

Any spares? I'll buy or sell:
An ethnographic study of
black market ticket sales

ALESSANDRO MORETTI

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requirement of the University of Greenwich
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DECLARATION

“I certify that the work contained in this thesis, or any part of it, has not been accepted in substance for any previous degree awarded to me, and is not concurrently being submitted for any degree other than that of Doctor of Philosophy being studied at the University of Greenwich. I also declare that this work is the result of my own investigations, except where otherwise identified by references and that the contents are not the outcome of any form of research misconduct.”

Signed:

Date:

Alessandro Moretti

31.03.2017

Alessandro Moretti

Darrick Jolliffe

31.03.2017

Professor Darrick Jolliffe

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Finally, a special thank you to Lorna, without whom I would never have completed this work.

ABSTRACT

This thesis contributes to the limited knowledge on ticket touting and ticket touts. Building on the previous research, mainly produced before online touting, this work offers new insight into the backgrounds, motivations, experiences and justifications of individuals belonging to the “deviant” world of black market ticket sales. An ethnographic approach was adopted, consisting of participant observation, interviews, and observations in the field. Through the specific method of *verstehen* (Weber, 1949) the researcher experienced the “pleasure, excitement and fear” of criminality (Ferrell, 1998) to glean and present a more reliable understanding and appreciation of touting than that currently available. This research bridges a key gap in the literature on entrepreneurial deviance, of “crime as work” (Ruggiero, 2000), locating professional ticket touting within the context of both legitimate and illegitimate opportunities that are exploited by entrepreneurs in the “zones of ambiguity” (Hornsby and Hobbs, 1997). The results of the research offer a detailed understanding of the real methods employed by touts to acquire and resell tickets, and identify the methods commonly debated in the media and in parliamentary discourse, such as bots, as distractions, or as “engineered moral panics” (Atkinson, 1997).

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1 INTRODUCTION

1.1 Background and aims

This research is a criminological investigation of the individuals who practice ‘ticket touting’ in the UK. Commonly known as ‘touts’¹, these individuals buy tickets to popular music or sports events to sell them on for a profit (Conway, 2016; Ward, 2014). Originating as a form of illegal street trading, performed outside venues and stadia by “sheepskin-coat-wearing” characters (Collinson, 2015; Jones, 2015), ticket touting has evolved into an internet phenomenon. This can be explained by the exponential rise in the popularity of, and demand for, the live entertainment industry, which, coupled with the arrival of the internet, has spawned countless opportunities for the traditional street touts, and for others, to exploit (Culture, Media and Sports Committee, 2008). New players, often referred to as “bedroom touts”, have become involved in the practice (Waterson, 2016; Gibson, 2015; Jones, 2015; Derbyshire, 2006). In essence, tickets are bought from official suppliers as soon as they become available online and relisted “seconds later” for resale on the secondary market at inflated prices (Merrill, 2013). The existence of online platforms that facilitate the resale process away from street corners has meant that, in theory, anyone could choose to participate in the practice of online touting.

As argued by the Society of Ticket Agents and Retailers (STAR), in evidence submitted to the Culture, Media and Sports Committee (CMSC), touts buy tickets from primary sources with the “sole purpose of feeding them to the secondary market” (CMSC, 2008: 18). Obtaining a ticket for an event that is in demand, at its intended price, therefore, is increasingly becoming a luxury, if not “impossible” (Clements, 2015). Consumers wishing to attend an important football fixture, or the gig of a favourite artist, are faced with a hurdle that has existed since as early as the 16th century (Courty, 2003), but which, in the last 10 years alone, has grown from an occasional annoyance and minor inconvenience to an issue now perceived as a societal wrong (Lee, 2015). Ticket touting has been described as a “national disgrace” (Davies, 2017b; Savage, 2015) and its perpetrators as “parasites” and “vultures” (Davies and Jones, 2016; Blumsom, 2015; Clements, 2015; Bryant, 2008).

¹ “Ticket touting” is known as “scalping” in the USA, Australia and Canada, and “touts” are referred to as “scalpers”.

The issues that constitute the touting “problem” are several (CMSC, 2008: 11). Those arguing in favour of regulating the practice suggest that consumers are being priced out of attending events (Waterson, 2016; CMSC, 2008). Touts are viewed as unethical profiteers that do not contribute in any way to the live entertainment industry, but exploit artists, promoters and the industry in addition to the consumers themselves. There are concerns that ticket touts may be adopting fraudulent means to obtain tickets in large quantities, through, for example, the use of specialised software known as “bots”, which give online touts an “unfair advantage” over regular consumers (Hinson, 2013). Some performers have rescheduled or even cancelled shows as a response to ticket touting (Blumsom, 2015; Chilton, 2014). Additionally, touts are often associated with ticket scams, relating not to the inflated prices of real tickets, but to the sale of counterfeit or non-existent tickets (Hopkins, 2016; Christie, 2015). All of these issues have made the touts a prominent topic of discussion in the media and in parliament. At a time in which an unprecedented appeal for consumer protection has already seen the enactment of the new Consumer Rights Act 2015 (CRA 2015), and renewed discussions for further legislation², the black market of ticket resale is booming, with an estimated value of more than £1 billion per year (FanFair Alliance, 2016; Hosken, 2016; CMSC, 2008). Touting continues to be the object of discussion, as the government consider the available options for tackling bedroom touts that “harvest” large quantities of tickets (Conway, 2016: 3).

In an attempt to contribute to the views currently held on the contemporary world of touting, this research offers a more internal perspective of ticket touting activity, from the position of the touts themselves, “from within” (Polsky, 1971: 44); a perspective which, with few exceptions, is currently lacking in the body of available work. By adopting ethnographic approaches of observing, participating in, and understanding the daily lives of both groups of traditional street dealers and independent online resellers, the methods, identities and motivations of a diverse spectrum of individuals who could be referred to as ‘touts’ can be explored. Findings are offered from my own participation in the black market of ticket resale, as well as from observations in the field and interviews conducted with 25 ticket touts. Some of the participants traded in the streets of London, Glasgow, Manchester and Liverpool, while others operated exclusively online, or further still in executive offices and through networks across the UK and beyond. Pseudonyms have been used to protect the identity of the touts who were observed, interviewed, or who participated in the research.

² At the time of writing, the Digital Economy Bill 2016-17 was being discussed in parliament.

The term ‘tout’ is used in this research to refer to individuals who regularly sell tickets for a profit. In the contemporary landscape of black market ticketing, however, numerous types of touts exist, each with different methods, values and motivations. The research has been able to reveal, not only the diverse range of individuals who tout, and some of their strategies for acquiring and selling large quantities of tickets, but also the touts’ views on their own activity, on the consumers they affect and the systems of control they elude. Additionally, the extent to which ticket touts are involved in fraudulent activity is examined. Specifically, the research sheds light on the variety of methods of acquiring and selling tickets adopted by touts beyond the use of bot technology, which seems to receive disproportionate coverage in the media and in parliamentary discourse. Crucially, most of the touts’ practices are not as specialised as one might think, and could arguably be adopted by regular consumers. The traditional street aspect of touting is also a focus of this study; it was felt that the heightened attention afforded to online touting has neglected street touting, which is still thriving, and which may have close links to online touting. In addition to the specific methods and views of the touts, the wider landscape is considered. Lax enforcement of old and new laws that is tantamount to tolerance, the inadequacy of these laws, even when enforced, and a corruptible ticketing industry with exploitable loopholes and questionable practices, are all viewed as factors that enable the performance of touting.

The results of this research may explain how legislation is being evaded, and why the live entertainment industry’s independent attempts to curb the phenomenon of ticket touting continue to be unsuccessful. As new challenges are posed, the touts, their methods, their knowledge of the law and attitudes towards the risk of being apprehended, evolve and adapt. At the same time, campaigners and legislators appear to be focusing on distractions, such as fraud, a specific method of buying tickets, or a particular type of seller, thus missing the larger picture. All of these distractions assist the touts in continuing to perform their trade. It is argued that, through accounts presented in the media, and through recent governmental reviews such as the Waterson report (2016), an incomplete and misleading picture of the black market of ticket resale has emerged. The aim of this work is thus to contribute to the ongoing conversations that occur almost daily in the media, within the entertainment industries and in parliament, by providing new in-depth knowledge on the subject of touts and touting.

1.2 Where does ticket touting 'sit' in criminology?

Ticket touting is essentially a trade in which the tout acts as an intermediary in situations of supply and demand, providing a customer with a ticket for an event that is otherwise sold out. It is an activity that is commercial in nature and can therefore be described as belonging to a market. Ticket touting, it is argued, belongs to the *black market*. Beckert and Wehinger (2011) posited that what constitutes a market is a “voluntary exchange of goods or services for money under conditions of competition” (Beckert and Wehinger, 2011: 2). Crucially, the elements of competition, service provision and supply and demand make illegal markets “very similar to legal markets” (Beckert and Wehinger, 2011: 3). For instance, Patricia Adler noted an “area of overlap between drug trafficking and legitimate business activities” (1985: 105), referring to the skills required to successfully establish one’s self as smuggler or dealer of cocaine or marijuana. Hobbs, in his study of the deviant entrepreneurs in London’s East End, stated that “in any successful trading relationship it is essential for both parties to be satisfied with the goods or services traded, and the price negotiated” (1988: 4). Similar to this position, Beckert and Wehinger went on to argue that it is in fact odd that a market consisting of a voluntary exchange of a service for payment could be illegal; in cases in which “markets provide benefits to the parties involved they should exist”. The explanations for prohibiting some markets and not others, in their view, went beyond “economic efficiency”, and revolved around normative reasons; some markets are seen as “morally objectionable” (2011: 5).

Conversely, ticket touts have been likened to “classic entrepreneurs” (Javid, 2011). While the media has expressed a strong moral disagreement with the practices of the touts (Lee, 2015), Sajid Javid, then Culture Secretary, defended the touts’ entitlement to operate in a free market without governmental restrictions on their sales. In his view, consistent with the government’s longstanding position of considering intervention through legislation a “last resort” (Ward, 2014: 13-16), touts filled a gap in the market and provided a service to consumers who had been unable to purchase tickets in the original sale. Adler herself refers to her smugglers and dealers as “entrepreneurs” (1985: 42), and the use of the term ‘entrepreneur’ to refer to deviant activity is not atypical in criminological study (L’Hoiry, 2013; Webb, Burton, Tihanyi and Duane Ireland, 2013; Treadwell, 2012; Hobbs, 1998 and 1988; Polsky, 1971; Klockars, 1975) The grey legal and moral area in which ticket touts operate can be further exemplified in Hobbs’ definition of entrepreneurship as the “legal

and illegal practices that are legitimised by normative commercial activity” (1988: 13). The position of ticket touts and touting within criminological theory is therefore an unclear one: are touts engaging in an illegal practice that is morally objectionable, or in a free market enterprise that is legitimised by its normative economic nature?

Ruggiero’s theory on “crime as work” (2000: 16) has also shown the many similarities between official and underground economies, from the opportunities they offer to the practices adopted by the players operating within them. He noted, for example, the similar occupational barriers for ethnic minorities, or the division of labour, in both legal and illegal economies. Beckert and Wehinger (2011) found that the distinguishing factor between an activity that belongs to the black market and one that does not was ultimately the legal definition of the act in question. Essentially, trading can be defined as illegal, and therefore belonging to the black market, when either the product itself, or its channels of production or distribution, are illegal. Beckert and Wehinger (2011) cited examples of exchanges that are part of the black market: the illegality of a physical item, such as a particular drug, or of child pornography, means their trade is automatically illegal, and thus belongs to the black market; a painting is not an illegal item, and neither is its sale, but if it is stolen or fraudulently represented as something it is not, the transaction would be illegal, and so on (Beckert and Wehinger, 2011: 3-4).

However, the legality of touting is rather ambiguous, and simply referring to its legal definition may be insufficient. In general, there is no specific offence relating to the resale of a ticket, whether for profit or not, online or on the streets. The exception to this rule is the case of reselling football tickets. If tickets to a football match are resold without the club’s authorisation, even at face value³ or less, the seller is in breach of section 166 of the Criminal Justice and Public Order Act 1994 (CJPOA 1994). Section 53 of the Violent Crime and Reduction Act 2006 (VCRA 2006) extended the offence to apply to transactions completed on the internet. Despite the lack of a specific touting offence for non-football tickets, most ticket resale is, however, unauthorised. And although not always *criminal*, touting could be *illegal* for a number of reasons, including breach of contract or trespass. When buying and selling tickets outside a venue in London a street trading licence is required. The resale of any ticket, both online and on the street, may lead to other crimes such as money laundering and tax evasion. In addition, reselling theatre, music or other sporting tickets online may now result in a criminal offence if measures introduced by the

³ The original price paid for the ticket, as stipulated by the official seller.

CRA 2015, such as failing to specify the exact row and seat number of the tickets listed, are breached.

Ticket touts therefore exist within a grey area of, not only morality, but also legality, in which the minor details of a transaction could determine whether the touts' conduct is criminal or not, and which specific laws are being broken. If a tout were to successfully obtain a street licence he could, in theory, legally sell music tickets outside an arena in London. If a tout sold theatre tickets in a shop and declared his profits to the taxman, he would be within his rights to charge however much he desired for tickets with a face value of £10⁴. These examples, however, would not fit within Beckert and Wehinger's (2011) categorisation of the black market; in their view, ticket touting could only be part of the black market when the sale is illegal contrary to the CJPOA 1994, or if the tickets that are sold are either fake or stolen. Beckert and Wehinger's (2011) focus on the requirement of a specific offence, whether in the illegality of the product itself or of its trade, would therefore exclude from the *black market of ticket resale* touting activity that took place outside the tennis courts at Wimbledon, for example.

The descriptions of black market activity offered by Beckert and Wehinger (2011) correspond to Ruggiero's definitions of the "informal" and the "criminal" economy: the former relates to goods that are not, strictly speaking, illegal, "though their production or circulation *may* occur under illegal conditions" (emphasis added), while the latter pertains to situations in which both the goods and their production or circulation are illegal (2000: 66). Ruggiero, however, questioned "the simplicity of an image of precisely identifiable delinquent areas" (2000: 40) that relied on a legal definition alone. His model appears to be more flexible than Beckert and Wehinger's (2011) in that it allows for the circumstantial legal ambiguity that surrounds ticket touting specifically. Ruggiero went one step further. He located, in the space between the informal and the criminal economy, a third concept: the "hidden" economy, a middle ground in which the informal and the criminal meet and overlap. Especially pertinent, his concept of the "urban bazaar" (2000: 29) consisted of a "coexistence of legality and illegality and the permanent shifting of the boundaries between the two" (2000: 40). The western urban bazaar was for him a marketplace that was not necessarily physical, but one in which "opportunistic merchants, and jacks of all trades are constantly on the lookout for every opportunity" (2000: 43). These merchants, or

⁴ In both examples, however, it is unlikely that the tout would have the authorisation by the promoter or artist to resell such tickets. In theory there would therefore be a breach of contract which would make the transaction not only unauthorised but also illegal, rendering the tickets void. This is unlikely to be enforced, however.

entrepreneurs, required skills and versatility, and had to be flexible to adopt and adapt to the evolving demands of the markets in which they operated. Regardless of the legality of their trades, they were constantly required to develop new techniques, finding new sources to provide the services demanded. Adler (1985), Polsky (1971), Klockars (1975) and Hobbs (1988) all recognised such qualities in their deviant subjects.

The practice of ticket touting, in all its forms, can therefore be traced to an entrepreneurial verve that is centred on the identification and exploitation of an opportunity, whether legal or not. Ruggiero's black market model of the western urban bazar, in which entrepreneurs constantly adjusted to changes in the law to evade detection, dipping in and out of a "continuum where...the distinction between legally acceptable practices and criminal behaviour is blurred" (2000: 30), is arguably more consistent with the world of the ticket touts than Beckert and Wehinger's (2011) definition. In light of this ambiguity and crossover between legality and illegality, ticket touting can be described as a black market activity.

The concept of the *black market of ticket resale* examined in this research therefore relates to all overtly illegal, semi-legal, or unauthorised (but not *illegal*) transactions involving tickets, whether online or on the streets. Alongside the longstanding primary market, which consists of official suppliers such as Ticketmaster, or a football club or band's own official website, now reside the "online secondary ticketing facilities" (CRA 2015). Often referred to collectively as the "big four", StubHub, Seatwave, Get Me In! and Viagogo are the main players that facilitate the unauthorised⁵ resale of tickets bought on the primary market (All-Party Parliamentary Group, 2014). However, despite these sources being the sole focus of recent literature (Waterson, 2016; All-Party Parliamentary Group, 2014), the black market of ticket resale should not be limited to tickets sold through such platforms. It is argued that tickets sold on the street outside a stadium, or via online classifieds such as

⁵ The grey area of ambiguity and confusion is further exacerbated by the fact that some of the secondary market sites are owned by the primary sellers. Seatwave and Get Me In! are Ticketmaster companies. Additionally, some of the secondary market companies have now become the "official" and therefore "authorised" resellers of primary sources, such as a venues or a sports association. For example, StubHub is the official resale company of the world-famous venue the O2, in London, and of Tottenham Hotspur, Seatwave is the official seller of the Welsh Rugby Union, Viagogo is the official ticket marketplace for the World Darts Championship and Premier League Darts, and so on. A ticket for a concert at the O2, bought on Ticketmaster, could, in theory, be resold on its own companies, Seatwave and Get Me In!, or on StubHub as the venue's official reseller, and the transaction would not be "unauthorised" and thus entirely legal. However, the same ticket for the same event at the O2 purchased through a different primary website, such as See, could only be sold in an "authorised" way through StubHub. The same StubHub would be an unauthorised reseller of tickets for any other venue. Not only are these relationships confusing and contradictory, they also reinforce the idea of ticket touting being tolerated and normalised in light of the partnerships that exist between major companies and the big four.

Gumtree or Craigslist, or in a private executive office or hotel room, also belong to this world. A ticket tout, it follows, is defined for the scope of this research as a *regular, unauthorised reseller of tickets for a profit*. The elements of profit and regularity permit the exclusion from this definition of individuals who have genuinely ended up with a spare ticket to sell due to their plans changing at the last minute; they are, arguably, not ticket touts, and their one-off sales are not part of the black market.

1.3 Is touting deviant?

It could be argued that if touting is an illicit, black market activity, then touts are deviants. The general consensus with regards to the definition of deviance, however, is that it does not belong intrinsically to any given act, whether legal, illegal, or in the grey area in between. Rather, deviance is in the eye of the beholder (Becker, 1963). While one individual or group may consider a person or an activity to be deviant, others may not, with views on what is considered to be deviant varying depending on place, time and situation (Curra, 2011). Yet “deviance should not be dismissed as an idiosyncratic judgement” (Clinard and Meier, 2014: 6). Howard Becker said of deviance, in his classic study on marijuana smokers, “it’s not a quality that lies in behaviour itself, but in the interaction between the person who commits an act and those who respond to it” (1963: 14). Viewing something as deviant is thus subjectively dependant on an individual or a group of individuals’ morality or system of values. How such groups respond to a certain type of behaviour, according to Becker, could be one measure of its deviance.

The response to the acts of ticket touts can be noted, not only through the constant denouncement of touting in the media, but also through the enactment of recent legislation in the form of the CRA 2015. Further research into the public’s views on the practice was commissioned and published (Waterson, 2016), and discussions in parliament regarding additional legislation are ongoing. Several politicians continue to campaign against touting, a movement originally spearheaded by MP Sharon Hodgson in as early as 2010⁶; since then, she has been joined intermittently by other MPs in her fight against touts. Many artists, including the likes of Radiohead and Adele, have also expressed their resentment towards

⁶ Sharon Hodgson’s private member’s bill The Sale of Tickets (Sporting and Cultural Events) Bill 2010-12 urged for a cap of 10% to be placed on ticket resale. The bill, however, was never enacted.

touts, and introduced measures in their ticket-selling processes to attempt to curb acts of profiteering. ID checks, wristbands and ticket limits have all been imposed in the hope of preventing “true” fans from being priced out of events (Sherwin, 2015). Lastly, there is no doubt that ticket touting is an “emotive” subject (CMSC, 2008: 3). A brief search on social media⁷ can identify both the variety and the intensity of the insults directed at individuals who tout, whether online or on the streets. This response further corroborates the view that large parts of society take a generally negative stance on touting.

Despite this situation, however, only one specific law that explicitly prohibits ticket touting exists. As noted, this relates to football tickets and does not apply to music concerts or other sporting events. The distinction between football and other forms of live entertainment was grounded in the need to ensure fan segregation at events as a response to the hooliganism and violence that surrounded football in the decades leading to the enactment of the CJPOA 1994. This law, therefore, was not introduced on moral grounds to counter “unethical profiteering”, and for this reason was never extended to other sports or to the music industry, where segregation was deemed unnecessary. The government’s position since has been to maintain and protect a free, entrepreneurial market, deemed able to self-regulate and therefore not requiring specific legislation (Ward, 2014). This stance has persisted in all subsequent parliamentary debates, including those that preceded the enactment of the CRA 2015.

In practice, however, this legal distinction between football and non-football is not as significant as it appears due to a clear lack of enforcement of the law and an apparent tolerance granted to football touts. As part of the fieldwork for this thesis, the movements and strategies of touts were observed at 25 football matches. Twenty to thirty touts were seen plying their trade on the streets at each fixture observed. Touting football tickets on the street remains illegal, and yet, from a total of 380 Premier League matches in the 2015-16 season, only 40 arrests for touting were made. This was down from 56 (29% decrease) in the previous year and 104 two years prior (46%) (Home Office, 2016). In addition, the

⁷ As a typical example, “ticket touts” was searched on Twitter on the evening of 31st March 2016. “Everyone hates touts” and “Special place reserved in hell for ticket touts” were only two of more than a dozen negative comments posted in the previous 24 hours alone. In a third tweet, a user was complimenting another for managing to buy tickets for face value, stating it was the “only way to stick it to dodgy ticket touts”. A couple of weeks prior to this date, when tickets for Radiohead’s concerts sold out instantly, the contributions were far more heated. The same search was conducted on the afternoon of 11th April 2016. Attention was drawn to a pair of tickets for Leicester City’s potentially title-winning match that were illegally listed on eBay at a starting price of £2,500. One comment read: “I’d [sic] ban the seller & buyer from the ground and buying tickets. Sickening. Give tickets to real fans”; another appealed to the official Twitter account of Leicester City, asking, “can you do something to stop this kind of thing. I suggest take tickets back and ban for life”.

number of actual convictions is even smaller. Existing partnerships between some football clubs and the big four, through which season ticket holders are legally able to resell their tickets at inflated prices, also undermine the CJPOA 1994.

A contradictory situation is therefore present, in which, on one hand, we see a strong denouncement of touting through some Members of Parliament, the live entertainment industry, the media and the general public, but on the other, a government that continues to defend the free market and delivers inconsequential legislation, lax enforcement, and some sporting associations and music venues that have established lucrative deals with the secondary market companies. To address the question posed above, whether touts are ultimately entrepreneurs or “vultures” will depend on one’s views on the practice of touting. However, many clearly consider touting to be wrong, as noted, and it is this aspect of the practice that makes ticket touts deviant. Ticket touts are viewed as “outsiders” by many members of society, thus fulfilling the definition offered by Howard Becker (1963). The strong view held by large sectors of society and the media, that the activity is morally wrong, regardless of the ambiguity of the current legal framework and regardless of the tolerance granted by the legislature and law enforcement, enables us to establish ticket touts as *deviant*, and thus worthy of criminological investigation.

1.4 Prior literature and research on ticket touting

In attempting to more fully understand touting activity, one must look to its origins on the streets and to the theories of structural criminology, before considering the online version of the phenomenon, or how the two can be understood alongside each other. As far back as the costermongers, magmen and sharpers of Victorian London (Mayhew, 1950 and 1861), or Hobbs’ (1988) deviant looters and pilferers in the East of the capital, can be located a thriving, enterprising culture that pervaded the streets as a response to poverty, depravity even, in which “everything was vendible, and everyone was on the look-out for something to vend” (Bermant, 1975: 23). This may be understood through a Durkheimian (1893) inability of the pillars of society to instil values of “solidarity” throughout the community during its period of transition into a more developed, structured entity. Hobbs’ historical review of the deviance of East London reveals the opportunities for theft and plunder that were part and parcel of communities developing and growing on the river, as he referred to

the “normality of property crime” in the 18th and 19th centuries (Hobbs, 1988: 103). As the labour force diversified, the “mechanical” acceptance of norms wavered, leading to resentment and criminal activity (Roodhouse, 2013). Taylor’s analysis of the post-Fordism “crises” in the UK and much of the Western world welcomed the arrival of a free market society in which, again, “everything...is for sale” (1999: 52). This heralded the emergence of Taylor’s “full-time villains” (1999: 167-168), or Merton’s “innovators” (1938: 676), who embraced the entrepreneurial spirit of the era by forming illegal “bazaars” (Ruggiero, 2000) and underground economies to achieve otherwise unreachable goals in the face of unemployment and inequality.

The emergence of this deviant entrepreneurial figure within the context of the informal economy can thus be traced from Mayhew’s Victorian Britain into “austerity” wartime Britain and the black market trading of ration books and basic foods, leading finally to the groups of “legitimate entrepreneurs” (Webb, et al., 2013: 600) that from the 60s onwards would have come together to buy and resell tickets outside Britain’s stadia for a profit. The core characteristic tying all of these figures together and linking them with the current generation of street touts was a reliance on their “sharp entrepreneurial style as a tool of economic survival” (Hobbs, 1988: 115).

As for the “bedroom” touts who buy and sell tickets on the internet, neoclassical criminology may be able to provide some insight. The theories of Rational Choice (Wilson and Herrnstein, 1985) and Routine Activity (Cohen and Felson, 1979) place less emphasis on poverty, inequality and disenchantment with society, and more on enhancing financial opportunities through economic crime (Ruggiero, 2013). These theories revisit Jeremy Bentham’s (1789) notions of the economic man, who identifies an opportunity and weighs the potential pain and pleasure derived from his actions before choosing which path to take. Having identified an opportunity, the awareness of a lack of “capable guardians” (Cohen and Felson, 1979: 588), in the form of widespread tolerance on the part of the government and law enforcement, may contribute to the decisions of such individuals to tout.

The transportation of a deviant or criminal act from the streets to the internet is not an unknown phenomenon for criminologists. Shover, Coffey and Hobbs’ (2003) examination of criminal telemarketers compared them to the professional thieves of prior generations, highlighting their similar vocation as “predators”, but distinguishing the “middle-class, entrepreneurial background” of the former from the “blue-collar” status of the latter. More pertinently, Treadwell’s (2012) study on the resale marketplace eBay, arguably the precursor of the so-called big four of ticket resale, identified the occurrence of

a “transformation” within the criminal marketplace. His ethnography showed how online sellers who formerly traded stolen or counterfeit goods in the streets, or, more generally, in the context of the urban “bazaar” (Ruggiero, 2000), were now plying their trade in what Treadwell described as a “cyber-bazaar” (Treadwell, 2012: 187). A similar transformation seems to have occurred in the world of ticket resale, and there are many parallels to be drawn with other black market activities within the field of deviant entrepreneurship.

As touched on above, however, the specific practice of ticket touting, particularly from the perspective of the touts themselves, is under-researched in academia (Atkinson, 2000: 156). Given the rich examination in criminology of many facets of, not only deviance in general (from marijuana users (Becker, 1963) to poolroom hustlers (Polsky, 1967), sexual deviants (Humphreys, 1970), upper-level drug dealers (Adler, 1985) and graffiti writers (Ferrell, 1993)), but especially of the grey areas between legality and entrepreneurial deviance (such as the works of Treadwell (2012), Ruggiero (2013 and 2000), Hobbs (1998 and 1988), L’Hoiry (2013), Adler (1985), Klockars (1975) and Jacobs (1996)), this gap in the literature is quite surprising. Also of relevance are other more specific sports-related criminological studies such as those on hooliganism (Pearson, 2009 and 1993; Stott, Hutchinson and Drury, 2001; Giulianotti, 1995; Armstrong, 1993), betting (Coontz, 2001), match fixing and corruption (Tomlinson, 2014; Sugden, 2002). The study of ticket touts, individuals who are, arguably, central in the overlapping areas of legality and illegality in the contexts of live entertainment, deviance and entrepreneurial activity, may have been expected to be a natural extension of the bodies of literature on football fandom and the deviant, underground economy. Unfortunately, very little research has been produced in this area.

Previous inquiry into touting has focused mainly on: the economic principles of supply and demand (Courty, 2003 and 2000); its historical development, particularly in the US where legislators were quicker to respond to “scalpers” (Segrave, 2007; Happel and Jennings, 2010 and 1995); and, more recently, the establishment of new forms of the phenomenon, caused by the arrival of the internet (Waterson, 2016; Happel and Jennings, 2010; CMSC, 2008). More importantly, research has repeatedly been conducted from the position of consumers or industry stakeholders. It has been undertaken primarily through online surveys or in the form of parliamentary inquiries at which industry stakeholders were invited to comment, such as those held by MPs Sharon Hodgson and Mike Weatherley in 2014 as part of the All-Party Parliamentary Group on Ticket Abuse (APPG). Professor Waterson’s (2016) review of the impact of the introduction of the CRA 2015 on online ticket

touting adopted similar research methods, gauging the opinions of key stakeholders such as event organisers within the sport, music and entertainment industries (2016: 188). Significantly, both works failed to include ticket touts amongst their respondents.

Whilst this thesis builds on topics such as the important role of the internet and the issues faced by consumers as vital starting points, it delves much deeper. For instance, both the APPG's (2014) and Waterson's (2016) enquiries, ultimately, also failed to acknowledge the enduring relevance of street touting, and its close connections with the very online secondary market that they sought to address. Crucially, many of the existing contributions lack the insight, attainable only through discussion and direct involvement with those who practice ticket touting, such that *a comprehensive investigation into and examination of the real methods, values and motivations of ticket touts is not currently available*

Two notable exceptions can be found in the works of Michael Atkinson (2000 and 1997) and John Sugden (2007 and 2002). Both authors adopted methodologies similar to those used for the present study. Through ethnographic research, Atkinson was able to befriend and gain access to a group of ticket touts – or “scalpers” – in Canada. Sugden was equally successful in breaking into a network of “grafters”⁸ in Manchester, UK. Sugden's approach was even more similar to the approach adopted for this research, due to the extensive issues relating to covert activity and threats to personal safety that he encountered while negotiating access to his research subjects, as well as the development of a relationship with a specific gatekeeper through which such access was temporarily facilitated (Giulianotti, 1995; Armstrong, 1993; Hobbs, 1988; Adler, 1985; Whyte, 1955).

Atkinson's work could be described as a precursor to the conversations about touting that currently dominate the UK media. Atkinson concluded that touting occurred quite freely in the Toronto music and sports landscape, not because of inadequate legislation – touting is unequivocally illegal in Canada for all events – but because of a lack of enforcement. His rich empirical data, including interviews with touts and with event staff as well as police officers, revealed that there was too much serious crime happening for law enforcement to justify time and resources to tackling something as unserious as touting. Additionally, he noted that 20 years ago Canadian consumers and the media had little time for the issue of touting, a phenomenon which in his view was “not yet significantly shunned by the general public to the extent that it would generate media coverage” (1997: 50-51). The practice had

⁸ While the term ‘scalper’ can be described as the translation of ticket tout into American or Canadian English, John Sugden (2002) used the term ‘grafter’ to refer to individuals who engaged in other illegal activities beyond ticket touting. These terms are explored throughout this research.

thus become “tolerated”. The authorities would rarely crack down on touting, and, interestingly, only did so when pressure was exerted by the large ticketing companies.

Indeed, the main intolerant party, in addition to small groups of “moral entrepreneurs” who wanted to “regulate an unethical status quo” (1997: 160-161), was the ticketing company Ticketmaster. Atkinson explained Ticketmaster’s intervention as an attempt to generate a “moral panic” (Cohen, 1972) around the deviance of touting to protect its own financial monopoly on ticket sales. In drawing detailed comparisons between the operations of the touts and those of the primary market, Atkinson explored how Ticketmaster was merely a “legal scalper” itself, and it was only through its own imperfect and corruptible system that the touts were allowed access to tickets to resell in the first place. By demonising the touts, and distancing their practices from its own, the company was able to distract the public from its own scalping activity in the form of the inflated fees it levied.

Atkinson’s original study laid the groundwork for similar analyses to be undertaken in a UK context. Importantly, the present study’s conclusions as to how and why touts continue to elude enforcement are developed in a more current framework of analysis, incorporating the impact on touting of the online secondary market. The impact of the big four is lacking in Atkinson’s contribution due to the ticketing platforms’ more recent development. This research considers the validity and applicability of Atkinson’s conclusions in a social context that may be more ambivalent legislatively, but which is far from tolerant, as noted. Although the legislation continues to lack enforcement in the UK, a rise in “moral entrepreneurs” (Atkinson, 1997: 160; Becker, 1963: 148) has resulted in a strong societal position against ticket touts, and, perhaps, in the emergence of new “moral panics” around ticket touting practices (Cohen, 1972).

The only similar work in this country can be found in John Sugden’s (2002) research of Manchester’s grafters. Sugden’s ethnography followed the adventures in the UK and abroad of a group of former diehard fans or hooligans, who, unlike the street touts that dealt with tickets only, provided all sorts of “services”, from match tickets to travel packages including flights and hotels, to fake merchandise (but never fake tickets). Sugden also explored their links to networks of drugs, sex and even guns. Sugden identified individuals that were able to exploit the expanding industry surrounding the growing popularity of football in the 1990s by catering for the needs of a particularly “undesirable” sector of English travelling fans. The key was that many of these supporters would have been unable to purchase official tickets due to their colourful backgrounds. Sugden’s gatekeeper, Big Tommy, spotted the gap between the official travel options offered by clubs such as

Manchester United and Leeds United, and the demands of the “lads” travelling to Amsterdam or Prague.

Sugden also built on the theme of corruption within the primary ticketing industry, introduced by Atkinson, by providing empirical evidence of tickets that had been reserved for FIFA and FA staff winding their way into the hands of the touts. This validated Atkinson’s (1997) hypothesis that the practices of individuals working in the official primary market and those in the black market of ticket resale were not as different as one may think. Sugden’s book *Scum Airways* (2002), however, pushed deeper in offering sociological explanations behind the life choices made by the touts, which Atkinson’s (2000 and 1997) research did not consider. In describing the glum backdrop of disenchantment and hopelessness afflicting Manchester’s youth in the “pre-dawn of the Thatcher years, with no formal qualifications and little or no prospect of getting decent employment” (2002: 37), the contextual significance of the criminal career of a tout could be grasped. This introduced ticket touting as genuine work (Ruggiero, 2000), as a Mertonian choice of entering the informal economy and adopting “illegitimate or semi-legitimate means to earn the trappings of respectability” (Sugden, 2002: 166). Touting was seen by Big Tommy and his gang as an alternative to hooliganism and a much more serious life of criminality.

Sugden conducted his fieldwork in the early years of online secondary ticketing websites. His work provides anecdotal evidence of some of the first forms of fraudulent practices around ticketing in the era of the internet, in the form of fake websites that imitated the big four and were created by “fly-by-night opportunists” (2002: 26). Sugden endeavoured to distinguish the *modus operandi* of ticket touts from the fraudulent practices of other individuals that were not touts. His immersion in the world of ticket touts enabled him to experience a code of honour amongst touts, and the concept of ticket touting being a “service” that was provided to “clients”, following a semi-legitimate business model. One of the major findings of his work, particularly relevant in the contemporary context of consumer protection, was that ticket touts were not responsible for the circulation of counterfeit tickets, or for the existence of fraudulent websites.

My own ethnography attempts to integrate both Sugden’s and Atkinson’s findings in a contemporary context. By isolating some of their views as dated and corroborating some of their findings with further empirical evidence, the present research portrays a more complete picture of the ticket touting world, and explains why touts are able to continuously defy systems of control unabated. A key gap that was identified in the few available academic studies of black market ticket resale was that they did not address the “problem”

of ticket touting and contribute to conversations around it (CMSC, 2008: 11). In addition, these works predate the widespread use of the internet and its having transformed ticket touting into an activity available for all. On the other hand, research completed since the works of Sugden and Atkinson, such as the report by the APPG on Ticket Abuse (2014) and Waterson's (2016) review, while strongly focusing on ticket touting from a consumer perspective and the contemporary situation of online touting, have completely disregarded touting before the age of the internet. Another large gap was therefore identified with regards to how touting first emerged on the streets, and how its historic networks and practices still exist today. Additionally, the government's reviews limited the scope of their inquiry to gather the views of those affected, but ultimately entirely external, to the inner workings of the phenomenon of touting.

Therefore, important questions have been neglected, such as: Who are the ticket touts?; What are their backgrounds and why do they engage in touting activity?; How can ticket touting be explained through a criminological lens?; What are the different forms and levels of involvement in touting?; and, crucially, How do ticket touts justify or conceptualise their "deviant" conduct? A study of this nature is lacking in the current literature. The present research provides more authoritative answers to these questions, based on previously unavailable empirical evidence.

1.5 Structure of the thesis

The research begins with a review of the current body of literature on ticket touting, in chapter two, which is divided into three historical periods. The first considers the earliest known examples of ticket touting, and is followed in parts two and three by an examination of the historical periods that led to the two forms of touting we are most familiar with today: street touting and online touting. The aim of this chapter is to present three strands of discourse that are deemed essential to the understanding of the contemporary landscape of ticket touting: the historical beginnings and evolution of the practice; the legal developments that accompanied these; and the theories of crime that are relevant to ticket touting. These strands are developed alongside each other, and are examined within the three historical timeframes that have been identified. A particular change in the touting phenomenon may have caused a change in the law, or vice versa, and with these a theoretical explanation is

proffered. The most relevant literature is reviewed in each section of the chapter, tracing the figure of the deviant entrepreneur from its earliest forms to that of the ticket tout. The specific body of work that examines touting, namely the works of Atkinson (1997) and Sugden (2002) and the more recent, governmental reports by the APPG (2014) and by Waterson (2016), which consider in more detail the phenomenon of online touting, are critiqued in parts two and three of the literature review.

Chapter three provides an overview of the methodology adopted for the research. A common approach for studies involving deviant subcultures (see Hobbs, 2001, for an extensive list), ethnography yielded access to witnessing and experiencing the touts' methods of profiteering, gleaning their opinions on the process and the law, and appreciating their values and motivations for engaging in deviant activity. Through a triangulation of methods, including unstructured and in-depth qualitative interviews, observation, and various attempts to perform participant observation (PO), the validity of data obtained from multiple sources could be verified. Detailed reflections are offered on selecting this approach over others, and its value towards fulfilling the aims of the research. Although some of the previously unanswered questions, above, could have been addressed in a number of ways, ethnographic methods of inquiry were selected because they were viewed as the most suitable to gain an understanding of ticket touting from an internal perspective, this being one of the key gaps identified in the existing body of literature. Explanations are offered for all decisions made throughout the fieldwork, from choosing the location for the interviews to justifying extended interaction with gatekeepers and engaging in potentially law-breaking activity.

Chapters four to six consist of the in-depth interpretation of the results from the interviews, observations and PO. Combined, they develop a picture of individuals who engage in ticket touting activity, suggesting that they are resourceful and elusive entrepreneurs, constantly adapting not only to their immediate physical surroundings, but to the wider legal and moral societal framework.

Chapter four details the methods of buying and selling used by the touts, and suggests a more sophisticated and contemporary classification of ticket touts than that offered in the previous research. Beyond the binary categorisation of either "professional" or "temporary" ticket sellers presented by Atkinson (1997) was found a wide spectrum of individuals who, for need or for greed, opportunistically entered the black market of ticket resale. A scale based on "seriousness" and "commitment" is offered to show that the label 'ticket tout' can, more than ever, be applied to a variety of individuals who, amongst other

things: emerge from diverse social backgrounds and describe different reasons for entering the business; have numerous sources for purchasing tickets for resale, different methods of resale, and operate in groups or alone; and have varying levels of knowledge of the law, of experience of arrests and of avoidance of law enforcement. This chapter offers important findings relating to the real impact of certain methods of acquiring tickets, and disputes the views commonly reported in the media and expressed in recent research. Providing a detailed list of buying and selling methods, and a categorisation of ticket touts and of the specific profiteering strategies they adopted, enables conclusions to be drawn about which methods of prevention or reduction could be applied, and expected to succeed, to which categories of touts. For example, heightened surveillance of the big four, or an intervention into their affairs by HMRC, would strongly deter online touts from trading, but would have little effect, if any, on traditional street touts.

