down the street or around the corner right, it's no hassle it's smart business 'cause the guys who say "fuck you" are the ones who end up in cuffs. ("Sticks," professional scalper)

Yes man you change your routine when the man is watching. You've seen me, I yell and holler and stand on shit so people can see me but if 5-0 is on the scene my ass is quiet. There's none of that yellin' shit, it's all "how are you today sir, oh yes I do have tickets" like we're standing in a library and cops don't get pissed off that way. ("Brother Man," professional scalper)

By encountering certain officers on a regular basis ticket scalpers learn what particular officers will and will not accept, thus limits are established regarding what will or will not be tolerated as "normal" in the ticket scalping business. In becoming familiar with specific officers, ticket scalpers are able to learn what the police will consider acceptable or at least tolerable. Police officers are less likely to arrest scalpers

they are familiar with or recognize, particularly if the officer believes the scalper is not a troublemaker or abuses the leniency given by the police to the scalpers.

Similarly, and this being the key point in describing *empathic enlightened tolerance*, police officers become familiar with the scalpers' ideology. Police officers are classic subcultural ethnographers in this process. They work around outlaws, talk to outlaws, and exist in somewhat similar street circles. Officers can understand the perspectives behind ticket scalping without ever having to adopt these perspectives in their own right.

I know several scalpers quite well and basically they're everyday guys ummm, maybe a little hard done by but they're no trouble to others... Yes, I do think I understand why they do what they do. I mean the market is there and if the opportunity presents itself it's a great way to make money, but remember it is illegal. (police officer, male)

Christ, cops ask me all the time how much I make, and shit man I tell them. What's the point not telling man they know who I am and what I do, shit that's no fucking secret! So when I tell them ohhh three of four hundred or whatever so far tonight they roll their eyes and say "I should quit my job." They know the score man, they do. ("Jimmy," professional scalper)

Patrol officers work in the public space and they encounter many forms of interaction and diversity. They see economic hardship and the innovative ways of making money that people create. *Empathic enlightened tolerance* develops through an understanding of the other, through the understanding of the economic situations of others. When, as in the case of ticket scalping, these innovative and alternative approaches to making a living are not interpreted by the police as being threatening to social order or a grave social concern the activity can be tolerated with *empathic enlightened tolerance*.

Many businesses started off this way, people didn't know what to make of the service. Scalping isn't a really new business and because it hasn't gone away people out there are going to scalpers...I would much rather, and I'm speaking only for myself as a peace officer, I would much rather see someone using scalping to make a living than dealing drugs to kids. Well I guess I should restate that to say I would prefer scalpers to have legitimate jobs but scalping isn't the worst way in the world to make money. (police officer, male)

Empathic enlightened tolerance is perhaps the first half of the current police perspective on ticket scalping. According to Stebbins (1988) this type of tolerance is used by groups to refrain from taking a standpoint on social issues. Where there is a grayness on this issue of ticket scalping police find it beneficial to develop an *indifferent* attitude to the scalping process. With the lack of internal importance placed on scalping and not wanting to appear as a brute squad to the public by attacking scalpers, or to appear to be wasting crucial time and resources in pursuing a group not involved in "serious" crimes, police sit on the legal fence in relation to scalping activity. Tolerance and indifference become workable alternatives to conflict with other officers, the public, and ticket scalpers.

If ticket scalpers transgress the informal norms established on the street though, *empathic enlightened tolerance* can be suspended in favor of formal controls such as arrests being made and fines levied by the courts. When scalpers flaunt their status as scalpers in public space or violate any of the above norms, police will often take action by implementing the formal legal procedures of control such as arrests and fines. The crackdown relays an overt message to the scalpers that, for whatever reason, scalping cannot be tolerated at this time.

Since a violation by one can mean a punishment for all, scalpers are particularly careful not to offend police officers as it can lead to serious discrimination or sanctions from other ticket scalpers that makes future involvement in scalping arduous.

The cops don't have to make arrests to throw a wrench into the system. The more cops are around the more heat is on and if there's anything I've learned is people won't buy when there's a cop breathing down their neck, right?...When other brokers fuck up and piss the cops off they (the police) let us know and say either he goes, or you all go and man I don't give a flying fuck if you hate cops and dream about killing them all night, this is a business and cops are part of it. So if we know the cluckhead who fucks the deal around he finds out soon enough his ass ain't welcome no more. ("Dreads," professional scalper)

More often than not scalpers have failed to realize that police officers have a mandate in their own right, and that is to stop criminal activity. To coexist with police officers scalpers must develop an understanding of who and what the police are in order to negotiate a beneficial context of interaction to all. Ticket scalpers are occasionally arrested when they break with their own sense of *empathic enlightened tolerance* with police officers. In these instances scalpers have failed to realize (or at least remember) that the police perspective of scalping may not significantly change over time, but their attitude to scalpers can frequently transform in light of scalpers' actions.

Getting cocky or all jacked up and feelin' big leads nowhere 'cause when you do you forget who you are and what you're doing. I don't have the power to do whatever I want, right man? 5-0 can beat me down anytime anywhere cause they have the law on their side and always will...What I'm doin' is against the law and that law ain't changin' as far as I can see so if the law don't change, to still run what I'm runnin' without gettin' a beat down it's cause the cops and I are cool like that...and brokers get pinched when things ain't cool like that, you dig? ("Sticks," professional scalper)

Ticket scalpers are arrested in other circumstances. An internally established agenda is not always characteristic of the police officer's arrest schedule. To examine when others influence who is arrested and when the police make arrests we have to

consider the police as a controlling institution of the hegemonic. The police can be envisioned as a “power bloc-aid” since the police actively articulate (through arrests and public denunciation of certain categories of criminals) the interests of the state and specific elites in relation to law and order. Power blocs (economic, social, and legal) reach down to control outlawism through the appendage of crime prevention known as the police. It could be argued that police do not so much protect and serve the interests of the public as they serve the interests of the ruling elite.

While there seems to be a strong internal attitude of indifference to ticket scalping and ticket scalpers the police are occasionally encouraged by several external institutions or groups to concentrate effort on eradicating ticket scalping. Pressure is exerted, as is evidenced more completely later in this Chapter, from companies involved in the ticket distribution process such as Ticketmaster, local politicians and legislators, or interest group or lobbyists who have varied rationales for eliminating the scalping trade.

6.3 Scalpers and “Toy Cops”

While the police are typically expected to control the digressions of social outlaws such as ticket scalpers, buildings and venues employ their own security teams to control interaction around the event. These security teams are situated inside and outside the building and are connected through walkie-talkie systems and other communication paraphernalia. Although these security teams are expected to maintain a semblance of law and order around the building during an event, their role in controlling ticket scalping is confusing for several apparent reasons.

The first involves the techniques of control they learn in occupational training. Venue security are trained to watch for drug deals and liquor violations (i.e., bringing liquor into the building), check spectators for weaponry or filming / recording devices, to quell violence or crowd disruption, and prevent any unlawful entry into the building.

Ticket scalping? Well, my job is mostly to make sure patrons don't have like drugs or camcorders, or anything that they shouldn't bring in, that's all really. (venue security, male)

I was hired to prevent fights. I mean look at me and the other four guys over there. You've seen door security at bars, well I'm like a bouncer for this place (Molson Amphitheatre). When there's a skirmish they call me over the headset and I go do my thing...In the two years I've worked here I can't remember a scalper being in a fight, nope I can't. I always figure they see me and take off, they don't need me watching, I don't care what they do really. (venue security, male)

Since security guards are not specifically told by management to detain scalpers, their involvement in the scalping scene (as agents of control) is minimal.

A second influence on their indifference is learned from the police force. Venue security witness scalping transactions at almost every event but they also witness the police force's non-interest in ticket scalpers at every event. Police walk past the scalpers, say "hello," ask them to move on, but rarely arrest the scalpers. Unless instructed otherwise by building managers or promoters, venue security officers adopt a similar tolerant perspective as that of the police.

I don't talk to scalpers too much but I recognize a dozen of them and they know my face I'm sure. Some of the staff are acquainted with a couple of them by name I think. I've even seen some staff at the front (area of heavy ticket scalping activity) having conversations and laughing with scalpers on slow evenings...if they don't give me any problems I don't give them any problems. The building thinks it sounds good to play a message every five minutes over the public intercom warning people about phony tickets and that's about it for our part. (venue security, female)

Good evening and welcome to the Molson Ampitheatre. We strongly encourage people not to purchase from ticket scalpers. A forgery has been detected and denied entrance to the building. Thank you, and we hope you enjoy your evening. (public address system tape recorded message)

Look, quick look right there, see that? There's three city cops about thirty feet from the scalpers and all they're doing is making sure people don't jaywalk. Man look at that, how many scalpers are over there, eight? If the police aren't going to do anything why should I? (venue security, male)

A third influence on venue security non-involvement in the controlling of ticket scalping is based on the relationships they develop with scalpers. Venue security agents are normally responsible for patrolling a regular territory, and if this territory corresponds with a scalpers' regular territory these individuals usually become acquainted with one another. Realizing a person "attracts more flies with honey than vinegar" ticket scalpers find it useful to befriend venue security guards and attempt to foster a favorable working relationship. Scalpers may simply joke around with security guards, talk about sports or current events, and sometimes dole out kickbacks to them.

Five or ten bucks to a guy who's making that in an hour can make a big difference man, it really can. I slip a padlock (venue security) a little honey money once in a while and they don't even give me a second look. ("Peewee," professional scalper)

One scalper I know comes by just about every goddamn night and he tells the funniest jokes I've ever heard. He comes up about two hours before the show and asks me something like, "say man did you hear the one about the Irishman who married Princess Diana?"...God that guy is funny. (venue security, male)

Ticket scalpers do not regard venue security as legitimate threats to their scalping enterprise. More often than not these groups are referred to as "toy cops," or "punk cops." Scalpers see them as shepherds more than agents of control. According to the scalpers, security officers are told what to do rather than tell people what to do, so their agency in determining what can or cannot be "done" to scalpers is virtually non-

existent. Scalpers realize that venue security guards must involve the police in any action of control and answer to the police should they take any action on their own.

Venue security guards are reluctant to invoke an action of formal control against ticket scalpers because it may irritate the police force and anger the scalpers.

This place is wide open so when a scalper is arrested everybody sees it. The last thing I want is for other ticket scalpers to know I was the one who ratted the scalper out to the police. These guys know me man, and I'm always afraid there'll be payback if I'm involved in an arrest. I rather lose my job than get beaten up or have my car trashed. (venue security, male)

I've been involved in two incidents with scalpers and both time I called the police over and they looked at me with a look that said "what the hell are you bothering me with this for?"...now I don't bother myself with scalpers at all 'cause I get no respect from the police. (venue security, male)

Another group ticket scalpers view as "toy" or "punk cops" are league security.

Sports leagues such as the National Hockey League or the Major League Baseball Association employ security officials to design and implement procedures against disorderly or illegal conduct around games. League security guards who work in and around the sports event (ensuring league policies are fulfilled) are viewed in the same way as security employed privately by the venue. Those who construct league policy on issues like ticket scalping are viewed somewhat differently by scalpers.

Persons involved in determining league policy on ticket scalping have no direct contact with ticket scalpers. League officials who work in head offices or regional locations have little understanding of the people over whom they seek control. Unlike police officers or on-site security, league security officials have no interactive first hand knowledge of the ticket scalping scene or the urban situations that bring about scalping.

Their position is from “on high” and their dislike of the act of scalping is founded on uncertain grounds.

Maybe you can break it down for me man so I’ll ask you this. Why the fuck should the Toronto Maple Leafs give a good goddamn what’s going on in the street? They’ve already made their money from the original sale of the seat, their ass is already taken care of. Isn’t it? (“Jimmy,” professional scalper)

I know how much they say they hate us but league security is the same old shit as anything else. It’s all smoke and hype there G. Go find anyone who’s been taken down by league security, not gonna happen, I’ll tell you right here and now...the league’s policy is there so it can be, right? When people like you ask about their position on scalping they have a script to read from. (“Jules,” professional scalper)

League security seemingly refuses to interpret the underlying social conditions that bring about ticket scalping. Their concern is not for the equal and fair competition for seats between spectators, their concern is for a clean and orderly functioning in the sale of sports entertainment to the public. When this sale becomes perverted or drifts away from the control of the league in some way, initiatives are implemented to curb activity such as ticket scalping. The league perspective is benign and objective because they are ambivalent about remedying the conditions (Chapters 1, 3, 4, and 5) that bring about ticket scalping. Their concern is for denying scalpers’ access to tickets, seeing the law punish scalpers, and dictating the norms of crowd order.