Chapter five demonstrates the largest gap in the current literature: the continuing relevance of street touting. This can be evidenced not only in the frequency with which the practice still occurs, partly attributable to a lack of enforcement that allows it to continue unchallenged, but also through an analysis of the similarities between the touting performed on the streets and that which takes place on the internet. Recent governmental research and legislation have attempted to challenge the black market of online resale, but have disregarded the tradition of street touting in the process. This chapter shows that many of the resourceful, and at times deceitful, tactics employed by the touts on the streets, geared towards engagement with passers-by and the maximisation of profits through buying and reselling tickets, are in fact occurring daily on some of the big four websites. Many of the street touts' tactics revolve around increasing the perceived demand for tickets and their value, and the online secondary market was found to operate in very similar ways. It is felt that through an understanding of the methods of the street touts and the connections between this older, but still prevalent, form of touting and its contemporary online version, steps can be taken to protect the consumer.

Finally, chapter six applies neutralisation theory to ticket touts (Sykes and Matza, 1957). During the interviews, questions relating to the participants' values, motivations, and justifications for engaging in deviant activity were posed. The responses were thematically analysed to reflect the similarity between the justifications offered by touts and by other deviants, including taggers, drug dealers, environmental criminals and staff stealing from employers (Vasquez and Vieraitis, 2016; Shigihara, 2013; Enticott, 2011; Jacinto, Duterte, Sales and Murphy, 2008). Typical justifications or excuses offered by the touts included:

separating and distancing one's own identity from that of a "real" tout; blaming the "system" (such as promoters, artists, and both official and secondary ticket marketplaces); claiming to have a moral code in the way they bought and sold tickets; and arguing they were merely working or providing a service like any other, and were not committing serious crimes (Ruggiero, 2013). All of these internal reflections enabled the touts to build a positive self-conception, and create a sense of identity that, regardless of societal views, was imbued with worth and significance (Ashforth and Kreiner, 1999). This chapter offers new knowledge on the touting world by revealing the touts' views of themselves and of touting in general, which in many ways differs greatly from the general public's opinion of touting and of the individuals involved. For example, the data reveal how strongly the touts defended themselves from accusations of fraudulent activity. Information of this nature may lead to future legislation or interventions more accurately targeting "real" touting, as opposed to focusing ineffectively on factors wrongly perceived to be part of the phenomenon, such as fraud.

The concluding chapter draws together the various strands introduced throughout the research. This research presents an ethnographic study of contemporary ticket touts in the UK in order to shed light on the world of ticket touting and to contribute, to ongoing conversations in parliament and in wider society, a more authentic picture of the individuals involved, of their methods, values, and motivations for performing ticket touting. The touts' attitudes, perceptions, adaptations to or outright dismissal of the changing legal landscape are focal points of the study. Ultimately, the research explains why previous attempts to curtail ticket touting have been unsuccessful, not only in terms of the touts' positive identity formulations and skills of evasiveness, but because of inadequate legislation, a lack of enforcement, and the widespread corruption and exploitable loopholes that exist within official ticket sources. The recent rise in popularity and interest in this topic has highlighted the lack of depth in the knowledge of the phenomenon of touting and of its players. By shedding light on the views, values and justifications of the touts themselves and how they really practice touting, the results of this research can inform and contribute to the debate presently surrounding the regulation or restriction of black market ticket resale.

2 LITERATURE REVIEW

2.1 Introduction

Very few academic investigations into ticket touting have been undertaken, and the available research is arguably dated, especially in light of the quickly evolving nature of the trade. While purely academic work has been lacking since the explosion of the age of online touting, governmental interventions, both in the form of research, and especially in the shape of recent legislative enactments, appear to be misdirected. In addition, enforcement of the legal provisions, both old and new, has been inconsistent and unreliable. Alongside this, the coverage of ticket touting in the media seems to focus entirely on financial mark-ups that contribute nothing but a shock element to the debate. All of these factors have, ultimately, led to key aspects of touting being neglected, such as: the history and causes of the practice; similarities between touting and other deviant practices; and potential links between contemporary online touting and the more traditional form of street trading. This chapter locates the deviant figure of the tout within criminological theory, outlines the paradoxes and limitations of the present legal framework, and ultimately highlights the current gaps in the literature which this thesis has addressed.

2.2 Earliest forms of touting: History and Theory

2.2.1 From the Colosseum to Elizabethan Theatre: up to the late 1600s

Ticket touting is certainly not a modern phenomenon. Despite the heightened attention this subject has been receiving in recent years, touts have been located historically next to the earliest arenas of live entertainment. Desirability for in-demand events can be traced back as far as Ancient Rome, where the spectacle of gladiator encounters was a highly coveted experience (Happel and Jennings, 2010: 115-116). Albert Leffler, co-founder of Ticketmaster, argued that “tickets were regularly sold or bartered for a better view of the emperor” (Servantes, 2013). Despite the tongue-in-cheek nature of this statement, it is not without some truth.

Many of the events in Roman times were in fact free to attend for spectators, with the costs often covered by the emperor himself. Also, the allocation of the seating was often decided on political merits and favouritisms (Courty, 2003: 90). However, while it is generally accepted that entry to these events was not for profit, records exist of individuals known as *locarii* (from the Latin *locus* for ‘space’ or ‘location’), who would sell tickets at very high prices (Dunkle, 2008). Indeed, a certain gladiator by the name of Hermes was described by the Roman poet Martial as *divitiae locariorum*, or “the riches of the ticket touts” (Fagan, 2011: 101).

The first known instances of touting in the UK are considered to have occurred centuries later in 1500s Elizabethan England (Courty, 2003). The plays of Christopher Marlowe and William Shakespeare represent the earliest recorded examples of the supply and demand scenario in this context, in which the opportunity of profiting from the resale of an actual, physical admittance ticket first appeared.

In fact, to begin with there would have been no paper tickets at all for such performances. Spectators entered the theatres and subsequently paid an additional charge to improve their location and be reseated nearer to the stage. This has been described as an early version of “tipping the maître d”, a practice which still occurs today (Happel and Jennings, 2010: 116). As demand for attending such performances increased, however, patrons found they had to, inconveniently, attend the theatres earlier and earlier, with the added aggravation of having to wait hours for the performance to begin. Courty described how “circular pieces of metal”, referred to as “checks” (Courty, 2003: 90), provided a solution by removing the need to handle money as spectators moved from one section of the theatre to another. Eventually paper tickets, upon which was printed a specific, allocated seat, were introduced.

“There was no turning back. Once those printed tickets were in hand, and physical presence in a line just prior to the event was no longer required, the economic imagination was launched: Could I sell this ticket? Could I get more than one ticket and resell one for a profit? Could I get others to stand in line and get tickets for me that I could then resell? Could someone in the theatre get me more tickets? Better tickets?” (Happel and Jennings, 2010: 116).

Shakespearean audiences were therefore the first to experience a scenario in which individuals identified and exploited the economic opportunity that presented itself in the form of ticket resale.

2.2.2 (Neo)classical criminology: economic greed central to early forms of touting

With the first appearance of physical tickets came the instant realisation that money could be made (Happel and Jennings, 2010: 116). When the demand for these performances began to exceed supply, the effective market value of mere pieces of paper – or metal – rose significantly. Although frustrating for many consumers, the distinction between an item or service’s “natural price” and “market price” is considered to be a natural law of economics, and is in no way exceptional or unusual (Ricardo, 1821, cited in Ruggiero, 2013: 85-86). Philosopher Adam Smith (1776), a pioneer of political economy, postulated that commodities which do not contribute in any way to society’s, or to an individual’s, gratification, are devoid of value. The value of a given product is derived from its availability, or scarcity. Labour, for example, a commodity which may at any time increase or diminish in availability, is bought and sold and thus has both a natural and a market price. This principle can be applied in the same way to a ticket as to any other provision of a service. The natural price may be the value assigned to it by the artists or the promoters. The market value, on the other hand, is what is really paid for the ticket by those who covet it the most, by those who find it useful or gratifying. “The market price is what is really paid for it: it is high when it is scarce and cheap when it is plentiful” (Ruggiero, 2013: 85-86).

The decisions of those individuals who had access to the first existing paper tickets, it can be argued were ones of a purely economic nature. This explanation for ticket touting, based on the principles of microeconomics (Courty, 2013; Happel and Jennings, 2010 and 1995), unsurprisingly, is essentially still relevant in contemporary society. With street selling very much “tolerated” in the modern era (Atkinson, 1997; see chapter five), let alone at its inception in 16th century Elizabethan England, the lack of restrictions or penalties, coupled with the potential financial gain to be made, may have influenced these individuals in their attempts to acquire as many tickets as possible. The same principles apply to touts operating today, enabling some to “make a killing” (Ungoed-Thomas and Verrico, 2010). These principles – the lack of a significant deterrent, the weighing of advantages and disadvantages, ultimately leading to a rational decision to take one course of action over another – are of course the founding tenets of Jeremy Bentham’s (1789) theory on pain and pleasure.

Bentham developed his theory on Cesare Beccaria’s seminal work *On Crime and Punishment* (1764). He claimed that “nature has placed mankind under the governance of

two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do" (Bentham, 1789: 14). A utilitarian, whose entire philosophy revolved around the "utility", or usefulness, of human actions, he theorised on the morality of punishment and its need to be proportionate to criminal acts in order to deter individuals from further law-breaking activity.

While Beccaria and Bentham's philosophies specifically related to attempts to prevent crime through deterrence, the fundamental reason for advocating severity, certainty and celerity of punishment (Beccaria, 1764) was based on early notions of the *homo economicus*: the idea that man is rational, hedonistic and self-interested, and will thus measure the hypothetical gains and losses in an economic way before deciding to engage in deviant conduct or not. This concept was central to the works of the political economists of the time, such as Adam Smith and David Ricardo. Smith stated:

"It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest" (1776 [1986]: 119).

That is, should the benefits of a particular course of action outweigh its disadvantages, or outweigh the advantages to be gained from the option of non-deviance, then such a consideration would be the driver for human conduct.

From this premise, the theory of rational choice for explaining criminal behaviour was developed. By knowing society's response to a potential criminal act, or rather, the likelihood of a response, if any, an individual should make a rational decision as to which conduct – criminal or non-criminal – to employ. This is done by weighing the financial gain against the potential risk of detection, the chances of arrest and the severity of the subsequent punishment. The weakness of such a model in enforcing law-abiding behaviour lies in the inevitability that, although individuals may know the penalties for breaking the law, they may also know that the enforcement of such penalties could be weak. Considerations such as the severity of the punishment not being sufficient to outweigh the lure of committing the crime, or knowledge that, before even reaching the punishment stage, detection is highly unlikely to occur, will thus influence all of these rational calculations.

Knowledge of the potential societal response is, in fact, not even required for one to undertake criminal activity; individuals may not be aware of the legal consequences of their law-breaking, and still make decisions and calculations based on what they do know. Pease stated:

“the starting point of rational choice theory is that offenders seek advantage to themselves by their criminal behaviour. This entails making decisions among alternatives. These decisions are rational within the constraints of time, ability and the availability of relevant information” (2006: 339).

This theory of crime appears to fit most appropriately with the decisions and behaviours of individuals buying and selling tickets for profit in Shakespearean times. Having entrepreneurially identified the financial opportunity (Happel and Jennings, 2010), the touts faced, on one hand, the temptation of procuring additional tickets, and on the other, the option of resisting said temptation and electing not to engage in deviant conduct. These individuals thus found themselves in the position of evaluating a course of action versus another, weighing each in terms of its potential beneficial and detrimental outcomes. The option that resulted in financial gain without risk, due to there being no penalty for such conduct, may have outweighed the option that resulted in no gain at all. In cases where a detrimental outcome could occur, perhaps, in the form of touts facing the wrath of their consumers, it could be argued that the profits to be made were seen as more beneficial than the loss of a stranger’s respect could be damaging.

Modern revisitations of these initial attempts to explain criminal behaviour have developed these concepts of classical criminology further, and are part of the neoclassical criminological movement. Wilson and Herrnstein (1985) rephrased the ‘pain and pleasure’ dichotomy into ‘rewards and punishments’, arguing that, the larger the ratio of the net rewards of crime to the net punishments, the more likely it was that an individual would decide to engage in criminal activity. Wilson and Herrnstein (1985) introduced to the theory the important concept of delay, which evokes Beccaria’s (1764) principles of certainty and celerity. The benefits and losses arising from certain crimes can be uncertain; in particular, a potential benefit may arise in the immediate aftermath of a criminal act, while a loss may not materialise until several months or even years later. These considerations could also influence the rational calculation that a tout formulates before engaging in deviant activity.

Two further neoclassical theories that might be particularly relevant to understanding ticket touting are situational crime prevention and routine activity theory. Both focus on the prevention of crime rather than its explanation. More specifically, they are geared towards “the manipulation of the immediate environment in which these crimes occur...so as to reduce the opportunities for these crimes” (Hough, Clarke and Mayhew, 1980: 1). These theories are, however, built on the foundations that a specific explanation

of criminal conduct can be located in the presence of risks or opportunities. Further, “criminal motivation is a given” (Clarke and Felson, 1993, cited in Hayward, 2007: 235), indicating that if the circumstances are right then it would almost be unusual for an individual to avoid criminal behaviour. Routine activity theory, specifically, relies on three principles strongly reminiscent of classical criminology: “likely (motivated) offenders”; “suitable (soft) targets”; and the absence of “capable guardians” (Cohen and Felson, 1979: 588). Both theories have opportunity at their core, which is exactly what arose, and was exploited, when paper tickets were first created and the possibility of resale became apparent. These individuals have been identified as the first in a line of black market entrepreneurs who relied on their “sharpness of wit” (Hobbs, 1988: 114) to engage in “individualistic action in pursuit of pecuniary reward outside the conventional contract implied by an employer-employee relationship” (Hobbs, 1988: 137). Economic initiatives based on instinct, adaptability and skill, therefore, may be central to explaining the earliest forms of ticket touting.

2.3 Development of the deviant entrepreneur: History, Law and Theory

2.3.1 “Scalping” train tickets in the US

Another notable historical example of ticket touting occurred in the United States three hundred years after the time of William Shakespeare, but originally related to transport tickets rather than tickets for entertainment. In this instance, shrewd individuals were able to entrepreneurially exploit the transport system by making small savings on their own travel costs and aiding fellow railroad travellers at the same time (Segrave, 2007). Due to rail tickets being sold by mileage, the longer the journey was, the cheaper the ticket would be. Someone travelling from New York to Chicago could, in theory, purchase a ticket to Los Angeles and then depart the train at Chicago. They could then pass the partially used ticket on to someone going from Chicago to LA for a price that was cheaper than the cost of buying a brand new ticket for that leg of the journey; they would thus not only be assisting a fellow traveller, but also recouping money such that their own travel was cheaper than a standard New York to Chicago fare.

The role of a specialised intermediary individual known as a “scalper” gradually emerged to facilitate this exchange between passengers. Not long after this, ticket sellers in the US established themselves as middlemen in the theatre and live entertainment industry. One key difference between the train scalpers and the theatre scalpers, arguably, was the fact that the former assisted all parties involved, such that both buyers and sellers enjoyed cheaper travel. However, the same could not be said with regards to the scalpers of tickets for entertainment. Instead of “scalping” the system, this version of the practice, as it had in England centuries before, “scalped” the consumer.

In as early as 1876 scalpers were defined in the *New York Times* as carrying out “an atrocious trade with perfect shamelessness” (Segrave, 2007: 3). This sentiment is not too different to that presented in the UK media more than one hundred years later, where the touts and the companies facilitating ticket resale have been accused of “moral repugnance” (BBC Newsbeat, 2017). However, whereas anti-scalping laws in the US were passed rather quickly after the first failed attempt in the state of New York in 1870, consumers in the United Kingdom would have to wait another century, and almost five hundred years since the earliest forms of touting in Shakespearean times, before the enactment of specific ticket touting legislation.

2.3.2 Mayhew’s Victorian Britain: up to the late 1800s

The literature on ticketing practices in the UK, from the first examples occurring in Shakespearean England to the post-war years, is scarce to say the least. There are, however, frequent historical and literary traces of an entrepreneurially deviant figure with “a sharp verbal style...opportunistic and alert to the main chance” (Hobbs, 1988: 3), with whom touts would have had much in common. Often cited as the precursors of the current generation of street touts are the wartime spivs (Bain, 2012; Sugden, 2002), whose own ancestors can be identified as the petty thieves, racketeers and conmen of Victorian Britain. These individuals strayed into a life of criminality not out of choice, in the sense of formulating rational calculations relating to the costs and benefits of their actions, but out of need, or a lack of alternatives.

The seminal works in this field are Henry Mayhew’s studies on the poorer citizens of London, who engaged in criminal activity as a means of survival. Of noted importance

are his works *London Labour and the London Poor* (1861) and his collection of scoundrels in *London's Underworld* (1950), which observed the behaviours of many colourful individuals from common thieves and expert pickpockets to burglars, beggars, and tricksters known as “magsmen” and “sharper” (Mayhew, 1950: 330). Mayhew divided the various criminals into categories based on their methods, skills and intellect, and listed countless examples of how each type of deviant was able to craftily deceive its victims. Hobbs’ (1988) historical research of deviant entrepreneurship in the East End of London found similar individuals who, in his words, were “sharp, cunning [and] manipulative” (1988: 118). These were the looters and pilferers of London’s docks, plundering ships and barges and even the “mud of the river itself” (Mayhew, 1861: 291-304).

The similarities between Mayhew’s delinquents and contemporary street ticket touts are, in fact, many. These range from their use of tactics of deception to maximise profits, to the types of social settings they frequented and the broader criminal networks they belonged to, and participated in.

“From the little ragged urchin...stealing a handkerchief at the tail of a gentleman’s coat, to the elegantly dressed and expert pickpocket promenading in the west-end and attending fashionable assemblies” (Mayhew, 1950: 134).

In contemporary touting we still find spivs loitering outside concert venues (Bain, 2012), and even some of the participants interviewed as part of the present research described themselves as “spivs”. Just as in Victorian Britain, the contemporary spivs can be contrasted with the more high-end touts that wear suits, and trade within the offices of some of the world’s largest and most prominent organisations. The recent ticket scandals surrounding FIFA and the Olympic Games, in which senior representatives were found to be selling tickets on the black market as part of unauthorised hospitality packages, are examples of the latter category (Gibson, 2016; Press Association, 2014; Sugden, 2002).

With regards to links with other forms of criminality, Mayhew’s street workers would bring their stolen items to specialised contacts who then sold them. These individuals, referred to as “unprincipled receivers”, would take large cuts, which Mayhew described as “the chief proportion of the spoil” (1950: 310). In Hobbs’ view, “thieving and buying and selling stolen goods became integral to East End culture”, leading such crimes to be viewed as “normal” (1988: 103-108). If we are to compare these individuals to the grafters studied by Sugden in his ethnographic book *Scum Airways* (2002), it is not hard to

see why these Victorian crooks are recognised to be the deviant actors of the time that are most similar to contemporary ticket touts. Sugden's grafters shared a common territory with individuals who traded in counterfeit items of clothing, weapons, and provided services such as transferring large sums of cash from one country to another (2002: 118).

As another example, the tactics of deception of the two deviant figures could be described as similar. In the same way that ticket touts avoid agents of law enforcement today, the deviants of the past would connive together to evade detection. Mayhew described how, in the business of stealing from shops or from passers-by in the street, "one of them keeps a look-out while the other steals some article" (1950: 186-187). The term "crow" was used to describe such a look-out (1950: 153). In a contemporary context, street touts were sometimes seen working in pairs within larger groups. As one participant, "Spartan", explained to me during an interview, while a colleague of his kept an eye out for signs of police presence, he would engage with approaching clients; "*he's the eyes; I'm the mouth*".

In addition to avoiding arrest, a final example of the entrepreneurial and deviant similarities between touts and Mayhew's characters could be found in these characters' interaction with their victims. Mayhew's magmen and sharpers were described as "unprincipled men" who were "in search of dupes" (1950: 330-333). Their methods involved engaging in games of skittles, or exhibiting card tricks, to someone who, unbeknownst to the watchful crowd, was, in fact, an insider. As the insider placed bets and regularly won, spectators would be lured to participate in these games only to lose everything once the stakes were very high. Mayhew's detailed accounts resembled a "how to" guide of good criminal practice, and described the following process by which these deviant actors fooled their audiences:

"One of them will look at the card of his opponent when playing, and will telegraph to some of the others by various signs and motions, understood amongst themselves, but unintelligible to a stranger" (1950: 334).

As chapters four and five will show, contemporary touts adapt their language and have a system of coded communication through which they can discuss financial and other matters amongst themselves, without their clients being aware of what is being said. This is done to increase the perceived value of a ticket, a strategy adopted to maximise the touts' profits.

Suffice it to say that in light of the lack of overtly relevant literature on ticketing practices during the pre-war years, the Victorian characters studied in great detail by

Mayhew strongly resemble the contemporary street ticket touts in terms of their deviant entrepreneurship. They also share similarities in terms of their backgrounds, and even their reputations as deviants of questionable ethics. Crucially, Mayhew's descriptions are of behaviours that resulted as a response to situations of poverty and inequality. Hobbs described a "vast pool of casual labour, living in overcrowded insanitary conditions...moulded by market forces from the emerging working class" (1988: 105). For these individuals it became necessary to "mak[e] a living on the streets", relying on one's "independence and sharpness of wit" in order to survive (Hobbs, 1988: 113-114).

2.3.3 WWII and its aftermath: up to the 1990s

2.3.3.1 *Black Market Britain*

Sugden viewed the wartime spivs as the early ancestors of the ticket touts (2002: 139). These were individuals who exploited the black market trading that emerged during a time of general poverty, but also of further frustration and deprivation caused by rationing. When the first ration books were issued in December 1939, a number of new laws known as the Defence Regulations were established. "New wartime crimes were quickly identified. The wholehearted peacetime drive for profitability in business became the offence of 'profiteering'" (Thomas, 2003: 21).

Amongst these new laws, the offence of 'hoarding' was also introduced. This created frustrating inconsistencies for the general public, as it became illegal to have more than a certain amount of food, even in a restaurant. Thomas described situations in which "little Hitlers" were being employed by the government to act as consumers and tempt restaurateurs to break rationing orders, or to check whether both fish and meat were being served at a single sitting – also a criminal offence (2003: 33). Many new laws were introduced. As an example, a Transportation of Flowers Order was passed in 1943, with enforcers checking the suitcases of individuals travelling by train but not by car. Carrying flowers via the former method of transport was illegal, while via the latter it was not.

The systems of control put in place by the British government "determine[d] what was legal, but also create[d] new criminal opportunities" based on "the forces of supply and demand" (Roodhouse, 2013: 3). The spivs, amongst others, seized such opportunities and

reaped the benefits. A black market existed for every commodity including food, clothes, petrol and tobacco. “Theft, pilfering, and illicit production were the main sources of black market goods” (Roodhouse, 2013: 78). Individuals that Roodhouse referred to as “criminal entrepreneurs” stole from shops, factories and warehouses, seizing the opportunities available in light of an “excess demand for controlled goods” (2013: 83) such as sugar, butter or bacon. There was also a shortage of labour, resulting in employers being less selective than usual in hiring workers. This enabled individuals, whose only aim was to steal, to gain jobs as lorry drivers or watchmen. Colluding with others then became even easier; with an “insider,” precautions taken by the police, such as prohibiting vehicles from stopping in any location other than designated lorry parks, became futile. Items could thus be extracted and then sold on the black market.

Roodhouse specifically differentiated the concept of the “black market” from that of the “grey market of gifting, swapping and petty trading” (2013: 78). While activities belonging to the latter may have been considered reasonable in the wartime context, the former was associated with greed and material gain. Exchanges of money, goods or favours, although often illegal in light of the new laws introduced, could be viewed as morally acceptable; paying a “premium” price for, say, eggs, however, “smacked of profiteering” (Roodhouse, 2013: 79). Forging ration books, or burgling a Food Office by night for blank ones, all fell within the same category of profiteering (Thomas, 2013: 54). This was the essence of the wartime black market.

The link between profiteering and exploitation in the war years and the similar practices of the immediate post-war period is noted through an interview with a tout by an online magazine. Described as one of the UK’s “top ticket touts”, the seller revealed of the current crop of street traders:

“You gotta remember a lot of these guys were spivs in the Second World War, or they’re the sons of spivs. They come from a background where people used to sell ration books and all kinds of things. It was only after the war and at the end of rationing, when people started to go to shows again, when spivs started to turn their hand to other things in demand, such as tickets. To this day touting is still a profession that travels down the generations” (Bain, 2012).

This quote encapsulates both the changing economic situation in the post-war period, and the establishment of ticket touting as a trade that was learned and passed on from generation to generation, in the same way the trade of the costers in Mayhew’s London was “largely

hereditary” (Hobbs, 1988: 113). It also confirms the entrepreneurial similarities between the spivs and the touts, in the form of identifying economic opportunities, developing networks of “insiders”, and exploiting the consumer.

The war was followed by a period of stability as the economy recovered and provided new, legitimate opportunities for Britain. Described as the “never-had-it-so-good” generation, this was the boom before another decline (Sugden, 2002: 37). The youths born in this period would have witnessed the steady but irreversible deindustrialisation of Britain, with the factories and mills closing one by one, and with them the opportunity of honest, legitimate, reliable work that had been granted to the previous generation. Describing the childhood of a ticket tout known as Big Tommy, a central figure in Sugden’s ethnography on touts, the author observed, “by the time he left school the factories, mills and engineering works where generations of working-class kids had served their apprenticeships as turners, weavers, mechanics and cabinet-makers had all gone” (2002: 37).

2.3.3.2 Streetwise entrepreneurs

As the hard times began once more, entrepreneurial individuals relied on their “keenness and vivacity” (Hobbs, 1988: 103) to seek new forms of employment to survive. Items such as children’s toys, towels or household appliances were sold in ad hoc stalls by individuals who, through their linguistic charm and strategies of persuasion, captured the attention of passers-by in markets, transforming cheap and unnecessary items into must-have deals (Clark and Pinch, 2014). Jones, Comfort and Hillier (2004) defined street trading as a “form of resistance...a survival strategy for the urban poor” which “provid[ed] a source of new economic growth and flexibility” (2004: 249).

The “zones of ambiguity” (Hornsby and Hobbs, 2007: 566) in which such sellers operated, treating the legal and the illegal as interchangeable, could be seen in the scams portrayed in Hobbs’ (1988) study of entrepreneurial deviance in London’s East End. The skills these individuals required to survive included acquiring and selling goods in ways that, like the methods employed by Mayhew’s magmen and the wartime spivs, were unorthodox, perhaps unscrupulous, and “generally occupying the grey area between theft and consumption” (1988: 140). Specifically, Hobbs identified seven types of entrepreneurs whom he described along a hierarchical scale, ranging from the “punters”, who were the

least adaptable and skilful in matters of trading, to the “holding elite”. The latter, through an inherited culture of transgressing the boundaries of the rules of commerce, had earned enough wealth to eventually leave the East End, and to settle within a new, middle-class environment.

It is in the middle rungs of Hobbs’ (1988) ladder that we find the deviant entrepreneurs most similar to the present-day street touts. Hobbs used the term “grafter”, the same adopted by Sugden (2002), to describe individuals who, despite the enveloping poverty, were able to carve themselves a niche in which to conduct their own version of “business”. Working in warehouses or shops – or having acquaintances on the inside – such individuals would damage items in order to sell them for less on the official books and stock records, and then profit from them elsewhere. In one episode, a tactic is portrayed in which a scammer merely pretended to be an employee in a shop, engaged with a customer, and lured him into a backhand deal, promising the unsuspecting victim a discount if he paid in cash directly without going to the till. It was arranged that he would then meet the member of staff in an alley 10 minutes later for the goods. Through such “scams, fiddles and arrangements” (2008: 150-151) the grafters were able to invent forms of employment and thus find means of survival. Hobbs explained that “while deception and misrepresentation is regarded as part of the trade – outsiders, those who are neither subject to nor contributors to the entrepreneurial culture – are regarded as vulnerable and valid targets” (2008: 152).

Another category was that of the “jump-up” merchant, whom Hobbs viewed as having more freedom across the spectrum of opportunities to exploit in light of his unwillingness to differentiate between the grey areas and outright illegal forms of conduct. The jump-up merchant’s considerations were ones purely based on profit and risk, and viewed all activity as “business”, irrespective of a potential moral stance. Hobbs’ grafter may have found ways to avoid blatantly illegal practices, such as theft: through an acquired knowledge of the trade, and familiarity with insiders, “alternative strategies to stealing” would be invented and applied (Hobbs, 1988: 148). The jump-up merchant, on the other hand, viewed legal and illegal opportunities as one and the same, and focused more on the “practical application of the law as opposed to the philosophical and moral hegemony of statute” to carry out his own version of business (Hobbs, 1988: 156).

Towards the higher end of Hobbs’ classification, the “I am a business man” model represented an even more developed assimilation of illegal and legal practices. These entrepreneurs had gained enough momentum and success in their deviant escapades that they more often than not engaged in fully legitimate business practices, “willing and able to

switch...resources around in response to economic whims and the general ebb and flow of the market” (Hobbs, 1988: 164).

Very much like these types of wheelers and dealers, the touts, as presented in chapters four to six, also showed subtle differences in their methods and motivations, entrepreneurially bending the rules, relying on “insiders”, and viewing their customers as valid targets. Another similarity was the degree of trust required between entrepreneurs, and a shared understanding of this common culture of deviance they belonged to. An entrepreneur named “Nob” describes the following exchange with a trusted client.

“Usually they are a friend of a friend. They want something so they see me. They say they want it and I usually say, ‘Fuck me, though, they’re expensive’. They say, ‘Are they?’ So I say ‘Yeah, about fifty notes’. So they say, ‘Well, can’t you find some damaged or old stock then?’ Then you know” (Hobbs, 1988: 152).

Unlike in the previous example, in which the customer was fooled into believing that the deviant was a shop employee, the client in this case was not an outsider, and did contribute to the entrepreneurial culture of the East End.

Tying all of Hobbs’ (1988) entrepreneurial types together was a quality which closely fits with all of the deviant characters introduced thus far, namely, being “persistently on the look out for supplementary sources of income” (1998: 415). Crucially, this was done in creative, albeit not always legitimate, ways. In times of poverty, other such practices could be seen in the activity of importers and exporters of either stolen or illegal goods, such as the occupations of drug dealers or cigarette bootleggers.

2.3.3.3 Upper-level drug dealers

The most relevant study of drug dealers that is closely comparable to the practices of ticket touts is Adler’s classic investigation into upper-level dealers and smugglers, *Wheeling and Dealing* (1985). Her ethnography of deviant entrepreneurs in “Southwest County” was the first to consider higher-level dealing, beyond the runners that exchanged drugs in the street. This book offered valuable insight into further similarities between the legitimate and illegitimate economy, and the individuals that operate in them. Similarly to Hobbs (1988), Adler found that

“Deviant occupations can be characterised by many of the same work problems, motivations, rewards, and experiences found in the legitimate world” (1985: 147).

As entrepreneurs, the dealers and smugglers whom Adler gained access to, through building and developing a rapport of friendship with her neighbour, required creativity, the ability to adapt to unexpected situations, and a “modicum of business acumen” (1985: 147). An example of this was the switching from one market to another based on opportunities and demands. The costs associated with, for example, travelling to another state to complete a transaction, or to expand into a new market and strengthen networks and ties with other dealers, strongly resembled the requirements of the legitimate business world.

Adler found that drug dealers learned how to deal in a process that was similar to learning any trade or skill. Through “sponsorship”, such individuals could learn how to act in certain situations from others who were more experienced. Another method of learning was simply acquiring knowledge “on-the-job” (1985: 127). By making mistakes, such as being cheated by a buyer or being caught by the police, dealers and smugglers improved on their performances and educated themselves. The skills required to excel in this profession were versatility, intuition and “a sense of wits” (1985: 105). Over time, specialised knowledge was acquired to stay one step ahead of the police at all times.

Methods avoiding arrest included acquiring legal businesses as fronts to conceal drug dealing activity, selling only to individuals that were known and trusted, and utilising linguistic codes when talking on the phone. In cases in which their identities were already known to the police, these entrepreneurs ensured that systems of “insulation” were in place (Adler, 1985: 112): methods through which no direct tie or link existed between the individual in question and the illegal substance. Adler (1985) categorised her participants extensively, depicting a detailed hierarchy of smugglers and dealers, their earnings, specific methods, and their extended networks. This was based on a “level of commitment” to the profession (1985: 61), and resembled the typology of entrepreneurs offered by Hobbs (1988).

Another pertinent finding in Adler’s (1985) ethnography was the existence of a code of honour amongst drug dealers. Trust was highly valued and in fact necessary in the trade, and dealers would not go far without “integrity” and being “honest and fair in their transactions” (Adler, 1985: 100). Although there were several arrests during her fieldwork, which brought her to question the strength of this unwritten code, she stated that she believed her respondents when they said they would never become informants. In addition

to this solidarity towards other dealers, contempt was felt towards scammers who were not dealers but “rip off artists, the bottom rung of the drug world” (Adler, 1985: 101). Individuals who ripped off buyers were viewed extremely negatively by real dealers, in a theme which, as will be presented, found strong commonality with the trade of the ticket touts.

In line with the model of the deviant entrepreneur, Adler (1985) described individuals that were highly mobile, innovative in their methods and adaptive to changes in the needs of the market, providing a “service” which they were able to justify through economic and business-related rationalisations.

2.3.3.4 Low-level drug dealers

The studies of Jacobs (1996) and Knowles (1999) on street drug dealers are relevant in tracing the criminological roots of the ticket tout in light of the similar “apprehension avoidance techniques” adopted by these deviant figures (Jacobs, 1999: 359). Crack dealers, unlike upper-level dealers and smugglers of cocaine, who relied on extensive networks of known and trusted individuals to shift their product (Adler, 1985), were often more susceptible to arrest due to the necessity of selling to unknown individuals in the street. This activity was therefore not only much more visible, but also inevitably placed dealers in situations in which they may be selling directly to “narcs” (Jacobs, 1996: 360). As such, certain strategies were adopted to minimise the risk of apprehension, and in these patterns of behaviour can be found strong similarities with the present-day touts that trade in the street.

These strategies included hiding the drugs on one’s person, storing them in a known location nearby, or entrusting a colleague with them. Dealers would conceal drugs in their mouths, under their armpits, or in their hair. The stash itself would always be kept in sight, perhaps in a nearby park or under a newspaper. Crucially, it would be rendered untraceable to the dealer himself, were law enforcement agents to find it. The tactic of “transactional mediation” (Jacobs, 1996: 371) also allowed further “insulation” between potential evidence and the dealers (Adler, 1985: 112). Ticket touts, as will be explored, similarly engaged in selling strategies that ranged from hiding tickets in their socks to ensuring that tickets and cash were never handled by the same individual. In addition to the knowledge

of legal loopholes, the strategies of these individuals were also comparable through the use of non-verbal cues (Knowles, 1999), and the adoption of a tailored “foreign” language that also acted as “an effective law enforcement countermeasure” (Knowles, 1999: 449-450). The use of terms such as “eightballs”, “bullets” (Knowles, 1999: 451) or “dubsacs” (Sifaneck, Ream, Johnson and Dunlap, 2007: 44) enabled dealers to converse covertly, alert fellow dealers of a police presence, and even distinguish buyers from potential “narcs”.

2.3.3.5 Cigarette smugglers

Cigarette smuggling newly exploded as a black market activity since the establishment of the European Single Market (Hornsby and Hobbs, 2007), but it existed long before this and was one of the commodities the spivs traded in during the war (Roodhouse, 2013). This was another activity which could yield substantial profits for the “self-reliant, creative and adaptable” entrepreneurs involved (Hornsby and Hobbs, 2007: 556). Unlike drug dealing, and more similarly to touting, cigarette bootlegging consisted of a “high-profit-low-risk” enterprise (Hornsby and Hobbs, 2007: 553).

The firm studied by Hornsby and Hobbs (2007) enjoyed all the characteristics of the deviant entrepreneur previously discussed, from versatility to innovation, developing networks of trusted workers and adopting elusive practices to avoid law enforcement. L’Hoiry’s (2013) in-depth study of a bootlegging operation similarly found that the structures, practices and ethos of an organisation that traded in black market goods were not too different from those characteristic of the legitimate economy (Ruggiero, 2000; Hobbs, 1988; Adler, 1985). Once again, the forms of “innovation” revolved more around “remaining beyond the reach of law enforcement” (L’Hoiry, 2013: 425-426), changing operational patterns such as the time of day to cross the border, or the method of travel, to avoid suspicion. Such tactics ranged from simply instructing smugglers to state that cigarettes were for “personal use”, and to give them up if confiscated, to hiring foreign cars and gaining detailed knowledge of other legal systems and their own loopholes (L’Hoiry, 2013; Hornsby and Hobbs, 2007).

2.3.3.6 Ticket touts

The deviant figures of the bootlegger, the scammer and even the drug dealer, could thus adopt, despite the lack of legitimate opportunities, “illegitimate or semi-legitimate means to earn the trappings of respectability” (Sugden, 2002: 166). Through their entrepreneurial creativity, they could emulate the real business world, and participate in their own “crude mimicry of commercial life” (Hobbs, 1988: 150-151). Within this black market world, another potential pathway that, like cigarette smuggling, was less serious than trading in drugs, was ticket touting. Through existing touts, the newer generation could learn the trade. These individuals emerged from a culture of football fandom where various avenues of pseudo-legal and illegal employment presented themselves:

“football fans, hooligans, touts, ravers, fashion designers, musicians, DJs and drug dealers...many of them were the same people and most of them came together in the pubs, clubs, and most significantly on the terraces” (Sugden, 2002: 40).

In ways similar to the experiences of the poorer populations during both Victorian and wartime periods of history, these pathways constituted a response to the frustrations of a growing gap between themselves and those unaffected by the economic crisis:

“The friction between the rich and the poor...generated a creative, survivalist energy that sparked its own youth-cultural revolution. This revolution moved in many directions, simultaneously feeding a divergent, entrepreneurial culture” (Sugden, 2002: 38).

The football ticket touting trade, which was not criminal at first, but certainly not legitimate either, was the perfect solution for Big Tommy and his crew. Sugden’s gatekeeper described his immersion in the business as a valid, respectable substitute to a life of crime. He saw “football’s black economy as an alternative to hooliganism and the highly profitable but exceedingly dangerous and violent...drug scene” (Sugden, 2002: 40-41). “Blagger”, a street tout that was interviewed for the present research, similarly described his own reasons for engaging in touting activity:

Been in and out of prison for things like drugs. I have a past of pick-pocketing and credit card scams – it was easy before the chip and pin. I took credit cards out of people’s jacket pockets on first class trains. I got all

dressed up in a suit and walked up and down, seeing where people would hang their jackets between the seats. I got prison sentences, was on Crimewatch, ended up getting drugs sent into the prison to sell them on the inside. Did this for about 15 years then when the chip and pin kicked in, ending the credit card scams, I got into tickets. “Blagger”

The option of working on the streets, buying and selling spare tickets to popular events, thus found itself sitting in that grey area between legitimate, respectable activities, and serious criminality. “Rather than being a means to an end, touting could become an end in itself (Sugden, 2002: 41).

The individuals who engaged in touting in the post-war years were another example of the entrepreneurial deviant who, like the costers or the spivs before them, “could turn to other trades in times of hardship” (Hobbs, 1988: 14). Very much like the forging and trafficking of coupons during the war, ticket touting emerged as an exploitable opportunity for the more entrepreneurially adventurous to seize as a semi-legitimate solution to economic hardships (Roodhouse, 2013: 3). The “urban bazaar” (Ruggiero, 2000: 29) was ripe with legal and illegal opportunities for those unable to participate in the legitimate economy, and for those with sufficient vivacity and “dexterity” (Hobbs, 1988: 118) to face the risks of uncertain, irregular work. It is within this context that touting in the post-war years became and was adopted as a form of employment. It was effectively the provision of a “service” like any other (Sugden, 2002: 28).

However, this rather comfortable situation did not last long. In the aftermaths of Heysel, the Bradford Fire and of course the Hillsborough Tragedy, ticket touting as an almost-acceptable profession changed for ever (King, 2002). Before this, Tommy and his spivs “had been able to ply their trade with impunity outside Old Trafford” in Manchester (Sugden, 2002: 53). Big Tommy, his crew and many others across the country, were effectively forced to shut down their so-called “legitimate business” (Sugden, 2002: 45) when the CJPOA 1994 was introduced. Ticket touting was not “shut down”, of course; instead, with regards to football, it became a fully-fledged criminal enterprise. However, as shall be presented, ticket touts still enjoy a large amount of impunity outside Old Trafford and other stadia across the UK.

2.3.4 First legal developments in the UK

UK law currently recognises only one act of ticket resale as illegal, yet arguably a full definition of touting stretches beyond the law and includes a rich variety of behaviours that, albeit largely tolerated by law enforcement, are deemed to be unethical or deviant by society at large. As such, defining in the modern era the act of touting and identifying the actors that engage in it are not undemanding tasks. A good place to start, therefore, is an examination of the legal provision in question and its historical origins.

2.3.4.1 The CJPOA 1994 and other provisions

Although only one offence of ticket touting exists in UK legislation, the social and political situation governing the practice is far from unambiguous. Subsection one of section 166 of the CJPOA 1994 stipulates the following:

“it is an offence for an unauthorised person to (a) sell a ticket for a designated football match, or (b) otherwise to dispose of such a ticket to another person”.

As noted, this provision specifically relates to football and to no other sport, nor to any other event within the broad categories of arts and entertainment. Subsection five provides that the penalty for this crime will be a fine equivalent to a maximum of £5,000.

Section 53 of the VCRA 2006 introduced amendments to section 166 of the CJPOA 1994 in order to extend the offence to cover transactions executed over the internet. In addition to this, it had become apparent that ticket touts were bypassing section 166 by offering items such as pens, scarves or match-day programmes for sale along with “a free ticket at an inflated price” (Home Office, 2012: 20). Section 53 addressed these loopholes and also rendered illegal the advertising of football tickets for sale. At the time of writing, section 166, as amended by section 53, is still the only law that strictly prohibits ticket touting, though others are indirectly applicable depending on the context.

Arguments have been made that other legislation could be applied to criminalise the practice of touting in all sports, and not just football (Acreman, 2009), and it follows that these provisions could be extended to the music industry. Under the Fraud Act 2006, section

two on fraud by false representation is the most relevant. If a tout dishonestly represents that he is authorised to sell tickets, and he makes this representation whilst knowing that he has no such authority, he would be guilty of committing fraud. Curiously, this would be the case regardless of whether the ticket was fraudulent; the provision focuses on the seller touting himself as a legitimate source of tickets, which he is not. Using multiple identities to buy tickets in large batches, in order to resell them, would also be fraudulent (Wallop and Sanghani, 2013). However, due to an added burden of proof, in that the tout must have knowledge of his dishonesty, it is unlikely that prosecutors would take this route instead of section 166, which does not require evidence of knowledge on the part of the tout (Acreman, 2009).

In addition to this, the act of ticket touting, whether football-related or not, may push the perpetrator into other realms of illegality. For instance, a seller would be liable for the declaration and payment of tax on all earnings from his touting activity. In order to trade tickets on the streets of London a street-trading license would be required, and, in cases of large profits from touting, money laundering might be of relevance and sellers could be prosecuted under the Proceeds of Crime Act 2002.

2.3.4.2 The government's enduring free-market stance

Ticket touting had been specifically outlawed by the London Olympic Games and Paralympic Games Act 2006 and by the Glasgow Commonwealth Games Act 2008 (James and Osborn, 2010). This meant that for a brief time only, tickets to sporting events other than football were covered by UK law. Indeed, the £5,000 fine was raised to £20,000 to mark the occasion. These measures appeared to indicate a move in what was considered to be the right direction: stronger regulations around ticket touting beyond football (Acreman, 2009).

The government, however, decided not to legislate for the Rugby World Cup, held in the United Kingdom in 2015 (Gibson, 2014). It can be suggested, as argued by James and Osborn (2011), that the true reason legislation was introduced for the Olympic and Paralympic Games was to fulfil a requirement of the Host City Contract that ticket touting be criminalised as stipulated by the International Olympic Committee. Legislation had not, therefore, been introduced to protect the image of the event or access to tickets for

consumers. The decision not to legislate for the Rugby World Cup, which could have been interpreted as a step backwards after the London Olympics, was in fact entirely consistent with the longstanding position held by the UK government to allow the so-called “secondary market” of ticketing to exist and self-regulate, giving precedence to the rules of free market capitalism (Ward, 2014).

The Department for Culture, Media and Sport (DCMS) has held several ticket touting consultations with input from leading ticket agencies, theatre producers, music promoters, secondary ticketing companies and sporting governing bodies to discuss potential legislation. New measures have been discussed from 2005 onwards, such as: ensuring the buyer is always aware of the original price before purchasing from secondary websites; creating a new ticket exchange for fans; putting in place a “shop a tout” hotline; the use of advanced internet technology prohibiting the purchase by known touts; or limiting the number of tickets one can purchase per event (Ward, 2011). More protection for consumers was advocated, however legislation was always denied. The government defended its position, viewing regulation as a “last resort” (Ward, 2014: 13-16), arguing that “market-led measures to benefit consumers are a far better option than the burden of legislation” (Sutcliffe, 2009, cited in Ward, 2014: 16), so that “fans who buy tickets but cannot attend the event can readily exchange them” (Robertson, 2010, cited in Ward, 2014: 17).

In 2015, the government’s position seemed to abruptly change once more in what many media outlets described as a “dramatic U-turn” (Hebblethwaite, 2015). The new CRA 2015 was introduced, the first piece of legislation on ticket resale practices since 1994. Before discussing and evaluating this “real success” (APPG, 2015), as described by MP Sharon Hodgson, in part three, the history of ticket touting in parliamentary debates is considered.

2.3.4.3 The Hillsborough Tragedy and criminal football touts

The only exception to the government position promoting free market entrepreneurialism over the hindrance of legislation continues to be that pertaining to football tickets. The explanation for this exception can be located in the aftermath of the Hillsborough disaster, in which 96 lives were lost and 766 people were injured when a crush

barrier broke during the FA Cup semi final match between Liverpool and Nottingham Forest, held at Hillsborough Stadium in Sheffield on 15th April 1989 (Gibson and Conn, 2012).

On that day, entrance to the Leppings Lane stand, which had been allocated to the Liverpool supporters, was restricted, causing large overcrowding outside the ground. When officers opened an exit gate to try and ease the pressure on the crowds, supporters rushed through a narrow tunnel and straight into two standing sectors of the ground, which were already highly overcrowded. Hundreds of people were pressed against each other and many victims died of compressive asphyxia (Gibson and Conn, 2012).

The tragedy led to an inquiry by Lord Justice Taylor, who sought to understand the causes of the disaster with a view to preventing such incidents from ever happening again. While it was not suggested that ticket touting was responsible for the Hillsborough tragedy, nor is such an inquiry within the scope of this research, the incident represents the first instance in which the question of regulating black market ticket resale came to the forefront of political discourse. The Taylor Report, published in 1990, made numerous recommendations leading to the enactment of the CJPOA 1994⁹. Measures taken in the aftermath of the Hillsborough disaster included: the nationwide restructuring or rebuilding of stadia across the country as standing areas were deemed unsafe; the removal of crush barriers and fences; and regulations around the sale of alcohol at sporting events.

In addition, Lord Justice Taylor concluded that ticket reselling was, in general, a source of disorder and a cause of crowd control issues on match days. He argued that the presence of touts had a “grossly anti-social effect”, generally causing obstruction and encouraging the arrival of fans seeking to purchase a ticket on match day in their thousands. This led to public disorder outside the ground, while their selling tickets to fans regardless of the team they were supporting, “frustrat[ing] the efforts of clubs and police to achieve peaceful segregation,” was the cause of disorder inside stadia (Home Office, 1990: 47).

It was thus recommended that the act of ticket touting be made unlawful for football matches. Section 166 of the CJPOA on ticket touting, outlined above, was passed to address serious issues of public order, crowd control and safety at football grounds (Home Office, 1990). Crucially, this first, and for a long time, only, piece of legislation relating to ticket touting, had very little to do with unethical profiteering. Section 53 of the VCRA 2006,

⁹ The Act was one of several introduced to respond to the tragedy, including The Football Spectators Act 1989, The Football (Offences) Act 1991, The Football (Offences and Disorder) Act 1999 and The Football (Disorder) Act 2000.

which extended the rule to cover loopholes and internet resale, reiterated this position. In a post-legislative assessment of the act, it was said of the 1994 provision that “the motivation here was public order rather than commercial considerations” (Home Office, 2012: 19).

In theory, this complete prohibition of resale could have paved the ground for potential legislation on touting in other sports and entertainment in general, but the government maintained that unethical profiteering did not warrant regulation. Upholding and even promoting a free market remained the government’s priority. The real reason that any legislation had been introduced in the first place was that football was a “special case”, which needed controlling; football was the only instance in which it was necessary to override the principles of a free market. Taylor recommended that:

“[M]arket forces should, in general operate freely in the commercial field. [...] Whatever the policy merits of freedom to trade and market forces, they must surely yield to the maintenance of safety and the prevention of disorder. Touts at football matches put both at risk” (Home Office, 1990: 47).

The merits alluded to, and the distinction between football and other sports, were strongly defended in the debate that followed in the Houses of Parliament during the drafting of what became the CJPOA of 1994.

It became apparent, however, that the insistence on the difference between football and other sports had more to do with the *supporters* attending football as opposed to, say, rugby or tennis, and their reputation, rather than actually relating to *touts* operating at football matches versus other events. This was highlighted by Lord Haselhurst:

“I cannot understand the logic of looking at the issue entirely in terms of football. I realise that there is a problem with violence at football matches, but the question is whether ticket touting in itself is an offence that should be considered, and whether it has the potential for causing disorder in other sports” (Lord Haselhurst, 1994).

Greenfield, Osborn and Roberts (2008) have presented convincing arguments as to why the specific law on touting football tickets is dated, contradictory, and even discriminatory towards a fan who sells a spare ticket to a friend outside the ground simply to recoup his or her expenses, and in so doing is roped within the strict legal definition of being a football ticket tout. A supporter of a rugby or basketball team would not face such restrictions. In the same way that one may consider a rogue seller profiteering from sales outside the Wimbledon courts a tout, a football fan selling a ticket to a friend is arguably *not* one, and

should not be held criminally liable for an act of resale which has nothing to do with profiteering, and even less so with crowd control or public safety.

Despite these contradictions, the suggested amendments to extend touting to other events beyond football were not passed, and opportunities to address the paradox outlined above, either by outlawing other forms of touting or by total deregulation, have not been pursued (Greenfield et al., 2008). An offence outlawing ticket touting, a practice which, especially in a more modern context, is arguably no different whether it is employed outside a football stadium, a theatre or the Wimbledon courts, currently exists for the resale of football tickets only. New legislation in the form of the CRA 2015, critiqued below, has now been introduced, and further legislation is being considered. Yet the government has consistently prioritised free-market entrepreneurialism, disregarding arguments pertaining to profiteering or morality in general, and continues to do so. Having considered some of the historical and legal developments surrounding the phenomenon of ticket touting that occurred in times of hardship, let us now move on to view the criminological theories that may explain touting in such times.

2.3.5 The works of Sugden and Atkinson

The ethnographic studies of John Sugden (2007 and 2002) and Michael Atkinson (2000 and 1997) delve into the deeper meanings behind the profession of the ticket touts. This thesis shares commonalities with many studies cited in it, because of its ethnographic methods and due to the black market nature of the activities under observation. However, this thesis and Sugden and Atkinson's works uniquely have in common the topic of ticket touting.

One of the greatest limitations of recent governmental publications, examined in greater depth below, is that they did not examine ticket touting from a subjective point of view. Equally, the multitude of repetitive journalistic attempts to explore the phenomenon of touting have focused largely on the financial aspects with the apparent aim of shocking readers, rather than providing a thorough investigation of the practice. Sugden and Atkinson were both able to penetrate the hidden networks of ticket touts, befriend their subjects of study, and gain a more profound understanding of the phenomenon.

In presenting a critical overview of these two works it should be noted that both studies predate the considerable impact that the arrival of the internet has had on touting practices. These works, however, were seminal in providing evidence that there is much deviance occurring outside of online touting, which recent governmental inquiries and the media have neglected. In particular, Sugden's (2002) *Scum Airways* provides an incredible source of knowledge of UK touts and their networks, which has been very much overlooked in official debates and inquiries.

2.3.5.1 Sugden's Scum Airways (2002)

Sugden's adventures began in France, shadowing ticket touts during the 1998 World Cup. This was his first encounter with Big Tommy, with whom he would then be reunited as the author's ethnography continued in England and in many other countries. Sugden has himself stated that his book *Scum Airways* is not to be viewed as a fully academic study (2002: 10-12). As such, it does not offer a detailed methodology, a description of his sample, or the number of interviews, if any, that he conducted with touts. The book, rather, is a collection of episodes depicting the hedonistic and financial exploits of the touts he spent time with. Most pertinent were the touts' strategies of profit-maximisation, their extensive networks of contacts with official ticket suppliers, and the accomplishment of various scams that were part of the grafter's trade. Sugden did, however, offer a sociological reading of some of these episodes, and, despite the research being conducted many years before the explosion of online touting, a number of findings and observations can be extracted from the book to build on and understand ticket touting academically.

A first conclusion to be drawn from Sugden's work was that very little has changed in terms of the corruption that exists in the distribution of tickets by official bodies. His findings from fifteen years ago were in fact very consistent with the recent scandals that emerged during the World Cup in Brazil in 2014, where links were found to exist between football governing body FIFA and the black market for tickets (Press Association, 2014). In 1998, the official phone lines that had been allocated to the general public for the purchase of tickets were allegedly rigged. If one attempted to call the official number, the majority of the lines resulted engaged with just one working; access to this one genuine line was sold to the touts. Similarly, employees of The Comité Français d'Organisation (CFO),

a body in charge of distributing tickets for the World Cup, opted to issue thousands of tickets to random names they had taken from the Paris telephone directory. Instead of distributing said tickets through the official channels, as had been agreed beforehand, the tickets were then sold under the counter to the street touts and spivs (Sugden, 2002: 23).

The recurrence of such practices from tournament to tournament across decades is a strong indication, not only of widespread corruption, but also that the monitoring of such practices and their prevention are very low priorities. In 2016, the head of the Olympic Committee of Ireland, who had been a member of the International Olympic Committee (IOC) since 2005, was arrested in Rio de Janeiro during the Summer Olympics for his involvement in distributing tickets to unauthorised resellers (Gibson, 2016).

Sugden describes how Big Tommy procured his tickets:

“Tommy’s tickets came from many sources including players and their agents, corrupt officials and security staff at the clubs, multiple applications to membership schemes, phantom season tickets and sometimes legitimately through getting up early (or paying somebody else to) and standing in the rain at the ticket office on those rare occasions when tickets actually went on public sale” (2002: 44).

On one occasion, Sugden undertook the role of participant observer, offering his services to Tommy to gain personal experience of the practical world of touting. His task was to deliver some tickets to a number of buyers. The tickets were delivered directly to Sugden’s home, with instructions.

“I was intrigued by the sources from where this batch of tickets came. Three of the England tickets had individual names on them and had likely been sold on to the touts by members of the official England Members Club. The two remaining England tickets were issued to the English FA – that is tickets assigned to FA officials as distinct from those allocated to the England members club. Likewise, four of the Ireland tickets had come from the FA of Ireland and the remaining four from the Czech republic’s FA” (2002: 181).

During my own fieldwork, outside the Stade de France in Paris for the Euro 2016 match between Poland and Germany, I witnessed touts selling tickets that had “Ministère des Sports” printed on them.

Sugden's findings revealed further methods through which the touts were able to acquire numerous tickets. As opposed to relying on corrupt contacts, the following example exploited the loopholes that existed in the selling arrangements of official ticket providers:

“The touts can abuse such systems [limiting members to purchasing one ticket per customer] by having multiple memberships in the names of friends and family who have never actually been to an England game” (2002: 24).

Although this example referred specifically to football games and to having an England membership, such practices were extremely common with music tickets also, and are consistent with the findings of the recent Waterson report (2016), examined below. These limits, which were sometimes imposed by the primary ticketing agencies, were comparable to the venues' requirements that patrons present forms of ID to gain entry, in order to deter touts from buying tickets in the first place. Sugden curtly described such deterrent practices as “propaganda” and “always nonsense” (2002: 22).

Sugden was writing before the explosion of the big four online secondary ticket sites, yet he was aware of the risks of fraudulent practices exploiting the heightened demand for tickets online. He held such foresight in his 2002 work, saying that the wide range of options that consumers are faced with when purchasing tickets online “...mak[e] it virtually impossible for fans to discern which of the many companies advertising in the press and, increasingly, on the internet had a legitimate chance of being allocated tickets. This encouraged fly-by-night opportunists to set up bogus companies, rake in the gullible fans' cash, and run for it” (2002: 26).

Other important aspects of touting, which have been ignored by legislators, are its links with and similarities to other forms of criminality. Although this factor does not go entirely unmentioned in the media, its importance has clearly been dismissed by the key proponents in the debate. Sugden described the tactics of street touts, an aspect of the practice that is further examined in chapter five, as follows:

“They [police] pay particular attention to grafters that they see on a regular basis, but there are not many of these regulars. Just like drug dealers, the main players do not sell the product themselves, they have a series of runners who do the work for them. Rarely do they use the same ones on consecutive weeks” (2002: 79).

This particular reference is not even to tickets, but to the same individuals who sell black market tickets also dealing in fake t-shirts, contrary to laws on Trading Standards. In addition to employing runners, and being aware of a potential police presence (Jacobs, 1996), another aspect of these street tactics that has remained largely unexplored is the use of a coded language to deceive or misguide consumers and law enforcement, in the very same way Mayhew's magmen would have done.

“It was a little bewildering at first as from time to time the group's conversation would drop into tout-speak: an in-house, coded language that mixes back slang, cockney rhyming slang, market-stall tic-tac and the touts' own invented gibberish” (Sugden, 2002: 21)

Importantly, Sugden identified many of the conceptualising themes offered by the touts to explain their behaviour, to rationalise their deviance and justify a conduct that is often viewed as unethical. Citing an episode in which a group of touts was travelling back to the UK from a European trip, during which one individual had stocked up on smuggled cigarettes to resell for profit at home, Sugden revealed the sense of community and solidarity that existed amongst the touts, as other members of the group agreed to carry some cigarettes across the border so that the tout in question would not exceed the limits: “they are often the local heroes in a community where the police and customs are the villains” (2002: 115-116). Much like cigarette smuggling, touting could be viewed as a “social crime” (Hornsby and Hobbs, 2007: 553), in which the perpetrators adopted the role of a Robin Hood-type figure. Hornsby and Hobbs found that smuggling

“enables individual commerce, it ameliorates what is perceived to be a restrictive, inefficient economy, it becomes a way of life in its own right apart from the mandates of moral authorities and the central government” (2007: 553).

Similarly, in an interview with the Adidas UK Trademark Protection Manager, Sugden heard that:

“For them [the grafters] it's not wrong, it's just part of a way of life that has been going on for generations. They think they're doing a job like anyone else...[n]either the grafters themselves nor the majorities in the community they provide for see that there is anything wrong with what they do. On the contrary it is viewed more as a public service than as a crime” (2002: 139).

As will be presented in this thesis, while society's views on touting have become more intolerant since the explosion of touting on the internet, the views of the touts themselves may not have changed as dramatically.

One final critique of Sugden's contribution could be method-specific. Sugden often felt he had a lot to lose, in terms of his reputation and career, and was at times not able to go the extra mile in exploring the touting world:

"I explained [to the tout] that having a minor operational role and allowing me to be perceived as part of the firm would help me get closer to any action that might take place... 'do you still want to do a bit of work for me?'... So long as the work did not involve me in actually buying and selling tickets I figured that I would be acting within the law, and within my increasingly flexible ethical code, so I agreed" (2002: 180).

On another episode in which the touts invited the author to participate in a scam which would have enabled them to enter a football ground, without a ticket, and sit in the sector of the stadium where the footballer's wives usually sit, he reflected:

"On the one hand I wouldn't have minded seeing the game and actually living the scam from top to tail would have given my research an even deeper level of authenticity. On the other hand, there were legal and ethical issues. Thus far... I had managed to stay more or less within the law. Jibbing my way into the game in the way described would have been illegal and from an academic researcher's point of view decidedly unethical" (2002: 107).

Explored further in the methodology section, the arguments offered by Jeff Ferrell (1998) and others convincingly suggest that further inside knowledge could have been gleaned if Sugden had adopted a fuller, more dedicated version of PO. Perhaps he would have achieved that "deeper level of authenticity", which eluded him. The present research fills the gaps that Sugden's ethical considerations prevented him from further exploring.

Having critically evaluated the contribution of Sugden's work to the current debate around ticket touting, it was concluded that he was able to produce a piece of work, which, in many ways, predicted the future troubles that touting would cause to the consumer. He correctly identified many of the hidden practices adopted by touts, as well as the risks of fraud being perpetrated not by the touts themselves but by individuals who attempted to *imitate* the touts. All of this he accomplished before the explosion of the big four, and long before the hyped media attention the practice is currently receiving. His views predate the

ongoing parliamentary discussions around regulation, and yet do not appear to have received the merits and attention they deserve.

2.3.5.2 Atkinson's (1997) study of scalpers

In line with the literature presented above, Atkinson's (1997) study attempted to describe the ticket scalper as an entrepreneur whose trade was both legitimate and illegitimate. As such, the role of the scalper or tout could be viewed, depending on social perception, as either a Rounder, a criminal, or as a Robin Hood-like figure, fighting the good cause in spite of the law. Atkinson spent 11 months collecting data in one large Canadian city and one small, observing scalpers and interviewing 16 of them. He aimed to present a study not of scalpers but of scalping, in order to "investigat[e] and explor[e] its many forms" (Atkinson, 1997: 41). Unlike Sugden, therefore, Atkinson presented a more detailed methodology; his study was undoubtedly more "academic", a shortcoming Sugden himself conceded.

One of the most important findings from Atkinson's work was his attempt to establish a typology of ticket touts. Atkinson broadly separated touts into two groups: those who undertook the activity professionally, and those for whom scalping was a temporary foray into criminality. Further, his observations led him to identify three types of seller-buyer interactions, and a number of skills required to perform the activity of the broker on the street. While the categorisation can inevitably only be viewed as dated in light of the contemporary phenomenon of internet touting, some of Atkinson's other conclusions also appear to be limited and lacking in much depth. He spoke, for example, of the ability of such sellers to identify undercover agents of law enforcement, and the mechanisms through which the network of touts would communicate such discoveries with one another. However, the fieldwork from the present research has uncovered a much wider range of tactics employed by street touts, from their use of language to their physical positioning, as will be explored.

Importantly, Atkinson similarly noted the levels of corruption present in the primary selling market. He concluded, like Sugden, that touts were able to easily sidestep the various hurdles within the primary market, such as ID checks and ticket limits, and transform such

deterrent practices into loopholes to exploit. In line with the model of the entrepreneurial deviant, Atkinson's scalpers created "something from nothing", (Atkinson, 1997: 85).

Atkinson's thesis was completed at a time in which, very much like Sugden's book, the phenomenon of internet resale had not reached prominence. Also, Atkinson's ethnographic work was conducted outside of the UK, in Canada, where scalping, or touting, was (and still is) illegal. Time and place are of course important factors in critiquing any work, and especially one relating to deviant behaviour (Curra, 2011). One of the most striking findings in Atkinson's *Rounders or Robin Hoods?* (1997) was the widespread tolerance the practice of scalping enjoyed. Aside from a small group that Atkinson identified as "moral entrepreneurs", the police, the general event-attending community, and the media, did not appear too concerned with touting (1997: 60).

This could not be more dissonant with the current climate in the UK. This reflection on tolerance is an important aspect of the work in light of Atkinson's conclusion, namely: that the practices of the scalpers working illegally on the street, and the practices of the primary ticket agents such as Ticketmaster, were not all that different. Indeed, Atkinson's thesis begins by demonstrating that scalpers, through their entrepreneurial activity and the nature of the market they operated in, were, in essence, no different to brokers trading in the stock market. Other than a legal provision prohibiting the former, the practices were the same (Beckert and Wehinger, 2011).

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...Or is it that scalping is not yet significantly shunned by the general public to the extent that it would generate media coverage" (Atkinson, 1997: 50-51).

Times have changed since this widespread tolerance. Undoubtedly, the current tensions that the entertainment industry is experiencing in the UK are now being felt worldwide. The recent report by the New York Attorney General on ticket scalping is clear evidence of this (Schneiderman, 2015).

The lack of pressure from the general public, however, did not mean that scalping was completely ignored by all. Such tolerance resulted in companies like Ticketmaster, rather than the general population or the media, attempting to take a stand against street

scalpers. This intolerance on the part of the primary ticket market could be explained by Atkinson's argument that, ultimately, ticket scalpers on the street and Ticketmaster executives in their ivory towers do two very similar things. Atkinson believed that Ticketmaster had concocted a "moral panic". Based on the works of Good and Ben-Yehuda (1994) and of course Cohen (1972), the theory presents the idea that an individual or group with "strength" or influence would deliberately cause a distraction, diverting the attention from one ticket-related problem to another. This was done because, should heightened attention lead to the original problem being solved, this would have a negative impact on that individual or group (1997: 155). The moral panic was thus, in fact, "engineered".

Goode and Ben-Yehuda argued that such engineered moral panics are created by powerful groups with the aim of instilling "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). Similarly, Hornsby and Hobbs (2007), whose findings on cigarette bootlegging showed that links between the practice and serious organised crime were not as substantiated as suggested by the UK government (L'Hoiry, 2013), spoke of a corporate complicity, based on which the existence of a black market trade in cigarettes could have in fact been advantageous to the powerful corporations directly interested. A "proletarian image of villainy", however, had been prioritised; by allowing cigarette smuggling to be depicted as dangerous and deviant, the true agenda of the powerful could thus remain hidden (Hornsby and Hobbs, 2007: 566). What is crucial in reading Atkinson's contribution is that the main "moral entrepreneur" of the time was Ticketmaster, something which would be unheard of in the UK – or anywhere worldwide – today.

Atkinson argued that "Ticketmaster's continued barrage against ticket scalpers through the media is an excellent example of an elite engineered moral panic" (1997: 155). He suggested that this attack was not on the practices of the touts – how could it be, their practices were the same as Ticketmaster's – but on the characters of such individuals, labelling them "mobsters, goons and parasites" (1997: 156). Through its influence, and the assistance of the media, however minimal and sporadic, Ticketmaster attempted to depict scalpers or touts as Rounders and not as Robin Hoods, despite the "peculiar social function scalpers serve" (1997: 7).

Ultimately the scope of this plot, according to Atkinson, was to cover the fact that Ticketmaster conducted its business in exactly the same way the touts did, such as levy fees and extract profits. Because of the moral panic that was created around the dishonesty and leeching of the touts, the public failed to notice or complain:

“Ticket scalping is not inherently ‘criminal’... it closely parallels the methods 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)” (Atkinson, 1997: 164).

Further,

“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...The crisis of low ticket availability is not the fault of the large, faceless corporate machine like Ticketmaster, the crisis is one born out of actions of the ticket scalper who represents the supposed anti-fair trade, anti-consumer, anti-Ticketmaster criminal” (Atkinson, 1997: 158).

Atkinson believed that Ticketmaster was unsuccessful in convincing the public that touts were “deviant”, describing such attempts as “futile” (1997: 74). The same cannot be said many years later. Importantly, Atkinson’s application of Becker’s (1963) concept of the “moral entrepreneur” and of Cohen’s idea of the “moral panic” (1972) to the context of ticket scalping, may offer a means to interpret the ineffective legislation recently introduced in the UK.

It is hard to fathom how, after the intense discussions in the media, and the clear anti-profiteering sentiment that has been growing in the public discourse through social media and through associations that are forming right left and centre – the truest forms of Atkinson’s “moral entrepreneurs” – the government has been able to, without much question, introduce legislation which purportedly challenges fraud. Yet through the CRA 2015, it has done so in areas such as the regulated online secondary market where fraud is less likely to occur. The Act has had little impact on fraudulent “fly-by-night” websites (Sugden, 2002: 26) that imitate sites such as Seatwave, or on the fraud perpetrated in the streets by tout impersonators. Additionally, the legislation does not address the issue of profiteering itself, which leads to the problem of individuals being priced out of attending events. What is even more surprising is how the introduction of this legislation managed to fool everyone into believing that changes were afoot.

It almost seems impossible not to interpret this inconsequential legislation as an “engineered moral panic”, introduced to quietly distract the masses from issues of profiteering, to enable the government to allow the free-market secondary ticketing platforms to self-regulate, as has always been the government’s intention (Ward, 2014).

“...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?” (Atkinson, 1997: 163).

Put simply, why would the government not be keen to, say, place price caps on resale amounts, thus potentially allowing people to attend certain events, given that some individuals are currently being priced out from doing so?

Finally, Atkinson, like Sugden, foresaw that the internet was opening up the opportunities to tout to others, beyond those originally involved in the street form of the practice. He referred to the internet as a “Shangri-La” of opportunity due to the incumbent facelessness of the practice (1997: 119). Atkinson, referring still to the notion that touting was not viewed so negatively by the media and by the general public, concluded by stating that information was required on the public’s opinions, and that future research should concern itself with understanding society’s views on the practice. In the current landscape of black market ticket sales in the UK, the opposite could be argued; while media coverage and express public opinions on touting are abundant, what is lacking is precisely studies of the nature offered by Sugden and Atkinson. The present research has bridged this gap.

2.3.6 Structural criminology: economic need and dissatisfaction as explanations

Classical and neoclassical criminology, examined in part one, have been criticised as limited due to their inability to account for “social variables, the significance of social structure, the meanings given to decisions and action and the unpredictability of human agency” (Tunnell, 2002: 270). This section considers structural theories of crime, and how these might complement theories of economic calculations in the specific aspects which neoclassical criminology is less able to account for with regards to ticket touting.

In addition to rational economic considerations, causal factors of relevance to the ticket touting phenomenon could be largely societal. A significant body of criminological thinking has focused on how external social factors might influence an individual’s decision-making process. At the heart of these theories lies the idea that “crime is a consequence of defective social regulation” (Rock, 2012: 45); in such cases, the moral

direction given by society and its authoritative components is too weak to provide restraint for its citizens.

Emile Durkheim was the founder of the notion of *anomie*, or normlessness, a state in which discontent and egoism lead to deviance and crime. Durkheim (1893) distinguished ‘mechanical’ solidarity, present in less developed societies where individuals share and aspire to common goals with little diversity, from ‘organic’ solidarity, in which industrialisation and the introduction of a division of labour create new levels of understanding and appreciation, but at the same time potential dissatisfaction with this redistribution. It is in the process of advancing into the more developed society that regulation is likely to be inefficient; this occurs while new forms of control are unable to evolve at the same pace as society itself, and thus fail to maintain the pre-existing, mechanical solidarity (Durkheim, 1893). Society in this phase of transition would be unable to “exert controls on the aspirations of individuals” (Hopkins Burke, 2009: 114).

It could be argued that Mayhew’s (1950) and Hobbs’ (1988) Victorian miscreants responded to a social malaise that was brought on by this very division of labour and the gap in wealth that was created as a consequence of it, leaving the poorer population with few options outside a life of crime.

“The gradual onset of capitalism and the polarization of the population led to a parallel segregation of the work-force and, as the east end expanded industrially and rolled further eastwards, the middle class were kept in a state of constant transition by an ever-impeding working-class deluge” (Hobbs, 1988: 87).

Hobbs described how the deviant culture of the East End was shaped by the problems caused by the developing market forces, rendering crime or a deviant lifestyle such as that of Mayhew’s costers “normal”. Many, he argued, were attracted to the art of street-trading that was developing in a culture where the economy of the underclasses was “increasingly contrary to emergent capitalism, the success of which rested upon order and social stability” (1988: 113). Survival in the East End, as in greater London and the rest of the UK in general, rested on taking to the streets, as “everyone was on the look-out for something to vend” (Bermant, 1975: 23) in an attempt to “chisel a niche for oneself” (Hobbs, 1988: 123).

Years later, many citizens of wartime Britain contravened the newly introduced Defence Regulations both as a response to the rules’ unfairness and due the wider context of the population’s general financial struggles. Although individuals who “cheated a system

designed to ensure ‘fair shares’ of scarce goods...were social pariahs” (Roodhouse, 2013: 6), such regulations led to a general resentment of authority, which later developed into a real sense of hostility for the British people towards their own government. Eventually, they constituted a justification for black market spivs to exploit the system.

“As war passed into austerity there was animosity against men and women who had spent the years of peril ‘testing’ how much food they could get in restaurants at the taxpayer’s expense, while the rest of the country lived on its rations. Malcontents and black marketeers might hint at justification for their own activities in the absurdities and hypocrisies of such a system” (Thomas, 2003: 43).

Roodhouse used the model of the “unethical consumer” to explain this behaviour (2013: 1). He argued that, due to the recent introduction of many new laws, a strong enough system of internalised norms had not yet formed amongst the citizenry. He offered a Durkheimian explanation of deviance:

“Until a moral consensus emerges that aligns existing norms with new legal prescriptions, individuals can justify breaking the law without infracting a norm...the fine detail of what constituted a fair share...was unclear, leaving space to evade the regulations while maintaining a non-deviant self-image, but also placing limits on what illegal activities could be justified and hence countenanced” (Roodhouse, 2013: 9).

Roodhouse’s explanation serves to show that what emerged from “austerity Britain” was a particular set of values and behaviours, according to which seeking alternative economic opportunities to the unsatisfactory status quo became established and widespread. The unethical consumer was thus able to breach regulations that were arguably “defective”, especially in light of their contradictions (Rock, 2012). Dissatisfaction, disenchantment, even, with the very system of values that is supposed to be moulding, directing and protecting society was central to the theories of Emile Durkheim (1893) and then Robert Merton (1938).

Merton (1938) developed this concept further into a theory of criminology that has remained strongly influential in the modern era. While Durkheim (1893) felt that human ambition was natural, Merton believed that individual goals, and in particular the concept of the ‘American Dream’, were dictated by society. Most crucially in his examination, these goals were subject to certain limits, in terms of the means for their achievement, and were far from being freely accessible to all. With goals such as financial stability, success and

happiness on one side, and the restricted legitimate means that society offers to achieve them on the other, Merton introduced his strain theory. Merton suggested that the material wealth of the good life that society promoted as desirable and achievable was in fact strongly in disagreement with the available paths to obtain it. This imbalance, a “myth of openness” (Rock, 2012: 46), could lead some parts of the population, in a status of strain, to strive for these goals by any means possible, legal or not.

Of the five possible reactions that Merton identified as consequences to an anomic state of life, the one that most concerns the attitudes and deviance of the ticket touts of this historical phase is that of the “innovator” (Merton, 1938: 676). This individual places the importance of obtaining material goals (financial gain, status, success) over the means (illegal ticket touting, tax evasion or money laundering) adopted to achieve them. The shift from conformity to innovation occurs as the goals identified are still those sought and desired by larger society, yet the means are viewed as being less conventional and may be of a hidden or illegal nature.

Taylor’s (1999) study of the nine crises of modern society, the so-called post-Fordist society of consumption as opposed to production, could explain the development of groups of individuals who resorted to ticket touting due to a lack of alternative, legitimate means. The crises of the late 20th century that Taylor described were the rise in poverty, inequality, the spread of unemployment, failures of parenting and further weakening of the social structures pertaining to restraint and to the moral moulding of acceptable norms and behaviour.

Taylor spoke of a “haemorrhaging” (1999: 13) of full-time employment across many Western societies, with new generations earning significantly less than their parents through part-time or temporary jobs. A general malaise was growing due to the reduced possibility of achieving the goals of a society based on material success and consumeristic needs through the traditional path of school, college and employment. Closely linked to the fall in the widespread availability of work, inequality between the rich and the poor was at a peak, families were considerably poorer and the social bonds that existed within the structure of the home and the community at large were failing on all fronts.

Arguably resonant in this depiction of social struggle is the Durkheimian phase of transition between mechanical and organic solidarity, in which the restraints placed on a community were weakened through its inability to meet the demands of a changing socio-economic landscape. Taylor described this as “a process of withdrawal of public authority

from the oversight and maintenance of the public spaces of the city...marked by a decline in the role of any public regulatory institution” (1999: 61).

All of these convergent crises, occurring almost simultaneously and even as a consequence of one another, resulted in the formation of the “market society” – a place in which steep privatisation and the rise of capitalist markets of supply and demand contributed to the significant increase in inequality. This placed greater strain on families, with welfare either being withdrawn or offered privately. Particularly, since the arrival of the market society, the comforts of previous generations were attainable for only the “highly mobile and flexibly skilled elements of the citizenry” (Taylor, 1999: 19).

These individuals were raised in a society in which the mentality was one of an “enterprising” culture, in which youths were essentially being taught to “employ themselves” (Taylor, 1999: 168), while at the same being bombarded with the desirability of commercialism and consumerism. Young men and adults therefore became more and more reliant “on their own devices”, falling back on this entrepreneurial spirit to legitimise their involvement in different kinds of “rackets” (Foster, 1990, cited in Taylor, 1999: 169). This created the persona of the “villain” – a “product of opportunistic initiatives on the part of small groups of entrepreneurial-minded locals” (Van Duyne, 1996, cited in Taylor, 1999: 167). Such individuals did not necessarily distinguish between legal or illegal activities, and were merely driven by the potential profits of any given entrepreneurial opportunity to imitate and take the place of otherwise unavailable work (Hobbs, 1988). Adler described this quality as the “instinct which fosters a good eye for profit and the capacity to wheel and deal” (1985: 105).

2.3.6.1 The ‘informal’ economy of ‘legitimate’ black market activity

Webb et al. (2013) adapted the theories of Merton (1938) in their research on black market entrepreneurialism. Comparing the formation of illegal markets in mature and developing economies, they argued that “significant levels of disparity and constant reminders of others’ wealth via media and visible forms of asset ownership suggest that strain is likely to be a stronger motivator of informality in mature economies” (2013: 606). They also proffered, relying specifically on the findings from Sugden’s (2002) work on ticket touts and the underground economy in football, that “the strain created by a visible

income gap leads to beliefs that creating value is more important than the acceptability of the means through which entrepreneurs exploit opportunities” (2013: 606). This reinforced Merton’s model of the “innovator” (1938: 676), and may explain how innovative forms of entrepreneurialism, albeit not strictly legal, slowly became “legitimate” or acceptable, particularly within an anomic existence.

Often referred to as belonging to the black market, the grey market, the underground or shadow economy (Webb et al., 2013: 600), “villainous” yet “innovative” activities emerged and flourished along the grey areas of morality and legality. Webb et al. defined these as “activities that are outside of formal institutional boundaries (i.e. illegal) yet fall within informal institutional boundaries (i.e. legitimate)” (Webb et al., 2013: 600). Further, “informal economy activities are technically illegal yet are not ‘antisocial in intent’ (De Soto, 1989), thereby remaining acceptable to many individuals within society” (Webb et al., 2013: 598). Rutherford and Buller (2007, cited in Webb et al., 2013: 600) argued that these activities can be considered “legitimate” because they are viewed as such by large portions of society, though not necessarily a majority.

While most consumers or industry stakeholders would disagree that ticket touting could fall within a category of legitimate activities, there are many individuals that may benefit from it. Some “beneficiaries” could be the minority of consumers that would prefer to pay a trusted tout a premium price for the best seats available instead of having to queue for hours, face disappointment at the moment of an online sale for missing out, or buy poorer quality seats in the online frenzy and rush for fear of missing out. Employees now working for these secondary market platforms are also potential beneficiaries, and the argument can be made that others, including even artists and venues themselves, could in some cases benefit. An example could be when demand is unexpectedly low, or the prices set by promoters unreasonably high; ticket touts will often serve to bridge the gap between supply and demand at a personal loss, though this may be rarer.