A league’s perspective is this...if it trickles down to being related to our product, we have a say in how it goes. Scalpers, oh man “they’re bad people you know we have to do something about them, they’re a blight on humanity.” All b-s man the only thing that burns them is that a guy like me can make bucks deluxe from their product without giving a royalty to them. That’s the only reason why leagues don’t want us to get our hands on tickets, the league and the building want first and only crack at all money to be made from seat sales...they want to say this is it, and this is how it goes. (“Vincent,” professional scalper)

This inability to see past the trees to the forest restricts the effectiveness of league initiatives. Treating the symptoms of a problem does not provide a cure to the underlying ailment. The league security fails through their narrow focus on this issue. Their limited scope of criticism is directed at scalpers and not the ticket system which in itself produces scalpers of all forms by neglecting the popular spectator, it is not necessarily as irrelevant as it is ill-founded. Their attitude toward ticket sales and public access to seating is more territorial than it is social.

6.4 The Legal Scalpers

To inflict pain a person has to possess some form of "strength." In the ticket sales industry one group wields enormous power in determining the activity of everyday sales. One company alone dictates the ideology, practice, and method of ticket sales. One company alone possesses the strength and power to be the leader, the backbone of the system.

In 1992 a small company verged on the brink of bankruptcy. Employing a mere 25 employees and headed deeper into debt, the Los Angeles based Ticketmaster faced an uncertain future. With the appointment of new Chief Executive Officer, Frederic D. Rosen, Ticketmaster revived and by 1994 became an economic Goliath. Ticketmaster's awesome 1994-1995 financial statistics revealed the company as having sold 55 million tickets worth over \$1.6 billion (resulting in over \$240 million in revenue for Ticketmaster). With annual income growing at an estimated 20% per year and owning exclusive rights to two-thirds of all major stadia in North America, Ticketmaster is the "one and only" of the ticket industry (Himmelstein, 1995:64). In the Toronto area alone, Ticketmaster controls over 80% of all "legitimate" ticket distribution (Hambelton, 1994).

The company became so attractive that in 1994 Ticketmaster became the property of Microsoft, as Paul G. Allen purchased the company for \$300 million (Himmelstein, 1995:65). Now backed by the massively successful marketers, administrators, and executives who brought the Microsoft company to computer industry dominance, Ticketmaster calls the shots in the ticket sales industry by owning a virtual monopoly of the distribution for all major live events in North America. Controlling the ticket distribution for over 4,000 venues across North America Ticketmaster plans to expand operations in the near future.

Already the company is developing strategies to sell airline tickets within the next year, has pioneered the ticket sales technique over the Internet, and is designing an all-Ticketmaster all-day home shopping network in conjunction with MTV (Himmelstein, 1995:65). Ticketmaster's avarice seems unquenchable for over the past two years the company has devoured twelve rivals through takeovers. Furthermore, while ticket prices have increased 19% in five years Ticketmaster surcharges have risen almost 25% (Himmelstein, 1995:65).

Ticketmaster's only major competitors in Canada are the eastern based Comtix and the ever growing (but scarcely competitive) Ticketron. Ticketmaster's strength frightens promoters and team and building owners from dealing with other competitors. Not wanting to be ostracized from the sales industry and trusting the name of Ticketmaster as "the" reputable corporation, groups fear utilizing the services of the smaller companies.

So why worry about ticket scalpers? With the staggering business revenue and undeniable strangle-hold on the ticket sales industry, why should Ticketmaster concern

itself with such an issue as ticket scalping? Certainly the company experiences status degradation when the media reports stories of internal corruption through employee conspiracies to supply tickets to scalpers. However, Ticketmaster's vehement anti-scalping statements rest on far deeper foundations, best explained by Goode and Ben-Yehuda's *elite-engineered model* of moral panics (1994: 35-138).

Building on Cohen's (1972) and Hall et al.'s (1978) work on moral panics, Goode and Ben-Yehuda argue that *elite engineered moral panics* are founded by a powerful group (economic, social, legislative) in order to instill "concern, fear, and panic on the part of the public over an issue that they recognize not to be terribly harmful to society as a whole" (Goode and Ben-Yehuda, 1994:135). The elite generated moral panic is intended to deflect attention away from another situation or problem that would, if solved, serve to hurt the elite group's ideological or material interests.

Ticketmaster's continued barrage against ticket scalpers through the media is an excellent example of an elite engineered moral panic. As the primary site for launching moral panics, the media serves to disseminate Ticketmaster's ill feelings toward ticket scalpers. Using the police as a coercive element of their material position and business ideology, Ticketmaster is usually instrumental in informing the police about scalper's activities (who does scalping, and how scalping is done) and encourages police to pursue the arrest of scalpers. When the media detail scalpers' arrests, spokespersons from Ticketmaster are normally quoted in the articles regarding the unethical, unfair, and uncapitalistic nature of ticket scalpers (i.e., Fuller, 1993; Lees, 1996; Himmelstein, 1996).

Oh man the way it sounds from them (Ticketmaster) you'd think I'm dealing fuckin' arms to the Middle East or something. Yeah like for sure it's a total bitch if all the shit they talk makes the man feel like he has to lay down some heat. ("Sticks," professional scalper)

It's all fine and good to hear those fucks complain about me like a kid hiding behind his mother's apron. They never talk about how they fuck people over ten times as bad as any broker I know. ("Mr. White," professional scalper)

Ticketmaster's attempt to publicly degrade ticket scalpers is carefully orchestrated. Ticketmaster spokespersons are cautious not to criticize *ticket scalping* but instead *ticket scalpers* as mobsters, goons, and parasites. Speaking as the legitimate or authoritative agents in the field (backed by their dominant presence as legal ticket distributors), Ticketmaster does not criticize the charging of service fees or mark-ups within the "legitimate" industry. Their criticism is based on the illegal nature of scalpers' business habits and lifestyle. Ticketmaster's enterprise is dangerous for they must inject negative images about scalpers into the public discourse while at the same time not alerting the public to Ticketmaster's own legal ticket scalping (in light of their own high, and largely unquestioned, service fees).

Service fee what's a service fee man, really. It's a charge for handling goods for people man that's all it is. Ticketmaster charges whatever the hell it wants and try getting to the skinny of their logic man, you can't. They got an answer for it all, they're the best at givin' the double-talk. "Well see you don't understand son we have costs for acquiring and handling, then building owners and promoters have a take," and they can list a hundred people who need to get paid. Well so do I, I have people who need to get paid, including me. ("Jules," professional scalper)

Capitalism is nothing but service fees! The shirt you're wearing probably cost about five bucks to make, market, and sell, but you probably paid about a hundred for it. Or the cab ride I took here, ten bucks for about fifty cents in gas, that's a service fee. Or the restaurant I went to last night. A big line up, and lots of people hungry so the prices go up, maybe not tonight but eventually man. People want to eat there and the prices jacks. The difference between Ticketmaster and a brother like me is that they get sort of regulated and I don't

and God that makes 'em fuckin mad...Get into the mindset and get into the game. I will charge any extra handling fee I can to make as much as I can.
("Pee wee," professional scalper)

Another characteristic of the *elite engineered moral panic* is that the elite group has considerable influence in determining the content of legislation (Goode and Ben-Yehuda, 1994:135). Encouraging the police to act and using the media to fuel the fires of popular contempt, "legal" ticket distributors lobbied for the revision of *The Ticket Speculation Act* in Ontario in 1991 (it had not been reviewed since 1981). The result was minimal in that the essence of the law did not change, but the strength of Ticketmaster's position as a legal lobbyist may have been established. As the engineer of an *elite moral panic*, a company like Ticketmaster must be able to create popular conceptions of crime (such as ticket scalping) and then determine how the crime is to be solved. To legitimate their own hegemonic position as sole owners over the means of production and distribution of live event tickets they must at least appear to be the symbolic bastions of morality and propriety in the industry (Goode and Ben-Yehuda, 1994:137).

See this ticket, who's name is all over it? Ticketmaster's not mine. They're the man fifty grand, it's their gig. I just want a little piece of the action myself.
("Loose Change," professional scalper)

Yes we get involved when formal complaints are lodged by persons or an individual who may feel ticket scalping is out of control, when there's too much of it going on or when there is a sudden high incidence rate of ticket fraud...yes we do field quite a few complaints from Ticketmaster and I do check up on their accusations. We rarely arrest anybody for scalping from these calls alone but they start the soup boiling. (police officer, male)

While ticket scalping may be "wrong" in a subjective social sense, it is in the best material interests of companies like Ticketmaster to point out this "wrong" in contrast to their own (and hence legitimate or "right" because of their authority in the process)

perspective. Ticketmaster's pursuit of ticket scalpers clouds the issue and diverts attention away from institutionally based barriers corporations like Ticketmaster have created to fair and equal competition for tickets.³⁷

The crisis of too many spectators competing for too few seats (fairly distributed ones) is covered through the media's, the courts', and the police's attention to scalpers. In the *elite engineered moral panic* the crisis of low ticket availability is not the fault of the large, faceless corporate machines like Ticketmaster, the crisis is one born out of the actions of the ticket scalper who represents the supposed anti-fair trade, anti-customer, anti-Ticketmaster criminal. Moreover, minor, illegal, and arguably inevitable outcomes of the overall system such as ticket scalping are sensationalized through these panics. This sensationalization of the street criminal cleverly mystifies and hides the deeper conditions of the ticket industry (i.e., Ticketmaster's internal corruption and monopoly over the industry), leading the public to never consider a company like Ticketmaster as being a "legal scalper."

Yeah like Ticketmaster's not the biggest scalper going. I've said it to you once and I'll say it 'til I'm blue in the face, I don't exist without them. I don't promote the team, I don't advertise in the paper and I certainly don't have any office except the one you're standing in right now (street corner). I don't make the demand man I handle it for people who can't find the supply they need. They make people hungry and then give out a scrap of food for people to fight over. Without their (Ticketmaster's) ability to screw people over and not give 'em the supply I couldn't do my job. ("The Juice," professional scalper)

Elite engineered moral panics also encourage the public to develop a hate and a fear from within. People are not encouraged to trust one another, their trust is to be directed to the powerful elites who handle business in the best interests of the public

³⁷ Again these arguments have been established as part of Chapters 1 and 4.

(Goode and Ben-Yehuda, 1994:136). The public's opinion of itself and ticket scalping as a part of popular culture are then produced from an ideology which is not their own (Goode and Ben-Yehuda, 1994:137). In this process, the administration of legislative justice through the police and the courts is the control of discontent. By diverting the frustration experienced by the public resulting from a low access to tickets to a different issue such as ticket scalping, companies like Ticketmaster are able to prevent class conflicts (Hall et al., 1978:208). Public order is achieved by encouraging the public to hate the actions of its own while not recognizing the oppressive social conditions exerted on them by the ruling elite (Goode and Ben-Yehuda, 1994:137).

Removing the rhetoric, companies like Ticketmaster seem concerned with taking action against ticket scalpers with the above goals in mind. We should not ignore the suggestion that Ticketmaster's frustration with ticket scalpers may signify a resentment based on the tax-free after market selling of "Ticketmaster" commodities (a part of which Ticketmaster has no share). However, Ticketmaster is under attack from other sources as the company is facing numerous law suits involving rock bands, promoters, consumers, and even the United States Justice Department on allegation of price gouging and antitrust violations (Himmelstein, 1995:65). These cases have been waged for several years and without collective pressure from consumer groups these efforts continually fail and Ticketmaster remains (and most likely will remain) in business.

6.5 Getting Hit from Within

Interest group theory (Goode and Ben-Yehuda, 1994:138-141) is used to partly describe and explain the creation of moral panics (Becker, 1963; Cohen, 1972; Goode and Ben-Yehuda, 1994). According to *interest group theory*, moral entrepreneurs (Becker,

1963) launch symbolic crusades against an ideology or a set of activities in an attempt to radically alter societal perception toward particular ideas or actions. Moral entrepreneurs are like rule creators and rule enforcers (Becker, 1963) in that they have a stake in societal order, but the moral entrepreneur differs in the target audience of influence.