In addition to this argument, De Soto’s (1989) specification that the informal economy is not “antisocial in intent” further serves to distinguish ticket touting from other types of deviant behaviour that arguably do not benefit anyone except the entrepreneurs themselves. Atkinson’s conclusion as to whether the scalpers he studied were ultimately Rounders or Robin Hoods was that they were *both*, offering reasons why the practice was good, such as providing access to tickets and challenging the monopoly of the “legal” ticket industry (1997: 185).

2.3.6.2 Institutional theory and “outsiders” as entrepreneurs

North (1990, cited in Webb et al., 2013) classified institutions – the “enduring systems” which “influence individuals and firms’ actions” (Webb et al., 2013: 601) – into formal and informal. Informal institutions include the general populations’ values, beliefs and norms, as opposed to the formal regulatory establishments of a society such as actual laws and the bodies in place to enforce and maintain law and order. Institutional theory, therefore, considers the intricate mechanisms according to which social structures such as laws, informal rules and values become entrenched over time to indicate the conduct that is deemed to be acceptable in wider society (Scott, 1995).

Entrepreneurs make specific decisions as to which paths to pursue: the formal (“legal”) or informal (“legitimate”). These decisions may depend on what different groups of society define as being “socially acceptable” (Webb et al., 2013: 602). Society at its highest level of structural formality will determine something to be “legal”, yet this may not necessarily be “legitimate” to the entire population; there may be other groups in the same societal context with a different perspective on what ought to be considered socially acceptable.

Conversely, this level of “institutional incongruence” (Webb et al., 2013: 602) could result in something that may be viewed by the majority as “illegal” being accepted as “legitimate” by many others. Webb et al. provide the example of taxation of fees applicable to the trade of certain goods. Entrepreneurs may feel that such constraints are contrary to their system of beliefs pertaining to fair trade. Similarly, a ticket tout may disagree with the government’s stance on the risk of failing to segregate rival football fans, due to the belief that the days of hooliganism are long gone, and may share this view with the community of entrepreneur ticket sellers that surround him.

Indeed, Becker, studying marijuana users and deviant jazz musicians, claimed that “different groups judge different things to be deviant” (1963: 4). He defined as “outsiders” not only those individuals who have allegedly broken the laws or informal social rules that have been dictated by the majority of society and identified as the norm, but also the majority of law-abiding citizens themselves:

“[The rule breaker], however, may have a different view of the matter. He might not accept the rule: the rule breaker may feel that his judges are outsiders” (1963:2).

Indeed, his jazz deviants used the term “square” to refer to everyone who did not possess the mysterious artistic ability of the musician, and who thus could not be in a position to judge or understand the meaning of the musicians’ lifestyle and conducts (1963: 85). Becker, in order to achieve a full understanding of deviant behaviour, argued that a wider perspective must be adopted, acknowledging that the views of those engaging in behaviour deemed by others to be deviant are inevitably different to those of the people attaching the label. This framework is suitable for understanding and explaining the behaviour of ticket touts, and is precisely what is lacking in the current body of literature. As with other deviant actors, touts are able to defend their diverse points of view and offer justifications for engaging in such conduct.

While a deeper analysis of these justifications is offered in chapter six, similarly to Becker’s deviant marijuana smokers, the diverse values and interpretations of behaviour can be further strengthened in a group context such as that of the ticket touts. An individual who has entered the informal economy either by spotting and exploiting an economic opportunity, or through economic need in light of inaccessible legitimate routes, as per parts one and two of this review, will feel reinforcement and validation when groups of similar-minded dealers are formed in the black market economy. “Group-level institutions can provide informal economy entrepreneurs with definitions of legitimacy that conflict with society’s legal prescriptions and with forms of support” (Webb et al., 2013: 604), providing a substitute to the formal institutions that are, as Durkheim theorised, too weak to instil norms and values.

The idea of the ticket tout emerging from the social context of a developing informal economy that rewards the entrepreneurial initiative of individuals coming together in groups of economically struggling “outsiders” fits with Sugden’s work (2007 and 2002) on the underground football economy that developed during the post-Fordist crises in Manchester:

“The vibrancy of the black and grey economy in the late 1990s and early 2000s can be viewed as a consequence of the internalization of the values of market-led opportunism by some of society’s less advantaged groups” (Sugden, 2007: 256).

The ticket touts that Sugden studied as part of his ethnography were raised in a:

“culture of...consumption towards which a generation of unemployed grafters from the city’s run-down council estates were drawn like wasps to an open jam pot. To hell with life on the dole or minimum wage in a biscuit

factory, what was an orgy of consumption for many could be a good business opportunity for a few others” (Sugden, 2007: 247).

While the neoclassical theories of criminology, presented in part one of this review, explain the role of the Shakespearean tout, structural theories of crime are required to account for the activities of the “grafters”, i.e. the current generation of street touts. For the successors of Mayhew’s magsmen and the spivs of WWII, illegal involvement in touting was a full-time job adopted in response to a lack of legitimate alternatives through “qualities of wit and resourcefulness that were preordained in a bygone age and forged in poverty” (Hobbs, 1988: 169). These touts are entrepreneurs in a failing societal structure that is rich with pockets of opportunity for the emergence of “legitimate” black market activities within the informal economy. This group is more identifiable through Merton’s (1938) “innovators”, Taylor’s (1999) “villains”, responding to anomic dissatisfaction by adopting what outsiders would consider “illegitimate” means to reach the otherwise unachievable goals of financial success.

Ticket touting from the post-war period into the 1990s may therefore be explained as an “innovative” response by some individuals who, in unfavourable and frustrating economic conditions, employed themselves to establish a business that, although strictly speaking illegal after the introduction of CJPOA 1994, was “legitimate” due to it not being anti-social in intent.

2.4 The modern touting problem: History, Law and Theory

In the same way that almost all facets of daily life have been transposed online – think, for example, of buying groceries, paying for household bills, or even voting in national elections – the process of selling tickets for entertainment has moved almost in its entirety from theatre or stadia box offices and record stores to the world wide web (CMSC, 2008). Although some venues, particularly theatres, may still sell tickets to customers who physically visit a shop or box office, they too will mainly rely on online sales.

The rise in prominence and accessibility of the internet has inevitably brought about, on one hand, a shift in the way consumers purchase entertainment tickets for themselves, and on the other, an additional method of acquiring tickets for ticket touts. In fact, the advent of the internet represented a doubly advantageous development for the touts. Suddenly they

were able not only to purchase tickets online without the inconvenience of queuing at a box office, or paying someone to do so (Atkinson, 1997: 82-83), but also to advertise on the internet and thus sell in advance some of those tickets they had intended to sell on the day of the targeted event.

2.4.1 Origins and growth of the problem

2.4.1.1 How tickets are bought online, in theory

Since the near-complete disappearance of box office queues, the way tickets from official sources are bought by consumers in the modern era usually follows a fairly standardised routine. First, the date of the one-off event, a list of fixtures, or perhaps tour dates are announced through the official websites and social media accounts of artists, football clubs or venues. With these, the procedures for the sales are revealed, including, but not limited to: the specific date and time that tickets are to be released online; particular access requirements such as registration; priority advantages that may come with longstanding club membership or loyalty; and which websites will be tasked with the sales. There are usually a handful of official websites, such as Ticketmaster, See, AXS, Eventim or Star Green, which handle the sales. In addition, the official websites of the venues themselves, for example that of the Royal Albert Hall, and of the artist, sports club or association in question, will sell tickets directly. These companies and websites are commonly known as belonging to the *primary market*.

The manner in which tickets are bought from official channels, crucially, has not changed much since the inception of the internet. What has changed, however, is the number of people attempting to access a finite number of tickets through these sources, and this is a large part of the current “problem” (CMSC, 2008: 11).

2.4.1.2 How tickets were first resold online and the black market of resale

Once tickets had been acquired through official sources, consumers and touts alike could then resell them by listing them on other websites. Initially this was done primarily

through websites such as Gumtree and eBay, which allowed consumers to sell just about anything that they deemed to be surplus within their homes. Although the main intention of these websites may have been to grant consumers who had spare, unwanted tickets a means of disposing of them, as with other commodities, they undoubtedly facilitated and expanded the touts' trade and their subsequent profits (CMSC, 2008). Within seconds, sellers were able to reach out to an infinitely larger audience than they could ever have dreamed of before the age of the internet (Atkinson, 1997).

In accordance with the principles of supply and demand, of “freedom to trade” and “market forces...operat[ing] freely in the commercial field” (Home Office, 1990: 47), sellers on Gumtree, eBay, and other similar websites, were and continue to be able to advertise goods for sale at prices of their choosing; tickets, along with cars, rooms for rent, pets or valuable collectibles, are advertised with the asking price very much dependant on perceived or real market values, regardless of the original cost of the item in question. While Gumtree is a classifieds website and requires buyers and sellers to arrange a face-to-face meeting, eBay, before it stopped selling tickets, was used not only to advertise tickets for resale, but to directly make tickets available online for immediate purchase.

Despite the terminology not appearing in the literature until many years later, Gumtree, founded in 2000, and eBay, in as early as 1995, were effectively the precursors of the rapidly evolving *secondary market* of ticket resale (CMSC, 2008). They signified the start of the expansion of the black market of tickets from the street to the internet. For the purposes of this research, the secondary online market is, along with street touting, included in the overarching black market of ticket resale. To clarify, anything that is not purchased from an official source – from the primary market – is deemed to be part of the black market (Beckert and Wehinger, 2011). In keeping with the legal definition of touting, offered above, the simple explanation for this is that most of these secondary sales, whether online or on the streets, are not *authorised* by the artists, promoters, or by anyone in the entertainment industry.

2.4.1.3 How tickets are resold online today

The next and most natural progression after Gumtree and eBay in the growth of ticket resale was for specific ticket-only websites to emerge and fill the gap in the market

brought about by the constantly increasing demand for tickets to popular events. Mainly an online auctioning website, in 2007 eBay separated ticket sales from the rest of its activity to create an explicitly ticket-only marketplace in the form of StubHub. This ticketing platform was fast-growing due to its deals with major US sports associations, but did not gain popularity in the UK until much later. Along with others which emerged in 2006, namely Viagogo, Seatwave and then, in 2008, Get Me In! – of which the latter two are controversially owned by Ticketmaster, a primary seller – these are the better-known companies, collectively known as the “big four”, that seized the opportunity generated from the exponential rise in demand for tickets to effectively become intermediaries in their resale (APPG, 2014). These secondary market websites deduct a percentage from the final sale amount from both buyers and sellers, adopting the incredibly lucrative business model of the middleman that is becoming more and more common in the current economic climate (see, for example, Blabla Car or AirBnb, amongst others). The big four companies are those referred to specifically in the recent literature (Waterson, 2016; APPG, 2014), and in are known in the legislation as “secondary ticketing facilities” (CRA 2015), though of course there are others that adopt a similar business model.

Consumers who are no longer able to attend an event can now sell the tickets they have purchased from the primary sellers on these platforms, again, crucially, at a price of their choosing. And although this was already happening on Gumtree and eBay, the arrival of these tailored ticket-exchange platforms has undoubtedly had a more direct impact on the increase of the volume of tickets being bought explicitly for resale and personal gain, by both professional and casual sellers (Ward, 2014; CMSC, 2008). Street touts and now online touts are buying from the primary market as soon as the sale period begins and seconds later listing tickets for sale at largely inflated prices on these secondary ticketing facilities.

Not only are these websites likely to have strengthened the options and repertoires for pre-existing ticket touts trading in the streets, they have also created the financial opportunity for other individuals who may never have considered touting tickets for profit. This model shift, examined in more detail below, is crucial to the difficulties faced by consumers today who are more and more restricted from accessing tickets on the primary market and have may no choice but to purchase black market tickets on secondary platforms (Metropolitan Police Service, 2013; CMSC, 2008).

2.4.1.4 The reality of purchasing tickets in 2017

Being familiar with the process of purchasing a ticket from the primary online market, outlined above, may have been sufficient to guarantee tickets a decade ago. In 2017, signing up to social media accounts and knowing the date and time of a prospective sale is not even half the battle. The problem is that when the average consumer attempts to purchase tickets at 9.00am on Ticketmaster the amount of traffic is such that access is often denied, then reattempted, sometimes secured until websites crash and the tickets are lost, and in a couple of minutes or less the complete ticket allocation of a website is sold out.

What has changed over time is not the way tickets are sold on the primary market; it is the number of prospective buyers which has dramatically increased. Simply put, regular consumers have had their access to the primary market constricted by an increase in the number of people attempting to buy tickets from official sources. Not only because of an increase in demand to attend shows or sporting events, which is undoubtedly the case (CMSC, 2008), but because of the possibility of resale that is offered by the mere existence of the secondary market. And with each additional buyer acquiring anything between two and eight tickets each, or often more, the volume of tickets available is significantly reduced.

2.4.2 Recent legal developments

2.4.2.1 The new Consumer Rights Act 2015

The new CRA 2015 was the first piece of legislation concerned with ticket touting since the measures introduced for the Olympic and Paralympic Games in London and the Commonwealth games in Glasgow. Its introduction was the result of one of the most recent challenges to the status quo of ticket touting regulation, this time put forward by an All-Party Parliamentary Group (APPG) spearheaded by MPs Sharon Hodgson and Mike Weatherley. The APPG on Ticket Abuse built on the work previously done by Mrs Hodgson and other MPs by making further inquiries into the occurrence of ticket touting and the responsibilities of parliament to protect consumers (APPG, 2014). By inviting representatives from the major ticketing platforms, both primary and secondary, in addition

to supporter groups of Premier League teams and security experts from venues, amongst others, evidence was gathered regarding the need for some form of regulation. Before its enactment, in 2015, the Bill was rejected on a number of occasions until the government suffered an unexpected defeat to the peers in November 2014. The debate continued until a compromise was reached (Clark, 2015; Hebblethwaite, 2015). The government's reluctance to create specific anti-touting legislation had not changed, however, despite public pressure.

The APPG had insisted on a series of new measures to be included in the legislation that would increase transparency in the secondary market and protect consumers from suspected fraudulent activities. In particular, the requirement for online sellers to reveal personal details such as their names was discussed at length, but was ultimately removed from the final version of the Bill. This was because the government suggested that promoters would be in a position to identify individual purchasers and possibly cancel the tickets listed for sale. Concerns over the risk of identity theft were also discussed. Whilst this specific provision was scrapped, the requirement to disclose other details, such as the original face cost of the ticket, and, especially, the row and seat number, was kept. Interestingly, however, with these details, venues would still potentially be able to identify whom the tickets have been purchased by.

It was explicitly stated by parliament that venues would not be granted the right to make such cancellations "unfairly", though, again, this concept is unclear. There is no indication, for example, as to whether a ticket can be cancelled on the grounds that it is being sold for at an unreasonable mark-up. The media and the secondary market websites appear to have contrasting views on this point (Gibson, 2015), with the former proclaiming that an unreasonably high price will be sufficient for cancellation, and the latter commenting that very little had changed. The other significant new measure introduced by the CRA is a duty to report criminal activity on the part of the secondary ticket websites when it is believed that a ticket that has been listed for sale is fraudulent. Penalties will be applied for the failure of reporting potential fraud to the police, equivalent to a fine of up to £5,000. These new highly anticipated and long-awaited measures were thought to challenge what were believed to be the fraudulent practices of ticket touts on "legitimate" online secondary platforms. The use of "legitimate" here serves to distinguish these websites from the many platforms, particularly for football ticket resale, which are not based in the UK and which therefore wouldn't have been affected by new legislation anyway.

The benefits of these changes, if any, may be observed in due course, and will heavily depend on whether they are actually enforced. Some initial case law would serve to

clarify the ambiguity and contradictions. The first impressions on this new legislation, however, make it rather difficult to view the introduction of these measures as a “success”, as described by Mrs Hodgson and others. While the media celebrated this compromise as a victory against “rip off prices” (Clark, 2015) and a “blow” to ticket touts (Hebblethwaite, 2015), once the provision is unpicked it is hard to see what there is to celebrate from a consumer perspective. The CRA 2015 may be a small step in the direction towards achieving more transparency, but does not challenge the profit side of ticket touting, which is what consumers using the secondary market would probably want.

The Bill had all the right intentions in its inception in early 2014, and could have targeted at least one facet of touting, that of online resale via “legitimate” platforms such as Seatwave and Viagogo. The insistence on requesting websites to disclose sellers’ names seemed reasonable, and could have acted as a huge deterrent for both the occasional and professional touts that use the online platforms for ticket resale. Anonymity is of great importance to the type of sellers that tout in this way, a finding explored in this research. Unfortunately, this provision was taken out of the final draft, making it hard to see how anything will change in practice.

Fundamentally, contrary to what has been reported by leading media sources such as the Guardian, the Independent and the BBC, who have all stated that the secondary ticket market had been dealt a large blow, there is no new offence or crime of ticket touting. It does not seem unrealistic that sellers will continue to buy and resell at hugely inflated prices. A direct quote from the parliamentary debate on this new chapter in the ticket touting saga confirms this view: “It will allow the secondary ticket market to continue to flourish” (Baroness Neville-Rolfe, 2015). In truth: no specific anti-touting legislation has been passed; there is no new £5,000 fine for the offence of touting¹⁰, an offence which does not exist if not for football; and there is no cap on prices in the secondary market.

The Act appears to be ultimately designed not to target ticket touting but to curb fraud on “legitimate” secondary market websites, which, the author would argue, is infrequent. Ticket fraud does exist, but is mainly to be found on illegitimate websites based abroad, not on the big four. Fraud will also occur on the street, and this legislation appears to be even more helpless in that respect. In its final, enacted version, the CRA 2015 poses an indirect and unsatisfactory challenge to ticket touting. A statement made by Viagogo is

¹⁰ Curiously, these misleading and often factually incorrect reports, such as Nick Clark’s (2015) article in the *Independent* entitled “Online ticket touts may face £5,000 fines under law to stop rip-off prices”, have since been removed from the internet.

unambiguous on this matter: “Ticket resale was legal yesterday, is legal today, and will still be legal tomorrow” (Gibson, 2015).

As if the contents of the act were not tame enough, the new provisions have, thus far, failed to be enforced. Described as “light-touch” legislation (Lord Moynihan, 2015), several small-scale pieces of research conducted by consumer protection advocate Which? (2016) and other media outlets have revealed that the CRA is continuously ignored by the secondary ticketing operators it has targeted (Jones, 2016). The Competitions and Market Authority (CMA) announced in late 2016 that they were launching an investigation after a primary enquiry had revealed that provisions of the CRA 2015 were being disregarded by the big four.

The overview of the legal context offered here is crucial in further understanding the deviance in ticket touting behaviour, the main purpose of this study. In essence, the new CRA does not prohibit the act of ticket touting, for which no specific offence was introduced. As such, the only exception to the rule remains the act of 1994 outlined above, and the issue of ticket touting at football matches specifically. Importantly, both pieces of legislation, it seems, are routinely not enforced, and, as such, arguably contribute to touting developing and spreading as a phenomenon. A notable example is Spanish website Ticketbis, which illegally sells football tickets in the UK. Based abroad, it is able, without too much difficulty, to evade both the CJPOA 1994, relating specifically to football tickets, and now the CRA 2015, which should compel Ticketbis to at least indicate seat rows and numbers to its customers.

2.4.2.2 The 2016 Waterson report

This report was completed as part of the requirements introduced when the CRA was enacted. Professor Waterson (2016) was selected as chair for the research that was undertaken one year after the introduction of the act. The purpose of this report was to ensure that a wider, more complete set of considerations could be reviewed compared to those that had been presented at the time of the discussions for the Bill.

The criticisms for this report are very much in line with the general critique of the CRA itself. In the same way the act attempted to focus on ensuring transparency in online ticket resale rather than enforce price caps or attempt in some way to curb touting, the report

gives an inordinate amount of attention to online touting, failing to acknowledge that street touting still occurs outside most football stadia in the country on a weekly if not daily basis.

It seems that the Act was passed mainly to give the impression to the general public that something was being done to combat touting. The priority seems to have been to pass legislation regardless of its content to quell claims that the government was ignoring society's call for change. The result, as mentioned above, was an Act which targets fraud in areas where it is unlikely to occur. Equally, the Waterson report appears to have merely ticked the box required by the act, that "other factors" be taken into account regarding secondary ticketing; yet it is not clear which additional aspects have been taken into consideration. The report has vaguely addressed issues such as profiteering and consumers being priced out from attending events, though the reasons given for electing to not give much weight to these elements of the debate are unconvincing.

The first critique of the Waterson report could be the list of "experts" that were consulted for its preparation. These included representatives of the secondary platforms, event organisers and promoters, and enforcement agents. It is stated that sellers were asked to contribute to the report, with the caveat that "capturing a random selection of sellers makes it only a matter of chance as to whether any volume sellers are present in the sample, but the aim was not to focus on these" (2016: 188). It is felt that a review of ticket touting cannot be considered thorough enough if the touts themselves are not included in its scope. Regular sellers, inevitably, would have been more knowledgeable of the various failings of the primary and secondary market, and how certain loopholes can be exploited. Their contribution could have been extremely valuable.

Although it may have been difficult to recruit touts (refer to the methodology chapter for a discussion on my own experience), it is not in fact clear why large-volume sellers were not the focus of the study. In an earlier categorization of online touts, Waterson listed them as follows:

- A) Regular traders that have bought (or have possession of) tickets in order to resell, having never intended to go to the event.
- B) Event attendees who have purchased more tickets than they wish to use in order to sell some others (e.g. to help pay for the tickets they do plan to use).
- C) Those that planned to use all the tickets they bought, but whose circumstances have changed, meaning they can no longer attend.

He continued, offering further caveats:

“During my review I have not been able to obtain reliable evidence of the relative size of each of these groups, but perceived problems are most closely associated with Category A) and to a lesser extent Category B)” (2016: 121).

It goes without saying that if the Category A) touts are the ones causing the most problems for consumers, then perhaps these are the ones the report, and the legislation itself, should have focused on.

It is also important to note that individuals who may begin as Category B) could one day become Category A) touts. Such an occurrence would be completely consistent with typical deviant behaviour whereby an individual who is only minimally involved in a certain conduct could, one step at a time, gain a deeper appreciation and adopt a fuller participation (Becker, 1963). Yet the report and the legislation would deem such sellers as being less important. This is another clear example of why ignoring aspects such as the origins and history of a certain practice, and indeed its criminological explanations, could prove to be a costly mistake. The direct contribution of such ticket sellers may have been valuable to an important piece of research such as Waterson’s, and it is hoped that the present research can validate this claim.

A second gap in Waterson’s research is the failure to mention the corrupt practices that occur within the wider world of ticketing. This omission is one that again can be linked to a complete absence of such discourses in the legislation itself. Waterson was concerned with individuals purchasing more tickets than they require – up to, say, a maximum of four – so that they could attend the concert or event and then sell the remainder. However, if one individual buying four tickets were the problem, ticket touting would not currently be discussed at such lengths. The real problem relates to one individual buying hundreds of tickets through numerous contacts, each of which will offer their own allocation of four to that individual. This is not an unknown tactic; it was cited in Sugden’s (2002) research more than ten years before the passing of the CRA.

The issue of one individual relying on associates that are external to the ticketing industry to enhance his own purchasing power may just be part of a much bigger problem. There may of course be individuals that have contacts within the actual box offices. If that were the case, these individuals could stroll up hours in advance of a general sale and ask the member of staff behind the counter to set aside hundreds of tickets for them. Naturally

the box office employee could take a cut from the profits. Unsurprisingly, such practices may occur vertically up to the very highest reaches of the ticketing “food chain”. This was seen in the recent scandals at the 2014 World Cup and 2016 Olympic Games in Brazil, two of several incidents in which senior officials from organising bodies were involved in malpractice. It is surprising that such elements were not considered to be relevant in Waterson’s review, nor were they mentioned in the legislation. In line with the general critique of this recent legal development in challenging touting, these are examples of the pitfalls of focusing so exclusively on the online markets, while ignoring the wider picture.

The report (2016) cited a list of reasons why placing a price cap on the resale value of tickets would not be workable. It offered a lack of means to regulate such an imposition as a reason not to implement it. Another reason was the risk that such websites would perhaps move abroad, and as such would be even less regulated than they are now. The most obvious response to such justifications is that the act itself, in its entirety, is not being enforced. Even the most basic requirements such as requesting sellers to include details such as seat numbers and rows is still, two years after the enactment of the legislation and one year after Waterson’s research, not being enforced. The whole point thus seems moot. There is arguably a certain contradiction in legislating for one thing but not another, then explaining this omission on the grounds that the latter is not enforceable, while the former is not being enforced either.

All these criticisms led to the view, introduced above, that both the recent legislation and the government’s review appear to be missing the point. The CRA 2015 seems to have been introduced to calm the waters, and to make the general public believe that things would change. The media certainly responded in this way, further building the illusion. The Waterson review, it can be argued, has similarly merely ticked a box, and allowed things to continue as they always have, with the government prioritising its free-market stance and its preference to keep interventions to a minimum.

In short, it appears that the legislation was introduced to tackle fraud. It is contended that fraud, however, is not perpetrated by ticket touts, but by scammers who imitate them. Fraudsters are less likely to be using the secondary marketplaces, the very platforms, in fact, the *only* platforms, that this legislation attempts to regulate. Rather, fraudsters would, unsurprisingly, be using fraudulent sites (see Hopkins, 2016, and Christie, 2015, for reports on companies “Circle Tickets” and “Getsporting”, amongst others). The practice of setting up sites purporting to sell tickets and then disappearing with the proceeds of their fraudulent

sales was particularly common during the London Olympic Games (MPS, 2013). Such websites are created from scratch to deceive consumers and are different to the big four.

Fraud, of course, occurs both offline and online. Yet this piece of legislation and its review, specifically aimed at tackling transparency and ticket fraud, do not even begin to consider the streets. Alongside “real” touts, imitators will deceive consumers outside venues, with the CRA 2015 offering no recourse (Sugden, 2002). The utility of the legislation, and of the Waterson review, can be summarised in this direct citation:

“[T]here are persons who are traditionally referred to as "touts", buying and selling tickets in the streets adjacent to a venue. There are few protections for consumers buying from street touts who operate outside of regulations on street trading. These are outside my purview, since my focus is on online ticketing platforms” (2016: 116).

In any case, the legislation is not, at the time of writing, being enforced (Jones, 2016; CMA, 2016). Frustratingly, an inability to enforce certain measures was the very reason why other elements that could potentially have curbed the practice and aid consumers, such as introducing a price cap, were discarded from legislation, and dismissed by the Waterson report (2016).

2.4.3 Ruggiero’s “urban bazaar”: both need and greed

Webb et al. (2013) considered whether entrepreneurs are driven by financial necessity, or by a desire to seek additional economic opportunities, when choosing to undertake black market activity. Similarly, Gerxhani (2004) and Williams (2006) considered that the informal economy can satisfy the needs of both “necessity-driven entrepreneurs”, who, due to their struggle with societal barriers, require and rely on black markets as the only source of income and survival, and “opportunity-seeking entrepreneurs”, who exploit the informal economy to build on existing wealth in light of the available opportunities and lack of restrictions.

In addition to theories of rational choice and anomie examined in parts one and two, which separately account for the earliest and the traditional street-based versions of touting examined in this research, we can thus turn to Ruggiero’s (2000) essays on “anti-

criminology” to provide a single frame of reference against which both types of individuals involved in the contemporary landscape of ticket touting can be measured.

Most relevant within Ruggiero’s work were his concepts of the “contemporary urban bazaar” (2000: 29) and of “crime as work” (2000: 16). The setting of the bazaar, in which networks of temporary, casual workers relied on their skills and instincts to find something to sell, to make “something from nothing” (Atkinson, 1997: 85), would have been the trading grounds of the smugglers and drug dealers, and of Hobbs’ (1988) entrepreneurial deviants. In the urban bazaar these individuals could trade “a variety of licit and illicit goods” (Ruggiero, 2000: 28), from fake leather jackets to phones or TV aerials and smuggled wine and cigarettes.

Tchoukaleyska’s (2014) study of mint traders in the markets of French cities similarly found a “nuanced difference between informal and illegal” (2014: 82). The product in question, mint, had in fact only recently been illegalised in the early 2000s after complaints from licenced vendors. Tchoukaleyska noted how this “flutter between illegality and tacitly accepted informality is further complicated by many street vendors’ links with legitimate businesses who supply the products, and thereby connecting informal vendors with established, formal businesses” (2014: 82). Ruggiero offered the example of the *magliari* in Naples and Marseille, black market traders in woollen sweaters (from the Italian *maglia* for ‘jumper’ or ‘sweater’) who had to attune their entrepreneurial skills to the changing demands of the market, and continuously identify new opportunities within a crossover of official and unofficial economies. Tchoukaleyska concluded that “the constant stream of clients suggest that the mint vendors are both accepted as a stable facet of market life and provide a needed service not met by formal vendors” (2014: 83).

In light of the blurring boundaries between legality and illegality, Ruggiero asked, “is it the lack of opportunity or the abundance that causes crime?” (2013: 1). In his examples of corporate economic crime, smaller companies were forced to enter the illicit economy due their inability to compete with others. However, bigger companies would engage in criminal activity for precisely the opposite reason, namely, a lack of competition. He termed this the “causality of contraries”: “each time we subscribe to one cause of crime we may realise that the opposite cause also possesses some reasonable validity” (2000: 6).

The fact that the rich or the powerful also engaged in criminality was, for Ruggiero, evidence of the fact that one explanation for criminal behaviour would never be sufficient. If we were to focus on lack and deficiency of opportunities alone, as Merton’s (1938) strain theory does, “we would ignore criminal enterprises caused by abundance, wealth and

excess” (Ruggiero, 2000: 7). In his critical approach of classical criminology, Ruggiero postulated that

“both the deficiency and the abundance of legitimate opportunities may lead to criminal activity” (2000: 178).

Building on the theoretical work of Adam Smith, Ruggiero stated that “crime is an option offered to all individuals who are faced with a structure of opportunities arising from both legal and illegal arenas”. Further, “idle and dependent on others, or regularly and fully employed...individuals have the possibility to alter or to escape the position they are in through the adoption of illicit practices” (2013: 73). In addition to Hobbs’ (1988) street entrepreneurs or L’Hoiry’s (2013) bootleggers, companies and legitimate organisations would also operate in this urban bazaar and interchangeably “seize legal and illegal opportunities alike” (Ruggiero, 2000: 37). The crucial distinction between Ruggiero’s theory of crime as work and those offered above, therefore, was that it could apply to both forms of touts, traditional and modern, street and online.

“Unlike the Middle eastern bazaar, which is physically formed, precisely laid out, and sectioned into parts, the Western urban bazaar is diffuse and connects sellers and buyers who are spatially and socially scattered” (Ruggiero, 2000: 29).

This can be understood more specifically in the context of the new opportunities for crime that have arisen in the latter part of the twentieth century.

2.4.3.1 New criminal opportunities?

Shover, Coffey and Hobbs (2003) compared the criminals of old, the “professional thieves sketched by earlier generations of investigators” (2003: 489), with a wave of entrepreneurs who exploited the emergence of new criminal opportunities arising from previously unavailable goods, services or means of communication. Operating within Ruggiero’s spatially scattered urban bazaar, “individuals or organisations conduct business with remote others whose credentials and intentions cannot easily be determined” (2003: 490).

In particular, Shover and colleagues were studying the practices of fraudulent telemarketers. These entrepreneurs worked within organisations that, very much like legitimate businesses, displayed a division of labour, a hierarchy, and diverse levels of pay. Individuals would devise scams such as collecting money for charity, selling private stocks, or cheap jewellery with fraudulent certificates as to their true value. The latter trick was particularly successful because customers were told that if the gems were taken out of the display cases, breaking the seals, their value would decrease: the true worth of the products could therefore never be verified by the victims of these ruses (Shover et al., 2003: 494).

Significantly, the conclusion of this study was that “clearly, telemarketing criminals are not drawn from the demographic pools or locales that stock and replenish the ranks of street criminals” (Shover et al., 2003: 495), but, as “vocational predators, they share several important characteristics” with such deviants (Shover et al., 2003: 489). The authors noted that, in addition to seeking financial advantages, these individuals, like Sugden’s (2002) grafters and Hobbs’ (1988) entrepreneurs, were attempting to establish some form of career for themselves.

Importantly, in the context of studying contemporary touting, Shover and colleague’s criminal telemarketers exploited opportunities that were new. These were “increasingly white-collar, criminal opportunities” (Shover et al., 2003: 501), which permitted these entrepreneurs, unlike their counterparts operating in the streets, to become “respectable” predators (Shover et al., 2003: 500). The similarities with contemporary ticket touts, who come from similarly middle-class backgrounds and engage in buying and selling tickets from a computer, and, therefore, away from this “underworld”, are self-evident (Shover et al., 2003: 502). Both deviants represent forms of new entrepreneurs engaging in new criminal opportunities. However, ticket touting is not a new crime; it is simply being performed in a new way.

Treadwell’s (2012) study on traders of fraudulent goods and intellectual property offenders that utilised the website eBay may therefore be even more pertinent to the practices of the touts. Whereas Shover (2003) and colleagues’ telemarketers were identified to be new individuals committing new crimes that were previously unavailable, Treadwell bridged the generational gap between street offenders and 20th century deviants by explaining that his participants belonged to the same world of those studied by Hobbs (1998 and 1988) and Hornsby and Hobbs (2007). Treadwell researched

“working class entrepreneurs who noticed opportunities to make money illicitly and who were inclined to accept the opportunity, especially as rewards were high and risks were low” (Treadwell, 2012: 189).

The same crimes were therefore being committed, not new ones. The difference was that these crimes were being “transformed by new technological opportunities afforded by the internet” (Treadwell, 2012: 189). Citing Grabosky (2001), Treadwell noted how these activities were a continuation of criminal practices that were already occurring: in essence, “a case of old wine, new bottles” (Treadwell, 2012: 176).

Crucially, the very individuals engaging in these crimes were also not necessarily new. Treadwell explained how his research participants had previously traded counterfeit items, such as footwear or luxury clothing, in boot sales and ad hoc market stalls. Since the arrival of the internet, however, they had shifted to using eBay as their sole source of income. Specifically, those interviewed stated that their days as ambulatory sellers, much like those described by Ruggiero (2000: 29), were over.

Treadwell thus applied Ruggiero’s concept of the criminal marketplace to crimes taking place on the internet, developing the notion of a “cyber-bazaar” that existed in the third space (Treadwell, 2012: 176):

“Websites such as eBay now transcend space and place, making for markedly different opportunities including the illegal variety...for example, [they] allow the Camden shoplifter to sell their stolen wares to a buyer in Rotherham or Rotterdam... while it matters not whether buyers and sellers even speak the same language. That might explain why eBay has become a prime site for intellectual property crime as illegitimate enterprise, and is perhaps impacting upon long held traditions in entrepreneurial trading cultures” (Treadwell, 2012: 184).

Changes in methods of communication, and advancements in technology, such as the internet, were thus responsible for not only the creation of new crimes – that could be undertaken by new individuals (Shover et al., 2003) – but for the continuation of old ones through new means. “Long established entrepreneurial instincts” (Treadwell, 2012: 188) could be accomplished through the use of computers, anonymously and without needing to be in the same physical location.

The similarities between the touts, both modern and traditional, and Treadwell’s intellectual property criminals and counterfeiters, were therefore several. These included: belonging to networks; having contacts with producers and suppliers (in Treadwell’s case of *fake* products); being aware of the law and finding loopholes to exploit it and elude it;

and, ultimately, reinventing one's self as a criminal entrepreneur of the "respectable" type with a career (Shover et al., 2003: 500; Sugden, 2002: 166).

Treadwell's research, however, ultimately found that the internet and the new cyber-bazaar initiated a process through which "established local trading cultures" were being "superseded[ed]" (Treadwell, 2012: 189). The results from the present research show that this was not the case with the deviant practice of ticket touting. With touting, new ways were being found to commit an old crime, and both new and old individuals – middle-class, like the telemarketers, and street urchins, like Treadwell's counterfeiters – were engaging in the new opportunities offered by the internet. However, as will be presented in chapters four and five, street touting has not been superseded by online touting.

2.4.3.2 *Neutralisation of "dirty work"*

Possessing skills, intuition and flexibility, and identifying opportunities to exploit through innovation, were characteristics found in all of the entrepreneurs examined in this review (Treadwell, 2012; Ruggiero, 2000; Hornsby and Hobbs, 2007; Shover et al., 2003; Hobbs, 1988; Adler, 1985; Mayhew, 1950). One final characteristic that such individuals shared was the inclination to justify their deviant conduct. Building on philosopher Adam Smith's reflections on crime as "an option offered to all individuals who are faced with a structure of opportunities arising from both legal and illegal arenas" (Ruggiero, 2013: 73), Ruggiero described economic crime as "characterised by the relative invisibility of the victim...and that often it is not *a mala in se* but simply *a mala prohibita*" (2013: 84). The concept of "philanthropic crime", in which offenders attempt to neutralise criminal conduct by defining it as beneficial to all, was central to this idea of a victimless crime (Ruggiero, 2013: 178). An actor operating within this system of values is able to defend deviant conduct due to a lack of harm or victim, and blame the system or competitors as being less ethical:

"Innovation in economic crime entails changes in the perception of business, whereby those who innovate successfully claim their activities and practices to be ethical and those of competitors to be unethical" (Ruggiero, 2013: 96).

The final theories examined in this review are therefore those of neutralisation and of "dirty work", offered by Sykes and Matza (1957) and Ashforth and Kreiner (1999)

respectively. They are able to explain how deviant entrepreneurs justified their conduct, stating that they were performing activities that were less serious than other crimes, or providing a service that could be beneficial to wider society, or, simply, “working”.

Neutralisation involves eliminating responsibility through rational considerations regarding one’s own conduct, and the reliance on external exculpating factors or consequences surrounding one’s behaviour. Specifically, Sykes and Matza (1957) identified five types: denial of responsibility, injury or victim, condemnation of the condemners, and appeal to higher loyalties. The first three, as will be presented, are relevant to ticket touts.

More specifically, the application of neutralisation theory to ticket touts contributes to situating the touts criminologically within the wider literature on deviant entrepreneurship. Ruggiero (2013) viewed neutralisation as central to the activities of those deviants who were continuously finding innovative methods of mobilising and exploiting financial opportunities. Adler (1985), Hobbs (1988) and Klockars (1975) all identified behaviours of neutralisation in their deviant entrepreneurs, who were able to deny immorality or deviance by appealing to the “forces of the market” and the oxymoron of “business ethics”, through which they could absolve themselves (Ruggiero, 2000: 169). This enabled them to deny wrongdoing, and pursue the criminal career of the drug dealer, smuggler or professional conman, while maintaining a positive view of the self.

Indeed, once an offender denied deviant behaviour, Ashforth and Kreiner’s (1999) model of “dirty work” offered the theoretical background for the next stage of the deviant entrepreneur’s identity formulation. Their research on how members of society who work in spheres that are viewed negatively by the wider populace – such as pawnbrokers or exotic dancers – react to undesirable labels, provided the link between one’s occupation and his or her identity development. Research on identity formulation and its significance has revealed the importance for individuals to view themselves positively. Having a “stable sense of self-definition” is crucial in enabling us to situate ourselves and function in everyday contexts, to execute simple actions such as thinking and feeling (Ashforth and Kreiner 1999: 417).

The ingredients that create either a positive or negative self-definition are primarily one’s individual characteristics, such as viewing one’s self as being brave, shy, clever or naïve, and one’s social identity, namely gender and occupation (Tajfel and Turner, 1986). In addition to the opinion an individual would hold of him or herself, the estimations of others inevitably impact on this positive or negative view. In the words of Ashforth and Kreiner:

“Through social interaction and the internalization of collective values, meanings, and standards, individuals come to see themselves somewhat through the eyes of others and construct more or less stable self-definitions and a sense of self-esteem” (1999: 417).