Moral entrepreneurs target “grass roots” (Goode and Ben-Yehuda, 1994) or popular attention in their campaigns. In the case of ticket scalping, moral entrepreneurs often arise from the public in an attempt to stop scalpers from doing their business (as noted in the previous section). These types of campaigns (as detailed in Chapter 7) commence and are played out through the media. Supposedly, the moral entrepreneurs involved have an independent stake in the issue, being concerned not for an individual gain but for the gain of society as a collectivity. This standpoint is at least theoretically different than the ruling elite who have a vested interest (i.e., something to gain) in their position.

A group of concerned citizens and concert goers in Los Angeles have founded a movement headed by the organization named “Citizens Against Ticket Scalpers” (C.A.T.S.). This organization is waging a war through the media, trying to encourage citizens not to purchase from ticket scalpers while at the same time demanding that the lackluster California law against ticket scalping be reviewed and amended (Goldberg, 1988:41). These types of crusades are authentic, originating from the public’s concern for ethics in the ticket sales industry. Not only are groups such as C.A.T.S. outspoken against ticket scalpers they are vocal about the overall corruption within the “legitimate” ticket sales industry.

I don't think anything like C.A.T.S. out in L.A. will ever fly in T.O., I don't think so. I don't think there's enough action in Ontario to make it attractive enough for a lot of brokers to come here. Right now there's a good amount, we can all make money over the entire year...The market for a lot of outside guys to come in isn't there so we're really not that visible I think until we go downtown (Maple Leaf Gardens)...but it's not the Canadian way either. People don't get all riled up about things unless they're in a union like that. We're too conservative and think the other guy will do something or the problem will end up going away eventually. ("Uncle Ritchie," professional scalper)

Most people I talk to have no idea about reselling or about a company like Ticketmaster apart from what Eddie Vedder says about 'em...yeah I did hear somethin' about them (C.A.T.S.) from a buddy of mine in California like three years ago. Awww, I wouldn't worry nothing like that's gonna go on here. I mean if people knew right, like if they were aware of all the illegal shit that goes on both here (points at the street) and up there (points at downtown skyscrapers) they'd be mad and all, but what right?...The people I deal with don't care about how they get seats as long as they get 'em and that's how it goes all over the place my friend. ("Peewee," professional scalper)

The public can step in to regulate social order or at least call to attention the need to regulate a broken order or an "unethical status quo." Public moral entrepreneuring is an attempt to direct the attention of groups such as the police to a certain publicly held ideology so that this ideology can be formally enforced by the police. The general public recognizes and directly experiences the inequality of the ticket sales industry and through moral entrepreneuring against groups such as scalpers can express feelings of frustration and discontent.

The general public are not the only interest group that have taken action and lobbied through the media against scalpers. Recently, city councilors in Toronto have debated the issue of ticket scalping and whether new measures could be taken to remove scalpers from the front of one venue in particular, Male Leaf Gardens (*Toronto Star*, October 29-31, 1996). One city councilor has been outspoken against ticket scalpers, and his arguments (taking his media released statements into account) may

seem more appropriately considered part of an elite engineered movement at first.

However, as I asked around about this city councilor an underlying biographical detail about the councilor may be cited to provide an alternative textual reading of the statements and justify his arguments as being part of an interest group crusade.

I came to find out that the city councilor has close ties to the homosexual subculture in Toronto that surrounds the area including Maple Leaf Gardens.

Apparently the homosexual community in the area are continually harassed by scalpers' clientele (and hockey crowds in general) and have asked the Toronto city councilor to push for a change in enforcement of ticket scalping statutory law. The homosexual subculture is engaging in a silent crusade as their perspective on ticket scalpers is being heard through a voice and argument other than their own.

What's next are they gonna try to arrest me for walking on the sidewalks the wrong way? What a fuckin' joke. Any excuse that's all, any excuse he can come up with. It's a hatred campaign and I dunno where it's comin' from. I don't have beef with the guy, I never met him once. Why should he care what I do or who I sell tickets to? ("Jimmy," professional scalper)

It's no secret, everyone down here knows the guy. I've seen him myself up in all those bars on Charles street. The laugh of it is more people would come down on him if they knew he's a queer. I think he's a fool for lying it made him look like a ravin' idiot. Anyone who's been to a Leaf's game has heard more noise from the prostitutes, TTC cars, and the fuckin' crowd than me. ("Loose Change," professional scalper)

At the same time however one could argue the movement as being authentic if it genuinely seeks to improve the life of the general public by stamping out ticket scalping activity.

If, and I say if, the guy wanted to get rid of us for screwin' up the morality of society, which we don't, and that's one thing. It's entirely another if he's comin' after us because his community doesn't like Leafs' crowds. Hell, don't make me

out to be the scapegoat, settle it between yourselves, you know? ("Moses," professional scalper)

As Goode and Ben-Yehuda (1994:139) indicate, what is essential in the analysis of crusades against practices such as ticket scalping is theorizing what each of the groups have to gain in bringing about social change. For instance, who benefits from the change, and do the end results represent either material or ideological gains for the group? Is the movement predicated on a noble cause, or are ulterior economic motives involved in the crusade? For groups such as Ticketmaster and organized teams I have argued (and will argue further in the concluding Chapter) that their crusading against scalpers is both material and ideological. Corporations and teams have already made their money from ticket sales and, as scalpers often argue, to what end should they care what goes on after the tickets are legitimately sold?

Groups such as C.A.T.S. on the other hand appear to incorporate both ideological concerns and material concerns in their movement. They encourage people not to utilize scalpers' services by putting an "unethical" label on the scalping trade. C.A.T.S. members argue that scalping is a form of social outlawism not to be engaged in by upstanding spectators. Removing ticket scalpers from the entertainment scene would also result in material gain as spectators would (theoretically) have a greater chance at competing for tickets through box offices and would not have to pay exorbitant prices for seats from scalpers.

The homosexual community in Toronto also seems to have both material and ideological interests in the issue. Ideological concerns involve removing harassing crowds from the scene to establish a prejudice free life space for members of the

homosexual subculture. Although the term is being stretched somewhat, they have material interests in the crusade as they have been physically assaulted by scalpers' customers and a removal of scalpers from the scene could potentially diminish the frequency of such incidents.

6.6 Avoiding the Pinch and the Legal Scalpers in Perspective

Although many conclusions could be drawn from this Chapter the main point I want to stress is that ticket scalping is not inherently "criminal." Ticket scalping closely parallels the method of selling tickets legally, (based on a capitalist structure of supply and demand involving the middle or third party agent who charges high fees for the service handling of tickets) so examining how and when certain forms of trade become "criminal" while others are regarded as "legitimate" is crucial to understanding an outlaw economy. Although tolerance is characteristic of the occupational attitude shared by police and security officials the tolerant attitude is not taken by corporations and certain special interest groups in the public.

Corporations such as Ticketmaster simply can not afford to be tolerant of ticket scalping. Tolerance would do little to reaffirm their position of dominance in the ticket industry or quell any suspicions of their own activity be classified as scalping. Their definition of scalping as "that which does not resemble our legal form of ticket selling" distances the scalping image from their business and denigrates the street vendor as a criminal hustler. Ticketmaster's vested interest in creating and attacking street outlaws like ticket scalpers establishes a "cloak of concern" for the public's interests and reasserts their own position as the watchdogs of an industry they effectively monopolize.

Ticket scalpers, police, teams, leagues, venue managers, building owners, ticket corporations, and social interest groups all have a stake in the negotiation of how street scalping is controlled. While each has a role in the bargaining process, the indifference and tolerance given to scalpers by some groups contrasted with the adamant criticism offered by others confuses the final social perception of ticket scalping. Obviously, some groups have a greater stake in the negotiation process of control, as certain groups continually undertake campaigns to influence others to adopt their particular standpoint on scalping while others show tolerance of the scalping process.

The measure of success seems to be whether or not a group's perspectives on scalping become commonly shared through the creation and implementation of a moral panic. With differential interpretations on the nature of ticket scalping as a crime, and certainly the methods and extent to which scalping could/can be controlled, little consensus exists in how to approach the control of scalping. The lack of consensus appears to leave any moral panic with a glaring sense of misdirection. The given lack of direction generally spawns an inability to convince the public about the ills of ticket scalping, and consequently hegemonic engineered moral panics against ticket scalping have achieved little success (see following Chapter).

Some argue that ticket scalping will never be controlled. The most enforcement groups could realistically achieve is the containment of ticket scalping to "reasonable" amounts. The tolerant perspective adopted by the police would support this proposition. Containment of ticket scalping is perhaps the most realistic goal for agents of social control for ticket scalpers have learned to exist on the margins of society in light of their outlaw status. Existing on the margins teaches the ticket scalpers to

improvise, adapt to, and overcome any type of external control placed on their activity. As a result ticket scalpers are socialized within their subculture to work around laws and law enforcement agents as part of everyday life. Strengthening these controls in the future will only lead scalpers to work more diligently to find ways around the system as they have so many times in the past.

Chapter 7: Public Enemy Number...?

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While degrading a social group is an important first stage of attempting to encourage social sanctions against groups, the process of proposing and implementing plans is equally important. In the previous Chapters it has been suggested that the use of ticket scalpers is common to many (including a wide range of persons from different economic backgrounds) and that ticket scalping is a mainly “unfettered” black market. However, Chapter 6 pointed out several instances in which interest groups lobby for sanctions against ticket scalping. Building upon data from the preceding Chapter this Chapter responds to data presented in Chapters 3 and 6 specifically, by detailing how crusades and degradation ceremonies are largely ineffectual against ticket scalping.

Chapter 3 suggested that media representation of ticket scalpers is generally negative in that media accounts typically attempt to “criminalize” ticket scalping activity. However, given the public’s continued (and seemingly undeterred) use of ticket scalpers, how is it that moral panics or symbolic crusades against scalping have largely failed? That is to say how has the media in particular been ineffectual in significantly “criminalizing” ticket scalping?

7.1 Social Problems and Collective Behavior

Blumer (1971) argued that many problems never receive attention as social problems as plans are being suggested or implemented to “cure” the situation of deviance. Blumer also stated that any problem arises out of social definition as a common or intersubjective understanding of how the activity is a “problem” for a

normative order (Blumer, 1971:301). In his analysis of the collective definition and rise of social problems, five elementary stages comprise the career of the social problem (Blumer, 1971:301):

- 1) The emergence of the social problem
- 2) The legitimization of the problem
- 3) The mobilization of action with regard to the problem
- 4) The formulation of an official plan of action
- 5) The transformation of the official plan in its empirical implementation

The first of these five stages, as they apply to the media's treatment of scalpers, were dealt with as part of the degradation ceremony in Chapter 3. Through the degradation ceremony, as illustrated, the attempt is made to make the public aware of the criminal nature of the activity (thus contributing to the *emergence of the problem*), a discrediting of those involved occurs, and suggested effects on the public order and social well being are provided (as *legitimization of the problem* and a pseudo *mobilization for action*). These three stages are crucial to the initial awareness of the problem, and in the case of the scalpers, media have been instrumental in promoting scalping activity as criminal and the scalpers as social pariah. However, the media have not been instrumental in the full completion of the attack against a social problem as they have not, I argue, aided in the promotion of a plan for action or an implementation of a plan.

4) *Forming an Official Plan;*

The stage involving the formation of an official plan of action may at first seem incompatible with any type of media involvement, for how could the media play an active role in the developing of legislation, rules, courses of conduct, or any other line of joint action which would involve taking action against scalpers as criminals? The formation of an official plan of action involves the structuring of activity with the prime

interest of altering the defined problem of crime and establishing social order where order deteriorated. The decision on what procedural action to take against the deviance is in actuality the ultimate definition of the problem, as the plan of action reasserts a desire to alter society to how people believe it should operate (therefore defining the “wrongness” of the current social state). The media have an enormous potential to be involved in the swaying of public support for an action, and thus contribute to encouraging people to formulate plans of action. This may be in the form of giving a forum or a voice for those in the community who are outspoken against a particular action (Chapter 6), may involve editorials denouncing criminal activity and calling for social change (Chapter 3), or citing examples of those who are taking action in the community (Chapter 3 and 6).