How we view ourselves is thus strengthened through a process of social evaluation and validation. It follows that if others view the individuals in question negatively, this could adversely impact on the development of those individuals’ self-definition, and consideration of themselves. The negative view society holds on ticket touts has been previously discussed, with terms such as “parasites” and “vultures” (Davies and Jones, 2016; Blumsom, 2015; Clements, 2015; Bryant, 2008) being used frequently in the media and in parliament. It could be argued that the occupation of the tout is stigmatised.

Goffman defined stigma as an “attribute that is deeply discrediting”. As such, stigma “tends to spoil the identity of its bearer” (Goffman, 1963: 3). Goffman also argued that the stigmatised held the same opinion, on the specific stigmatising aspect in question, as the rest of society. “They were well aware that their identity was in the process of being spoiled” (Durkin, 2009: 669). This explains the need to justify one’s actions as a response to negative inferences and allegations. By justifying one’s conduct it is possible to either deny or reframe what might be the general consensus on a particular behaviour through neutralisation. In this way, entrepreneurs who engage in “dirty work” manage the stigma and “attempt to sustain a normal definition of self”, despite their conduct (Durkin, 2009: 669).

These rationalisations, or techniques of neutralisation (Sykes and Matza, 1957), have been identified amongst offenders in a wide-ranging spectrum of studies, some of which appear to be particularly pertinent to ticket touting in terms of the similar justifications offered by their perpetrators. Shigihara’s (2013) study on neutralisation, for example, examined how restaurant workers justified stealing from their place of employment. Farmers have rationalised culling badgers by describing the act as necessary, while the law itself was seen as unnecessary (Enticott, 2011). The act of “tagging”, a form of graffiti art, was neutralised by deviant youths who were able to “free themselves of guilt” and “maintain a non-criminal self-image” (Vasquez and Vieraitis, 2016: 1). Particularly relevant, was Jacinto, Duterte, Sales and Murphy’s (2008) article entitled *I’m not a real dealer*. This work presented many of the same explanations offered by the interviewees in the present research, as to why they were not “real” touts.

2.5 Concluding thoughts

The previous sections narrating the historical and legal developments surrounding the ticket tout have traced the origins of this deviant figure and his trade through comparisons with other deviant entrepreneurs. Strong similarities were found, from the identification opportunities, to deceptive practices to exploit them and the avoidance of detection or arrest.

The conclusions that can be drawn are that individuals can resort to deviance and criminality for an extremely wide range of reasons, and that one explanation will never be sufficient (Ruggiero, 2000). To explain the deviance of ticket touts, therefore, both structural and neoclassical theories of criminology are needed. When society is unable to assist individuals who cannot achieve desired goals, or mere survival, through the legitimate paths of education and employment, the informal economy presents itself, and the entrepreneur seizes the opportunities within. However, even those individuals who are integrated in society through the formal economy, may, if the opportunity of adopting illegitimate means is available, seek to further their wealth and status by entering the informal economy.

“More specifically, poorer individuals use informality as a primary source of income whereas more affluent individuals usually have formal economy jobs and draw upon informality as a secondary source of income” (Webb et al., 2013: 607).

The lures of undertaking touting activity as opposed to other “illegal”, but “legitimate” paths, can be understood by the extreme ease with which large profits can be made and the complete lack of regulation and sanctions (Hornsby and Hobbs, 2007). Together, these factors draw individuals, motivated and driven by need or greed, to the informal economy of black market ticket sales.

Despite its regular occurrence in public, and its daily manifestation online, little is currently known about the practice of ticket touting. Though all stakeholders within the spheres of entertainment and sport appear to be aware of it, from event-goers to the athletes and musicians themselves, from policemen and stewards at the venues to industry leaders and Members of Parliament, not much time or thought has been dedicated by politicians or academics to understanding why or how ticket touting happens.

What is clear is that touting remains an obscure practice that falls in the UK within a grey area of legal definitions and raises many questions as to who the ticket touts are and what methods they employ. Research undertaken to attempt to answer these questions from the inside is currently lacking and could potentially offer a valuable contribution to conversations around regulation.

3 METHODOLOGY

3.1 Overview

This chapter offers an analysis of the methods adopted to contribute new knowledge to the current debate around ticket touting as a deviant activity. The challenge was to identify a methodological approach that would enable me to glean a detailed understanding of the hidden practices of ticket touts, including but not limited to: their potential awareness and exploitation of certain loopholes within the primary ticketing market; strategies for sourcing large batches of tickets; their use of contacts and “insiders” within the entertainment industry; and distinctive reselling techniques on the streets, online and through wider networks. In addition to these physical, external practices, discovering the touts’ internal reflections, considerations, feelings, attitudes and justifications was considered an essential component to furthering knowledge in this area. These objectives dictated the choice of methods for the research.

Ethnographic research methods were identified as the most suitable to obtain these data. Specifically, it was felt that observation of the touts in operation would offer first-hand, and previously unavailable, evidence of the methods of performing touting on the streets outside venues, including: sourcing spare tickets; engaging in dialogue and negotiations with buyers; concluding sales; and, where relevant, doing so in a discreet manner. Conversely, to capture the touts’ internal machinations, I chose to conduct in-depth, qualitative, semi-structured interviews with consenting research participants.

In addition, the ethnographic method of participant observation (PO) became an integral part of this research as the opportunity to actively take part in touting as a seller was provided by the development of trust with some research participants. These individuals took on the role of gatekeepers for my study. This method was chosen due to its unique ability to allow the researcher to become immersed within a group or subculture, and to understand the significance and values that touts attached to everyday, mundane actions. Max Weber’s (1949) concept of *verstehen* guided my attempts to gain a sympathetic viewpoint of the touts’ activity, transcending the position of an outside observer and aligning researcher and research subjects such that touting, both as an activity and as a lifestyle, would become almost a normality for me. PO through *verstehen* also provided first-hand evidence of touts’ online buying and selling techniques, which, due to these

activities taking place in private homes, naturally could not have been obtained by observing the touting conducted on the streets. By undertaking this participatory role, I achieved what has been identified as severely lacking in the current body of literature: an internal perspective into the world of ticket touting.

The street observations of touts were mainly covert in nature, though I often alternated between engaging in conversations as a prospective buyer (and even purchasing tickets on two occasions to gain familiarity with the sellers and thus further knowledge of the practice), and revealing myself as a student engaged in a doctoral study. The decision as to which tactic to adopt was made on an ad hoc basis. For instance, at times the touts would notice me loitering and approached me directly, understandably questioning what my purpose for being there was, other than seeking to buying tickets. Suspicion in a study of this nature was, of course, entirely to be expected (Sugden, 2002; Giulianotti, 1995; Armstrong, 1993). Based on whether I perceived some openness or discomfort on their part, I chose the most fitting approach. When I interpreted the touts' attitude as one of suspicion I stated that I was waiting for a friend; conversely, I chose to provide information on the study when their demeanour seemed more approachable.

The events selected for observation were major concerts, theatre performances and sporting fixtures. These were chosen based on the media attention they attracted and their perceived popularity. My own opinion on whether a concert might be popular was cross-checked with the online sales for that particular event on the big four. On Seatwave, for example, the three most recent consumer purchases are made visible. From this information, it was possible to glean both the profit margin of the sales and their frequency. If these most recent transactions had all been completed in the previous 24 hours, this would indicate a higher demand than if the most recent sale had occurred 12 days before, for example. The majority of the fieldwork was undertaken in London, though visits to Glasgow, Manchester, Leeds and Liverpool were completed in the UK, as well as trips to France and Germany for some high-profile football matches. Observations were also conducted at less in-demand events of personal interest to me, which I happened to be attending anyway. This enabled a more thorough coverage of a diverse range of events in terms of popularity, and offers a more representative sample of the occurrence of ticket touting on average.

The interviews, 25 in total, were mainly completed with individuals that had been recruited online, independently of the observations, though a minority of interviewees were recruited either in situ or through snowball sampling. The location of the interviews was usually a pub local to my home, though on a few occasions trips were made to accommodate

the wishes of the participants, who at times preferred to meet in places that were neutral or familiar to them. A financial incentive of £50 was offered for participating in the interviews. Those interviewees who opted for a telephone rather than a face-to-face interview in light of their suspicions around the study, often waived the proffered incentive. Others declined the incentive irrespective of the interview's location.

The semi-structured interviews revolved around straightforward questions such as “when did you first sell a ticket for profit?” and “what are your reasons for undertaking this activity regularly?” Questions were open-ended and encouraged a conversational-style discussion, generating rich qualitative data that emerged naturally. The schedule with indicative questions, which served as a guide for the interviews, is provided in Appendix C.

In addition to the interviews and observations, through the establishment of trust with some interviewees, gatekeeper-like relationships were developed to gain further insight into the world of touting. In an attempt to accomplish a truly ethnographic piece centred around sociological *verstehen*, three forms of PO were undertaken: the first as a member of a larger group of touts who supplied unauthorised ticket agencies, hotel concierges and overseas clients; the second as a supplier of tickets to a tout based in London's West End; and the third as an independent online seller via the secondary market platforms, with the assistance of an associate.

These efforts were undertaken in the belief that “going native”, to a degree, would yield fruits in the form of socially valuable new knowledge that would justify acting in a way that could potentially be seen as breaking the law (Pearson, 2009; Ferrell, 1998). However, due to the difficulty of negotiating and maintaining access with such a secretive and suspicious network of individuals, the first proposed PO and the attempt to penetrate the network of touts ended prematurely, causing moments of distress and unease to both the participants and myself. The second, and particularly, the third forms of PO, were understandably much smoother undertakings, though equally required reflection on the ethical boundaries of empirical research. Ultimately these additional approaches enabled the verification of large portions of the findings gleaned from the interviews and street observations, and acted as an effective method of triangulation to evaluate and ascertain the validity of the overall data that were collected from the multiple sources. The fieldwork was completed throughout a 27-month period, starting in May 2014 and ending in July 2016.

Accessing individuals involved in ticket touting, and conducting a detailed investigation into their deviant strategies, attitudes and lifestyles, was never going to be an easy feat. I lacked pre-existing contacts and membership to a touting network, both elements

that have assisted ethnographers in the past (see, for example, the autobiographical and semi-autobiographical nature of the works in Adler, 1985; Hobbs, 1988; Wolf, 1991; Armstrong, 1993; Williams and Treadwell, 2008; Wakeman, 2014). Some individuals that belong to the world of ticket touting, whether for reasons of stigma or fear of sanction, often make it their utmost priority to conceal their conduct and hide their traces on a daily basis, not only from the relevant authorities but even from their families or friends. A few of my own participants fell into this category. Understandably, they were even more apprehensive when approached by a person who was attempting to conduct an intimate enquiry into a hidden aspect of their identity. It follows that reaching a position from which to engage in detailed conversations regarding their activity was not a straightforward task. Even once this was achieved, and sometimes only partially, ensuring that authentic and honest accounts of such activity were gathered became a prominent consideration.

In the ensuing sections, the choice of ethnographic methods is justified. This is followed by a description of the methods engaged in for the recruitment of the sample of ticket touts. Reflections on the detailed everyday aspects of conducting fieldwork are then offered, with regard to the observations and interviews. Issues surrounding negotiating, securing and maintaining access through gatekeeper figures are subsequently analysed in the context of other studies that have attempted to penetrate hidden sectors of society through PO. Of particular relevance are those efforts made in the field of football fandom, with which street ticket touting remains closely connected (Pearson, 2009 and 1993; Stott et al., 2001; Giulianotti, 1995; Armstrong, 1993). The final key issues presented in this chapter revolve around the ethical dilemmas I was faced with, from offering financial incentives to interviewees, to decisions concerning PO and potential law-breaking activity, which led to situations of perceived risks for both the participants and myself. Facing such decisions and opting to break the law was viewed as a “necessary” aspect of conducting research in deviant worlds (Adler, 1985; Polsky, 1971; Whyte, 1955). It was felt that this was justified in the context of gaining otherwise unobtainable data on secretive practices and the inherent values of shedding light on such worlds (Pearson, 2009; Ferrell, 1998).

3.2 Ethnography

3.2.1 Theoretical background

This research is rooted in the grounded theory of symbolic interactionism. Founded by George Herbert Mead (1922), the core principle of this theory is that people's selves, in the way they are presented to and interact with the world, are social products that are created based on their subjective interpretations of other individuals and the surrounding environment. Mead distinguished between the 'I' and the 'me' within people. The 'I' is the internal thinker, which "evades inspection and social control". It observes and processes information, formulating an outer identity to present to others based on its internal interpretation of the world. The "me" is the "self made visible" (Rock, 2001: 28). That is, people act and behave in a way that intends to reflect the social view that others may have of them, such that the number of potential 'me's would correspond to the total number of social situations in which one can be present.

Blumer (1969) further developed Mead's theory, coining the term "symbolic interactionism". Central to the theory is the importance that individuals attach to the meanings of actions, thoughts and language, and the meanings they subjectively assign to objects and events. We therefore respond not to an objective reality, but to a subjective, socially constructed view of the world based on our understanding and interpretations of the elements that surround us. One's interaction with these elements of daily life, and most importantly with others, creates meaning for the individual (Blumer, 1969: 2). It is this search for meaning that is crucial to ethnographic study. Ethnography can thus be understood to be a commitment to "reconstructing the actor's own world-view, not in a lordly way but faithful to the everyday life of the subject" (Rock, 2001: 30). The purpose of ethnography can be described as "studying how people and groups of people understand or attach meaning to objects and interaction" (Atkinson, 1997: 40).

In the context of ticket touting and the currently available body of literature, it is precisely this meaning that is lacking. The inability of previous research to go beyond the shock value of merely reporting the substantial profits that touts are making and appreciate the phenomenon "from within" (Polsky, 1971: 44) has been a hindrance in developing a deeper understanding of touts. Willis (1977), researching working class youths in "Hammertown", justified his use of ethnographic methods:

“The qualitative methods and participant observation used in the research, and the ethnographic format of the presentation were dictated by the nature of my interest in the ‘cultural’. These techniques are suited to record this level and have a sensitivity to meanings and values as well as an ability to represent and interpret symbolic articulations, practices and forms of cultural production” (Willis, 1977: 3).

It is therefore through an ethnographic immersion into the world of ticket touts that I addressed the aforementioned gap in the knowledge. By adopting similar methods, I was able to edge closer to the situated meaning behind the behaviour of touts, and the complex internal rationalisations and significance of the everyday, constructed reality of the touting world.

In order to achieve this understanding, my approach was entirely empirical, a method that is closely connected with symbolic interactionism and ethnography. As such, I entered the field without extensive theoretical knowledge or prior research, with an observant eye and an open mind as to the themes that would emerge naturally from my surroundings (Maguire, 2008: 267). Rock stated that “...research grounded in symbolic interactionism will be tentative, empirical and responsive to meaning” (2001: 29) and is “open-ended, provisional and uncertain of its final outcome” (2001: 31). Further:

“Research is not passive or neutral. It is interactive and creative, selective and interpretive, illuminating patches of the world around it, giving meaning and suggesting further paths of enquiry. In this sense, it is a process that does not start from fixed conditions and a clear vision of what lies ahead but changes with each stage of enquiry so that many important questions emerge only in situ. It is virtually impossible to anticipate what will be encountered” (Rock, 2001: 30).

I thus did not enter the field with a specific hypothesis to be tested, but rather with much broader research questions that had emerged from my initial review of the literature. Rock stated that “to hedge oneself in with firm hypotheses, research designs and instruments will do little more than blind oneself to the world, prevent oneself from responding effectively to what one might discover” (Rock, 2001: 30-31), citing Agar’s “learning role” (Agar, 1986: 12) as a crucial element that would be lost if such a rigid approach were to be undertaken. Agar argued that questions such as “what’s your hypothesis?” or “how do you measure that?” would perhaps make sense in a scientific context, but not when the researcher assumed a “learning role”. More appropriate questions were therefore: “What is going on here?” or “Who are these people and what are they doing?”

“You need to learn about a world you don’t understand by encountering it first-hand and making some sense out of it” (Agar, 1986: 12).

Indeed, the fact that some of the initial themes that I expected to encounter and explore were written off quite quickly, while others which I could never have contemplated became central to the thesis, was evidence of the learning process I had undertaken.

3.2.2 What is ethnography?

There is no single, conclusive definition for the term “ethnography”, neither as a methodology nor as the final product of research (Atkinson, Coffey, Delamont, Lofland, and Lofland, 2001). Ethnography is commonly described as the study of a group of people who belong to “small, relatively homogenous, naturally or artificially bounded groups” (LeCompte, 2002, cited in Noaks and Wincup, 2004: 98) within their “natural setting” (Noaks and Wincup, 2004: 93). The general ingredients of this approach appear to be group contexts, societies, gangs or subcultures, and a specific location that constitutes the group in question’s natural habitat.

Geertz (1973), a noted anthropologist whose ethnographic pieces investigated tribal populations, customs and rituals in situ, was a strong proponent of such research being conducted in specific, geographical social settings, where his notion of the “thick description” could be employed. This involved fieldwork, qualitative sociology and a method of PO that transcended descriptions of mere behaviour by exploring contextual settings and the meanings his subjects of study attached to these. The importance of finite geographical boundaries in ethnography can also be seen in Whyte’s (1955) classic ethnography on Italian migrants in Boston, or in Polsky’s *Hustlers, Beats and Others* (1971). The location for Whyte’s study on the corner boys and the formation of other gangs was the specific neighbourhoods and streets around their homes and local shops, while Ned Polsky’s ethnography was entirely conducted within the four walls of pool and billiard rooms in various US cities and towns.

These interpretations of ethnography seemed to fit particularly well with a study of ticket touts working in groups outside a concert venue or football stadium, with the “natural setting” being the locations adjacent to where in-demand events would be taking place and

the backstreets, car parks and tube station exits nearby. Building on the existing literature on “grafting” (Sugden, 2002) and scalping (Atkinson, 1997), however, Noaks and Wincup’s (2004) definition was reinterpreted to allow the “setting” to extend to areas beyond geographical or physical street corners and include the homes, offices, and more generally the private locations with access to the world wide web from which touts operated in a more contemporary context. This would portray a more accurate picture of the phenomenon of ticket touting and include the modern internet-based forms of the practice. Additionally, whereas the traditional street touts are known to operate in “groups”, ticket touts that operate exclusively online might be more likely to work alone. As such, a definition and application of ethnography that would fit the different types of touts, and at the same time be able to collectively analyse ticket touting holistically in contemporary society, was to be sought.

Blumer stated that it is only through ethnographic research that one can achieve a "first-hand familiarity" with the persons under investigation, and their “empirical world” (Blumer, 1969: 37-38). This more general definition that focused on the concept of a wider culture or “world” to be examined, rather than a specific geographical location, enabled the selection of ethnography as the appropriate methodology for this thesis. The setting for the research could thus be extended from the street corners to a “world” with no definitive physical boundaries. Agar also spoke of ethnographers showing how “social action in one world makes sense from the point of view of another [world]” (Agar, 1986: 12). Touts, whether operating online or in the streets, were viewed as potentially deviant actors with a common purpose and a similar system of values, who might thus be collectively described as belonging to the same “world”.

This view is in fact similar with the method known as multi-sited ethnography, usually adopted in the context of studying transnational phenomena such as capitalism and globalisation (Marcus, 1995). These concepts are viewed as not having geographical limits; their study therefore requires the researcher to move across different locations rather than stationing him or herself in a single fieldwork site. By extending Blumer’s definition of “world” to include, not only the study of various physical locations, but also of virtual spaces such as the internet, an ethnographic approach was adopted. Through this I hoped to glean unprecedented levels of knowledge on the methods, experiences of, and justifications for, deviant conduct of ticket touts in the UK as a whole, rather than focusing on just one city, or a specific venue within one city.

Ethnographic methods, it follows, can be understood to be those systems of engagement through which the researcher is able to reach within an unknown world,

penetrate the various loci in which its subjects conduct themselves naturally, undisturbed, and return to society at large with revelations on the otherwise unknown or inaccessible “recipes of knowledge” of the group (Atkinson, 2000: 155). These “recipes” may include the individuals’ daily experiences of conducting a certain activity, the values they collectively or independently attach to it, and, where relevant, the justifications offered to themselves and to wider society for behaving in such a way. Indeed, the role of the ethnographer is to “bridge between the experiences of actors and audiences” (Pearson, 1993: xviii), and thus provide insights into the reality of a phenomenon that from the outside is largely foreign or new. Adler, in justifying her ethnographic methods, also noted how personal involvement and experience was “the only way to acquire accurate knowledge about deviant behaviour” (1985: 11).

While recognising that ethnographers may have at their disposal “a very diverse repertoire of research techniques” (Atkinson et al., 2001: 5) for the purposes of obtaining detailed knowledge on a certain group, there is also a general consensus that the specific methods that belong to ethnographic research revolve around interviews, fieldwork and PO (Atkinson et al., 2001: 2; Geertz, 1973). These methods should not necessarily be exclusive of each other. On the contrary, the context in which they are conducted should be a shared one, such that the different approaches can reciprocally inform each other simultaneously. Paul Atkinson and colleagues noted that:

“a good deal of what currently passes for qualitative research has little systematic grounding in the methods and commitments that we associate with the term ‘ethnography’. Close inspection of the relevant literatures and textbooks suggests that all too often authors and researchers are talking about the conduct of in-depth interviews – or focus groups – divorced from contexts of social action” (2001: 5).

The term “action” in this context can be interpreted to refer to both the action of the subjects under scrutiny, but also of the researcher. It thus advocates fieldwork that is more dynamic, energetic and unpredictable than sitting in a café and engaging in in-depth conversations *about* action.

My own aim was thus to avoid producing a study that could be dismissed as not ethnographic, or insufficiently ethnographic, and attempts were made to fulfil the requirements of marrying interviews with social action, combining the methods of interviewing, observing and participating to adopt a holistic approach that would truly capture the “empirical world” (Blumer, 1969) of the ticket touts.

3.2.3 Why ethnography?

Michael Atkinson described the aim of ethnographic research as “to strive for an understanding of [the] social world from the perspectives of the participants by the researcher immersing him or herself within that world of interaction” (1997: 39-40). Jorgensen (1989: 12-13), whose theory inspired Atkinson’s study of ticket scalpers, compiled a list of instances in which ethnographic research methods are most “appropriate”. Atkinson relied on Jorgensen’s model describing it as “tailor-made” for a study on scalping or ticket touting (Atkinson, 1997: 41). The following list outlines that ethnographic methods are particularly useful when:

- Little is known about the phenomenon
- There are important differences between the views of insiders as opposed to outsiders
- The phenomenon is somehow obscured from the view of outsiders
- The phenomenon of investigation is observable within an everyday life setting
- The researcher is able to gain access to an appropriate setting

Observation and interviews were selected as the most appropriate options, from a range of available qualitative approaches, to meet the criteria in the list above. As such, I was immersed in the mentalities and lived experiences of ticket touts, and able to study “a way of life of a group of people” (Atkinson, 1997: 39), in line with ethnographic philosophy and symbolic interactionist theory.

Not only did the methods of ethnographic work naturally fit with the scope and aims of this thesis, it became apparent that any other approach would have struggled to obtain the data sought to contribute new knowledge to the current debate around ticket touting. Each of the sections below discusses the advantages of having chosen an ethnographic approach, with each of its components.

Due to the physical trading of tickets for cash being conducted on the streets, a large portion of ticket touting is, in fact, highly visible. Sometimes, however, ticket touts engage in touting in ways that are more inconspicuous. Ultimately all behaviour within the phenomenon is somewhat secretive because of the black market nature of the activity and the touts’ desire or need to keep their conduct hidden (Adler, 1985). Ethnographic research methods enabled a striking of the appropriate balance of this public and private dichotomy; led on the one hand by direct physical observation of typical touting practices as they were

being conducted in the public domain, and on the other by a detailed investigation into the views and descriptions of the attitudes of ticket touts through in-depth interviews in a private setting once trust was gained and access was granted. The findings gathered through these two methods were then further strengthened by undertaking an even deeper immersion into the touting world, in the form of PO.

3.3 Recruitment

3.3.1 Online recruitment

Once the appropriate methods were identified, attempts to recruit participants for the study began. This process started through the creation of a flier (see Appendix A). Producing a flier for recruitment is not unusual, though rather than pinning it up in post offices or supermarkets, or publishing it in a newspaper, the internet was chosen as the location to exhibit it. Initially it was intended that this could supplement the manual distribution of the flier (Boeri, 2013), whether to persons who might pass it on, or to individuals who appeared to be touting directly in situ. However, the decision not to hand out the flier directly at venues was borne out of a sense of intimidation that was felt during the initial observations. In fact, no contact whatsoever was made with touts during the first two full days of fieldwork.

The only successful recruitment on site was made during the third day of fieldwork. This occurred outside Arsenal's Emirates Stadium, in the narrow street between Holloway Road and the immediate premises of the ground. I was approached and offered tickets for the match between Arsenal and Crystal Palace, the opening fixture of the 2014-15 season. After declining politely, I engaged with the two gentlemen, showing them my flier and answering questions on the study as well as the arrangements for a potential interview. One of the touts declined, while the other, "Spartan", took my flier and contact details, stating that as long as there were going to be "*no names and no photos*", he was in.

In contrast, on a separate occasion outside the venue Koko in North London, I attempted to approach one individual privately, showing him my flier and describing the nature and scope of the study. He did not limit himself to simply stating that he was not interested; as he noticed that I was seeking to engage with a colleague of his shortly

afterwards, he intervened and strongly influenced the other tout's response. Unsurprisingly, the second tout also rejected my proposal. After a couple of further failed attempts in the next outings, it was established that observations should be for observing, and that the recruitment element was to be kept separate and limited to the internet due to these practical inconveniences.

In terms of selecting ways to make the flier most visible online, prior knowledge of ticket touting from the point of view of a prospective buyer brought me to the listings website Craigslist. Despite Craigslist's status in the US as a giant of classified advertising, Gumtree remains a much more obvious choice in the UK. In the UK, one is perhaps unlikely to resort to Craigslist when searching for a job or a flat to rent. This may be due to the popularity of Gumtree, and to Craigslist's reputation as being rife with scams and dubious practices. However, due to the resale of football tickets being a criminal offence in this country, the more widely known and utilised Gumtree tended to remove the illegal listing of football tickets for resale from its website. Craigslist has thus established itself over time as the go-to point for touts advertising football tickets for sale, as well as for punters wishing to buy them. Publishing on Craigslist was also free, whereas Gumtree levied fees.

Based on this preliminary information, the flier was published on Craigslist, and became visible among various listings offering tickets for sale, mainly to Premier League fixtures. The contents of the flier were deliberately vague, offering prospective interviewees the possibility of finding out more details by contacting me. It was emphasised that no personal information would be required, and that the interview was in fact more of an informal "chat". As time passed the flier would become less visible due to new listings being added to the site. I thus reposted it on four occasions between May and September 2014. Overall, this led to direct email contact with over 40 potential participants. The conversations that ensued were useful to clarify the scope of the study, explain the academic nature of the enquiry and answer queries from the prospective interviewees regarding issues such as confidentiality, data protection, the location of the meeting and payment. As expected, the majority of respondents viewed the study as suspicious, and dialogue with a small number of individuals ended abruptly at times. This justified the use of vague language in the initial flier; had more details been disclosed it is even less likely that potential participants would have initiated contact.

In addition to the flier's contents being rather vague, its presentation was also very informal, though this was less calculated on my part. The way in which Craigslist publishes its listings meant that my ad was visible as a blurb of text and nothing more. Personal details

such as my own name or phone number were not included, and there was no indication of the official nature of the enquiry and no university logo. This was the case even once an email exchange with prospective participants had begun: the real email addresses, of both the enquirer and receiver, were replaced with an anonymised code. This was in fact a disadvantage, to a degree, because the flier came across as a piece of text that could have been posted by anyone. As such, it did in fact look like a potential scam, particularly in light of the offer to pay £50 to participants, and the website's general reputation. One interviewee, even after exchanging details with me, insisted on calling the university to ascertain that the offer was not a scam. This minor disadvantage, however, was outweighed by the advantages of the anonymised posting system employed by this specific website.

The completely anonymised form of communication permitted individuals to get in touch without revealing their names, or even email addresses. It became clear how advantageous this was, both for the participants and for myself, once communication was initiated. One individual, with whom, over time, a positive and trustworthy rapport was developed, initially accused me of being an undercover police officer in a rather aggressive manner. Without anonymity, he may never have been able to be so candid. Equally, once this misunderstanding was resolved, his subsequent responses may not have been so honest. While many enquirers deemed the incentive too small, or the interview itself not being worth their time, this method of recruitment was successful in yielding a high response rate. It is likely that many of those who then became participants would not have taken the initial steps to initiate dialogue without the anonymity provided through this platform. Information sheets (see Appendix B), which outlined the purpose, structure and duration of the interviews, in addition to clarifying how the data would be used, were forwarded to the individuals who were interested after the initial contact was made. These were sent along with consent forms (also in Appendix B) that were to be signed on the day of the interview.

In addition to Craigslist, listing the same flier on Gumtree was contemplated. In hindsight this would certainly have been useful, as it may have enabled the recruitment of individuals who deliberately choose not to sell football tickets due to the practice being illegal, thus offering a wider spectrum of sellers. However, due to the success of the initial recruitment attempt on Craigslist and the costs associated with creating and maintaining an ad on Gumtree, this option was not taken at the time. It later emerged that the sellers of football tickets on Craigslist were often the same individuals who sold non-football tickets on Gumtree, so the limitations of having chosen not to publish the flier on both websites separately are likely to have been minimal.

3.3.2 Other methods of recruitment

At the end of each interview I asked the participants, particularly those who had described their touting activities as either group-based or as involving deals with extended networks of sellers, whether their colleagues would perhaps be interested in undergoing the same interview process. While in many cases the participants rejected the idea, some said they would pass on my contact details. Even without this prompt, a couple of touts enquired as to whether I would be keen to speak to their associates, perhaps having realised the ease with which the incentive of £50 could be collected. It was rare for a single contact to supply more than one other participant. Rather, when snowball sampling occurred, each newly referred contact was able to put me in touch with one additional individual interviewee, creating a linked chain of participants. The majority of interviewees, 15 out of 25, were thus recruited through the classifieds website Craigslist, while about a third, eight participants, were recruited via snowball sampling through the referral of the study by interviewees to their associates.

Of those that were not recruited via snowball sampling, one, as mentioned, was recruited outside a football stadium during an observation. Another individual, who worked as a ticket seller in London's West End, was approached by me directly towards the end of my initial PO attempt, details of which are presented below. After establishing trust, a process that required many months, this participant became a key informant, and an in-depth interview was completed more than one year after the first contact was made. To put this into context, all the other interviews were completed within a few weeks of contact being made, whether through online recruitment or snowball sampling.

3.4 Observation

Observation began on the day of the 2014 FA Cup final between Arsenal and Hull City, held at London's Wembley Stadium. My conduct at the first couple of observation outings was unplanned, and the fieldwork was executed without reference to any specific research questions, scheme or methods textbook (Rock, 2001; Maguire, 2008; Agar, 1986). After about a dozen days of fieldwork, the common themes that began to emerge and repeat themselves were noted, in terms of the touts' strategic positioning and movements, and a

rough checklist of such items was developed to use at each subsequent observation. An important aim in the initial stages of the study was to ascertain whether observations at different venues, in different cities and for different types of events, sporting or music-related, shared similarities. In other words, I was ensuring that a study of touts in general, in terms of Blumer's (1969) definition of belonging to a larger collective or "world", and thus one that was not limited to a particular location or type of event, would be feasible.

For example, it was my own belief prior to commencing the research that touts operated around a particular sport, band, venue or, especially, a specific team. It was therefore tested in the early observations whether you could encounter, say, the Brixton Academy touts, the Spurs touts or the Man United touts, or whether such groups even existed. It was quickly established that this was not the case, as the list of familiar faces spotted in Manchester for a Manchester United match, at Twickenham for an England Rugby fixture, or in Glasgow for a One Direction gig, grew longer. Although some touts may have had stronger affiliations with certain clubs, based on their contacts or the memberships they possessed, they generally operated far and wide. This theme, which I named "the usual suspects", was one example of many that gradually started to emerge from the initial observations.

The development of such a framework is discussed here, in diary-like form, with frequent references to the first day due to the fact that the methods that were adopted instinctively became the guidelines for future visits. The structure of each observation converged more and more to that of the initial one. Specific differences that were encountered, requiring diverse methods to be employed, are also noted.

3.4.1 Developing a research framework

Upon existing Wembley Park tube station on that first day, the whereabouts of the touts became apparent very quickly. Of course, having previously attended numerous football matches and live music events in general, the touts' presence was not surprising, especially on an occasion such as a major cup final. However, previously, the touts would suddenly appear, before being forgotten without much thought. From that moment I noted that my event-going experiences would change forever. Since then, upon arriving at a venue,

the first port of call was to locate the touts. This quickly became an instinctive and natural process, a box-ticking exercise. And, usually, not an entirely difficult one.

Standing on the side of the main concourse, as the flood of spectators rushed from right to left heading along Wembley Way towards the stadium, the touts became very noticeable for one main reason: they appeared to be the only individuals moving upstream from left to right. This would later become a key theme of all future observations, as walking against the current of attendees was indeed a selling strategy frequently employed by the touts to maximise their profits.

Once the touts were identified in the first set of observations, my most immediate inclination and intuition was to find a good position from which to watch their movements and behaviours, but also to approach and engage with them in the hope of finding a gatekeeper and eventually becoming his protégé. Although quite naïve, in hindsight, this initial plan can essentially be described as “hanging around”, similar to the loitering performed by Wolf (1991) in his attempt to engage with the “Harleytribe” biker subculture in Calgary, Canada. Very much like Wolf, my initial aim was to fully engage and attempt to integrate with the touts. While Wolf did in fact try to engage with the bikers before being initially shut out, my sense of intimidation and discomfort held me back, and led me to abandon and review my approach.

For example, many touts were hanging out in large groups to the right of the route from the tube station towards the ground, amongst other places. In the car parks of Curry’s and Lidl’s, they enjoyed the relative privacy of being out of the police’s view; this was just one location in which many of the deals were struck. And yet, as I began to approach them, I felt a sense of fear, of unpreparedness, and I essentially shut *myself* out. Wolf learned from his mistakes and made changes. When preparing himself to try again with a new group, he changed his approach, from the particular clothing he donned to his overly inquisitive tendencies. Polsky affirmed that “often you must modify your usual dress as well as your usual speech” (1971: 133). Similarly, Hobbs (1988) noted how in his ethnography of deviant entrepreneurs he dressed in a particular way when “hanging around” with the criminals, and in another when with the detectives of the police’s CID department. He defined these strategies as “image management” (1988: 6). Treadwell, on the other hand, did not need to follow Polsky’s advice when engaging with football hooligans. He described having a biographical advantage when undertaking PO to study rival lads and their violent ways, stating that “the criminal milieu” was not that alien to him. This was thanks to his previous work as a nightclub bouncer, and spending time in his youth in kickboxing gyms and clubs,

leading to having “a number of very dubious contacts as close friends”. Through his biography, Treadwell thus did not require to change his dress, speech or behaviour (Williams and Treadwell, 2008: 61-62).

I could not rely on such an advantage. This was the first of a couple of experiences which ultimately led me to change not the way in which I presented myself to the group, but my entire approach. I excluded engaging and participating with touts on the street as a research method. In the same way that attempts to recruit potential interviewees were removed from the observational fieldwork, as described above, the idea of engaging in fully participatory observation was also discarded.

I thus chose to change strategy altogether, a withdrawal similar to Karp’s (1980) in his ventures in the Times Square sexual scene. In the same way that, after episodes of rejection and situations of discomfort, he opted to limit his involvement to observation alone, with minimal and occasional conversation, I realised that any form of PO I had envisioned, involving perhaps physically standing within a group and offering to buy or sell tickets, was rather ill-conceived. A key difference to Wolf’s experience, in my view, was that the ticket touts were working. Karp’s bookshop keepers were also similarly engaged. Wolf’s bikers on the other hand were, to put it simply, “hanging around”. Had I had the opportunity of identifying a gathering of touts, say, in a pub setting, it may have been a different matter. But while they were on the job, employing the specific tactics that I was there to observe, they often came across as rather aggressive, on the edge, and anything but approachable.

I did subsequently note that this impenetrability did not present itself at each observation; it tended to occur mostly at football games as opposed to other events at which the touts’ activity would not have been illegal. And yet it was at a non-football game, at London’s Koko, described above, that I was excluded by a very small group of touts when I approached them to try to recruit them for interviews. The interviews would naturally have taken place in a separate, private setting – a far cry from asking them whether I could join their group on the spot and sell tickets with them.

As such, my strategy on that first day, and subsequently on most other occasions, shifted from “hanging around”, hoping to recruit or engage, to a more covert “blending” exercise. This consisted of trying to disappear within the physical surroundings without raising suspicion amongst the subjects under investigation. Polsky highlighted the importance of not “stick[ing] out like a sore thumb in the criminal’s natural environment” and “blend[ing] in with the human scenery so that you don’t chill the scene” (1971: 133).

This is exactly what Treadwell was able to do amongst his participants. I, however, unlike Treadwell and Polsky, adopted this strategy to blend in with non-participants, with the general public and the surrounding physical environment. Becoming invisible to potentially suspicious touts, who were constantly on the lookout for undercover police officers, by being a mere passer-by, as opposed to “one of them”, was a much more manageable task. Not least because of the numerous fans that were also loitering to the side of the onrush of people, as they waited for friends to emerge from the tube. Though, as noted above, this was not as straightforward at smaller venues, leading to situations in which I was spotted and had to act accordingly.

3.4.2 Recording methods

My approach of blending in with the surrounding environment was also central to my note-taking processes. Hanging around with a notepad and scribbling away in the style of a traffic warden handing out fines would have hardly been conducive to covert research; however, the presence of spectators who were genuinely waiting for family and friends by the tube with their phone in their hands, expectant of imminent communication, meant that I could stand beside them and pretend to be doing the same. While others used their phones to communicate, I typed my fieldnotes.

These were taken contemporaneously with the “events, experiences and interactions” that surrounded me (Emerson, Fretz and Shaw, 2001: 353). With the assistance of the phone’s predictive text function, notes were written quickly and “live” to give a most authentic account of my on-the-spot reflections and emotions, as opposed to, for example, attempting to recall and summarise the events at the end of each day (Atkinson, 1997; Jackson, 1990). The choice of a phone as a note-taking device meant that its interference was minimal, and it is felt that it did not become a distraction throughout the fieldwork (Jackson, 1990). To reduce the time spent with my head down, typing away, during which I could potentially have been missing developments of interest, the fieldnotes were never written as completely legible full sentences (Lofland and Lofland, 1995). They were rather “jotted notes” of the kind that would subsequently “facilitate writing detailed, elaborate fieldnotes as close to the field experience as possible in order to preserve the immediacy of

feelings and impressions and to maximize the ethnographer's ability to recall happenings in detail" (Emerson et al., 2001: 356).

In situations in which I was able to communicate with touts outside venues, this method of note taking permitted the recording of precise exchanges with the touts just minutes after such exchanges had taken place, as it was perfectly reasonable in the context to be almost constantly texting. In fact, conducting research in 2016, I often felt I would almost have been the odd one out if I were not either holding a phone or taking a "selfie" next to the venue. Geertz described this process as experiencing an event that is happening there and then, and "turning it from a passing event, which exists only in its own moment of occurrence, into an account, which exists in its inscription and can be reconsulted" (Geertz, 1973: 19). This can be contrasted with Michael Atkinson's approach (1997) to studying ticket scalpers, as he described taking notes *after* his observations rather than *during* his interactions with them. Phone in hand, pretending to be texting a latecomer, fieldnotes were composed in the form of emails which I would then send to myself in order to review, tidy, and, much later, analyse.

3.4.3 Validity and limitations

The themes that became part of the findings from the observations were all captured without too much difficulty by loitering, and, on occasion, following the touts amongst the crowds to attempt to overhear some dialogue, or witness first-hand their negotiations and sales. During the first day of observations at Wembley, I often changed my position, walking up and down Wembley Way, circling the ground a few times, before finding a new key location from which I could observe, and note, the repetitive patterns of movements performed by the touts. At subsequent observations there were, however, some important differences to note, and these can be reflected in minor changes to the methods that I adopted as an observer.