From the data gathered on the media coverage of scalping activity sizable portions of the reports *are not* devoted to formulating plans against scalping activity. The primary emphasis is on denigrating the character of the scalpers and the world of illegal sales with no solution to *how* people can rally against scalpers as criminals. Even when interest groups use the media to promote their perspectives on scalping, there is little substantive advice provided to how scalping should be stopped. Characteristic of the media presentation of the scalping life world is a relative lack of hope or belief in the possibility for change.

Scalping? Concert goers, are once again, being hit where it hurts.
(Goldberg, 1989)

Big money, indeed, ticket scalping in North America may well be a \$300 million-a-year business. Involving some of the biggest concert promoters, managers and insiders, scalping is now “almost a legitimate part of the concert business.”
(Goldberg, 1990)

Scalping is never spoken of as a social ill that can be cured, rather scalping is presented as an inevitable and ingrained aspect of the entertainment industry. Scalping is not considered normative by any means but is typically not presented as conduct that could be eliminated through active measures. Therefore, media accounts of scalping activity are more properly considered a hindrance to the formulation of plans of action in their failing to succinctly define what exactly is the social problem attributable to the illegal sale of tickets known as scalping, or providing reference to how scalping activity can be eradicated.

One of the first factors contributing to a lack of hope for action is the continual emphasis given to the amount of money "earned" by scalpers from their sales (as mentioned above). Earlier arguments used this point as part of the character assassination of the scalper and to be sure this is a technique to describe the extent to which scalpers are exploiting the entertainment industry.

He owns two Cadillac stretch limos, one of them complete with a wet bar, icebox, remote control TV and VCR. They were part of Meister's first fleet of half a dozen luxury vehicles. His favorite car was his Zimmer - \$60,000 worth of drop dead luxury, including etched-glass windows, crystal bud vases, a twenty four-carat-gold flying eagle hood ornament and a solid gold key...His \$140,000 jewelry collection included an exact copy of the "TCB" ring worn by his idol Elvis Presley. At \$19,000 it was the most expensive piece in an extensive collection of Presleyana. (Nager, 1985)

At 5 p.m., three hours before show time, he has pocketed \$1,000, and he is already thinking about tomorrow. (Fong-Torres, 1976)

However, by indicating how scalpers continue to prosper in the face of the law and punishment, where the profits reaped from scalping far outweigh the \$5,000 maximum fine.³⁸

Each article or report on scalping mentions the law(s) against scalping, and as these laws are provincial in Canada and state based in the United States, there is an inherent inconsistency to presentations of the effectiveness of legal action. Moreover, and of seemingly greater consequence, variation of laws and penalties attached thereto signify a general confusion as to the morality of the activity itself. Media accounts are also quick to reveal how scalpers work within the loopholes contained in the laws and continually develop methods of side-stepping authority.

The police are ready to bust people who offer to toss in free Rolling Stones tickets when they sell items of little value for a very high price police spokesman Eric Turner said yesterday. "We've already been answering ads in the paper for tickets," Turner said. (Rollanson and Martin, 1994)

...it is illegal to resell concert or sporting event tickets on the premises where the event is taking place (California state law). This allows the scalper to obtain a business license and deal tickets from an outside office. And the amount of money to be made here is astronomical -- one agency reportedly cleared \$50,000 in profits from selling tickets to the Rolling Stones concerts in L.A. last summer. (Coyro, 1976)

Again, when posed as a problem for the formulation of plans of action, it is difficult to pigeon hole scalping culturally (and indeed cross-culturally) as a universal criminal activity with strong sanctions. Since scalping is not considered a particularly troubling form of activity by the law (as evidenced in the media) there is tremendous difficulty convincing the public that scalping is a social problem. Combined with this, as many of

³⁸ This is the maximum fine in any province in Canada for "scalping", and in most states in the United States (which even have scalping laws) the penalties tend not

the public use scalpers, they are inevitably emotionally embedded in the scalping process in their own right (thus creating problems for those who would seek to control scalping).

The media also falter to a greater extent in their uncovering of the inner corruption within the entertainment industry (Chapters 3, 4, 5, 6) that facilitates scalping activity (Coyro, 1976; Goldberg, 1991; Nager, 1985).

Ticket scalpers are getting tickets from at least one of three sources: the promoter, the building or the ticket agency. And they are probably getting them from one, two or all of those sources in just about every market. An additional source of tickets, according to others in the music industry, are the managers of some artists. (Goldberg, 1991)

And he feels no guilt (Bill the scalper) about what he does. Promoters, auditorium managers and box office personnel, he claims, are all involved in scalping the public. (Fong-Torres, 1976)

Promoters, ticket agents, musicians, players, league officials, and private citizens are all included as sources of tickets for scalpers taking blame away from the scalpers as the primary "criminals" of the system. Scalpers are the Fagins of the system, the low level yet street savvy street hustlers with whom the public interacts. They are but one cog in the overall corrupt system and therefore we cannot attribute all blame and disdain to this one group. Translating into the problem of formulating plans of action then, from the media's representation of scalping as a phenomenon, where does one start in trying to alleviate the problem? Do we start with the promoters, or the ticket agents, or start on the streets with the scalpers and attack their activity? No one media account suggests any one party as being "more guilty" than the others and the resulting plan of action against the scalping process remains in limbo.

to be as severe.

The media have also presented the alter-ego of the scalper, “legal” ticket agents such as Ticketmaster, in an unflattering light. Ticketmaster receives more media coverage than the scalpers themselves as monopolistic, profit seeking, exploitive capitalists who abuse the entertainment system (even more so than the street hustler) (Jackson, 1994; Hurst, 1994; Himmelstein, 1995; Goldberg, 1988; *Consumer Reports*, August, 1995). From the above sentiments, such representations elicit a general disliking for legal ticket distributors and paint a portrait of the entire industry as being corrupt. This may suggest a need to “clean up” corporations such as Ticketmaster before approaching the scalpers by indicating that since scalpers acquire portions of their tickets from Ticketmaster, society should address the root of the problem. This type of suggestive media analysis is dangerous since scalpers acquire tickets from a vast array of sources, and taking on Ticketmaster as a primary target treats a symptom of the scalping process and not the cause.

There are several points of confusion about the ticket scalping process that float to the surface through media discourse which create problems for the forming of plans of action against scalping practices. There is an implied confusion of the social importance as to the potential harm the scalping of tickets causes to society in general. Articles and reports on scalping are typically classified as “entertainment” pieces reflecting that scalping is (largely) a phenomenon of the entertainment industry. Even though the entertainment industry is given widespread attention and social significance, is ticket scalping a grave social ill? Media accounts present *scalpers* more than the *process of scalping* as harmful and criminal, and placing the process within a larger social frame of “deviance” is difficult. Is scalping as great a social concern as

drug abuse, domestic abuse, murder, or even environmental pollution? (see: police statements in Chapter 6).

While he sees the principle behind the police's concern, Gridin said, "You have to wonder if it's worth the expense" of undercover operations and court time, "given everything else going on in society." (Rollanson and Martin, 1994)

"Who's the scalper? This hotel room is jacked up twice its regular cost. Face value? Listen, we're in the ultimate capitalist system, we're not out to harm anybody." (Kirkpatrick, 1993)

There is definitely confusion as to how the public sector of ticket consumers feel toward scalping as illegal activity. In some reports excerpts are given from interviews with consumers who are disgruntled and fed up with scalpers, while others provide statements indicating an indifference. Does the public perceive a need to rid the streets of scalpers? No. This could be an opportune situation to formulate plans against scalpers through the media by indicating a need to be concerned, media reports on scalping have mostly ignored this technique.

There has, as yet, been no public outcry for anti-scalping legislation. And of course it is a segment of the public that keeps the scalpers in business by continuing to pay outrageous prices for tickets. "No one is putting a gun to the public's head and forcing them to buy these tickets," said an executive at a major ticket agency. (Goldberg, 1990)

Lastly, there appears to be confusion (perhaps indicative of the vague and irregularly enforced laws on scalping) as to who should be responsible for dealing with scalpers. Should the police, who are bogged down with more serious crimes invest time and money into large scale crackdowns? Are the leagues, federations, associations, or organizers to blame for the problem and should they develop internally stringent controls to prevent tickets from entering into scalpers' hands? Or should other groups such as ticket agencies, ticket agents, building security, promoters, teams, musical

groups, and the public in their own right try to work to prevent scalping. The media suggests all but none above any other. This creates a situation in which plans are stifled and passed off as some other groups' responsibility preventing any plan to be initiated into action against the scalpers.

Complicating this tendency to "pass the buck," as effective workers of the legal system, scalpers readjust their techniques of getting around the existing laws to perform scalping activity (Chapters 4, 5, 6). When scalpers recognize typical arrest situations and explore the methods of avoiding them, they develop subtle means of creating or rather exploiting loopholes in existing laws. Recounting these subversions around the law, the media attempts to portray the scalper as a crafty criminal, but it also portrays the central ineptness of the legal system and perhaps the foolishness of trying to control scalping activity. These types of accounts makes it appear difficult, often futile, to think scalpers could ever be completely controlled.

Media accounts indicate the pervasiveness of scalping in most of North America and while most would consider this key to establishing scalpers as criminals, doing so may desensitize the media to scalping. By referencing how much money is made by scalpers, how many scalpers are involved in the industry, how many tickets are scalped at an average live entertainment event, contrasted with the few who are processed through the legal system, scalping is presented as corruption and certainly criminal. The pervasiveness of the deed may reify the acceptability of the practice as if the more people witness others engaging in the act the more people will perceive the activity as acceptable. There is little mention of customers ever facing legal trouble for soliciting tickets from scalpers, and this may be reflective of the non-culpability of customers in

the scalping relationship. If people witness a number of scalpers in public view at any entertainment event advertising tickets for the best seats, combined with no legal ramifications, is it logical to assume people will be readily encouraged to formulate a plan against scalpers?

A tentative explanation of one of the main reasons for the lack of planning against scalpers and a general lack of desire to enforce stringent scalper laws may be through direct examination of those who often seek the services of scalpers.

Any good seats, forget it --- unless you have money, clout, celebrity and, obviously some kind of Now-ness. For example a couple of nights before John Belushi died in 1982, he tried to explain to a friend where he got his L.A. Lakers tickets. "Uh, I guess from Jack Nicholson," said Belushi, "who I think got em from Lou Adler who might have got em from a Laker girl who probably got em from somebody, I dunno, somebody really important" ...Live audiences are increasingly portfolio bearing, cellular-laden, button down corporate. As more seats go to season ticket holders, big business and special interest groups, somebody really important has become the ticket broker (or watch your mouth, "scalper"), the one who frees up the precious booty and gets it into circulation pronto. (Kirkpatrick, 1993)

Through all indications made by the media, ticket scalpers do the bulk of their business with those who can afford to pay high prices to witness live entertainment (re: the discussion of *high roller* clients in Chapter 5). According to the media, upper-middle and upper classes are considered the chief customers of the ticket scalpers as they fully expect to spend large sums of money for the best seats, and have the economic resources. Therefore, there may not be a substantial push from these influential segments of the public for plans against scalpers. Taking control of the best seats out of the scalpers' hands and making them more available to the general public would make the process of acquiring tickets more competitive, forcing most ticket buyers into line-ups (a situation which is displeasing at best).

Secondly, since this type of live entertainment is considered by many to be an extravagance, interest in lobbying for change in scalping practices to witness these events may be minimal for lower socio-economic families. Furthermore, with the advent of widespread television coverage, pay-per-view events, home video, bar and restaurant viewing on large screen televisions, tapes and compact discs, people need not spend large sums of money to be an audience of an event. Attendance has been made more accessible, alleviating the need to pay first hand, live witness to entertainment which may ebb the desire for many who cannot afford to buy scalped tickets from considering attendance. Again, how could these people be motivated to act?

These elements all pose problems in terms of soliciting support for a plan of action against scalpers, for just as the scalpers are able to find loop holes in the legal system, audiences have found comfort loopholes (through the media) in the attendance system. On site attendance may be a luxury to which many show little preference and by turning to media as the surrogate live eye (to which people have grown accustomed) a monumental obstacle may exist to formulating a plan of action through the media, or formulating a plan against scalpers at all.