For example, venues outside London, particularly football stadia, were much harder to monitor so comprehensively. It was commonly noted that another key tactic to maximise profits was for touts to place themselves at what I identified as the "key access points" (KAP) for each venue. The KAPs identified for each observed location were therefore the focal points at which large waves of supporters or event-goers would arrive, and as such

represented key strategic points for touts to be physically standing at in the search for potential buyers. Chelsea's Stamford Bridge is located immediately outside Fulham Broadway tube station, and fans arriving there are channelled out of the station through a designated exit straight onto the main concourse, just minutes from the ground. Brixton tube station is not much further away from the Academy, and, crucially, the station is the KAP for most gig-goers. Equally, Koko is less than a minute's walk from Mornington Crescent tube station and within reach of Camden Town tube station. In London, the KAPs were almost exclusively tube stations, overground stations or bus stops in the vicinity of the venues. These were therefore the areas predominantly targeted by ticket touts.

Outside of London, while public transport was of course important, and as such still within the scope of the touts' strategic positioning, there was a new dimension that was of significance: cars. KAPs would therefore include car parks, but even drop off points that were often thirty to forty-five minutes' walk from the ground or venue. As such, it was not always possible to circle the venue a few times and monitor each of the KAPs, which were often multiple. I would confidently state that, after repeated visits to the Roundhouse in Camden, for example, I had been able to comfortably monitor each of the KAPS to the point of saturation, such that an additional visit would not have yielded new information for the purposes of the study. The same could not be said of the two Manchester stadia, or of Hampden in Glasgow or Anfield in Liverpool.

Old Trafford is within reach of tramline stops Old Trafford, Trafford Bar and Exchange Quay, not to mention the KAPs if travelling by car, or by bus. Even Manchester Piccadilly train station can be considered a KAP for fans arriving from other cities. The difference could not have been more evident in contrast to the Emirates, where, within just over an hour of "hanging around", I was able to inspect each approaching avenue into the stadium. Given its central London location, the stadium is surrounded by closed spaces, residential streets, shops, and lacks the vast openness of roundabouts, car parks and junctions that characterise stadia outside the capital. To adapt to these difficulties, observations at venues in Manchester or Glasgow were usually slightly longer, and repeat visits were attempted where possible, though, inevitably, financial and time constraints prevented such locations from being as accessible as the London ones. Saturation, perhaps, was never quite achieved at such venues.

Overall, 61 days of observation were undertaken from May 2014 to July 2016. The complete list of the events at which observations were conducted is presented in the table, below.

Table 3.1. List of observations

Event	Date	Venue	Occasion	Type
Arsenal vs Hull City	17/05/2014	Wembley Stadium, London	FA Cup Final	Football match
Neutral Milk Hotel	23/05/2014	Roundhouse, London	Tour	Music event
Arsenal vs Crystal Palace	16/08/2014	Emirates Stadium, London	Premier League	Football match
The Australian Pink Floyd Show	20/08/2014	Old Royal Naval College, London	Festival	Music event
West End box offices	28/08/2014	The West End, London	n/a	Various
Chelsea vs Bolton	24/09/2014	Stamford Bridge, London	League Cup	Football match
Man Utd vs Chelsea	26/10/2014	Old Trafford, Manchester	Premier League	Football match
Band of Skulls	14/11/2014	Hammersmith Apollo, London	Tour	Music event
Chelsea vs Man City	31/01/2015	Stamford Bridge, London	Premier League	Football match
Afghan Whigs	04/02/2015	Koko, London	Tour	Music event
Tottenham vs Arsenal	07/02/2015	White Hart Lane, London	Premier League	Football match
West Ham vs Man Utd	08/02/2015	Upton Park, London	Premier League	Football match
Royal Blood	17/02/2015	Koko, London	Tour	Music event
Giovanni Allevi	27/02/2015	Cadegan Hall, London	Tour	Music event
Chelsea vs PSG	11/03/2015	Stamford Bridge, London	Champions League	Football match
Stereophonics	23/03/2015	Royal Albert Hall, London	Tour	Music event
Sweeney Todd	10/04/2015	Coliseum, London	Limited run	Theatre
Happysad	11/04/2015	Garage, London	Tour	Music event
Chelsea vs Man Utd	18/04/2015	Stamford Bridge, London	Premier League	Football match
Arsenal vs Chelsea	26/04/2015	Emirates Stadium, London	Premier League	Football match
Chelsea vs Crystal Palace	03/05/2015	Stamford Bridge, London	Premier League	Football match
Juventus vs Barcelona 1	05/06/2015	Olympiastadion, Berlin	Champions League Final	Football match
Juventus vs Barcelona 2	06/06/2015	Olympiastadion, Berlin	Champions League Final	Football match
Ash	11/06/2015	Scala, London	Tour	Music event
Damien Rice	13/06/2015	Chelsea Hospital, London	Tour	Music event
Faith No More	17/06/2015	Roundhouse, London	Tour	Music event
The Trial	11/07/2015	Young Vic, London	Limited run	Theatre
Djokovic vs Federer	12/07/2015	Wimbledon, London	Wimbledon Final	Tennis
2nd test day 2	17/07/2015	Lords, London	Ashes	Cricket
West End box offices	19/08/2015	The West End, London	n/a	Various
5th test day 3	22/08/2015	Oval, London	Ashes	Cricket
Sufjan Stevens	03/09/2015	Southbank Centre, London	Tour	Music event
The Libertines	10/09/2015	Electric Ballroom, London	Tour	Music event
Muse	11/09/2015	Electric Ballroom, London	Promotional one off	Music event

Man Utd vs Liverpool	12/09/2015	Old Trafford, Manchester	Premier League	Football match
Beirut	24/09/2015	Brixton Academy, London	Tour	Music event
One Direction	25/09/2015	O2 Arena, London	Tour	Music event
Tottenham vs Man City	26/09/2015	White Hart Lane, London	Premier League	Football match
England vs Wales	26/09/2015	Twickenham Stadium, London	Rugby World Cup	Rugby
One Direction	28/09/2015	O2 Arena, London	Tour	Music event
England vs Australia	03/10/2015	Twickenham Stadium, London	Rugby World Cup	Rugby
Arsenal vs Man Utd	04/10/2015	Emirates Stadium, London	Premier League	Football match
One Direction	07/10/2015	The Hydro, Glasgow	Tour	Music event
Scotland vs Poland	08/10/2015	Hampden Park, Glasgow	Euro Qualification	Football match
Jamie XX	15/10/2015	Brixton Academy, London	Tour	Music event
Tottenham vs Liverpool	17/10/2015	White Hart Lane, London	Premier League	Football match
Madonna	02/12/2015	O2 Arena, London	Tour	Music event
Leicester vs Liverpool	02/02/2016	King Power Stadium, Leicester	Premier League	Football match
Slipknot	13/02/2016	First Direct Arena, Leeds	Tour	Music event
Arsenal vs Barcelona	23/02/2016	Emirates Stadium, London	Champions League	Football match
The Joy Formidable	23/02/2016	Oslo, London	Tour	Music event
Brit awards	24/02/2016	O2 Arena, London	Award show	Music event
Coldplay	24/02/2016	O2 Arena, London	Tour	Music event
England vs Ireland	27/02/2016	Twickenham Stadium, London	6 Nations	Rugby
Man Utd vs Arsenal	28/02/2016	Old Trafford, Manchester	Premier League	Football match
Adele	18/03/2016	O2 Arena, London	Tour	Music event
Manchester City vs PSG	12/04/2016	Etihad Stadium, Manchester	Champions League	Football match
Liverpool vs Dortmund	14/04/2016	Anfield, Liverpool	Europa League	Football match
Celtic vs Rangers	17/04/2016	Hampden Park, Glasgow	Scottish Cup	Football match
Radiohead	26/05/2016	Roundhouse, London	Tour	Music event
England vs Wales	16/06/2016	Stade Bollaert-Delelis, Lens	Euro 2016	Football match
Italy vs Spain	30/06/2016	Stade de France, Paris	Euro 2016	Football match

In order to evenly monitor touting at events across the country, a wide range of sports fixtures and music performances were selected. In the end, the spread was intended to reflect the popularity of and demand for live entertainment in the UK, perceptions of which were built on observing media coverage, online secondary market sales, and the word of mouth of some contacts. My own knowledge of football and the music industry was also a factor. In cases where unexpected results dictated popularity and demand, these were taken into

account. For example, the incredible success of Leicester City during the 2015-16 season was not ignored, such that observing touting activity at the King Power Stadium was included in the fieldwork (De Menez, 2016; Stevens, 2016). Had the research taken place at any other moment in the last 10 years, it is unlikely that Leicester City would have been considered among the usual big names of Premier League football. I also paid attention to upcoming new bands and the results of popular award ceremonies such as the Mercury Prize or Brit Awards in order to avoid neglecting important emerging acts, that I in some cases had personally never heard of, for which there may have been demand.

Just over two-fifths (25) of all observations were completed at football fixtures and a further two-fifths at concerts (26). The remaining outings (10) were undertaken at a variety of sporting events such as rugby, tennis and cricket matches, while some took place outside theatres, including visits to box offices and ticket stands in London's West End. Unsurprisingly, ticket touting is also popular in many other forms of live entertainment such as boxing, snooker, the opera, comedy shows, and it is known to have occurred for one-off exhibitions even at the National Gallery, amongst others (Gayle, 2015; Topping, 2011). It would be fair to suggest that ticket touting probably occurs at almost every type of event. Of course, it would not conceivably have been possible to cover everything. It is thus important to state that touting activity was not observed at every type of event at which it is known to occur.

As previously noted, however, the individuals who profit from, for example, darts or cricket tickets, were likely to be the same who touted football or concert tickets, and evidence of this was collected through various sources, such as the interviews and everyday conversations with gatekeepers. The methods of selling that I was aiming to observe were also similar across the diverse range of events, the only exception being football due to the CJPOA 1994. As such, despite not conducting even a single observation at, say, a boxing match, it can be argued with some confidence that the limitations to this study relative to these omissions are not a threat to the conclusions. The strategies adopted, and the conduct and attitudes of touts selling outside a boxing arena, were deemed unlikely to be any different to those employed at, say, a concert or a tennis match.

A key example of the strengths of the observational work undertaken can be cited in the two occasions in which I ended up purchasing tickets from a tout for my own, personal use. One ticket was for the fixture Manchester United versus Arsenal at Old Trafford, in Manchester. In addition to enjoying a good afternoon of football (Manchester United went on to win 3-2 in a thrilling game), I was able to chat to the tout from whom I had bought a

ticket, to ask questions, to understand his motives and to hear his attempts to justify what he was doing. Much of the findings based on what I had personally observed and from other sources were confirmed through such encounters.

These experiences enabled me to go beyond “just being around”, a device also adopted by Atkinson in his observation of scalpers in Canada (1997: 45). Through this deeper level of “immersion” in the criminal act, I was able to witness the learned concealment techniques of touts in response to, amongst other things, a vigilant police presence. The touts positioning themselves at KAPs across the country, their upstream movements, their rapid telephone communications, their avoidance tactics, perceptions and reactions to police presence, were all gleaned through ethnographic observation. It is felt that no other method would have yielded some of the information that was sought as part of this research (Adler, 1985). Whilst merely asking about specific trading and avoidance techniques in the subsequent interviews could have been an alternative method of obtaining these results, by combining interview and observational data a higher degree of validity was achieved as I was able to cross-check and confirm the interview material with my own personal experiences as a direct witness. In fact, on that particular occasion at Old Trafford, it occurred to me there and then that, with proper funding, it would be ideal to buy tickets much more frequently. As per my fieldnotes: *“those few minutes chatting and once trust is gained are far more valuable than hours of observations and assumptions”*.

3.5 Interviews

To complement the physical observations, interviews were selected as the most effective way of gaining knowledge on devices and techniques that were, in practice, unobservable, such as ticket touting conducted in one’s home or in the private offices of individuals or companies. Equally, much of the actions and interactions that could be observed also contained underlying strategies or internal motives, which may have seemed insignificant to a passer-by; the interviews were able to shed light on such practices. Lastly, the interviews also enabled the collection of rich contextual data on ticket touts, such as family and educational background, and a series of life-history accounts including: the reasons individuals decided to tout tickets from the first time the opportunity presented itself; awareness (or not) of the law through experience; and personal justifications for

pursuing the activity.

3.5.1 Description of the sample

Of the 25 participants interviewed, 23 were male and two participants were female. The average age of those who disclosed theirs was 37, with the youngest seller being 19 and the oldest 53 years of age. Nine individuals were age 45 or older. Of the 25, one was black and three were not of British nationality, but the entire sample traded within the UK as the principal base for their activity. Just over half (n=14) had a partner or were married, whilst five (20%) had neither a partner nor children.

With regards to education (N=18), the range was quite widespread, from one ticket tout holding a master's degree to several (n=7; 39%) not finishing school. Six of the 18 who provided information about education held an undergraduate degree, whilst ten had gone into forms of work straight from school or earlier. Data in this field were unavailable for seven individuals.

Employment information was collected for 23 of the individuals, of which 16 held full- or part-time occupations, often in fields that were completely unrelated to ticketing. Of these, 14 (88%) described their ticket touting activity as secondary or part-time. Seven individuals were officially unemployed, having never held tax-paying jobs, of which three considered touting only part-time, and four as a full-time career. Two individuals described their involvement in ticket touting as full-time and also held forms of employment, bringing the total of individuals who practiced a full-time ticket touting career to six from 23 (26%). When asked about the length of their careers as ticket resellers to date, data were unavailable for four, and the remaining 21 reported an average length of just over 12 years of selling tickets for profit, with five individuals revealing a career of 20 years or longer. Interestingly, only six of those that responded to the question "*Are you a ticket tout?*" said "yes", while only five out of 25 did not trade in football tickets.

Table 3.2. List of participants

Pseudonym	Age bracket	Buying and selling for (yrs)	Sells football tickets	Are you a tout?
“Toad”	46-50	25	No	No
“Cheeky”	18-22	4	Yes	Yes
“Royal”	46-50	8	Yes	No
“Gunner”	<i>No answer</i>	2	Yes	No
“Shiny”	18-22	1.5	Yes	<i>No answer</i>
“The Pad”	<i>No answer</i>	30	Yes	Yes
“Fabs”	36-40	25	Yes	<i>No answer</i>
“The Chameleon”	41-45	6	No	No
“Air Con”	46-50	3	No	No
“Jaded”	41-45	5	No	No
“Lucky”	46-50	5	Yes	No
“Memory”	36-40	3	Yes	No
“Twist”	46-50	4	Yes	No
“Christmas”	18-22	5	Yes	No
“Duck”	18-22	7	Yes	Yes
“Bee”	36-40	15	Yes	Yes
“Morning”	36-40	5	No	No
“Spartan”	50+	35	Yes	Yes
“Ache”	36-40	15	Yes	Yes
“Nacho”	46-50	8	Yes	No
“Teacher”	26-30	2.5	Yes	No
“Blagger”	46-50	12	Yes	Yes
“Swimmer”	18-22	7	Yes	<i>No answer</i>
“Bride”	26-30	3.5	Yes	No
“Drama”	46-50	26	Yes	Yes

3.5.2 Approach

In line with the theory of symbolic interactionism, I drew on a key distinction to be made between ethnographic interviewing and other styles of interviewing, such as survey interviewing. In the words of Heyl, ethnographic interviewing can be understood as belonging to:

“those projects in which researchers have established respectful, on-going relationships with their interviewees, including enough rapport for there to be a genuine exchange of views and enough time and openness in the interviews for the interviewees to explore purposefully with the researcher the meanings they place on events in their worlds” (Heyl, 2001: 369).

In attempting to establish this mutual respect, I made it very clear to the participants from the onset that no one was being judged, clarifying that I did not hold a view, neither negative nor positive, about touting. This was quite important given the context of the study and the wider societal views of touts. It enabled the conversation to be more open, allowing the participants to explore the significance of particular decisions that had led to them becoming involved in touting, and to understand the meanings they attached to certain actions. Such an attempt was consistent with Spradley's view that "the essential core of ethnography is this concern with the meaning of actions and events to the people we seek to understand" (1979: 5).

My approach in establishing a common ground with the touts, assuring them of my total impartiality, reflected Spradley's consideration that "ethnography starts with a conscious attitude of almost complete ignorance" (1979: 5). Whereas my ignorance truly was genuine regarding certain methods of touting, I did hold some opinions in terms of the morality of the practice itself. It was extremely important to revert back to a position of total detachment to instil in the participants a sense of freedom to discuss their conducts and beliefs in an atmosphere that they perceived as non-judgmental.

The goal of this was to foster an internal understanding of the world of the ticket touts in terms of the way the touts themselves defined it and experienced it. Spradley spoke of an ethnographic interviewing method whereby the researcher reaches out to the interviewee, seeking "to know what you know in the way that you know it. Will you become my teacher and help me understand?" (Spradley, 1979: 34). Heyl described "a desire to hear from people directly how they interpret their experiences" (2001: 370). This approach recognised the importance of direct human experience, a quality that both the journalistic efforts and the government reviews on ticket touting have inevitably lacked.

Heyl (2001: 370) listed four goals the ethnographic interviewer should respect and achieve:

- Listening well and respectfully, engaging ethically
- Acquiring self-awareness of our role in the construction of meaning
- Being aware of ways in which the relationship affects the participants, interview process and research outcomes
- Recognising that dialogue is discovery and that only partial knowledge is ever obtainable

It was with these in mind that each of the 25 interviews was conducted. The starting point

of assuring and granting impartiality was a core element of this respectful exchange, which also empowered the interviewees to disclose more hidden elements of their identity and careers that they may otherwise have been more reluctant to discuss. At the same time, I was highly conscious of the limits of any interviewing process, and especially one in which such empowerment is granted, particularly with regards to two risks.

Firstly, as Heyl's fourth point suggested, as much as I attempted to wear another's shoes, complete knowledge could never be accessible. The researcher can immerse himself into an external world to which he does not belong but a complete assimilation is impossible. It must be granted that the full picture will never be gleaned, even once the distinction between object of study and subject of study is transcended, as per the principles of *verstehen*, described in more detail below (Weber, 1949). Yet this limitation should not justify the avoidance of research of this kind. The largest flaw in the current body of literature on this topic with few, but dated exceptions, was indeed found to be adopting an entirely passive perspective in the study of ticket touts.

The second issue pertained to the credibility and validity of the data collected. Inevitably, there was a risk of a lack of truthfulness on the part of the participants, who were, arguably, deviant, or at least inhabiting a deviant culture. Adler warned of studies of this nature: "the highly illegal nature of their occupation makes them secretive, deceitful, mistrustful, and paranoid" (1985: 11). There is no doubt that the participants may have lied or exaggerated certain stories in order to impress. This could result in the recording of incorrect information, of unreliable findings that do not come close to expressing the views and practices of the examined subjects. The findings of this research could solidify or reshape the general public's perception of touts, or enable policy-makers and enforcement agents to adopt certain strategies to address touting; their validity was an important goal to strive for.

Some of these concerns were certainly valid. My communication and relationship with one gatekeeper, specifically, raised concerns as he appeared to have embellished many of his stories. However, with regards to the interviews, it is felt that the risk of receiving misleading or incorrect information were curtailed as much as possible. A full analysis is offered below, in the section on reflections on the interviewing methods.

3.5.3 Location

Once each participant had been recruited, an interview was arranged. These were mostly conducted in a pub that was near to my home. It happened to be the ideal location for in-depth, private conversations to take place due to the establishment's large size. The pub had various semi-independent areas resembling alcoves that meant that the subjects and I could discuss sensitive matters without being disturbed. In addition to this, the pub was always very quiet, if not empty. Its location on an otherwise unglamorous street by Caledonian Road in London meant that, particularly during the week, it very rarely had more than three or four patrons in the daytime. In addition to this, while I enjoyed the flexibility of being a full-time student, most of the participants did not have regular work. This enabled us to schedule an interview on any weekday in the early afternoon, granting us hours of undisturbed conversations during which the darkest corners of each participant's life story could be explored in detail.

The participants would still, understandably, be rather suspicious of the arranged meeting, regardless of all the email exchanges that had taken place beforehand. This was often reflected in their choice of seating once we entered the pub. The usual emptiness, again, gave them plenty of choice in the first place. Their positioning, which was far from random or casual, varied from very near the back of the pub to as close as possible to the door. What remained constant, however, was the fact that they chose seats that granted them full and constant visibility of the door and the movements of others within the pub. We normally sat opposite each other, meaning that their chosen seat led me to have my back towards the door. This seemed to make some of the interviewees more comfortable. Indeed, one participant was visibly scanning the area at all times during our conversation. By choosing to sit at the very back, he also had visual access to the street outside through a window, and could spot anyone approaching the pub that he may have deemed to be suspicious.

On a few occasions, however, a participant's suspicion got the better of him, and he would thus decide the location of the interview, or choose to speak on the telephone instead. When the interviews were conducted in a café such as Starbucks on a busy road near a tube station, as opposed to my local pub, there was a noticeable difference in terms of our awareness that others may overhear, resulting in a reduced ability to speak so freely. This same problem was not encountered for the interviews that were completed over the telephone, due to the fact that interviewer and participant were in isolated locations.

One of the subjects I interviewed, who then became one of my gatekeepers, did in fact have a full-time job: he owned a ticket stall in London's West End. Because of this, we had to work around his schedule to arrange a meeting for the interview. As I approached his shop he mentioned a pub nearby and I agreed to wait for him there while he closed up. As he entered and found me near the back, he complained that it was far, far too busy and that we just would not be able to talk about certain things. I thought this was going to be an excuse for him to cancel; it had taken me a very long time to arrange this particular encounter. Instead, he took me to a second pub in which he was clearly on good terms with the owners, enquiring whether it would be alright to sit upstairs, despite the large sign stating that the upstairs seating area was closed. This enabled us to enjoy the freedom required to discuss his ticket touting career at length.

3.5.4 Recording methods

Having established the most appropriate theoretical approach for conducting the interviews, and having located safe and practical locations for these, the next element of the interviewing process to consider was the recording of the conversations themselves. Polsky advised not to "contaminate the criminal's environment with gadgets". This was a general admonition which referred not only to the use of audio recorders but also to taking notes in the presence of criminals (1971: 126). L'Hoiry (2013), in his study of a cigarette smuggler and his entrepreneurial bootlegging, went as far as to describe "bringing a pen and paper" as "laughable" (2013: 417). Hobbs stated that

"ethnographic work involves nurturing relationships with deviant groups and their host communities, developing sufficient trust to enable interviews to take place" (2001: 214).

As for the advice of Polsky and L'Hoiry, I felt that a compromise would be necessary. The sensitive nature of the data that would be covered, coupled with the suspicion that became evident during the recruitment stage, led me to decide, before even commencing the first interview, that audio recording would not be suitable. I felt, however, that taking notes after an interview had taken place could lead to important data being lost (Atkinson, 1997). I thus concluded that simple note-taking would be the most fitting choice.

The data were thus recorded in handwritten form on paper, which meant that, in order to keep the conversation as fluid and natural as possible, I often had to resort to shorthand forms, very much in the same way I did for the observations. However, both Jackson's (1990) and Polsky's (1971) warnings of disrupting the data collection exercise were appropriate. Inevitably, as quick and polished as my shorthand could become, there were moments when I had to pause the interviewee and ensure I had written down his contribution correctly, thus interrupting the natural flow of his narration (Maguire, 2008). This made each answer to my questions last longer, thus extending the total duration of the interview. Undeniably, there were moments of silence during which I was scribbling away as quickly as possible while the participant waited for me to finish writing. Mike Maguire (2008), while interviewing a successful burglar who was serving a long prison sentence, also recalled "asking him to pause if I could not keep up" (2008: 278). It is possible that, had the interviews been audio-recorded, not only could the data collection have been more reliable, but more topics could have been covered in the same amount of time.

Another limitation was that, unlike with a saved audio file which can be accessed and referred back to long after the interview has taken place, it became necessary to revisit my handwritten notes almost immediately once each interview was completed. This was, in any case, preferable to L'Hoiry's (2013) completely unobtrusive approach, which resulted in him having to rush to the toilet between one conversation and another to record his bootlegger's story. Further, L'Hoiry admitted that going to the toilet, or to the bar for a drink, "disrupted" interactions with his participant (2013: 416-417).

In addition to curbing the participants' potential suspicion, electing to use handwritten notes over recording the interviews also made the exercise more human and more relatable. I often double-checked with the interviewees whether I had understood their answers, and would openly show them my notepad (Klockars, 1975). This enabled them to see exactly what information would be used for the study, and was again, referring back to Heyl's guidelines on ethnographic interviewing, a gesture of granting the participants not only reassurance but empowerment, something that I would not have been able to achieve if I had followed Polsky's (1971) or L'Hoiry's (2013) advice *ad litteram*. There was no secretiveness, no impersonal, mechanical, judgemental note-taking; I was taking down their views as they put them across, and this further facilitated the building of a rapport based on mutual respect.

After the first handful of interviews it was decided that the benefits of granting participants a more comfortable atmosphere outweighed the advantages of audio recording

our conversations. To cite Hobbs once more, “ethnographic work with deviants, who by definition constitute a hidden population, where secrecy is often the norm, can be difficult” (2001: 215).

3.5.5 Validity and limitations

As an exercise in gathering data that could supplement those collected through the observations, I feel conducting ethnographic interviews was the most appropriate method. Through the interviews I was able to cross-check much of the information I had accumulated from my own fieldwork at stadia and music venues, and vice versa. For example, the in-depth interviews permitted me to seek clarification on a specific tactic I had seen, or to understand the unspoken nods, gestures and signals that touts would frequently adopt in response to particular occurrences, such as the approaching of law enforcement personnel. In addition, I was able to collect entirely separate data on the individuals’ backgrounds and personal lives, on their motivations, choices, and on the everyday significance of the behaviours attached to their professions. An alternative means of obtaining these data could have been the administration of online surveys. However, it was felt that a number of factors rendered this approach unsuitable in comparison to the advantages of conducting face-to-face interviews.

Firstly, as previously argued, the lack of human contact may have prevented the establishment of trust between researcher and participant, which was crucial in obtaining certain kinds of sensitive, personal data. An example of this could be the touts’ stance on tax evasion. Participants may have been more open to revealing details of this kind once a friendly atmosphere had been established (Sugden, 2002; Hobbs, 1988; Adler, 1985). Heyl’s (2001) concepts of trust and empowerment are central to this. Particularly, the face-to-face interviews enabled the exchange of university approved documents such as information sheet and consent forms, which outlined the purpose of the study and the manner in which confidential data would be stored, used and destroyed. This provided the encounter with a more official tone, granting participants the security that their personal details would not be disclosed, and the freedom to reveal aspects of their deviance with the knowledge that these would remain anonymous. Such assurances would have been difficult to provide in an impersonal online context, in which it is arguable that participants may have

elected to either answer questions untruthfully or to ignore them entirely without the physical presence of the interviewer (Rock, 2001: 53).

The issue of truthfulness, however, was just as important with data collected face-to-face. The added aspect of offering a £50 incentive to compensate participants for their time and contribution, both reinforced the credibility of the study and increased the risk of collecting unreliable or biased information. The purpose of the incentive was to encourage participation and facilitate recruitment in an area of study in which the subjects are understandably not keen to discuss potentially criminal elements of their behaviour openly (Jacobs, 1996). It was also felt that the incentive would appeal to the touts' entrepreneurial nature (Knowles, 1999). While such an approach is, of course, vulnerable to exploitation by opportunists with colourful stories, the utmost care was taken to minimise this risk. By asking some key questions post-observation, and particularly in the latter interviews after gathering further data from the observations and interviews combined, it was possible to cross-check some of the information provided to validate the data collected. Conversely, the positive aspect of providing an incentive, in addition to aiding recruitment, was that the touts were at times even flattered that an academic institution would pay for information relating to their everyday lives (Hobbs, 1988; Klockars, 1975). This spurred some interviewees to recount very interesting aspects of their activity, even revealing certain illegalities that they, normally, may not have shared with anyone outside their ring of trust (Adler, 1985). The choice of a face-to-face context as opposed to online questionnaires was also crucial for the payment of the incentive, as touts, suspicious of leaving traces of any kind, may not have, in many cases, accepted a bank transfer or any form of online payment that could have led the researcher or others to identify them.

For all of these reasons, in-depth qualitative interviews were deemed to be the means for obtaining the richest and most reliable data, which the methods of an online survey, although more immediately intuitive and less arduous to coordinate, could not have achieved.

3.6 Participant observation, gatekeepers and access

As noted in many previous ethnographic investigations into the world of deviance, access to the largely hidden activity of touting would have been strongly aided by an

acquaintance or two on the inside, who could act as “gatekeepers” (see Hobbs, 2001, for an extensive list). With time, relationships with a few of the participants recruited on Craigslist and with the West End seller did eventually develop into gatekeeper-like interactions, with close parallels to Whyte’s bond with Doc in *Street Corner Society* (1955), Sugden’s dealings with Big Tommy in *Scum Airways* (2002) or Patricia Adler’s (1985) with Dave and others, and so on. Similarly, I was able to develop relationships of trust, and even friendship, with some participants. These experiences yielded valuable data of the nature described previously as physically unobservable, such as what happens behind the scenes, not only outside stadia, in terms of the touts’ coded exchanges and gestures, but also in the touts’ homes and extended networks. This is the very knowledge that has eluded recent research attempts. Amongst this information, particular details were gleaned on the hierarchy and structure of certain touting operations, through dialogues with one individual, whilst the casual and friendly exchanges on an almost daily basis with several touts enabled the sharing and learning of cultural norms and values of the individuals that belong to the touting “world”.

Close contact with the gatekeepers granted me a detailed appreciation of the everyday significance placed on particular behaviours and attitudes in line with the theory of symbolic interactionism, according to which one purpose of ethnography is to seek to comprehend the meaning behind an individual’s behaviour, and the significance that one attaches to norms, values and conduct. In addition, these relationships constituted a further opportunity to cross-check the data obtained from the wider sample of touts via the interviews and observation, reinforcing the findings and validating the conclusions.

3.6.1 What is participant observation?

PO is understood to relate to studies in which the researcher is involved, to a degree, in the daily life of the subjects under investigation. This can mean attempting to adopt a certain lifestyle as one’s own in order to gain closer familiarity with the world one is seeking to understand, and with its inhabitants. PO is described as

“establishing a place in some natural setting on a relatively long-term basis in order to investigate, experience and represent the social life and social processes that occur in that setting” (Emerson et al., 2001: 352).

In the context of this study, as per the definition of ethnography, above, my interpretation of “natural setting” extended beyond a specific geographical location to include various places where touting activity occurs, from street corners to executive offices.

This immersive form of investigation often requires the ethnographer to place him or herself at considerable risk. Risks have been known to be physical (from Estroff (1981) taking psychotropic medication to share in the experiences of former patients; Treadwell (2016) and Wacquant (1995) suffering blows during their experiences of MMA fighting and boxing respectively; Jacobs (1998) being robbed at gunpoint by a crack dealer; to the extreme case of Ken Pryce being murdered studying Jamaican organised crime in Bristol (cited in Hobbs, 2001)) or reputational, in terms of one’s career as an academic (such as the arrests of Armstrong (1993) and Humphreys (1975), and the subpoenas brought against Scarce (1995 and 1994) and Leo (1995)).

In previous research this form of investigation has signified such extremes as actively assisting in the commission of violent crimes. A recent and controversial example is Alice Goffman’s (2014) ethnography of policing in a poor urban neighbourhood in West Philadelphia. Both defended (Katz, cited in Volokh, 2015) and also criticised (Lubet, 2015) by her peers, this episode represented a key challenge for ethnographers not only in terms of personal safety but also with regards to where to draw the line on one’s involvement in criminal activity in the pursuit of knowledge. It has been argued that Goffman, in driving around one of the 6th Street Boys who was armed and looking to exact revenge on the rival 4th Street group, could have and perhaps should have been charged and convicted of conspiracy to murder (Lubet, 2015). From my perspective, along with issues around personal safety and reputation, there were clearly also moral questions at stake; these are analysed in more detail below.

When undertaking this immersive, participatory experience, one can sometimes risk “going native”. This is understood to mean that a researcher has become so fully involved in the world he is exploring, that he has ceased to be a researcher. Polsky was a strong proponent of such research methods, but stated that being “one of them” was ultimately not a good idea (1971: 122). PO thus requires a commitment to strike “a balance between leaving the academic world fully enough to see how one’s subjects view the things they do and succeed in doing the things they do” and “ceas[ing] to think as an academic altogether” (Rock, 2001: 32). Amongst others, Wacquant (1995) has been critical of the use of the term “native”. In his view, even by going native, it is not possible to capture a single view of any

society, culture or group; such a view cannot even exist. Each individual native can only present his or her own perspective, such that the view of any other genuine native – let alone that of an external entity – would be “discrepant” and “competing” (1995: 490).

It was thus important for the purposes of my own study to define the exact level and extent of my participation in the world of the ticket touts and their illegal activities. The aim was to do so in such a way as to remain at a sufficient distance to maintain my position as an observer, yet to get close enough to the “action” (Atkinson, 2000) to transcend mere objectivity, to gain and communicate “experiential insights into the situated dynamics of the deviant or criminal events under study” (Ferrell and Hamm, 1998: 13). An even more specific method was thus adopted in order to see ticket touts “au naturel...as they go about their work and play” (Polsky, 1971: 120).

3.6.2 Verstehen

Formulated by Weber (1949) and later reaffirmed by theorists including Adler and Alder (1987), the term *verstehen*

“denotes a process of subjective interpretation on the part of the social researcher, a degree of sympathetic understanding between social researcher and subjects of study, whereby the researcher comes to share, in part, the situated meanings and experiences of those under scrutiny” (Ferrell, 1998: 27).

Central to symbolic interactionism is an “interpretive understanding of social action” and, within this, “empathic or appreciative accuracy is attained when, through sympathetic participation, we can adequately grasp the emotional context in which the action took place” (Weber; 1947: 89). *Verstehen* is thus fundamentally based on both the empathy of the researcher, and his or her ability to sympathise with the actions of the researched. In the context of ticket touting, this required the need to not only be impartial and non-judgemental, but indeed to attempt to sympathise, to understand and almost to identify with the touts. Mead argued that human empathy, or the “ability to take part of the other” (1933), was a key quality that researchers should rely on to gain the deeper understanding that is sought through ethnography and through PO.

These methods aim to delve deeper into the possible explanations of crime, exploring the more emotional reasons identified, for example, by Katz (1988) or Adler (1985). “Criminological *verstehen* implies a certain emotional empathy, a notion that pleasure, excitement, and fear can teach us as much about criminality as can abstract analysis” (Ferrell, 1998: 30). *Verstehen* therefore relates to:

“a researcher’s subjective understanding of crime’s situational meanings and emotions – its moments of pleasure and pain, its emergent logic and excitement – within the larger process of research...a researcher, through attentiveness and participation, can at least begin to apprehend and appreciate the specific roles and experiences of criminals...” (Ferrell, 1998: 27).

Moving beyond impartiality to actually sharing in experiences such as excitement and fear, therefore, almost became a requirement of this research method. A recent in-depth examination of the true meaning of Weber’s *verstehen* can be found in Ferrell and Hamm’s (1998) collection of ethnographic experiences, termed by them as “confessions”, in which their levels of participation led to uncomfortable or dangerous encounters with either participants or law enforcement. This method:

“bridges the old dualisms of researcher and research situation, by utilising the researcher’s own experiences and emotions as avenues into the meanings of the situation and the experiences of the subjects. It implies a degree of subjective understanding between researchers and research subjects, an engaged methodological process such that researcher and researcher subjects come to share, at least in part, in the lived reality of deviance, crime and criminality” (Ferrell and Hamm, 1998: 13).

Ferrell argued that beyond merely witnessing or being physically present within a criminal setting or subculture, criminologists must also be present “affectively; that is, they must share, to whatever extent possible, in the dangers, pleasures, emotions, and experiences that constitute criminal activity as part of their understanding of it” (1998: 31). As recounted below, the methods chosen were appropriate in bringing me to face such situations of danger, excitement, anxiety and discomfort, and it is strongly believed that without these a deep understanding of the practices and life choices of touts would not have been gleaned.

3.6.3 Why participant observation?

In the context of this study, the method of PO enabled me to address the gaps that currently prevent any real progress in the understanding, and subsequently in potentially addressing ticket touting as a phenomenon. The existing research has not been able to offer a consistent, holistic picture of the true extent of touting practices because it has lacked *verstehen*; it has been unable to sympathise with the touts, a process which allows a deeper understanding of the significance of their deviant actions.

The existing legal framework appears to be addressing only some of the relevant areas, prioritising online resale through the big four over the large portion of sales that occurs elsewhere, both online and offline. Even then, the available measures appear to be ineffective in protecting consumers from the problems that the legislation itself aims to target: profiteering and potential fraud. My own work would have suffered similar consequences had I limited my methods to interviews and observations only; it would have been incomplete and lacking in key areas. This is evident from the valuable, additional data and findings that emerged exclusively from my active participation in the buying and selling of tickets for profit.

In undertaking, in part, the role of the ticket tout, I believe I have shed light on some hidden practices that occur on a daily basis. These relate to behaviours that permit touts to sidestep existing legislation in addition to exploiting numerous loopholes in the selling arrangements that the primary market, in absence of stronger legislation, often puts in place to limit or deter individuals from touting. Examples include primary agents imposing purchase limits per customer on online sales, the use of wristbands or the verification of ID at a venue's entrance, as assessed in chapter four. While some practices have been well documented (Denham, 2014), it is only through experiencing them first-hand that a true appreciation of their workings of can be gleaned. In particular, the emotions that Ferrell (1998) and Katz (1988) have referred to would never have been experienced through the administration of surveys, for example. The knowledge obtained as part of this investigation could ultimately serve to fine-tune current practices within the primary market should the legislation continue to be, for many, so unsatisfactory.

Adopting this method of immersive, participatory *verstehen* did not come without its risks, both physical and ethical. The justification for taking such risks often lies in the belief that certain levels of knowledge would never be achievable through the use of any other method of enquiry. In the words of Paul Atkinson and colleagues, ethnography is

“grounded in a commitment to the first-hand experience and exploration of a particular social or cultural setting on the basis of (though not exclusively by) participant observation” (Atkinson et al., 2001: 2). As noted, Adler has herself argued in favour of “personal observation, interaction, and experience” (1985: 11). This view was shared by Rock: “participant because it is only by attempting to enter the symbolic lifeworld of others that one can ascertain the subjective logic on which it is built and feel, hear and see a little of social life as one’s subjects do, observer because one’s purposes are always ultimately distinct and objectifying” (2001: 32).

It was felt that the key to addressing the gap in the current literature was thus to “develop a criminological *verstehen* that can begin to take us inside the many specific moments of illegality” (Ferrell, 1998: 31). This full level of immersion was seen as the only method that could help me to “understand crime at a close range” (Daly and Chesney-Lind, 1988: 517) and “reveal parts of the social world that remain hidden by more traditional techniques” (Caulfield and Wonders, 1994: 223). In the words of Erving Goffman:

“Deviants, like any group of persons...develop a life of their own that becomes meaningful, reasonable and normal once you get close to it and...a good way to learn about any of these worlds is to submit oneself in the company of the members to the daily round of petty contingencies to which they are subject” (Goffman, 1968).

This idea of normalisation, from the researcher’s point of view, of the deviant world of the ticket touts, continued the progression from firstly being *impartial* to morally questionable practices, to then *understanding* them and *sympathising* with them, to finally considering them *normal*, everyday and almost routine.

3.6.4 Attempts at participant observation

3.6.4.1. *With a touting gang or group*

Three attempts at PO were undertaken. The first arose unexpectedly while negotiating a potential meeting with a tout that I had previously interviewed, a meeting that he repeatedly cancelled, postponed and rescheduled. He had been, until that point, the most promising contact in terms of becoming a potential gatekeeper in the style of Whyte’s

(1955) Doc persona. To reflect this, the participant was given the pseudonym “Duck”; he was never quite as good as the real thing. I saw great potential in his recruitment due to his promise of procuring further interviewees for me, via snowball sampling, his apparent knowledge of many facets of touting from the internet to the streets, and his direct or indirect contact with many of the potentially bigger players involved in this hidden world. He also clearly fancied taking on the role of the protagonist of my research; at moments he appeared keener than I was. He incessantly cited Sugden’s book *Scum Airways* (2002), which he admired greatly, in which a certain tout by the name of Big Tommy undertook the role of Doc; something my own participant hoped and believed he could emulate.

Although this was a prospect that I more than welcomed, “Duck” soon revealed that he was not as reliable as he wanted me to believe. He boasted that he knew many of the characters from that book, and hinted that he had experienced just as many stories that he might, if I were so lucky, one day reveal to me. He had kept a journal while touting during the World Cup held in Brazil in 2014, which he said he would let me see for a fee. I declined the kind offer. I did however elect to pursue the possibility of developing a more involved relationship with this individual, primarily due to the extremely insightful interview that had taken place. His level of involvement in the touting world appeared to be greater than most of my previous participants, with very few exceptions, and, despite some reservations, I proceeded with negotiating access to his world.

In the months that followed our interview, we established what might initially have been described as a friendship. However, I eventually concluded that, due to the secretiveness of his work and the low-ranking position he held within his touting clique, I was simply one of the few individuals with whom he could openly talk about touting to (Adler, 1985). He most likely did not have many friends outside of his work, and, if he did, he either could not reveal details of his lifestyle to them, or perhaps they were aware of his true role and as such he could not brag about it to them. I, on the other hand, was undertaking a Sugden-like investigation, which, in his eyes, had the potential of becoming a best-selling novel – of which he could be the star. Of equal importance, due to his total control over my accessing the rest of his group, I was also in a position in which I could never truly verify whether and to what extent his stories were being embellished. As such, “Duck” adopted an attitude of superiority towards me. He bragged about travelling in first class trains from London to Manchester with well-known footballers and about dining in fine restaurants in the UK and abroad. Crucially, he made promise upon promise with regards to my involvement in his operation before always, without exception, failing to deliver. Mike

Maguire described his own experiences with “plausible liars”, research participants that in his view “exaggerate or invent accounts in order to boost their ego” (2008: 279). The combination of these factors yielded both positive and negative consequences, which are described in the reflections section, below.

My first attempt to “go native” occurred after contact with this participant was gradually becoming stale. After the interview itself, which was conducted on the phone, “Duck” seemed content to maintain a relationship in which he could brag about his touting exploits, both financial and in terms of the laddish lifestyle that he enjoyed, whilst keeping me at a safe distance and managing to avoid an actual face-to-face meeting. He often agreed to meet for a beer, for example, before claiming at the last minute that he had to make unexpected trips across the country, or to Milan or Madrid – such was his incredibly chaotic yet luxurious lifestyle. While the majority of our conversations, once the exaggerations were filtered out, were of great value in terms of understanding the ins and outs of a tout’s daily lifestyle and the more mundane aspects of his job, I eagerly tried to move forward from this stalemate as I strongly felt that an opportunity was there to be seized. The interview itself was one of the most revealing, fascinating, and potentially important that I had conducted until that point. Realising that this represented for me a concrete opportunity at conducting “real” ethnography, or what Polsky described as “genuine field research” (1971: 115), going beyond mere interviews and constituting actual ethnographic “action” as interpreted by Paul Atkinson (2001) and Blumer (1969), I chose to dig deeper “rather than [to wait] for the highly unlikely event that information would be delivered into my lap” (Adler, 1985: 27).

I did this by offering him Premier League tickets that I had access to through a friend of mine who owned two memberships for a specific club. The following is the verbatim exchange that took place via mobile telephone messaging the instant this idea was proffered. His responses here, and in subsequent quotations, are emphasised in italics to distinguish them from my own statements.

By the way as part of the research I’ve got my hands on some tickets myself.
Might pass them on to you if I can’t sell them.

- *What you got?*

Mainly [team]. For [fixture] I got 4.

- *I’ll take every [team] ticket off you. Home and away. Yeah let’s meet up next week for a drink, I’ll sort out with you tickets [sic].*

It was incredible, or perhaps entirely predictable, that the meeting that I had been hoping to arrange for several months was in such a short time set in stone. When we met I handed over

the tickets, which he offered to buy from me for a mere £10 above face value. Naturally these would be sold on for hundreds of pounds more. Not only that, I was told that I would receive nothing, not even face value, until after the game. Although this agreement seemed to be heavily balanced in my participant's favour, I agreed, hoping that the fruits of this endeavour would make it worth the ethical and financial risks attached to it. Naturally my university would not have covered any losses incurred; equally, my institution would likely have been unable, or unwilling, to protect me from any legal issues that could have arisen from such a situation (Pearson, 2009; Ferrell, 1998; Polsky, 1971). In hindsight, this was also the beginning of what Adler termed "whoring for data", where a researcher agrees to something he or she would not normally agree to in the hope of obtaining knowledge or access (1985: 26). From that moment onwards, it was understood that I had been employed by "Duck" (he specifically said "*you now work for me*") to supply tickets regularly to his touting organisation for a "salary" of £10 per ticket.

This method of negotiating and momentarily achieving access to a deviant, hidden world, was similar to that adopted by Giulianotti (1995) in his study of the "casuals". These were violent football supporters associated with Scottish clubs Aberdeen and Hibernian, of Edinburgh. Giulianotti was able to initially rely on previous contacts as a way into one of the groups. He then shared knowledge about this first group to the other fan base to gain entry into the second gang. Similarly, I adopted my own *quid pro quo* of entrée in the form of an offer to swap tickets – and, fundamentally, the income they could generate for "Duck" and his group – in exchange for involvement, participation and knowledge. As an added advantage in negotiating access with this individual, he happened to, at the time, be studying for a university degree. I was able to offer him help with, for example, some proofreading, amongst other assignments he forwarded to me. This again represented an exchange to facilitate entry, or what Becker (1970) termed the "research bargain". Adler accessed her neighbour's high-level drug smuggling operation by offering him friendship, testifying as a character witness in court, and even allowing him to live with her and her husband when times were particularly hard for him financially – all part of the "norm of reciprocal exchange" for knowledge (1985: 16). Hobbs also revealed how he negotiated gaining access to researching the CID in East London by offering his skills as a football coach; the father of one of the kids on the team had contacts in the CID (1988: 4). My gatekeeper confirmed the deal:

I'll teach you tickets; you teach me uni.

In the ensuing weeks I became very knowledgeable about buying Premier League tickets and familiar with the purchasing procedure of the touts. While the processes that I was taught were the ones adopted by this particular organisation, it is clear that the system of buying tickets online is likely to be similar across other touting groups. Indeed, as explained in chapter four, even fans who are purchasing tickets for their own use are bound to be using similar approaches, at least in part.

The way we set up our business was to merge my friend's two existing memberships with two of the participant's own, to allow us to buy multiple tickets for any one match on a single credit card. This exploited the option, offered by many clubs, to attach one's membership to a family member's in order to buy on their behalf and ensure friends and family can purchase seats next to one another. In fact, "Duck" created four "fake" memberships on the spot to bring my allocated total to eight. He instructed me to come up with four identities that had to be real, with matching and correct dates of birth. He warned me that these could not be made up. Addresses would then be required, but this part was less important – having merged memberships the tickets would be dispatched to the address on the account of the paying member, so any address could be inserted on the "fake" memberships as tickets would never be sent there anyway. I asked a few family members and friends for permission, and their names and matching dates of birth were used. As for the addresses, I inserted a couple of previous rental addresses where I had flat-shared with some of these friends during my undergraduate years.

The same process was completed for four major Premier League teams. "Duck" himself covered all the membership fees, to highlight the fact that all tickets ultimately belonged to him. And yet he showed great faith and trust in me on a very human level. Wasserman and Clair (2007) described the importance of developing specific social skills, in addition to adopting innovative methods, to gain the trust of individuals who possess the keys to unusual research environments. By placing myself on the same level with this individual, assisting him with his university assignments and genuinely experiencing what could initially have been described as a real friendship, I felt I had momentarily succeeded in this task. He handed over to me his credit card details, billing address, security code, and the same details for an additional credit card in a different name. In addition, I was provided with the login details for each of his membership accounts, across multiple websites. These consisted of email addresses, membership numbers for each football club, and of course a password, which conveniently was the same across the board.

My job was to be aware of on-sale dates and times for all matches for these four teams, every week, and to log in at the correct time and make purchases. By logging in to each ticket database with the participant's own details, and having previously merged the accounts to allow that single, primary membership to make purchases on behalf of the other seven, I bought tickets directly for "Duck". I inserted his card details, paid with his money, and had the tickets delivered to his address. On occasion, "Duck" requested that I log in and purchase eight tickets using my friend's membership and credit card, to avoid raising suspicion in case anyone at the clubs noticed strange purchasing patterns. Here, matters were slightly different, both practically and ethically: I was still purchasing on behalf of the tout, but I was using my friend's credit card. In such instances I would transfer my friend the required sum in advance, such that although we were using his card, it was my own money that was being placed at risk. As stated, I would not receive the money until after the games. The other issue with buying tickets with my friend's membership was that the tickets would then be delivered to his flat. This was a small hassle, in terms of having to arrange for the tickets to be sent to me so that I could then resend them to "Duck" (thus maintaining his anonymity from my friend, and vice versa), but also revealed a number of other opportunities.

In the instances in which it was perhaps too late to post the tickets twice – from my friend to me, and then from me on to the tout – given that the match was taking place in Manchester, London or Liverpool and that the tickets were to be supplied to the hotel of the buyer the day before kick off, it became necessary to meet with my participant to hand the tickets over, and often to deliver the tickets together. On such occasions we met in London in what was probably the closest my PO ever took me to performing the real role of a tout within this organisation beyond buying tickets online. My gatekeeper had a list of addresses and envelopes with tickets on the inside and labels on the outside. The empty envelopes were for me to slip the tickets I had purchased into. We then delivered the tickets to a series of hotels or private residences, usually moving from one to the next by taxi.

These encounters revealed the extensive involvement of ticket touts within the concierge business at high-end London hotels. This had been mentioned to me in an interview by a separate participant, and my experience with the gatekeeper is once again testament to the value of mixed-methods research in validating findings and the reliability of certain data.

And yet, even though I had been able to take the relationship beyond the continuous and at times unproductive texting, when it came to being introduced to his associates – whom

he had promised to me as further potential interviewees (Feldman, Bell and Berger, 2003) – he returned to his previous self: making promises and then changing his mind, “ducking” out. The first of these was to allow me to shadow him on a particular match, Arsenal versus Manchester United at the Emirates Stadium in the autumn of 2014. Everything was ready until the day before the match, when I received the following message:

I hope you're going to understand this, and it's not meant horribly. Don't come out tomorrow with me, just do your own thing. I've vouched for you tonight but if you appear suddenly tomorrow they might smell a rat, so I need to steady you in slowly, meeting at this game is too quick really especially considering the size of it. It's all too soon too quick.

He continued:

You'll be doing stuff, week in week out, meeting lads. I've known them for years, tonight we had dinner and were talking about new lads joining up, and you're in there, but I need to break you in gently, not put you in at the deep end. I understand you're annoyed, but you'll get big days from now on, but I need to do this right.

These messages were received during months that, in hindsight, could be described as “ritualized and repetitious” negotiations (Giulianotti, 1995: 8). In his study of hooligans in Sheffield, Armstrong relied heavily on relationships he had since childhood as his entry into the group. Despite this, he described the lack of trust that others showed towards him. This applied not only to newer individuals, but also to long-term acquaintances. The hooligans were suspicious of his conduct, and as such were continuously reviewing his role within, and access to, the group. He described the process of negotiating access as occurring “every time you meet a subject” (1993: 34).

Having initially achieved some form of access through the supply of tickets to “Duck”, as described above, my access to him and his world was never guaranteed. Access itself could not be considered a final, definitive stage in the negotiation process. Rather, it was a fluctuating status that could be reached but which had to be maintained, nurtured even, as it was constantly being reviewed, reassessed and reconsidered by the gatekeeper. Bits of this access were being chipped away gradually based on conversations and events, many of which were entirely beyond my control. To quote Adler: “trust is not a one-time phenomenon, but an ongoing developmental process” (1985: 19).

“Duck” confirmed that introducing me to his associates would inevitably be slow. After the initial broken promise, he continued to allude to meetings and the recruitment of new interviewees. It was clear, however, that while he attempted to portray himself as one of the main players from his group, in reality his actions were deeply affected by the wishes of his seniors:

You'll meet people along the way. I'll just say you're a mate. Don't mention what you do. I know you wanna chat that's fine. But need to know specifically what you wanna know. You can work with me at [fixture]. But when I'm with someone just watch, don't speak.

This message, highly resonant of Doc's advice to Whyte (1955) in terms of what to say, or crucially, what *not* to say to the street gang he was studying, was received around the same time of the failed shadowing promise. It constituted strong evidence that the negotiation process was far from complete. From the previous exchange, it was clear that I had been mentioned to the other members of his group. And naturally, his associates and seniors would have been aware of my existence, in some form or other, due to the number of tickets that were being supplied by me on a regular basis.

It remains unclear how much they really knew. I am not sure, for example, whether they were aware that the tickets were in fact being paid for by “Duck” himself. What he did state to me on numerous occasions was that he had reflected on how to introduce me to them and insert me within the group without raising suspicion. He came to the conclusion that revealing my true status as an enquirer, as an outsider who was attempting to infiltrate the group to obtain intelligence, was not a good idea. I had no say in this, and thus could not follow Polsky's advice of revealing one's true identity at all costs to avoid being “exposed”, and the “negative consequences” this entailed (1971: 122). Armstrong also ensured that most of the participants surrounding him knew that he was researching them, stating he feared the consequences of being “sussed” (1993: 16). It was decided that I would be introduced as a friend of his, and that, with time, I would become part of the gang. This approach could not have been more contrasting to Polsky's, but was consistent with the advice Adler's participants gave her and her husband: “[the] key informants, they all agreed we should be extremely discreet (for both our sakes and theirs)” (1985: 17). Sugden, too, was warned by Big Tommy “not to let on to anybody else what [he] was doing” as the some of the touts “would not take kindly to strangers nosing around” (2002: 58).

Although this process of entry was frustrating, in the meantime I was gaining first-hand experience of the touting world. I was learning all about the selling mechanisms on the primary market of the major Premier League teams, including details around various tiers of memberships, and the entitlement to purchase tickets based on loyalty schemes and a regular attendance of matches. In addition, I experienced the mundane routine of signing up for email alerts to discover the on-sale times of particular games, waking up in the early hours on random weekdays once or twice a week to log in with my contact's membership details to attempt to make the all-important purchases. In line with Ferrell's (1998) description of *verstehen*, I experienced the rushes, thrills, and frustrations – similar to those experienced by regular consumers – of waiting helplessly in virtual queues, adding tickets to baskets only for them to disappear at the checkout stage, refreshing furiously and, sometimes, succeeding in purchasing them. I would then send “Duck” a symbolic thumbs up by text, and call my friend to say that tickets would be posted to his address, that I had transferred the funds in advance from my own account to cover the costs, and that he should keep an eye out to post them to me as soon as possible by next day delivery guaranteed. From this, to meeting my participant at a random tube station in London, before hopping into a taxi and delivering tickets to discreet hotel concierges or to private buyers who met us on street corners, days before kick off and miles away from the actual stadia, I certainly got a taste of the lifestyle of someone operating within such a group.

This experience lasted around three months, between October 2014 and January 2015, unfortunately ending prematurely when our relationship began to go sour. After the countless messages stating that he would introduce me to his gang, things began to go quiet very suddenly. I asked him if everything was all right, and after sustained attempts to deflect my questions, he eventually texted: “*can't keep lying, I'll call you*”. In that phone call he revealed to me that, perhaps through a tout from a different group that either I had interviewed or that had, through other associates, heard of the research I was conducting, one of my gatekeeper's own group members had discovered that the individual who was supplying them tickets was not just a friend, but in fact an enquirer:

Basically someone wasn't happy when I told them I was talking to you. They thought you were OB. I'm a foot soldier nothing more. I work for a group of guys. I trust you. It's not down to me. [Name] has idea you're working with OB and building evidence. One day you'll ask to buy tickets and then nick us.

All evidence pointed to the fact that his seniors, who would have had more experience of attempted infiltrations from OB (the “Old Bill”, i.e. the police) than my low-ranking contact, including times in which some of them had been arrested, did not trust me, and understandably so. There is no doubt that my attempts to negotiate access to this group would have in every way resembled the same approach that an undercover policeman would have taken: befriending one individual, possibly supplying tickets to gain trust and further access, before setting up a meeting to “nick” them.

Experiencing this level of suspicion, which in my case culminated in being shut out from the group, is not new in studies of deviant groups. Armstrong (1993) experienced high levels of suspicion from his study group, who viewed him as a potential “copper’s nark” (1993: 31-32). The hooligans at one point became convinced that Armstrong was a contributor for a local newspaper, writing under a pseudonym, due to the fact that a reporter appeared to possess detailed knowledge of the group. They thus set up a form of trap to expose him, though it did not work due to Armstrong and the reporter being two different people. Both Armstrong and Giulianotti himself, studying similar hooligan groups in Scotland, had to deal with external factors such as arrests occurring around them, often coincidentally just days after key developments in their negotiations for access to the group. This only served to increase the levels of suspicion around the researchers.

I recall similar situations in which I was seen at a particular observation at which arrests were made, reading about them in the paper days later, and then feeling a sense of anxiety at my bad luck when, at following observations, some touts recognised me and kept a close eye on me. A similar experience occurred when I received a call from a concerned interviewee, “Blagger”, who had searched for my name on Google and found that I had previously had a temporary internship experience at the Metropolitan Police Service during my Master’s degree. Understandably, seeing my name associated with the police only contributed to the growing sense of unease and suspicion. These situations all formed part of the larger puzzle of attempting to negotiate access, each constituting a minor hurdle or setback in the constant process of being vetted by the research subjects, a process that was always going to be “slow and difficult” (Adler, 1985: 18).

Unfortunately, my experience of PO with this particular touting organisation did not end with my just being excluded. The touts appeared to spot an opportunity arising from this situation, and, true to their wheeling and dealing ways, did their best to exploit it. Although it is of course unclear to me exactly what was said amongst them once they realised I was not a friend of “Duck’s” but someone undertaking a study of touting, I do believe that

eventually they came to the conclusion that I could not possibly have been a policeman. However, instead of readmitting me into the group, or just shutting me out completely, they began to threaten me. They attempted to exploit me at a time in which they viewed me as particularly vulnerable.

My contact made me aware that unless I handed over my friend's memberships to his cronies he would report me to my university – and possibly the police – for my illegal touting activity. These memberships were particularly valuable to them due to the accrued loyalty points on them. This is the exact exchange that took place:

- I'm going to your uni about this. I'll call your professor.

And say what that you're a tout? I don't think that's a good idea for you. My uni knows what I'm doing. I don't think you want all of this to come out.

- As I said, Alex. It's not up to me now. It's gone further. It's up to other people now, mate.

It is hard to describe the level of fear that was enveloping me at this stage. The above marks the beginning of the threats, which were, at times, mutual. He reiterated the position of the group; they demanded my friend's memberships.

That's what they wanna meet at. They're not happy at all. If it was up to them something else would happen but I've said no.

The attempts to intimidate me grew, as can be seen above, as threats of “something else” happening were made, perhaps alluding to physical violence. Fortunately, this never quite reached the level experienced by Giulianotti, who was told that he may be returning home in a “body bag” (1995: 8). When I continued to refuse, “Duck” told me: “*Na leave it then mate. We will take it further. Spoken to solicitor already*”.

When I decided to just stop replying for a while, I received the following, and responded thus:

- Well? Ignoring me is not going to solve this.

Did your solicitor advise you to blackmail me?

- Not blackmailing. Making an offer.

Ask your solicitor to define blackmail.

Despite my state of panic, I fortunately recognised the bluff. In hindsight it may seem obvious to an external reader that a criminal black market organisation implicated in not

only ticket touting, but also money laundering, would not dream of reporting an insignificant student to the police for touting activity. Had they attempted to incriminate me, “all of this” would have come out, as I mentioned to “Duck” during our exchange of threats. Yet I cannot deny that at the time I felt truly powerless in the face of such imposing texts and calls. I often struggled to recognise the absurdity of the situation. When my contact started saying that my conduct amounted to a “felony” I eventually felt safe enough to respond with the appropriate confidence and insistence to make them back down. He did not spare me further threats in the very final exchange:

I'm put under pressure by people very high in my game and I am affected by pressure.

I'll leave it at that, but all I'll say is, when someone asked for your details the other day, I could've found them out and they'd have come round your house. But I didn't and said leave him be.

3.6.4.2 Supplying a West End dealer

The second opportunity to participate in the deviant activity of touting, which I felt would enrich my research through the application of Weber’s method of *verstehen*, was to undertake the role of a ticket supplier to a dealer in London’s West End. Having severed all ties with my first gatekeeper, “Duck”, and his group, I was left in a bit of a quandary as I had some Premier League tickets left from my dealings with the organisation. As is often the case, tickets are purchased weeks and sometimes months in advance of the actual fixtures. This meant that tickets I had purchased for the gatekeeper’s group in January before our fall out, for matches to be held in March and April, were still in my possession after being delivered to my friend’s house. Rather than using these tickets myself, I thought I would explore London’s West End scene, an area of touting I still had not gotten to know very well, and find a fitting ending to the PO experience. I had no idea that by closing one window, another would open.

One afternoon in February 2015 I stopped at almost every single stall that was advertising tickets for sale, with their familiar *Lion King* and *Billy Elliott* posters. I perused the entire area from Cambridge Circus, down Shaftesbury Avenue into Piccadilly Circus and Leicester Square, looping back up Charing Cross Road, and stopped at all surrounding ticket shops and stalls near Soho in central London. I covertly enquired at each stop whether they simply sold tickets, or if they were sometimes inclined to buy also. The responses were

curious, and in part revealed the grey area that surrounded ticket sales. Almost every single shopkeeper initially reacted with a resounding “no”, in a dismissive and slightly uncomfortable way. Within seconds, after they had taken a good look at me, they all reverted to saying “well, it depends, what you got?” The next step was for me to say “it’s football tickets. I have...” and before I could even mention the name of the team or fixture, as I pulled my rucksack around to show them the tickets, they all again became very stand-offish, gave an even more definitive “no” and sent me on my way. I did not leave before asking whether they knew anyone in the area who might be interested, to which they mentioned locations I had already visited, without success.

One shopkeeper, however, reacted entirely differently. I approached his stall, repeated all of the above, and expected him to send me somewhere else. However, he did not stop me when I mentioned football tickets. Nonplussed by the teams or fixtures, he asked calmly about the tickets. Were they “long” or “short side”? What were the seat numbers, were they “home” or “away”, “adult” tickets or “concessions”? He asked a number of other questions about the memberships, whether they were in my name, how many loyalty points I had accumulated, and so on. At this point I just showed the tickets to him. He agreed to buy them from me, for £20 above face value each.

I was naturally relieved. I had handed over all my remaining tickets. I had, of course, not made any more purchases in the weeks during which I was being threatened by my previous research subjects, and, for me, this represented a form of closure; certainly not a second bite at the PO cherry. My new acquaintance asked whether I could get more. I explained to him that most of the tickets that I had provided were attached to memberships that were not mine. As such, I would not be able to make further purchases on those. I only had access to two memberships; my friend’s pre-existing ones from which all of these adventures had originally started. He seemed interested nonetheless, without showing too much enthusiasm, and asked me to commence making purchases for him. It occurred to me that this could represent an important, additional dimension to my findings. For the same reasons I had previously taken the plunge and decided to offer my initial gatekeeper, “Duck”, to supply him with tickets, it made sense on this occasion to accept my new contact’s offer and understand more about this further avenue. The second gatekeeper was given the pseudonym “Drama” to reflect his passion for theatre as a youth; the theatre had also been his pathway into touting.

This experience was very different to the first. There was no tension, no pressure and, other than the overall ethical questionability of my own involvement, there were

certainly no identifiable risks in terms of my physical safety. Following, on this occasion, the advice of Polsky more closely – namely “you must let the criminals know who you are” (1971: 122) – any unpleasant circumstances potentially arising out of covertness were avoided. We developed an almost monotonous routine whereby I would physically drop off tickets at the tout’s stall and receive cash in hand in return. This opened my eyes to another aspect of touting that was perhaps less adventurous and more mundane, again revealing elements of normality, and of the “everyday life of the subject” (Rock, 2001: 30).

The relationship I developed with “Drama” also provided additional, and extremely valuable nuggets of information that I happily collected. For example, through this seller I was able to participate in a “walk-in” – where touts eluded a venue’s policy to check ID by buying an additional ticket for themselves and escorting punters into the gig, thus enabling them to resell tickets for a profit (Denham, 2014). Research, I found, could take many forms, and did not only signify sitting down to a formal interview, or travelling to a concert venue to observe noticeable movements or strategies. Everyday conversation became just as significant, further justifying the need to use a mixed-method approach, and further evidencing the lack of true coverage of the current literature with regards to ticket touting.

The experience lasted more than a year, until approximately July of 2016, around which time I was supplying my contact tickets for Euro 2016. This also coincided with the time when my own fieldwork was naturally coming to an end. Sadly, however, this second participatory experience also turned sour when “Drama” refused to pay me the very final sum that was owed. In May of 2016 I handed him some tickets and agreed to be paid “in a few weeks”, falling once again trap to Adler’s (1985) admonition that in exchange for material a researcher may accept “not getting treated right in return” (1985: 27). For about eight months I occasionally reminded him of the debt, and each time I accepted his unrealistic excuses of not having the funds; I did not want to damage the friendly rapport that had been constructed. In January 2017, after requesting payment for the countless time, I reminded him that the writing phase of the research was reaching its conclusion, and that, after a pleasant and successful working relationship, it would be a shame to end the story by publishing that he still had not paid me. His response was:

You will receive your money as promised. Don’t even begin to think it’s ok to threaten me.

I was taken aback, and after a few more messages were exchanged I realised that he thought I was threatening to reveal personal information in the research, such as his name or the location of his shop. I reassured him that this was not what I meant, that he had simply misunderstood. “Drama”, however, pounced on the opportunity of having what he considered to be a legitimate excuse to not pay me, and said he would as of that moment “withhold payment” until he could read the final publication and see that I had kept my word. This confirmed Adler’s claim that “members of deviant groups can become hostile towards a researcher if they think they have been treated wrongfully”, even based on a “simple occurrence, such as a misunderstanding” (1985: 22). The threatening message I had received, above, brought back for a moment the feelings of anxiety that I had encountered throughout my work with “Duck” and his associates. As such, I decided to cut my losses and did not have any further contact with “Drama”, who, in light of the failed payment, ended up paying me less than the face value of the tickets I had supplied him. I viewed the stress, disappointment and personal loss incurred, as much as anything, to be yet another true experiential encounter that would fulfil the requirements of *verstehen*.

3.6.4.3 As a semi-independent online trader

The final participatory experience in the wider “world” (Blumer, 1969) of touting involved a deeper examination of what has caused ticket touting to expand so much recently: internet resale. I was able to follow the advice and knowledge of an interviewee who specialised in online ticket resale, and, by signing up myself to various newsletters and mailing lists, I was constantly updated with information on what happened to be going on sale at any particular time. I decided to call this third gatekeeper “The Chameleon”, due to his resourcefulness in adapting to various situations, similar to Hobbs’ “jump-up merchants” (1988: 155) or Ruggiero’s “jacks of all trades” (2000: 43).

I then teamed up with a non-tout friend of mine, whom I refer to as “The Wizard” due to his ability to snap up tickets that were hard to obtain. He and I jointly invested in the purchasing of tickets that we would then resell for profit. We both put forward an equal amount of cash to fund the purchase of numerous tickets for events that appeared to be popular at the time. The choice of which events to speculate on was similar in approach to the identification of events that were considered suitable for observation, and we often

followed “The Chameleon’s” guidance as he regularly forwarded me emails with priority access codes, or with tips regarding which bands could sell well.

The first events we purchased tickets for were a number of Muse concerts on their “Drones” tour. Using a very commonly known – yet routinely ignored – tactic of purchasing tickets across a number of primary marketplaces, in order to evade the limits placed by each, we were able to purchase 10 for the London dates, and eight for the gigs in Manchester, spending approximately £700 each. I came to learn that selling tickets and listing them online instantly, the practice reported in many newspaper articles that negatively depict ticket touting, required far more capital than one might expect. The wait for the pay-out of the Muse sales, tickets for which we had purchased in October of 2015, was of no less than six months. In the meantime, we purchased tickets for Justin Bieber, Adele, Coldplay, Bruce Springsteen, Beyoncé, David Gilmour and The Stone Roses, to name but a few. We procured tickets for the Eurovision Song Contest final in Stockholm in 2016, and the 2017 World Snooker Championship Final in Sheffield. A particularly lucrative feat, we were able to secure 5 pairs of tickets for the extremely popular Harry Potter play that debuted in London in the summer of 2016. All of these tickets were bought by simply accessing a computer on the date and time of the announced general sales or presales, and through no other means. Other purchasing options available to touts are described in detail in chapter four.

“The Wizard” and I deliberately avoided buying and selling football tickets. This was mainly due to the fact that the gatekeeper we were learning from, “The Chameleon”, had always sold non-football tickets due to the resale of football tickets being illegal. I welcomed this approach as it broadened my involvement in actively buying and selling tickets; I had had little to no dealing with music or theatre tickets in my two previous participatory experiences, which had focused on football. Overall we invested approximately £3,500 each, resulting in a return of 91%, equivalent to a profit of about £3,200 each in the period from October 2015 to June 2016. At the time of writing, the Snooker final tickets remained unsold, meaning that the overall profit may have been higher, but not necessarily. The majority of the tickets that I purchased with “The Wizard” were sold through three of the big four online secondary ticketing platforms mostly at a profit but sometimes at a loss. For example, of the Muse tickets mentioned, eight tickets were sold above face value yielding a profit of about £30 per ticket, while we lost £50 each in the sales of six more tickets. We actually struggled to sell the last pair, so we attended the concert. Across the whole range of tickets we bought, those that did not sell on the big four were

sold at face value, or less, through websites such as Scarlet Mist or Twickets¹¹ to recoup the money invested, while one pair of tickets was sold to participant “Drama”.

In addition to further understanding the processes involved in buying and selling tickets online – this being the area that is seen as particularly controversial and in requirement of further legislation – these experiences enabled me to understand the meaning of operating as a tout on a daily basis. “The Wizard” and I emulated the lifestyle of “The Chameleon”, and a lot was learned that has contributed to this research. Although contact with the gatekeeper was maintained throughout the research experience, in the form of advice and exchanges of knowledge, I attempted to be as independent as possible from “The Chameleon” to be true to the principles of Weber’s (1949) *verstehen*. Examples of this included experiencing a constant lack of funds, the need to purchase tickets in other individuals’ names due to having reached the maximum on a particular website, email exchanges with primary ticket agencies to request a change of delivery to a different residential address, telephone calls with the secondary market platforms to chase payments or resolve disputes, and so on. It gives me great pleasure to state that, unlike in the previous two experiences, “The Chameleon” and I maintained a positive relationship throughout and are still good friends.

3.7 Ethical dilemmas, reflections and justifications

The final key issues presented in this chapter explore the ethical dilemmas that were faced, from offering financial incentives to interviewees to decisions concerning potential PO, law-breaking activity, risks to both researcher and participants, and the justifications for these often inevitable aspects of conducting research in deviant worlds.

The research has been “consequentialist” in its approach (Murphy and Dingwall, 2001). The central focus of such an approach lies in the outcome of the research, such that considerations around potential harm being done to participants, as well as ethical decisions surrounding my own conduct, were assessed based on the value of the research outweighing

¹¹ These sites, unlike the big four, prohibited tickets to be listed for sale for prices above those originally paid by the buyers. Although Twickets still levied some fees, both websites were effectively “fan-to-fan” exchanges. Consumers with spare tickets (or touts with unsold tickets) could list these for resale for fans to purchase. The seller would not profit and the buyer would thus avoid having to resort to Seatwave, Viagogo and the others. The sites represented what Atkinson referred to as “moral entrepreneurs”, who acted for the “collective good” (1997: 160).

such consequences. It was deemed throughout that such an approach should take priority over a more “deontological” interpretation of ethnographic research, in which, regardless of harm caused or value gained, if any, the ultimate consideration should be avoiding the infringement of rules.

3.7.1 Risks for research participants

Inevitably any benefits that may emerge from this work would serve those external to the research, such as individuals involved in the entertainment industry and possibly, ultimately, a large cross-section of the general consumer population. It may, additionally, be beneficial to the researcher himself. It would thus benefit “the collectivity rather than...the particular individuals who [took] part in the research” (Murphy and Dingwall, 2001: 347).

Following the classic list from Beauchamp et al. (1982: 18-19, cited in Murphy and Dingwall, 2001: 339), I endeavoured to respect the principles of non-maleficence and beneficence throughout the course of my research. The former means that no harm is to be done to participants, while the latter maintains that:

“research on human subjects should produce some positive and identifiable benefit rather than being carried out for its own sake. These first two are often combined to argue that research is ethical if its benefits outweigh its potential for harm” (Murphy and Dingwall, 2001: 340).

Throughout this research I have attempted to remain aware of the risks of carrying out fieldwork in close contact with participants, particularly in the context of PO, in which my world and the worlds of those studied merged. The incidents which occurred as part of my involvement with the gang of touts, leading to mutual threats, certainly would not have been pleasant for my gatekeeper in the same way they were not for me. Murphy and Dingwall spoke of the risk that “research participants may experience anxiety, stress, guilt and damage to self-esteem”. This may have occurred when my gatekeeper’s group’s attempt to extort me failed. There is no doubt that “Duck” would have come across poorly within the group, having first accepted me as a supplier without informing them, and then with his threats leading to nothing but potential embarrassment.

This risk continues to exist. Although the possibility of this individual, and others in this study, being identified externally is almost non-existent, there is a definite possibility that this could happen internally (Ellis, 1995). Burgess (1985) and Tunnell (1998) discussed the fact that pseudonyms cannot give absolute guarantees for anonymity, while Murphy and Dingwall (2001) spoke of the difficulty of making certain data “totally unattributable”, particularly in single or small research settings. While it is felt that no such risk exists due to the study having been conducted nationwide, within their groups it is certain that the individuals that have participated would be aware of their own quotes, and shared experiences.

One potential solution or response to such an issue has been suggested as working alongside a participant to co-produce a report “between researcher and researched” (Horwitz, 1993; McBeth, 1993; Klockars, 1975). This was in fact attempted with some participants, including “Duck”, with notes being shared in advance of the writing phase of the research. Inevitably, such communication broke down after the negative episodes that took place. However, reflexivity on such issues did not wane, and the findings are reported with sensitivity and awareness. Ultimately, I can only rely on the consequentialist approach as justification for the small risks that participants may or may not have been exposed to, in the hope that the outcomes of such an enquiry yield benefits for the greater community that far exceed any minor harm potentially caused.

The final two principles in the list of Beauchamp et al. (1982: 18-19, cited in Murphy and Dingwall, 2001: 339) were autonomy and justice. While the former related to covert research, and the individual participants’ rights to autonomy (Bulmer, 1980; Dingwall, 1980), the latter required the fair treatment of participants, without prior judgment. With regards to autonomy, it has been argued that in covert research, particularly with ethnography, there is just no time to let everyone know what is happening. In terms of observation, this is physically impractical, if not impossible. Unlike medical research, the researcher has no control over who enters and exists the field in the context of watching passers-by while standing outside a tube station or stadium.

Murphy and Dingwall argued that “All research lies on a continuum between overtness and covertness” (2001: 342). This continuum can in fact also affect the researcher. Bilu (1996) felt that the participants themselves may at times be the ones using the researcher to their advantage. This was undoubtedly the case in my own experience, in which I was being exploited financially by the group of touts described above and

subsequently also by “Drama”. My adopting a consequentialist stance, coupled with the “continuum” argument, has enabled me to justify my position with regards to autonomy.

Lastly, the justice principle “demands that the ethnographer should aspire to even-handed treatment of all participants or informants” (Murphy and Dingwall, 2001: 346), both villains and heroes (Dingwall, 1992, cited in Murphy and Dingwall, 2001: 346). I feel that I entered the field without such prior judgement. I engaged with a number of individuals, who many would consider to be of dubious character and morals, with understanding and fairness. This was done without suspending all ethical judgement, maintaining a level of reflexivity that, it is hoped, enabled me to report my subjective experiences objectively for the benefit of the reader.

3.7.2 Law-breaking activity and risks for researcher

Throughout the fieldwork there were moments in which I inevitably paused to reflect on how far I was willing to push myself, and the limits of my research, both legally and ethically. Polsky (1967) spoke of the need to be clear not only with one’s participants, but most importantly with one’s self, as to how deep into the criminal world one is prepared to venture:

“In field investigating, before you can tell a criminal who you are and make it stick, you have to know this yourself...you need to decide beforehand, as much as possible, where you wish to draw the line” (Polsky, 1967: 123-132).

It would be untruthful if I said I did not recognise that, at times, I felt that I may have gone too far. I often look back and consider the risks that I put myself in, merely in the hope of achieving something important that could be a contribution to the field. I felt that sometimes this thought superseded all others; in hindsight it became possible to recognise such recklessness. The level of antagonism and mutual threats that was reached in the first participatory experience with “Duck” and associates certainly made me think twice about whether any of this had been worth it (Schramm, 2005; Armstrong, 1993). Albritton (1991), in his study of the police, spoke of his ability to walk away at any time. I did not always feel that I was able to do this in my research. Polsky’s (1971) warning of knowing where to draw the line proved to be extremely wise. In his words, “if you aren’t sure, the criminal may

capitalize on the fact to manoeuvre you” (1971: 132). I experienced moments of stress, entrapment and fear of potential physical danger – as well as the awareness that I may have broken the law, and the inevitable fears that are attached to such conduct, including losing a PhD scholarship or compromising any foreseeable future as an academic.

“The interconnections between deviance, law, crime, and field research are complex indeed, cutting back and forth between the investigation of deviance and criminality, the field investigator’s involvement in deviant or criminal behaviour, and the field investigator’s subsequent vulnerability to legal, professional, and disciplinary disapproval” (Ferrell and Hamm, 1998: 7).

Despite recognising these risks, I have no regrets, and strongly agree with authors of similarly challenging studies that law-breaking activity is an almost inseparable element from the experience of researching deviance (Hobbs, 1988; Adler, 1985; Polsky, 1971;).

Pearson (2009) spoke of his involvement with hooligans and the need to, on occasion, inject his covert PO with elements of trustworthiness by proving himself within his gang. By demonstrating that he was “up for” a brawl with rival fans in a pub, or by participating in pitch invasions with the members of his group, he gained a level of trust and acceptance without which his research would not have been possible. Gaining access, as described above, is extremely difficult in such conditions. Breaking the law helped me penetrate the group of ticket touts in the same way that Pearson’s access to the hooligans was facilitated by his illegal behaviour. Ferrell, similarly, “confessed” to social drinking, illegal painting and avoiding legal authority with positive outcomes. He argued that without these he would never have reached the level of “collective trust and experiential camaraderie” that was essential to conduct criminological fieldwork, and to abide by the principles of *verstehen* (Ferrell, 1998: 32).

Yet, unlike others who participated in car chases with the police (Ferrell, 1993) or became, potentially, aiders and abettors to violent crime (Goffman, 2014), Pearson’s law-breaking pertained to specific laws with which he was not excessively in agreement. He outlined the contradictions of a law that did not permit football fans that travelled on public transport to consume alcohol. In his view, in fact, this provision almost amounted to outright discrimination. His stance was analogous with Greenfield et al.’s (2008) argument against specific ticket touting legislation; they suggested that a law prohibiting the resale, whether for profit or not, of football tickets and no other, was discriminatory. Pearson was thus able to justify his conduct on the grounds that, although strictly speaking illegal, it was in breach

of laws that clashed with his own, personal ideology. Additionally, in his view, the conduct itself was not all that serious.

The laws that I contravened as part of this research fall within a similar category. To an extent, I largely relied on my own personal moral values in the specific context of ticket touting to make certain decisions. Not to say that I am in favour of ticket touting; I, in the same way that Pearson viewed drinking alcohol on public transport as not terribly serious, did not consider ticket touting to be morally wrong. Nor did I feel so strongly about breaching the law prohibiting the resale of football tickets. I did not believe, for example, that, by selling football tickets to “Duck” or “Drama”, I was in any way endangering fans who might end up sitting in the wrong sectors of the stadium. My opinion on this provision tended to align with Greenfield and colleagues’ (2008) on the need for such a dated and contradictory provision to be reviewed, in light of the social changes that have occurred since that law was introduced.