5) Implementation of Plan into Action;

The final stage of the collective definition and action against a social problem is the implementation of the plan into action. The discussion so far has described the ardent task of proposing plans, and therefore the implementing of plans should be equally cumbersome. The media represent plans against scalpers as typified in the forms of legal sanctions through arrests made by the police, and through the reporting of industry institutions such as Ticketmaster's public denunciations and internal

enforcement of strict regulations to prevent scalpers from acquiring large blocks of tickets from the company.

Mr. Yeomans (general manager of Ticketmaster in Edmonton) complains that the aggressive buying and selling techniques employed by scalpers intimidate patrons. And he adds, scalpers often take business away from promoters and agents. "Even if they scalp 40 seats," he says, "that could have been 40 more sales." (Fuller, 1993)

Rosen (former Ticketmaster CEO) admits that he does have problems with the occasional crooked salesperson who works at a Ticketmaster outlet. "We pull a number of outlets out each year," he says. (Goldberg, 1988)

Ticketmaster president and CEO said that in the last year forty of his ticket sellers were caught dealing with scalpers and were quickly fired. "It all stems from the fact that the system is bound to corrupt," said Rosen, who believes that concert tickets are severely under-priced. "There's so much money to be made because of the failure to price the tickets correctly." (Goldberg, 1990)

The articles covering C.A.T.S.' (Citizens Against Ticket Scalpers) activities in California, tend to describe their activities as weak and ineffectual (Goldberg, 1988, 1990; Fuller, 1993). The media report the anti-scalping laws and how these laws work to apprehend and punish scalpers but how the legislation is universally ineffectual in deterring scalpers from committing the crime (Fuller, 1993; Rollanson and Martin, 1994). Does the media provide recommendations (be they from journalists, sources, scalpers, customers, whomever) as to how to make the existing situation more effective or what to implement in the future? No. Most suggestions made a vague and are again characterized by a lack of hope for change, while taking the onus of responsibility for change out of the public's hands and into the hands of the agents of social control or specific interest / lobby groups.

Waging a successful war against scalping will require either legislation at the federal level that is backed by vigorous enforcement or a coordinated effort by

state legislatures across the country. Neither solution seems likely in the near future. (Goldberg, 1990)

The media occasionally utilize comments or actions taken against scalpers as initiated by influential members of the entertainment industry to provide examples of forms of implemented action. Bruce Springsteen (Pond, 1981), The Rolling Stones (Goldberg, 1990; Rollanson and Martin, 1994), and Pearl Jam (Himmelstein, 1995; Associated Press, July 6, 1995) are all outspoken members of the music industry who have actively sued scalpers and their corporate affiliates to curtail the extent of scalpers' control of the industry of ticket sales. By providing media coverage to these actions against scalpers the hope is that the strong voices of the performers will encourage the public not to associate with or utilize scalpers. The more plausible motivation behind these actions and media releases by the performers would be to disassociate the groups from scalpers' activity, for often these three groups have been targeted by the media in reports about scalping activity.³⁹

Whatever the media reports on plans of action implemented by groups in the community, these reports are continually colored by examples of how these implemented plans are ineffective (as evidenced in the discussion on proposing plans). The media provide incidents of scalpers' successes far outweighing losses, scalpers circumventing law, and the relative confusion and ambivalence of the police toward scalping. The police, evidenced through media accounts, are concerned (enough to act) during concerts, games, or events of large scale public interest which have the

³⁹ Bruce Springsteen in fact has been in litigation with scalpers dating back to the late 1970's, and the Rolling Stones are a rock group favored by ticket scalpers for the money which can be made around their concerts.

possibility to attract large crowds and hence are potential scenes of violence and destruction.

Turner (police spokesman) admitted police are extra concerned about scalpers at the Stones show because fans were allowed to buy 12 tickets each, and the show sold out in minutes. "The lack of a second show will likely increase the selling ability of scalpers," he noted. (Rollanson and Martin, 1994)

The tickets (to the Final Four basketball tournament) have become a sort of springtime currency. So much that after the NABC (National Association of Basketball Coaches) picked up its allotment of tickets from the NCAA, it was so nervous that it hired a policeman to sleep with the precious objects until they could be distributed. (Telander, 1994)

Laws are only enforced if there is potential damage to public order beside the scalping of tickets, or when there is enough media coverage (because of the size of the event) to implement police action "to make an example out of" scalpers at these events for other scalpers to witness. Finally, existing laws may be enforced more frequently against scalpers if a company like Ticketmaster, or a consumer "ripped off" by a scalper, notifies the police about extensive scalping practices in an area (Chapter 6).

An Edmonton Police Service press release issued last week later acknowledged that the story (in the Edmonton journal about scalpers ripping off customers) prompted an investigation. As a result, Michael Edward Telford of Edmonton was charged with reselling admission tickets for profit in contravention of the provincial Amusement Act. (Fuller, 1993)

John Yeomans, general manager of Ticketmaster's Edmonton division, says he was instrumental in alerting the media to the burgeoning scalping problem. (Fuller, 1993)

7.2 Scalping and the Media in Perspective

The media's representation of scalpers is somewhat puzzling. Media accounts of scalpers' activities and personalities are unquestionably constructed to provide empirical social examples of the criminal and articulate that which does not correspond

to the social order. The media have been successful in maintaining the criminalesque stereotype surrounding the scalper but relatively unsuccessful as an agent for encouraging social action against the scalpers. As the media are considered to be socially influential in shaping perceptions of crime and deviance much of the potential impact of media accounts on scalpers is squandered through simplistic, confusing, and contradictory reports on scalping. The media appear content to remain journalistic in the coverage of scalpers, concentrating on description and explanation of scalping activity rather than directly prescribing social action.

This is not to imply that the media are apolitical in their representation of scalpers, for as content analysis of media reports indicate, scalpers are consistently portrayed in a criminal manner (Chapter 3). What this does suggest is the media are quick to degrade social characters such as scalpers but complacent to push for action or stress the need for social change. Should they make occasional suggestions in any report it is through innuendo and cryptic coding and the message is almost inevitably missed. Furthermore, we must acknowledge that the public are not mere cultural dupes of the media and that consent against ticket scalping is not automatically manufactured through media discourses. Media audiences have the ability to resist and refute the ideology disseminated through the media.

Content analysis of media coverage of scalping activity suggests a lack of public interest in scalping activity. The veritable lack of attention given by the news media is most likely directly reflective of this disinterest, yet also mediates a lack of interest through the small amount of coverage and the content of the coverage given. The lack of media attention and the confusing content presented by media accounts is indicative

of the social uncertainty about scalping as a “criminal” versus an “outlaw” activity. The primary question that is carefully evaded or clouded in the media is who is (are) the actual victim(s) of the scalping crime? Is it the customer who willingly pays high prices for even the most average seats at a live entertainment event? Is it the large corporations who handle the distribution of tickets and are continually harassed and exploited by ticket scalpers? Or is it the government (and therefore citizens themselves) losing millions of dollars per year in tax money, and the police who are asked to pursue scalpers? Or could it even be the scalpers who are the scapegoats of an internally corrupt entertainment industry?

The immorality of the scalping practice complicates the media coverage and questions the rationale of attacking scalpers. Since the actual victim of the crime is not clear cut (if there “is” a victim), the offense is a minor legal infraction, and the relationships between the scalpers and their customers are arguably voluntary, there has been a lack of public outcry against scalpers. While the media have struggled to argue against this naive mentality claiming customers are being exploited and fail to realize the extent of the exploitation, this consciousness raising has not met with marked success. Scalping has actually become normative to the viewing of entertainment as many people fully expect and rely on scalpers to possess the “best tickets” for live events. Therefore we should question what the consumer actually wants done about scalpers and the practice of scalping, as the media have not represented the customer position in this social phenomenon.

Chapter 8: Hustling, Rounding, and Generic Social Processes

Chapter 8: Hustling, Rounding, and Generic Social Processes

8.1 Reflections on Ticket Scalping and Popular Culture

I began the thesis by placing ticket scalping in a series of historical contexts and then proceeded to investigate ticket scalping in a contemporary urban context. In doing so, I attempted to decipher the meaning behind the processes involved in “doing” ticket scalping. Investigating how people experience the ticket scalping process, I provided insight into the perspectives and understandings of those comprising the ticket scalping subculture and those who interact with ticket scalpers. The consideration of how these meanings and perspectives are constructed and understood is important to our conceptualization of ticket scalping as a social process.

The central narrative question that runs throughout the thesis is whether or not ticket scalpers are to be considered as “rounders” or “Robin Hoods.” Data presented in the thesis have shown that in actuality they are both. That is to say, ticket scalpers portray aspects of each role. I believe this is representative of the paradoxes that surround the ticket scalping debate. These paradoxes undoubtedly contribute to the social confusion or “grayness” of the ticket scalping issue(s). Centrally, the rounder or Robin Hood roles that create paradoxes in this system can be summarized by;

Robin Hoods (as outlaws):

- 1) provide access to tickets
- 2) provide economic capital to people
- 3) provide agency in price negotiations
- 4) challenge / resist the monopoly of the “legal” ticket industry
- 5) use media to promote scalping activity

...however...

Rounders (as petty criminals / capitalists):

- 1) limit access to tickets
- 2) exploit people for profit
- 3) charge a high price for public agency
- 4) reproduce monopolistic power relations
- 5) criminalize their own activity through the media

Outlaw activity, in whatever form, can be construed as an act of resistance. It questions, deconstructs, and challenges an existing order, activity, or ideology. As a perspective outlawism serves some sort of purpose whether this is financial, social, religious, political, or moral (or some combination of those). The interpretation of the activity is bound in the varied collective definitions of the process. Certainly there are competing definitions of the activity, as in the case of ticket scalping; however, to be considered as predominantly “deviant,” “wrong,” or “bad,” the term “outlaw” implies that a dominant cultural ideology exists about what is “normative,” “right,” or “good” and hence “law-abiding.”

Enter the ticket scalper as a “Robin Hood.” From one vantage point the outlaw economic system or black market challenges this control. As “noble robbers” or “Robin Hoods,” ticket scalpers work the system by abusing the legal ways and creating alternative ways to acquire tickets. They “get fruit” for those who otherwise could not by taking from the “ticket rich” and giving to the “ticket poor.” Ticket scalpers often deal in the business of the impossible, magically uncovering seats for people with ease and skill. In our “culture of convenience” (i.e., people not wanting to be hassled or frustrated in having to line up for hours to receive meager seats “legally”) they are the

only “box office” some people know. The outlaw activity of ticket scalping acts as an active way of working through the inequalities of the legal ticket distribution avenues. Scalping challenges the exclusion of people from participating in and creating culture, as control of the entire ticket distribution process is removed from the monopolistic “legal scalpers.”

Another aspect of the ticket scalper’s role often ignored by critics of ticket scalping is that scalpers occasionally provide economic capital for the unemployed or those “down on their luck.” Chapter 4 described the process of hiring inner city street youth or the homeless to acquire (or sell) tickets for scalpers. By providing money in exchange for these services scalpers often hire (provide wages for) groups who may not be able to find alternative (“legitimate”) forms of income. Furthermore, scalpers frequently supplement the income of lower level employees of ticket distribution companies by “paying for” illegal access to tickets. In both cases scalpers act in an entrepreneurial manner, providing wages for those who have difficulty earning wages otherwise (i.e., “legally”). Furthermore, ticket scalpers provide customers with a sense of agency and bargaining in the ticket exchange process. Instead of paying Ticketmaster the set ticket price, customers have the ability to shop around and “barter” a price with a ticket scalper.

In line with this interpretation, the noble ticket scalper is both romanticized and politicized into a socially conscious actor. Ticket scalpers challenge the monopoly ticket agents and large scale corporations have over the ticket distribution industry. They, as Robin Hoods, recognize the inequalities of the “legal” means of ticket allocation and

distribution. In light of this, ticket scalpers provide an alternative avenue or means for the public to acquire tickets and hence challenge the authority or power of the “legal” distributors. Lastly, ticket scalpers as noble outlaws use the media (a dominant form of hegemonic ideology dissemination) to promote their own scalping activity. By circulating sales information through the press, ticket scalpers are able to publicly promote counter-hegemonic ideologies and practices.

Ticket scalpers, as economic capitalists, petty criminals, or “rounders” seemingly contradict each one of the Robin Hood roles. By hustling for and scrounging as many tickets, from as many sources as possible, rounding ticket scalpers arguably make it harder for people to acquire tickets through legal means. Thus, hustling capitalist rounders actually limit access to tickets for the “law abiding.” Furthermore, the people ticket scalpers supposedly “help” through employment are often caught, arrested and fined. With a large pool of unemployed / unskilled people to draw from, ticket scalpers need not care for these people they exploit (for their own profits); as when one is arrested or jailed, there are many others to employ in their place. Also, when the low level employee of Ticketmaster is caught and loses his/her job, where are the ticket scalpers to help these people with economic compensation?

Ticket scalpers, as rounders, provide agency in seat selection and price, but inevitably this agency comes at a high price. The double bind of this aspect of the rounding role is that (as evidenced in Chapters 4 and 5) not only do people with cultural capital have advanced access to tickets legally, affluent people with large amounts of economic capital have access to most of the scalpers’ seats. With this in mind, ticket

scalpers are now closely parallel the “legal scalpers.” Only those with either cultural or economic capital are finding it possible to acquire the “best” seats. Ticket scalpers then are becoming an extension, or more appropriately a replication of the legal ticket agents (reproducing distribution relations of the legal industry and customers).

Finally, rounding ticket scalpers use the media to promote their own activity (by providing data for journalistic articles) and their own reputation as “expert scalpers.” While a reputation as a economically prolific scalper carries its weight on the street amongst scalpers, the media use these details (how many ticket sold, how much money made, etc...) to illustrate how ticket scalpers “screw” the public. Furthermore, these media accounts are used to criminalize ticket scalping activity. Therefore rounding ticket scalpers actually contribute to their own degradation through the media by boasting about their prowess as capitalists.

8.2 Scalping as a Victimless Crime?

Another issue presented in the thesis, predominantly dealt with in Chapters 6 and 7, addressed how ticket scalping is tolerated. Even though ticket scalping is prohibited according to the letter of the law its enforcement is sporadic, unpredictable, and ineffective. Apart from occasional lobbying from interest groups and moral entrepreneurs, ticket scalping is generally accepted or at least tolerated. Since there is little violence involved in scalping activity and the general public actively utilizes the “noble robber” service, few “true victims” are found in and around the scalping act. The popular tolerance of ticket scalping makes the activity a gray area in the eyes of law

enforcement officers and the general public. I believe the issue of ticket scalping is appropriate for sustained analysis for exactly this reason.

Some argue that ticket scalping is actually a victimless crime and, as suggested above, may be considered a solely self-serving crime. According to the law, scalping is a criminal offence and whether or not scalpers offer a "public" or "self-service" is irrelevant. Or is it irrelevant? The notion of "victimless" implies that no one suffers socially, physically, emotionally, economically, or mentally through the commission of the scalping act. Data presented in this thesis indicate that control agencies, responsible for asserting the interests of the dominant social order, do not perceive ticket scalping as a serious social ill. In essence, their stance on ticket scalping is based on tolerance and this tolerance signifies to the general public that scalping is not a serious criminal (if even criminal) activity.

Another interpretation could lead one to believe scalping does result in the victimization of some groups. Take, for example, the scalpers' revenue as taxable earnings. Their tax avoidance (i.e., failure to report scalping income) is definitely unfair to those who pay their taxes and contribute to the resources required to operate government and sustain social programs. Also, scalpers, as rounders, are involved in other forms of illegal activities and just because their scalping activities may not pose any significant harm to others (even though some may argue their activity exploits groups like the youth and homeless), their other rounding activities (drugs, prostitution, etc...) may harm others. Hence, of relevance to "victim analysis" is not so much the scalping lifestyle as it is scalping as part of the "rounding lifestyle."

Unlike a drug dealer or confidence artist, ticket scalpers are viewed by police officers and others enforcing crowd control or the security of public space as “retailers” of a certain kind. Where the drug dealer or fraud artist engage in transactions without “benefit” to the people, the ticket scalper provides a “legitimate” commodity of exchange. The street drugs, for example, are illegal to consume (and may cause physical and mental harm to the consumers) whereas the tickets sold by scalpers are (do) not. Police regard this form of ticket exchange as illegal but (usually) not worth prosecuting because the activity of ticket scalping may not be detrimental to the public interest. Like Hobsbawm’s (1969) definitions of outlaws and criminals, the outlaw is “less” of a social problem (i.e., criminal) because they “contribute” something to the general public through scalping.

Those I have referred to as the legal scalpers have a completely different view of ticket scalping. The ticket scalpers pose a threat to the public’s image of large scale corporations like Ticketmaster because scalpers publicly condemn Ticketmaster’s position as the controllers of the ticket distribution industry. In response, groups like Ticketmaster use the media and (occasionally) the police to influence the public’s perception of ticket scalping and ticket scalpers. Ticketmaster, leagues, teams, musicians, and promoters deflect critical attention from their own questionable practices by attaching blame to ticket scalpers. Claiming that ticket scalpers are the organized criminal element of the ticket distribution industry, and responsible for the corruption within the industry, these power brokers of the entertainment industry seek to reinforce

their dominant and legal position (and ideology behind their legal position) as owners of the industry.

In the end, the finger pointing conducted by all parties involved is engineered to divert blame and assign responsibility to opposing sides. Ticket scalpers and corporations assign victims to this debate; victims who are more often than not silent in this discussion. Where are the voices of the general public in the discourse on ticket scalping? What do they think?; and how is ticket scalping interpreted by the people who use ticket scalpers' services? A more comprehensive analysis of ticket scalping would include these interviews as a major focus of the investigation. Too often we take for granted how people interpret or engage with the social world in which they exist without attending to how they actually experience the world.

An important point of note in the analysis of ticket scalping and victims is the difference between the constructions of victims of ticket scalping by the mass media. As data in Chapter 3 indicate, "fans" (re: distinctions made in Chapter 1) are typically cited as those who directly suffer through ticket scalpers. As argued, ticket scalpers take access to seating out of the hands of the "true fans" and place them in the hands of spectators, or those who have no specific affinity for or attachment to the events being witnessed. An interesting point of analysis then is how the media attempts to play on these notions of fan and spectator in an attempt to persuade the public to take action against scalpers.

A meaningful analysis of tolerance should accurately investigate *how* people tolerate. The case study of ticket scalping has shown several sides of tolerance and

intolerance, but I cannot dismiss the critical nature of attending to how the persons on the other side of ticket scalping tolerate. In the future, scalpers' customers need to be studied if we are to develop a clearer picture of how laws and outlaw activity are understood as part of popular culture. People's interpretations should not be either disregarded or ignored as immaterial in the pursuit of reading the popular.

8.3 Suggestions for Future Research

I conclude the thesis with a brief section providing a research agenda for studying similar subcultures and social processes. Prior to detailing the possibilities for future research I mention several amendments I would like to make in the future to develop the study of ticket scalpers in particular. Methodologically, these steps would add to the data presented so far, filling several existing gaps in the research and providing more in-depth detail about all aspects of the ticket scalping process.

One of the chief ways to achieve a heightened sense of the ticket scalping process would be to interview, hang out with, and participate with *more* ticket scalpers. Even though I feel extremely confident with the sample of ticket scalpers included in this study, I certainly perceive that different perspectives and activities are found among scalpers from different parts of the country. Not only do I wish to increase the actual number of ticket scalpers contacted, I would also like to broaden the spatial coverage of the research to include major urban centers across Canada. Given the regional differences in culture, class composition, opportunities to be publicly entertained (i.e., size of city, number of entertainment venues, existence of major sport franchises), and

existence / enforcement of anti-ticket scalping legislation, studying regional differences should prove beneficial.

Along with spending more time in the field with ticket scalpers, interviewing more members of lobby groups and large scale corporations would be another amendment. Unfortunately, members of several corporations were unresponsive to my requests for interviews or refused to participate. In the future, perhaps persistence would lead to actual interviews with members from these groups. Following this line of thought, sustained contact with the police and other agents of social control could only add to the data I have acquired through this research.

Another change I would make in the future, is more extended interaction with scalpers' customers. As indicated in the presentation of data, scalpers describe a particular reading or interpretation of society, the media, the law, ticket distribution, and their customers that all frame their perspective on ticket scalping. Scalpers' customers take into consideration similar interpretations in developing their own perspective on ticket scalping. Are customers aware of the dynamics of scalping? Are people making a symbolic statement of resistance by engaging in outlaw forms of trade? What perceptions do people have about ticket scalpers and ticket scalping as an outlaw / resistive activity? Lastly, how do customers wield power by developing lines of action and strategies to negotiate seats / prices as part of the scalping process?

How these perspectives develop merits attention in the future if thorough data are to be collected on the entire ticket scalping process. Evidently, understanding the role of the "other" in the process of ticket scalping, as in the form of the scalpers'

customers, could provide valuable insight into the underlying reasons for the existence of ticket scalpers and how the actual process of ticket scalping occurs.

A third limitation of the data presented is the lack of attention paid to race and gender in the ticket scalping process. The issues of race and gender are difficult to include as part of the data analysis of this research because the topic seemed of minor importance to the ticket scalpers or those interviewed during data collection. However, upon reflection the majority and those involved in the ticket scalping process (as customers or scalpers) could not be classified in any other racially distinctive category than "white," and *all* scalpers and most customers were male. One must ask the question, are outlaw forms of resistance and counter hegemonic practices (such as ticket scalping) structured along lines of race and gender. Although I could not responsibly state any explanation for this aspect of the ticket scalping subculture given the current data, I can speculate that it most likely reaffirms the dominance of white, male, middle to upper class spectators in the Canadian entertainment (particularly sport) scene.

Finally, I would like to use more elaborate photographic and video methods to record the activities of ticket scalpers. Ticket scalpers have provided me with the opportunity to track their movements and their methods of "doing" scalping activity with photographs and I would like to extend this to videotape. Visual evidence would serve to further describe and explain the forms of interaction involved in doing ticket scalping (re: the developing field of visual sociology). Unquestionably there is a lack of articulation involved in describing precise activities, moments, emotions, and gestures

which words cannot adequately capture. Video assisted data presentation may be a viable means of overcoming this hurdle in ethnographic data analysis.

8.4 Generic Processes and Future Research

The final question to be answered is where does one proceed from the data developed in this thesis. Apart from the suggestions to research ticket scalpers in the future in a more elaborate and widespread manner, there are many substantive and theoretical contributions that research on ticket scalping can provide to the sociological enterprise. This research on ticket scalping is useful to any sociologist interested in future research that is intended to:

- 1) investigate other urban street scenes
- 2) develop an understanding of the generic principles of human interchange
- 3) add to subculture theory
- 4) research spectator, fan, and collective behavior
- 5) conceptualize the role of formal agencies of social control
- 6) develop the concepts of trust, influence, power, outlawism, tolerance

Substantively, the analysis of how ticket scalping occurs as part of the urban landscape could provide a springboard for re-investigating other outlaw street scenes and outlaw forms of resistance. Marginal or “grey area” issues such as drug use, prostitution, gambling, and “knock off street vendors” can all be studied using similar theory and methodology to that used in the analysis of ticket scalping. The analysis of ticket scalping suggests that outlaw or criminal issues should be grasped within a particular social and historical context, taking into consideration how the outlaw subculture interacts with other subcultures as either (or both) rounders or Robin Hoods. Furthermore, the analysis of the street outlaw must be grounded in an awareness of the social and economic influences of inner city life.

The analysis of ticket scalpers provides an empirical example of how to study trans-contextual forms of human interaction, or generic social processes (Prus, 1984; 1987; 1996). The research on ticket scalpers denotes how sociologists can grasp how forms of association are established and coordinated and how activities are accomplished. The data on ticket scalpers can add to the sociological understanding of how human interaction occurs similarly across varied social contexts. If we regard ticket scalping as similar to being involved in religious movements, outlaw biker groups, political parties, or medical school, generic principles common to human group life are inevitably explored.

Flowing from the study of the generic aspects of interaction, studying how subcultures are formed and operate is stressed in this research. Future research on subculture theory should attend to how groups like outlaw ticket scalpers compete with other groups (or subcultures) for resources, social power, and influence. Of academic use then is the examination of how perspectives, activities, identities, and relationships develop within subcultures and how these contrast, challenge, resist, reflect, or support "dominant" cultural ideologies and practices.

I cannot stress enough that research on audience and fan participation in forms of live event entertainment is a glaring gap in the sociological literature. The attention given to the "fan" or the "spectator" in the sociology of sport literature is sparse, disjointed, and limited at best. What is required is extensive ethnographic work on how audiences, spectators, and fans participate in events, and where this participation "fits into" their lived experience and understanding of culture. In particular, I am interested

in how people form fascinations with objects, activities, and individuals within the realm of entertainment figures and activities.

Formal control agencies receive substantial attention in various sub-fields of sociology. In relation to the outlaw or the criminal actor, we should mark our understanding of how control agencies operate by keeping in mind the agenda of the agencies. To understand the nature of social problems and collective behavior, how problems are formally enforced is central to an ethnographic research project. We need to ask who actively constructs social problems, how plans to "deal" with social problems are constructed, and who orchestrates these programs. In all sociological research involving formal institutions of control, in whatever form, we should be mindful of the people involved as agents of control and for whom the control is intended.

Finally, the analysis of ticket scalping provides a context for studying empirical instances of trust, influence, power, outlawism, and tolerance. Any analysis of ticket scalping should concentrate future research efforts on these central processes. The ticket scalping case study reveals how fundamental these processes (i.e., power, influence, and trust especially) are to social interaction in whatever form or content. The purpose of doing social research should be to examine these concepts from all angles (as I have tried from a "scalping angle"), questioning and challenging our so-called "scientific" understanding of the empirical world of interaction.

Perhaps this trip into the world of the ticket scalper will start a series of research efforts into similar life-worlds. People such as ticket scalpers are far too interesting and informative to be ignored. Their story sheds light on contemporary urban existence and

speaks volumes about how sport and leisure are practiced as “entertainment activity.” I feel both lucky and honored to have been befriended by this subculture and whatever one’s opinion is of ticket scalpers, or their ticket scalping, “telling their story” represents, at least to me, what sociology can accomplish. By accessing and exploring groups like ticket scalpers sociology delves into the empirical world of interaction, however controversial, offensive, mundane, exciting, taken for granted, incomprehensible, or gray.

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Appendix 1: List of Events Attended

Date	Event	Time	Location	Venue
1/6/96	Leafs vs. Avalanche	7:30	Toronto	Gardens
1/31/96	Leafs vs. Blues	7:30	Toronto	Gardens
2/3/96	Leafs vs. Canadiens	7:30	Toronto	Gardens
2/12/96	Leafs vs. Penguins	7:30	Toronto	Gardens
4/6/96	Leafs vs. Blues	7:30	Toronto	Gardens
4/16/96	Leafs vs. Blues	7:30	Toronto	Gardens
4/18/96	Leafs vs. Blues	7:30	Toronto	Gardens
5/10/96	Jays vs. Red Sox	7:35	Toronto	Skydome

Appendix 1: List of Events Attended

5/11/96	Jays vs. Red Sox	1:05	Toronto	Skydome
5/12/96	Jays vs. Red Sox	1:05	Toronto	Skydome
5/27/96	Jays vs. White Sox	7:35	Toronto	Skydome
6/11/96	Jays vs. Yankees	7:35	Toronto	Skydome
6/12/96	Jays vs. Yankees	7:35	Toronto	Skydome
6/26/96	Jays vs. Mariners	12:35	Toronto	Skydome
6/27/96	Eagles	8:00	Toronto	Ampitheatre
7/4/96	Ticats vs. Argos	7:30	Toronto	Skydome
7/10/96	Def Leppard	8:00	Toronto	Ampitheatre
7/11/96	Burton Cummings	7:30	Toronto	Concert Hall

7/13/96	D. Yoakam	8:00	Toronto	Ampitheatre
7/14/96	Rough Riders vs. Ticats	7:00	Hamilton	Ivor Wynne
7/17/96	James Taylor	8:00	Toronto	Ampitheatre
7/19/96	Sting	8:00	Toronto	Ampitheatre
7/22/96	Monkees	8:00	Toronto	Ampitheatre
7/23/96	Jays vs. Indians	7:35	Toronto	Skydome
7/24/96	Steve Miller	7:30	Toronto	Ampitheatre
7/26/96	Jays vs. Athletics	7:35	Toronto	Skydome
7/28/96	Steely Dan	8:00	Toronto	Ampitheatre
7/30/96	Scorpions Alice Cooper	7:30	Toronto	Ampitheatre
7/31/96	Meatloaf	8:00	Toronto	Ampitheatre

8/2/96	Lions vs. Ticats	7:30	Hamilton	Ivor Wynne
8/6/96	Kiss	8:00	Toronto	Skydome
8/10/96	Alanis Morrissette	8:00	Barrie	Molson Park
8/16/96	Stampeders vs. Ticats	7:30	Hamilton	Ivor Wynne
8/27/96	Michael Bolton	7:30	Toronto	Ampitheatre
8/29/96	Cranberries	7:30	Toronto	Ampitheatre
8/30/96	Jays vs. White Sox	7:35	Toronto	Skydome
8/31/96	Jays vs. White Sox	4:05	Toronto	Skydome
9/2/96	Argos vs. Ticats	1:00	Hamilton	Ivor Wynne
9/6/96	Garth Brooks	7:30	Hamilton	Copps

9/9/96	Sloan	8:00	Toronto	Concert Hall
9/9/96	The Cure	7:00	Toronto	Varsity Arena
9/13/96	Jays vs. Yankees	7:35	Toronto	Skydome
9/14/96	Jays vs. Yankees	4:05	Toronto	Skydome
9/14/96	Smashing Pumpkins	7:30	Toronto	Gardens
9/15/96	Eskimos vs. Ticats	5:00	Hamilton	Ivor Wynne
9/21/96	Stampeders vs. Argos	1:00	Toronto	Skydome
9/21/96	Chris Deburgh	8:00	Toronto	Ampitheatre
9/21/96	Pearl Jam	7:30	Toronto	Gardens
9/27/96	Jays vs. Orioles	7:35	Toronto	Skydome
9/27/96	54-40	8:00	Toronto	Warehouse

9/27/96	Blue Rodeo	8:00	Toronto	Gardens
9/28/96	Jays vs. Orioles	4:05	Toronto	Skydome
9/29/96	Jays vs. Orioles	1:05	Toronto	Skydome
10/11/96	Lions vs. Argos	1:00	Toronto	Skydome
11/2/96	Argos vs. Ticats	1:00	Hamilton	Ivor Wynne

Appendix 2: Sample Questions

Appendix 2: Sample Questions

The following is a sample of questions used in the open-ended interviews with ticket scalpers. These questions were asked and handled through conversation-like interviews rather than a formally ordered series of questions and answers. Similarly the order of the questions / topic areas did not necessary follow in the series presented here.

- 1) When did you first start scalping tickets?
- 2) How often do you sell tickets?
- 3) Where do you get your tickets from?
- 4) What does ticket scalping involve (how is it done)?
- 5) Where do you scalp tickets?
- 6) Do you only scalp tickets in town or do you travel around as well?
- 7) What are your clients like?
- 8) What kinds of people most often use your service?
- 9) How much ticket scalping business do you do?
- 10) How much money do you make from ticket scalping?
- 11) When are the best / worst times for business?
- 12) How many other scalpers do you know and work with?
- 13) Are the other scalpers you know "local"?
- 14) Do legal restrictions (the law) impede your scalping? How so?
- 15) What role do the police and other security agents play in the process?
- 16) How do / do you interact with the police?
- 17) What are the most serious charges you've faced, if any?

- 18) What do you think of Ticketmaster, teams, leagues, and promoters?
- 19) How well do you know people who work for these corporations?
- 20) Do you advertise your ticket scalping activity at all? How often? Where?
- 21) What do you think of the media's portrayal of ticket scalpers?
- 22) How do you think ticket scalpers are perceived by the public?

Appendix 3: Informed Consent Sheet

Appendix 3: Informed Consent Sheet

Rounders or Robin Hoods: Questioning the Role of the Ticket Scalper in Urban Marketplace Activity

Michael F. Atkinson
McMaster University

This form, when signed, indicates the participant's willingness to be interviewed (and tape recorded) for a study on the everyday life of street ticket selling activity.

The objective of this study is to learn more about how members of the ticket sellers' community accomplish activity on a daily basis, including how ticket sellers interact with one another, with their customers, and agents of social control such as the police.

Although extracts from our conversations may be used in writing up the study, there will be no mention of any participant's or other's actual names in any papers or field notes written using these interviews as a data base. Furthermore, no one except this researcher shall listen to any tape recordings made or have access to these recordings or any other field notes. Data from these interviews will be stored on computer disk and again, only this researcher shall have access to this data.

Subjects in this study have the right to withdraw from the interview at any stage of the research process, and/or ask that the interview material not be included in the study. All interviewees also have the right to refrain from answering any questions or approaching any topic with which the interviewee does not feel comfortable.

Upon request all subjects involved in the study will be given copies of the research conclusions / findings should they wish to review the overall research project.

Because we can only learn about people's life world experiences when they share these with us, your assistance is very much appreciated.

Date _____

Participant _____

Researcher _____

* This project has received ethics clearance through the President's Committee on the Ethics of Research on Human Subjects. If you have any questions or concerns please contact the Office of Research Studies, McMaster University (905) 525-9140

Appendix 4: Methodological Reflections

Appendix 4: Methodological Reflections

Experience with adult, unreformed, “serious” criminals in their natural environment – not only those undertaking felonies in a moonlighting way, such as pool hustlers, but career felons – has convinced me that if we are to make a major advance in our scientific understanding of criminal lifestyles, criminal subcultures, and their relation to the social system, we must undertake genuine field research on these people. I am also convinced that this research can be done by many more sociologists, and much more easily, than the criminology textbooks lead us to suppose. (Polsky, 1967:117)

To study ticket scalping, I ventured out into the world of ticket scalpers. Without the aid of carefully constructed statistical sampling techniques or quantitative methods of data acquisition or analysis, I researched ticket scalpers in the “natural environments” of ticket scalping activity. The benefits of ethnographic fieldwork to sociologists interested in studying “criminals” was well outlined by Polsky (1967). However, the actual accomplishment or “the doing” of research on the so-called criminal element may pose a series of obstacles for researchers. In this Appendix, I address several of the research issues confronted during the data collection by revisiting Polsky’s prescriptions (1967:117-136) for conducting “criminal” ethnographies.

Throughout the course of the data collection and analysis I have been mindful of my own personal biases toward ticket scalping and ticket scalpers. I have not subscribed to the commandment of “value freedom” in the practice of doing ethnography, because I believe it is neither practical nor attainable. During the processual development of a research program certain affinities or friendships can develop between the researcher and the subjects as trust and confidence are established. Doing extended field research within a “discreditable” or “criminal” community

requires this element of trust, and as security and comfort develop between the participants a coloring or biasing of the actors and their activity can occur.

Entering a life-world and becoming intimately familiar with the persons involved may drastically alter the researcher's perception of the form of "deviance" or "outlaw activity" being investigated. A once inconceivable action may become understandable and even rational to a researcher privy to the inside perspective of the "criminal." As we truly begin to understand the world of the intersubjective other, our own understanding of the world inevitably changes.

My own position on ticket scalping and ticket scalpers has changed during both the data collection and data analysis phases of the research process. My agenda at the outset revolved around creating and carrying out an ethnographic research project intended to expose the underground economy of the ticket scalping industry. Ticket scalpers, in my mind, were criminals, common thieves, and street hustlers who existed parasitically off fans and spectators. I perceived groups such as Ticketmaster, sports teams, musical entertainers, and the public as victims of a mob-like enterprise known as the ticket scalping ring. However, having a relative in the business of ticket scalping, and having utilized the services of scalpers in the past my opinion was easily swayed and reconfigured as I began the research process.

My agenda changed rapidly as I initially reviewed media accounts of ticket scalpers and ticket agencies like Ticketmaster, and then went into the field. The focus shifted considerably away from a negative critique of the ticket scalping industry, to a more comprehensive and general critique of the entire ticket sales industry using

scalpers as a case study. My opinion would further change as I spent extended periods of time hanging out with ticket scalpers and listening to their anecdotes, critiques, and opinions of the ticket industry and capitalism in general. I have become more tolerant to the ticket scalper and convinced that street scalping is but one aspect of the scalping (legal and illegal) contained in the ticket sales industry.

Another issue mentioned by Polsky (1967:122-123) is that field research on criminals tends to disprove the belief that one must be a criminal to study criminals. Although researchers encounter difficulties in entering, studying, and exiting criminal life-worlds, one need not adopt the identity of an outlaw to participate with outlaws. I believe this to be the single most important methodological response to the critics of qualitative research. To study the "uncaught" or free operating outlaw (typically ignored by the quantitative sociologists) a qualitative sociologist need not adopt this role. I, for example, did not have to become a ticket scalper in order to study and understand ticket scalping. Furthermore, one does not need to become immersed in the so-called participant observer role to become intimately familiar with the ticket scalping subculture.

These statements are much more significant than they may appear at first glance. In my research I did not deceive the ticket scalpers as to my identity as a sociologist or reason for "being around." As Polsky (1967:124) comments;

In doing field research on criminals, you damned well better not pretend to be one of them, because they will test this claim out and one of two things will happen: either you will, as Sutherland and Cressey indicate, get sucked into participant observation of the sort you would rather not undertake, or you will be exposed, with still greater negative consequences. You must let the criminals know who you are; and if it is done properly, it does not sabotage the research.

Having gained entry into the subculture through an existing relationship with a ticket scalper my identity as a sociologist was in fact exposed from the onset. The importance of maintaining a consistent presentation of self to the (initially) untrusting outlaw, is however, paramount.

The further I stressed my identity as a researcher, I honestly believe the further the ticket scalpers "opened up." To the scalpers, I was not a flake, a wannabe, a hanger-on, or an undercover officer, I was a person genuinely interested in the scalping business. In other words, the scalpers did not interpret my presence and persistent questioning as a potential threat to their lifestyle or identity, nor did they view me as pest or someone wasting their valuable time. Having a "legitimate" academic identity as sociologist, and attending a formal sounding "graduate studies program" at a university indicated to the scalpers that I was serious yet naïve about the scalping process. Serious in the sense that I was genuinely interested in listening to their stories and opinions, and accurately detailing their practices and feelings for a "serious study." Naïve in the sense that I knew little before entering the field and *needed* their insight to produce an informed academic statement on this social group (giving them the accurate belief that they were the chief contributors to something "academic").

Aside from the importance of indicating one's identity from the outset of an ethnographic study, I also followed several other fragments of Polsky's (1967) advice for studying criminals. Without question these portions of Polsky's advice adhere to the principle of maintaining an open relationship as a researcher to the ticket scalper and not deceiving them as to my interest in the scalping process.

I stated in the methodology section that tape recording devices were not used at any time during contact with the scalpers. I did not covertly tape any of our conversations. My goal in not dropping any obtrusive gadgets into the interaction focused on not adding any "unnatural" elements to the interaction. Polsky comments (1967:128) that making "notes" in a criminal's presence may often interrupt the natural flow of interaction. I believe this would be the case with the ticket scalpers. Although I wanted the scalpers to view me as a sociologist and understand my presence, I wanted them to feel as comfortable with me as possible, and accept me as someone who simply "hangs out" with them. This would prove an arduous hurdle to overcome if I continually forced a tape recorder into the middle of the conversation.

Forcing a tape recorder or "informed consent sheet" in front of the ticket scalper subverts the development of trust in the field relationship. Asking an "uncaught outlaw" to willfully, with great detail, admit to a series of illegalities in a recorded statement is nonsensical. Furthermore, to ask a ticket scalper or any other criminal to sign a document stating their participation in a study on ticket scalpers is again obtrusive to the natural process of trust acquisition in the field between a sociologist and the so-called "criminal element." While some researchers may support the use of such devices and consent forms, such practices frequently alienate sociologists from their subjects and hence the close relationship with groups such as ticket scalpers (required to gain an intimate familiarity with the scalping process) is difficult to ever achieve.

At one point in the research I thought it would be interesting and illustrative to take photographs of scalpers at work. I thought this idea was feasible because I had

spent about six months in the field and gained enough of an amiable relationship with the scalpers to ask if this would be possible. Without much question at all most of the scalpers readily agreed with the request, some with the enthusiasm that this could be the most profound and exciting idea of all time. They set parameters for the photograph sessions such as: only taking photos during periods of "heavy traffic" or at "large events," not taking any photos that directly depict a scalper's face, take the photos from a distance back, and not include any photograph that shows any exchange of money. I complied with all of these requests and thanked them for this concession.

I realize that if I had originally asked to take the photographs during the preliminary stages of the research, one of two outcomes would have likely occurred. The scalpers may have perceived this request as legitimate, but viewed my interest in their activity as a "journalistic" interest. I wouldn't have been viewed as a "serious" student of their lifestyle, I would have been understood as having a minimal and quick interest in gathering a "story" on their scalping activity. The second scenario, and the more likely, would involve the scalpers outright refusal of the request, with a severe distrust between the subculture and myself resulting. The scalpers would most likely interpret this request as an attempt to "catch them in the act" or reveal their criminal identity, and as a result they would have "cast me out."

To a qualified extent, I agree with Polsky's (1967:128) second tenet of criminal research. My first rule of research on ticket scalpers, as indicated above, is to take an honest and direct approach in disclosing one's identity as a researcher. Polsky's "first rule" of research is to "keep your ears and eyes open, but keep your mouth shut"

(1967:128). There are definite merits to keeping an initial silence around the group, a silence I attempted to maintain at the first stages of the research. One should keep in mind that the group will be studying you and your activity as well. Too much silence may indicate a passive rather than active role in the group, which may shut off communication and weaken trust between a researcher and the subculture.

One should also attempt to know a little about the subculture before trying to engage in conversation with them. Polsky writes (1967:128) that learning, but not abusing, a superficial understanding of their argot is a critical element in this process. Being active with the ticket scalpers is a key part of being accepted as someone who “makes” the scene. Part of making the scene is the careful balance between keeping relatively quiet, learning then sparingly using their language, and then letting the scalpers study you. Once the scalpers interpret your understanding as being a little more than a “common sense” understanding (*vis-à-vis* indicators such as an understanding of their language) a person becomes more and more accepted as part of the group.

I have alluded to the process of scalpers studying me as the research progressed, and I perceived an active studying throughout the entire research process. Ticket scalpers are used to sizing up and assessing people they encounter as part of doing business. Laying out one’s credentials or biographical information is one part of the process about being honest with the scalpers. Scalpers studied me all along the process, “checking out” my story about who I am and what I am doing as a researcher. I could

see them looking me up and down, turning around and watching my reactions to events that occurred, and listening to the words I'd speak.

Part of letting the scalper study me involved letting the scalper study the differences between their group and myself. Again, apart from letting the scalper know that I am a researcher and related differences, the scalper needed to know the difference between how *they* live and how *I* live (Polsky, 1967:131). Since I did not wish to engage in scalping activity myself, or become heavily involved in the scalping subculture, they needed to know what I would / could be involved in as part of the research (Polsky, 1967:133). The scalpers respected the fact that I have a "straight" lifestyle and did not seek to participate in their activities. This became important to their assessment of my identity as a "legitimate sociologist" and not a fringe rounder or someone who lives vicariously through listening to and watching scalper's activities.

Part of establishing trust between myself and the ticket scalpers involved not reporting everything I acquired as data (Polsky, 1967:133). Building out of the previous piece of advice, there have to be concessions made if a scalper was to respect my desire to avoid involvement in various activities. If they were to respect my non-involvement in some things I may see, I had to respect their desire not to have everything I witnessed detailed in a thesis (i.e., I had to respect their level of "non-involvement" in the research process). This includes names, identities, places of residence, and specific details or techniques of the trade which may be incriminating (or reveal expert knowledge to others which they seek to have sole possession).

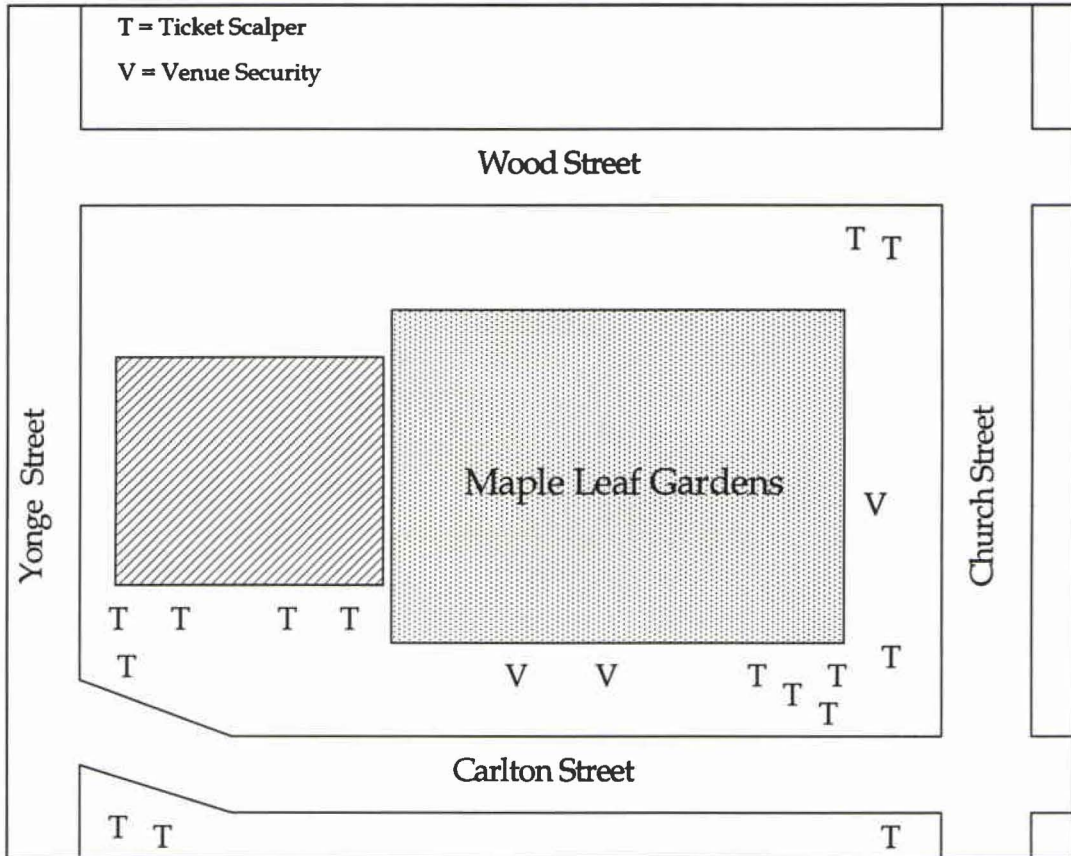
Studying a criminal in his natural setting means not only studying him outside of any law-enforcement context. It means studying him in his usual environments

rather than yours, in his living quarters or streets or taverns or wherever, not in your home or in your office or your laboratory. And it means you mustn't try to schedule him, mustn't try to influence his shifting choices among his environments or interfere with his desire either for mobility or immobility. If he wants to sit in front of his TV set and drink beer and watch a ballgame for a couple of hours, so do you; if he wants to walk the streets or go bar-hopping, so do you; if he wants to go to the racetrack, so do you; if he indicates (for whatever reason) that it's time for you to get lost, you get lost. (Polsky, 1967:135)

Above all else, the lessons I have taken from this research is that the outlaw or criminal subculture must be approached with respect. The individuals acting as the subjects for our studies must feel unhindered and unfettered by the research agenda. Their environment will be (unavoidably) interrupted and influenced by another's presence in the setting, but the goal should be to keep this influence at a minimum. Being a sociologist interested in studying human interaction is the role not the crutch. It does not exclude the sociologist from being responsible and accountable to a group of interacting individuals. Our roles as sociologists are to enlighten not endanger; to understand, not to undermine; to illuminate rather than to interfere; to investigate not to interrupt.

Appendix 5: Maple Leaf Gardens

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Appendix 6: Molson Ampitheatre

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