Ultimately, if one adopts a more critical view of the law, rather than blindly accepting it as serving and resolving all social concerns, then there is some space for manoeuvring and interpretation. Ferrell argued that while “such field research may still pose professional problems, [it] will hardly present itself as a desecration of the social contract” (1998: 34). We do, of course, have a duty to “consider carefully which sorts of criminality are appropriate or inappropriate for study”. Ticket touting represented an ideal topic of research due to the relative lack of seriousness, in my own view, of breaching the laws in question.

In light of these reflections I did not shy away from the idea of breaking the law, in the hope that the fruits of such an act would further justify my decisions. Assuming a “consequentialist” position, I thus attempted to adopt *verstehen*, a method that “all but assures the field researcher of physical, moral, and professional danger; it presumes deep involvement in criminal and deviant research situations” (Ferrell and Hamm, 1998: 13). In fact, the two authors go on to describe “the immersion and participation” into the “situated meanings...logic and emotion of crime” and deviance as “essential”. Further, criminologists were obliged to be present “in the criminal moment if they are to apprehend the terrors and pleasures of criminality” (Ferrell, 1998: 28). In the context of ticket touting, this meant experiencing and understanding the rationality of seizing an opportunity, the rush and satisfaction of concluding a sale, as well as the fear of having gone too far with certain individuals, and of the potential legal consequences.

Further still, forms of PO and even *verstehen* are deemed mandatory by such authors, to the extent that an ethnographer almost has the duty to adopt these participatory methods, and not others, to fully explore the meaning of certain deviant acts.

“As a wealth of field research has demonstrated...research methods which stand outside the lived experience of deviance or criminality can perhaps sketch a faint outline of it, but they can never fill that outline with essential dimensions of meaningful understanding” (Ferrell and Hamm, 1998: 10).

This quote illustrates the gaps in the literature that the methods adopted for this research aimed to address. It is clear from the findings produced by, for example, the Waterson (2016) report, that the author did not experience the “terrors and pleasures of criminality” (Ferrell, 1998: 28) as I did. A consequence of this was the report’s inability to do little more than “sketch a faint outline” of the deviance of ticket touts (Ferrell and Hamm, 1998: 10).

PO, *verstehen*, and the potential law-breaking that comes with these methods, not only fitted extremely well with the particular study I was undertaking, but any other solution, it is argued, would have brought a severe injustice upon the subject matter. Choosing to step back and deliberately avoiding law-breaking activity, as in the case of Albritton (1991), or, even more relevantly, of Sugden (2002) himself in his limited participation in the world of the grafters, would have yielded less authenticity:

“Close adherence to legality on the part of the field researcher doubtless shuts the researcher off from all manner of field contacts and social situations; a willingness to break the law may open a variety of methodological possibilities – obeying the law may present as much of a problem as breaking it” (Ferrell, 1998: 26).

Ferrell was in fact very critical of ethnographers or criminologists who act in the way that Sugden did:

“Criminological field researchers cannot distance themselves from their subjects of study, or from the legally uncertain situations in which the subjects may reside, in order to construct safe and “objective” studies of them. Instead, criminological field research unavoidably entangles those who practice it in complex and ambiguous relations to subjects and situation of study, to issues of personal and social responsibility, and to law and legality. This approach to research methodology thus serves a both a report and a manifesto, as evidence and argument that conventional canons of objectivity and validity are not, and indeed cannot be, followed in the everyday practice of criminological field research” (1998: 25).

It was thus through these considerations that I was able to justify the methods I had elected to adopt: firstly, my own reflections on the law itself and its incongruences; and secondly, the insistence of on the part of existing research in this field on the “necessity” of adopting these law-breaking methods. Curiously, the selling of tickets in the course of research is not entirely unprecedented: Dick Hobbs himself confessed to selling a cup final ticket or two “in order to keep [his] trading instincts sharp” (1988: 4).

3.8 Concluding thoughts

Through the approaches outlined in this chapter I hope to have come at least close to adopting a method of *verstehen* as imagined by Weber (1949), and strongly advocated by Ferrell and his partners (1998), Adler (1985), Polsky (1971) or Hobbs (1988). By engaging in PO I was able to complement the other methods which I had initially relied on, obtaining a more complete view of the greater picture of the deviant touting “world”, in the sense intended by Blumer (1969).

It is also hoped that these approaches enabled me to reach a level of experience and knowledge that surpassed the recent governmental attempts to grasp the complexities of the touting situation in the UK. This could not have been achieved using a single method, nor could it have ever been achieved without a deeper immersion into the touting subculture.

“The informant cannot offer more than a single, embedded perspective on the complexities of the world, his or her account will be situated, limited and motivated...one must search out others for qualifying perspectives, even if those others are not as friendly or accessible as the informant. One must observe as many parts of the social setting and as many participants as one can...one must engage in what Denzin called triangulation, checking everything, getting multiple documentation, getting multiple kinds of documentation, so that evidence does not rely on a single voice (Rock, 2001: 34).

Had I limiting myself to a single viewpoint, a single gatekeeper even as in the work of Sugden (2002), or a single method, such as interviews alone, this work would have lacked much of the authenticity that a mixed-method approach with several attempts at PO has guaranteed.

“No ethnographer worth his or her salt would believe for a moment that informants’ words spoken in thirty-minute, white-room interviews are even close to being sufficient to understand the complexities of and motivations for real-life behaviour” (Rock, 2001: 34).

It is this search for understanding motivations, meanings, the importance of symbols and behaviours, that has driven my research to such lengths. Each experience yielded findings on different aspects of a trade that is extremely diversified, both in terms of the characters involved, but also with respect to the methods, strategies, and levels of experience and knowledge required. Each revealed the human qualities of the subjects and their day-to-day habits and experiences of their world.

For example, much is said in the media of “walk-ins”. Yet other than during my third and final participatory research experience with “The Wizard” through the coordination of participant “Drama”, this aspect was hardly mentioned in all my other sources of research, whether through the observations or the interviews themselves. Unsurprisingly, this was in fact a minor factor in the lives of the touts, despite its depiction in the media. Walk-ins were just part of the job: one of many available methods of resale, as explained in chapter four.

Through all of these activities I acquired a real taste of what it means to be a tout, gaining and reproducing knowledge into this “world” that no superficial enquiry on the price of Adele or Ed Sheeran tickets on the secondary online market could ever glean.

4 A CLASSIFICATION OF TOUTS AND THEIR METHODS

4.1 Introduction

Part one of this chapter presents data on the range of methods available to ticket touts for procuring tickets, complemented by a list of the methods utilised to then resell tickets for a profit. These lists emerged naturally from the interview transcripts and did not require much analysis. The methods were numerous, proving that contemporary touting equates to much more than buying tickets at 9am and listing them on secondary market websites minutes later. While a specific method of procuring tickets may have been used by many, or even all types of touts, other techniques were adopted by a minority. Similarly, the methods of resale did not always match with the methods used to acquire tickets, such that some touts may have used the same method to obtain tickets but then relied on different processes to sell and profit from them, and vice versa. Crucially, this chapter portrays touts as deviant entrepreneurs, skilled in adopting a wide range of methods and strategies to perform touting with the flexibility and innovation required to evade control (Hobbs, 1988; Adler, 1985). Ruggiero defined this characteristic of the entrepreneur as an ability to bend the rules and seek profitable alternatives to conventional business conduct: in his words, an ability to “mobilise creativity” (2013: 95).

The types of procurement and resale methods are discussed alongside quotes from the research subjects. The interviewees offered their insight into the inner workings of the methods, including information regarding loopholes in the primary market systems of sale, or, for instance, the importance of establishing advantageous connections with primary sources. Such findings are contrasted with the previous research, particularly the works of Sugden (2002) and Atkinson (1997). These data are supplemented with findings gleaned from my own PO, drawing together different sources of primary data to strengthen their validity. This included, at times, methods of resale that I discovered myself through the methodological approach of *verstehen* (Weber, 1949). In-depth participatory research enabled me to experience the deviant circumstances in which ticket touting is performed by being in the “immediacy” of the criminal act (Ferrell, 1998: 28); by assimilating and sympathising with the exploitative, entrepreneurial intuitions of the participants, I was able to identify profit-making opportunities that some interviewees had been unaware of. One participant, “The Chameleon”, often quipped, “*you are a bigger tout than me*”.

Part two of the chapter offers a categorisation of sellers. These categories are displayed along a scale of “deviousness”. The process for creating this was more elaborate. One of the key distinguishing factors was the sellers’ “level of commitment” to ticket touting (Adler, 1985: 61), in terms of whether the practice represented for them a full-time form of employment or a more casual activity. Another factor was the seriousness of the participants’ illegal conduct. For example, towards the less serious end of the spectrum can be found participants who decided to specifically avoid the resale of football tickets so as not to break the law (but who still, for instance, evaded tax). At the more serious end, were those who engaged in numerous additional illegal activities, including the money laundering of large sums through the establishment of businesses abroad.

The findings presented in this chapter build on previous attempts to classify or group ticket touts by Atkinson (1997), The House of Common’s Culture, Media and Sport Committee (2008) and, more recently, Waterson (2016). While there were some similarities, the existing body of work was found to be dated and incomplete. Even the most contemporary research appeared to omit key methods or types of sellers, and tended to focus exclusively on the popularly discussed method of using bots and other software to “harvest” tickets (Conway, 2016: 3).

4.2 How touts buy and sell tickets

4.2.1 Buying

There are many ways in which a ticket for a popular event can be procured. It is suggested that the techniques used by ticket touts to acquire tickets can be broadly grouped into four, or potentially five methods. The fifth and final of these, the use of bots, is both the most widely discussed in the media, and also the one for which the least evidence was found as part of the present research.

4.2.1.1 General sales, presales and memberships

The most basic method for some touts to acquire tickets was the same as that adopted by many consumers. This involved purchasing tickets from primary market companies, such

as Ticketmaster or Eventim, on the day that tickets were released on general sale. This was done primarily online, but also via telephone or in person at a box office. The touts obtained advance knowledge that such sales were approaching by signing up to the mailing lists or fan clubs of specific artists, or to the newsletters of primary ticketing companies. Additionally, such subscriptions often revealed the existence and details of presales, which took place any time from a week to 24 hours before the general sale.

Presales are in theory designed to give fans a better chance of securing tickets. Touts, however, very much like consumers, could obtain priority access to these through entirely legitimate means. Examples of presales were those offered to the clients of American Express, mobile company O2 or energy company SSE. Some artists, from Coldplay to Robbie Williams, have made tickets available in advance to those customers who had bought their newest album. Others, such as U2, offer their own paying members access to a presale. Touts, just like regular consumers, can elect to sign up to these options.

I got access to a presale from buying the Kasabian album. I then sold the album on eBay. "The Chameleon"

For a certain event there could be several presales, with tickets being sold each morning on a range of primary markets. A typical example was the way in which tickets for Drake's 2017 tour went on sale in October 2016. Tickets were available through the O2 and Live Nation presales. Customers who had signed up for access to these could then purchase tickets through primary sellers Ticketmaster and AXS. Tickets were then also available on the date of the general sale through additional primary sellers See, Amazon, Stargreen and Eventim, with some selling tickets for certain dates or venues only.

Whereas tickets for music events were eventually made available to the general public after such presales, tickets for some sporting events, particularly for Premier League matches, were usually purchasable by members only. Often, these would be sold according to a system based on "loyalty" rather than first come first served. Again, in the same way that consumers purchased memberships in order to attend their team's matches, touts became paying members of one or more clubs, knowing that the profits gained through reselling such tickets were likely to quickly dwarf the initial costs incurred.

I am a paying member of more than one club. "Lucky"

Participants “Cheeky”, “Royal”, “Shiny”, “The Pad”, “Memory”, “Twist”, “Christmas”, “Duck”, “Bee”, “Spartan” and “Blagger” had all paid in advance for memberships or season tickets to football clubs, representing almost half of the entire sample. Others had memberships to other organisations.

No special skill to get them. Just knowledge, and some presales. But it's not just 'log in and buy', you need a presale nowadays. Like the PDC [Professional Darts Corporation] website. It's £25 for a year. Can then buy tickets to the darts. Again, that's having to invest the time and the money. You have to invest and have the knowledge. “The Chameleon”

The same seller had other tricks up his sleeve:

I sometimes get cheap Ticketmaster vouchers on eBay. It's the knowledge. Then even if I sell at face value, I'm still making a profit. “The Chameleon”

Hobbs, citing Ditton (1977), noted how an entrepreneur, whom he classified within the category of the “grafter”, used similar tactics to maximise his profits. This individual

“did not become involved in direct theft. Instead he utilised his knowledge of the trade, the company...to contrive alternative strategies...such as arranging special discounts...or other similar methods within the parameters of the twilight zone of good business” (Hobbs, 1988: 148).

Naturally there was no such theft in “The Chameleon’s” actions, but the entrepreneurial similarities in finding new, innovative ways of conducting business were several (Ruggiero, 2013).

Regular consumers may view these tactics as frustrating, given that the increase in volume of users attempting to buy tickets on the primary market, whether through general sales or memberships, reduces everyone’s chances of securing the desired tickets. However, such techniques can only be described as “legitimate”. A tout like “The Chameleon”, in gaining presale access, was doing nothing that consumers themselves could not do. While they had developed a certain know-how, buying tickets in this way was an everyday practice that did not require special tools. Put simply, the touts appeared to be more knowledgeable and resourceful than the average consumer.

4.2.1.2 The streets

Despite the surge in popularity of the internet as a method of purchasing tickets, some touts have not abandoned their traditional ways of approaching event-attendees outside the venue looking for spare tickets to buy – to then resell – on the day of the big match or concert. The importance of the typical mantra of touts, that one may have heard many times in the vicinity of a popular concert venue or stadium, should not be underestimated; the stereotypical “any spares; I buy or sell” is undoubtedly still prevalent within the contemporary landscape of touting.

Tickets bought on the streets, in fact, are potentially even more lucrative for savvy touts, as they can be acquired for a fraction of the original face value from consumers who are resigned to cutting their losses, thus boosting the touts’ profits even further.

It’s all about the “spare tickets?” outside venues. Offer a fiver, always, to start with. If face value is £50 and I know they’re selling up to £90 I’ll offer £60 max. “Blagger”

This form of exchange constituted the most typical representation of the ticket tout as the middleman. Here, the touts were true intermediaries, filling the hypothetical gap in the market between supply and demand. They provided the missing link between those consumers who were attempting to rid themselves of unwanted goods and those who sought to buy tickets at a moment’s notice, and often at a cut price – as long as it was higher than what the touts had originally paid for them.

One participant described the following scenario, which truly captures the enduring relevance of street touting in the contemporary context of internet sales:

Tour operators have already sold tickets that they do not have at a profit. They oversell and need to fill the gaps. They contact us and ask for x number of tickets. We have some and commit to providing the rest. How do we get them? Go outside venues to get the rest. For example, the operator may be only 20 or 30 tickets short. They’ve already made a large profit so they are happy to pay more than necessary to get the missing tickets. They can give us even £10k to get them – they must have them – and if we find some at £100 each, buying from normal people with spares outside the venue, we keep the rest. “The Pad”

This participant revealed the close connection between speculative online sales and street touts, a factor that has been omitted in the recent government legislation and review of ticket touting.

Other advantages of purchasing tickets from the streets, and thus from strangers, were discussed in the interviews. One was that the tout was protected in the unlikely case the relevant authorities decided to conduct spot-checks inside the ground. As “Spartan” stated, *“Not everyone has their own [memberships]. Sometimes we just buy spares outside the ground”*. He explained that by doing so, if a customer was stopped when entering the stadium, or if his details were checked once he or she was seated, there would be no way to trace the ticket back to the tout who had sold it on. The details on the ticket would be those of the original purchaser – the punter who had sold the ticket to the tout in the first place. Any action subsequently taken by the club would penalise the supporter. His or her membership could be suspended or cancelled. While this might deter the individual from selling to touts again in the future, the tout was protected.

When asked directly whether he made purchases online from the primary market, or used any of the other buying techniques that are introduced below, another participant responded:

None of that, just buying spares from people off the streets and then doing some deals with touts there and then also. “Swimmer”

These examples show the relevance of street touting in the contemporary age of selling tickets for profit via the internet. However, these were practices that were perhaps less accessible for the general consumer. Buying spare tickets in the street is the first of several methods in which, in order to obtain tickets, it was often not just a question of resources or knowledge or skill, but also of a willingness to expose one’s self to risk.

4.2.1.3 Contacts within the industry

Another element that was undoubtedly the bread and butter of touts, which was also omitted from the scope of the CRA 2015 and neglected by the Waterson (2016) review, was the existence of advantageous relationships between touts and those within the entertainment industry. These relationships, some interviewees revealed, had been

developed over many years. Most started before the age of internet, in the days in which physical queuing outside box offices was the only method of acquiring tickets. Since then, some touts have maintained such relationships with venue staff, promoters, and senior contacts within major sporting associations. These findings reveal the widespread corruption occurring within the primary ticketing market, and are similar to the direct experiences of John Sugden (2002), who received, from a tout, tickets that had been allocated to the employees of various international football associations.

Many participants described the practice of buying “a drink” for those with access to tickets. This was, in the touts’ argot, the way to refer to paying someone off, or to sharing a cut of the profits.

I get music tickets because of the media work I do as an editor. I only sell what I get and I don’t pay for any tickets. “Morning”

Some are given to me via entertainment business links that I have. For the Olympic tickets – my family got them through sponsorships, by being members of institutions, so these were free. Some I used, some I gave to some friends, some I sold. It’s all been about who to speak to, the knowledge, who to buy a drink to, drop a gift. About access and greed. You figure out where to get stock and get it and sell it. “Toad”

A “drink” could lead to portions of allocations “going missing”, with tickets being withdrawn from public sales and kept aside for the touts. The contacts in question could be sponsors, box office staff, employees of primary or secondary market companies, and even the artists or players themselves. Here are some examples:

It’s who you know, not what you know. I’ve got a couple of friends that work for the ticket companies such as [one of the big four]. I say get me this and they get it to me and we make a little bit of money each. You get to know people at the company and tickets go ‘missing’, if you know what I mean – about 5 per event. Lose paperwork or something; I don’t know how they do it, best not to ask. “Fabs”

I am in contact with someone working at the ticket office of [Premier League club], an employee... if, say, 10 tickets get taken out of the away allocation, no one is going to bat an eyelid. We ask how many he could get. Give him face value; he makes a profit anyway. Then we do what we want with them. He may take them from an allocation that would probably be complimentary anyway. He’s making a profit from nothing anyway. “Christmas”

My contact list has taken years of work to get, it has people in there from CEOs of companies, to a person high up in FIFA, I obviously can’t tell you

who this is, but he works high up in FIFA and gave me 10 tickets for the World Cup Final in Brazil. I have people in the ticket offices of several clubs. My phone book is worth a lot of money. “Bee”

[One of the big four, then the authorised reseller of a Premier League club], if tickets are not sold just before the game, will contact the owners of the tickets and ask if they want them back or if they want to sell them back to [club]. They [members] obviously choose to sell them back to [club] so a huge stack becomes available at the box office. I contact my person or they contact me, “any tickets left?” I arrive one hour early before they go back on general sale and have priority to purchase them as I’m a member. Members can buy up to three on each card at this stage, so I bring as many membership cards as required. “The Pad”

Participant “Duck” boasted to having access to a specific footballer’s allocation for several seasons, stating that, due to the player’s family being based abroad and never taking up his full allocation, he was able to sell tickets that he received for free at very high prices. “The Chameleon”, in addition to scouting for cheap Ticketmaster vouchers on eBay, also revealed that he was able to purchase them directly through a contact. This was the same seller who listed them on eBay, with whom, over time, “The Chameleon” established a working relationship. It was unclear, even to “The Chameleon” himself, whether this contact actually worked for Ticketmaster, or whether he knew someone who did. It was clear, however, that someone within the organisation had access to, or could generate, voucher codes. These were then sold on for less than their value to “The Chameleon”, with the contact still enjoying a “drink” for himself. A final example:

It is also about contacts in box offices – that does happen. Hotel deliveries, knowing the band, these things are all true. They keep aside 20 for you, a “drink” for them. The limit of 4 per person, no one cares. As long as the receipts are all there. “Blagger”

These types of underhand dealings, which appear to have completely eluded policy makers and legislators, would not take place without the corrupt practices of promoters, box office staff or club employees. Extracts from my fieldnotes from two consecutive nights at the Electric Ballroom in Camden Town, London, for the concerts of The Libertines and Muse, reveal more of the same findings. These two concerts were both events at which customers’ IDs were purportedly going to be checked upon entry, to deter individuals from purchasing tickets and touting them. The Muse gig, in fact, had only been announced that same day, and required customers to purchase tickets on the door, where they were to be

given a wristband there and then, and join the queue straight away. These are some of my notes from observing those events. Night one, The Libertines:

Unbelievable. I see "Koko Guy" with an O2 Academy pass around his neck! As he walks out of the venue, someone walks in, almost as if they were swapping places. The bouncers notice this and exchange a word with each other, amused.

"Koko guy" was the unimaginative pseudonym I gave to a tout that I first came across outside Koko, another venue near Camden Town. He was one of a small group who had refused to be interviewed when I approached them, more than a year before this observation. Although I had seen him at countless venues since, including the Roundhouse and White Hart Lane, he was always referred to as "Koko guy" in my notes. I asked the bouncers about him:

Bouncer said he's maybe sorting out the guest list. He knew who I was talking about and said he wasn't a tout, or he'd be outside here. He paused, with a confused look on his face, and admitted that he had seen him take cash from someone. I asked about ID. He said he [the bouncer] just checks tickets at the door and doesn't know if they check ID inside or not.

The following evening, at the Muse concert, I approached a group of touts and pretended I wished to purchase tickets for the gig, to understand how the touts could have procured tickets for such an event. I wanted to test my hypothesis that, based on the previous night, the touts had contacts with staff at the venue or with promoters:

I asked how much for a one ticket. £150. I said no thanks to which one replied: "what's your budget? How much can you pay? What do you offer? I'm open to offers". I asked about the wristbands and the touts confirmed they are fresh, new ones, they are not tampered with. They seemed to get annoyed very quickly. "Do you want one or not?" I became a bit uncomfortable as I realized I was asking too many questions. The tout confirmed he would physically put the wristband on me.

It was clear that a number of wristbands had been set aside, withdrawn from the general allocation, and given to the touts. This was the exact scenario described by "The Pad", above.

These examples show how ineffective ID checks are if, first of all, they are unenforced, and secondly, if touts have access to tickets through other means anyway. In the words of a scalper interviewed by Atkinson:

“What's the point if the guy who's passing them out [wristbands] 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” (1997: 89).

More importantly, the practices outlined were found to be widespread. Yet they have received little attention in not only the legislation, but also in the media’s depiction of ticket touting. Whilst the reported scandals are in fact quite numerous, the focus of the media lies elsewhere, in terms of placing the blame (Gibson, 2016; Savage, 2015; Servantes, 2012).

“Promoters, ticket agents, musicians, players, league officials, and private citizens are all included as sources of tickets for scalpers... Scalpers ...are but one cog in the overall corrupt system and therefore we cannot attribute all blame and disdain to this one group” (Atkinson, 1997: 173).

It may be true that touts buy tickets from the primary market; many interviewed as part of this research stated that they did. This perhaps reduced the chances of consumers being able to buy tickets at face value from official sources. However, a large part of touting was about discovering additional ways to increase one’s stock of tickets – and boost one’s profits – even further, often through less conventional ways (Ruggiero, 2013; Hobbs, 1988).

4.2.1.4 General trickery: the exploitation of primary market loopholes and of consumers

In addition to establishing relations with individuals who were able to provide privileged access to potentially lucrative tickets, some participants relied on their own innovative and elusive practices to maximise their procurement of tickets. This was done both by touts who were operating alone, like “Air Con” and “The Chameleon”, or by touts working in larger organisations, such as “Christmas”, “Duck” and “The Pad”.

The first set of findings relates to touts exploiting the primary market’s selling methods. Whilst techniques listed here are not strictly criminal, they would certainly have been in breach of the terms and conditions printed on the tickets themselves that stipulated the contractual agreement between the original purchaser and the promoter or venue. The second set relates to examples in which the touts exploited the consumers themselves. As such, many consumers may question the morality of some of these practices.

Apparently, the simplest trick in the book was to elude the ticket purchasing limits imposed on customers by the primary ticket market. If Ticketmaster restricted each transaction to a maximum of four tickets per client, the most straightforward solution was to purchase four from Ticketmaster and four from another provider, such as See or Stargreen. In some cases, it was threatened that checks would be made by the promoter, and that sales would be scrutinised across the different ticket agents. However unlikely this was (see above for an example of how the threat of ID checks was often unenforced), an easy solution for the participants was to set up multiple accounts. They could, and did, use the names, bank details and billing addresses of friends and family to easily sidestep such a restriction.

In this way eight tickets, or 12 or 16, et cetera, could be purchased across numerous ticket providers, or even from a single ticket agent. The more names and credit card details touts had at their disposal the merrier. This tactic did not require great skill. As part of my PO, with the help of “The Wizard”, and therefore using only my name and his, in 2015 we managed to acquire in excess of 20 tickets for the Muse tour of 2016 across platforms Eventim, See and AXS. Truth be told, we could have purchased many more, and only stopped because of our limited funds.

The same principles of evasion applied to sporting events or purchases which required some kind of membership. Instead of having just one membership to a single football club, there was found to be no system that impeded an eager tout from having multiple memberships to many clubs.

[Club] have a membership, it's £25 per person, limit of one per person. But you just get a family member to get one, a neighbour, get four each. It's just a question of how much money you can put up front. “The Pad”

Participant “Cheeky” revealed that he in fact had two memberships for the same club under the same name: *“the club doesn't care and it's easy to renew”*. Another said:

You can't tout a season ticket because it's a plastic card. So I bought 3 season tickets for my own use plus 8 memberships – the memberships are in the same name as the season ticket! Other names are just any relative I could find. The clubs don't check; they just want to sell. “Twist”

Similarly:

The memberships, none are in my name. All friends, family; they know I use their names of course. I get loads of tickets. Say, I have 20 tickets for [club]. It's all in different addresses, mother, someone's husband, son or daughter. "Spartan"

In cases where the club had intervened to cancel a membership for touting, the participants were not deterred:

I had some memberships, bought 4 for [club] and they were all cancelled after just one game that I bought and sold. They sometimes send people to the seats to check who is sitting there. I'll buy memberships through a friend now that I cannot buy them in my own name anymore. "Blagger"

Sometimes if you sell to a tourist, he'll get to the gate and fumble about with a season ticket, he doesn't know what to do. We prep them up and tell them, "go to the seat and don't talk to anyone". Sometimes the stewards will take the card off them and give them a piece of paper about suspicion of touting and breach of rules. Then there's an email on its way, I put my case across, just say it was a gift, if you lose it you buy another. Season cards are an aggravation - but with West Ham and Chelsea, it's all paper tickets, it's easier. "Spartan"

In addition to requiring a membership, some individual games would be sold on a points-based system, with points being awarded on the basis of a supporter's loyalty or previous attendance. By purchasing tickets every week purely to resell them, however, the participants came across as the most loyal of supporters to the unknowing football clubs. As such, they often enjoyed priority access to the most in-demand games, which, of course, were also the most lucrative, establishing a cycle of profiteering that could result in preventing other supporters from making purchases.

For some games, such as national or European cup finals, clubs had ballots or lotteries in place to ensure, in theory, a fairer distribution of the tickets. In order to be included in these draws, you often had to have a special membership, such as belonging to a travelling or "away" scheme.

A friend of mine told me about this and I said I can't make every [team] away game and he said "don't worry we'll flog 'em". If we sell them we split the profit, if not split the loss. "Royal"

In such cases the touts therefore, once again, had an advantage over regular consumers. Some supporters may have genuinely attended almost every away game in one particular

season, and could end up being pipped in the lottery process by a member who had not been to a single game but who, on paper, had purchased away games for the entire season as if he had been attending. It was then highly likely that the tout would sell that same ticket at a premium to a loyal fan that had missed out.

Many other minor tricks were revealed in the course of the interviews. One example was noticing that on particularly busy mornings for the primary market sales, in which thousands of prospective buyers were lining up at 9am in the hope of securing tickets, the mobile servers of each company were less busy. A common trick was therefore to purchase tickets on the mobile version of Ticketmaster, See and other sites. A similar scenario involved the realisation that for major tournament finals, such as the Champions League Final, applications for the ticket ballot that were coming from England were likely to be less successful than ones made from abroad. With Cardiff hosting the final in June 2017, the biggest spectacle in club football will have been held in the UK three times in seven years, including twice between 2011 and 2013.

We noticed they don't accept English addresses because of touting, someone told us. We tested it and made 15 different email addresses and got nothing. Someone from Spain and Italy did the same for us and got 14 [pairs of tickets from 15 applications]. So now we have contacts there. "Christmas"

Another example disclosed by touts in the interviews was the existence of a range of members' clubs that provided tickets for shows that had not sold out at largely reduced costs.

I pay a yearly subscription to get £40 face value tickets at £2. "Jaded"

The club has a yearly fee but it is paid for by my profit: it pays for itself. After that you just pay administrative costs for the tickets themselves, hence just £2.50. They do events to all theatres and venues across London, it is specifically to ensure there are no empty seats at big events, so spare tickets that haven't been sold are on there all the time. Anyone can join this club. "Air Con"

These were just some of the scenarios available to touts to exploit the loopholes within primary selling systems.

A more morally dubious way in which some participants exploited the consumers themselves, on the other hand, was to purchase tickets listed on certain secondary market websites. These could even be from the big four, on occasions in which ticket prices fell

below face value. More frequently, however, the research subjects revealed that they would purchase from the “ethical” resale websites, such as Twickets or Scarlet Mist. Designed for consumers as fan-to-fan exchanges, some of the touts interviewed were quick to exploit this opportunity. Posing as consumers who were purchasing the tickets for their own use, the touts could deceive sellers, or websites acting on sellers’ behalf, who believed they were giving a spare ticket to a similarly-minded, ethical individual, only for that ticket to then become another one for the tout to resell at a profit. “Blagger” boasted: *“I have bought many tickets on Scarlet Mist”*. Another said:

For example, on Twitter it’s about finding the cheapest ones available, simply by searching the band’s name and buying tickets from people to then sell on.
“Teacher”

A Twitter search would result in finding tickets that were available to purchase for face value on website Twickets; tickets can also be searched on the site directly. The website claims to have systems in place to prevent touts from buying tickets to sell on again. I observed an exchange between the staff running Twicket’s Twitter page and a user who questioned how it could be possible to prevent this. “We regularly ban such accounts”, they replied, to which the user retorted, “and they can’t set up another account?” and “The naivety!” (Twickets, 2016; Walker, 2016a and 2016b).

Understandably the website chose not to disclose the details of their methods. The user, however, had a point. Throughout my own PO research, on one occasion I stumbled upon a Twickets tweet signalling the availability – for face value of course – of tickets that I had learned from my research were in high demand. To test the system, I bought the tickets on Twickets and relisted them instantly on one of the big four secondary market sites. These sold for a handsome profit just minutes later. I felt so guilty that I immediately took my flatmates out to dinner.

In fact, the tickets I had bought and resold were in the original buyer’s name and not mine. This situation was, for the seller who had entrusted Twickets to sell his or her tickets to a like-minded ethical fan, no different to the example referred to above by “Spartan”, in which a tout was able to hide behind the original seller’s details and protect himself from being blacklisted by the primary market company, in the unlikely event that checks were made.

An analogous situation existed for football tickets. Premier League clubs such as Chelsea, Arsenal and Manchester United, amongst others, set up their own exchange

websites, which members or season ticket holders could use to sell unwanted tickets to other members.

*We then use ticket exchanges on the club websites to purchase extra tickets.
“Bee”*

Similarly, many participants would offload onto Twickets or the club’s exchange platforms some of their unwanted tickets that they had failed to sell for large profits on the big four, as was the case with some of my tickets purchased with “The Wizard”. In this way, inadvertently of course, websites such as Scarlet Mist and Twickets further assisted the activities of the touts.

Suffice it to say that the findings show that the touts were generally one step ahead of the system and its consumers, exploiting the weaknesses of both. In his study on buying and selling stolen goods, Klockars noted that: “the laws...are weak, but their weakness is the product of the dealer’s ingenuity, not the source of it” (1975: 185).

4.2.1.5 Bots and illegal technology

Touts, it is widely claimed, may also have an “unfair advantage” (Hinson, 2013) over ordinary consumers in purchasing tickets the instant they are released for online sales through the touts’ use of specifically designed software known as “bots”. This argument is often broadcast as a major point in favour of regulating or outlawing touting by campaigners, experts and parliamentarians. The attention devoted to this method of touting by the media, MPs, moral entrepreneurs such as artists and band members, and security experts such as Reg Walker, the industry go-to figure most frequently quoted by the media, has been extraordinary.

In the first instance, it should be noted that laws already exist to curtail this supposed use of technology. The Computer Misuse Act 1990, it has been argued, makes the use of bots a criminal offence (Chapple, 2016). This has been challenged, and a more specific law is currently in the works in the shape of the Digital Economy Bill (Davies, 2017c). Secondly, despite all the media hype, not one of the 25 ticket touts that have been interviewed as part of the present research used bots, or had any contact, within their extended networks, with touts that used bots. Of the sample, 23 had either never heard of bots, or knew nothing about

them other than what they had read in the media. Only two of the participants commented on the claims, stating:

Too much money would be needed, what if something goes wrong... [there are] probably very few people using them. "Drama"

They are too expensive, they often don't work anyway... only about five people in the UK use them. "Duck"

When Walker was contacted to shed light on the inconsistencies between the reports in the media and my own findings, he firstly stated that, unsurprisingly, in his opinion, the touts had been "rather frugal with the truth" (personal interview, 2016). He went on to say that a claim that touts do not use bots would be "factually inaccurate based on [an] examination of sales ledgers". According to Walker:

"the overwhelming majority of tickets bought in the first 12 minutes are bought through software. A rate of 85-90% in the first 12 minutes" (personal interview, 2016).

After further solicitation, he did, however, confirm that perhaps only about 15 to 20 individuals in the whole of the UK had access to, and used, the most successful and efficient state of the art software which were capable of the most serious "attacks" on primary ticketing systems. This revelation was not entirely different to a statement made by Walker which appeared in a Guardian article. In it, the use of bots was described by Walker as "not that common among UK touts" (Davies, 2016). Given the widespread attention that bots have received and continue to receive in the media, it was surprising to find that this particular quote had not been cited very often, with Davies' (2016) report the only one containing it.

In light of these very contrasting findings, it is difficult to reach a conclusion on the matter. First of all, it is possible that my own research has not been able to capture the very small, yet potentially significant, minority of users who rely on such advanced software to purchase tickets. For example, these may be highly technological individuals who had, prior to the discovery of bots, no experience or links with the established networks of ticket touts in the UK, in the same way that individuals who began touting online, such as "The Chameleon", would not have any contact with the "Spartans" and "Blaggers" of the streets. An individual heavily utilising bot software, it follows, would have had no contact with anyone that participated in the present research, and my own participants may never have

come across such individuals. Perhaps there exists therefore a third type of ticket reseller, borne from the rise in demand for live entertainment, that has eluded this research. It is also possible that, in the time that will have elapsed between the fieldwork coming to an end in July 2016, and the publication of this work, bots will have become more popular among existing touts in the UK. Given that, during the present research, such a large majority of the touts dismissed so strongly and consistently the significance of bots, the topic was eventually excluded from the scope of this thesis. Although further research into this particular element of ticket resale may be warranted, it is important to consider the implications of these findings.

The participants interviewed were ticket touts that relied on their ticket sales as important sources of income. For some, it was their only occupation. Whether bots actually existed and whether they were widely used or not, it is clear from this research that many ticket touts in this country do *not* habitually rely on the use of bots or other software to procure tickets. This finding is consistent both with my own work and some of the statements made by industry expert Reg Walker. For not one single participant were bots a central or even a peripheral method of “harvesting”, to borrow a word frequently used by Walker and the media, large batches of tickets (personal interview, 2016).

Touts did harvest tickets but in many other ways; the most salient methods have been outlined above. The implications of these findings are that, should bots successfully be outlawed, ticket touting will not be eradicated in the slightest. Could this be another example of what has been identified as an “engineered moral panic?” (1997: 155). Rob Wilmshurst, head of primary seller See, described bots as a “red herring” at a recent parliamentary enquiry (Davies, 2017a). He had previously referred to bots as “something of a smokescreen” (Knopper, 2016). Curiously, during the final months of this research, just as the Digital Economy Bill was being passed, more and more sources were starting to move away from the bot problem, including Walker:

“the danger is that while we have all this focus on bots and software, the other structural issues in ticketing could be ignored...bots aren’t the only way tickets end up on the secondary market” (Walker, 2017, cited in Chapple, 2017).

4.2.2 Selling

Once tickets had been bought, in the many ways described above, the research participants enjoyed a variety of options available to sell them on for a profit. In many cases, touts were able to establish a cycle of earnings such that profits from ticket sales would then be reinvested into new ticket purchases resulting in further sales, and more profits. They thus developed a true business-type model of ticket touting, imitating legitimate and conventional enterprises and “appropriating...the language and ethics...of the commercial world” (Hobbs, 1988: 117).

4.2.2.1 *The online secondary market*

An ever-increasing number of consumers are attempting to purchase tickets as soon as they are made available online. These tickets are then immediately listed for resale on websites that arguably appear to have been created precisely for this activity, such as StubHub, Viagogo, Seatwave and Get Me in! (Merrill, 2013; CMSC, 2008). This process was described in chapter two. It is worth adding a few points of note in this section regarding the *method* of selling itself, rather than the sellers, who are discussed below, in the specific category of Online Touts.

An important aspect of this selling method was the incentive scheme such websites ran to increase the sales of regular sellers. Often referred to as “power” sellers, “frequent” or “white” sellers, these touts were granted privileges by some of the big four companies. These included being paid in advance of events taking place, and having access to a more tailored customer service line, in addition to tools such as apps and software¹² which permitted faster ticket-listing to capitalise on sales occurring as soon as tickets sold out on the primary market. Sellers who were not part of the incentive scheme were not paid until several days after the event, this being part of the sites’ guarantee to consumers that they could provide buyers with genuine tickets and reduce the risks of fraud.

As of December 2016, the Competition and Market Authority (CMA) announced they would be investigating the big four for “suspected breaches of consumer protection law” (FanFair Alliance, 2016; Davies and Treanor, 2016). Around the same time, one of my

¹² This software, which sped up listing processes to *sell* tickets on the secondary market, should not be confused with the previously discussed bots, that may be used to *buy* tickets from the primary market.

gatekeepers informed me that Viagogo had changed their payment policy such that “*all payments for tickets sold will be made after the event*”. This change, “The Chameleon” was informed, was not “determined by [his] performance metrics”. In January 2017 the seller enjoyed his last payment in advance of events.

As part of my own participatory research I attempted, on one occasion, to list tickets for a specific event on Seatwave. I was prevented from doing so, and when I queried this with the site they informed me that “*this [was] a restricted event and only some sellers [were] allowed to list for this*”. In a second email they clarified that “*only frequent sellers*”, also referred to in the email as individuals with “*large seller status*”, could list tickets for sale for the event in question. I was informed that Seatwave’s “*upgrading process has been put on hold*”, but they declined to respond when I asked what the criteria for an upgrade were. The process, however, “*should re-open in the new year*”. Months after the end of my fieldwork, perhaps due to a period of inactivity on Viagogo, I received an email inviting me to “upgrade” my account. The advantages of an upgrade included:

- “1. State of the art tools to help you list, price and send your tickets
2. Direct e-mail messaging service with a dedicated seller support team
3. Ability to request new events to be added to our website
4. Market data to guide listing and ticket pricing decisions” (personal email, 2017).

I elected not to apply for an upgrade.

The list above shows that such sellers may have lost certain privileges, but are still provided with seller tools to facilitate rapid listings, and a dedicated customer service line to assist them with queries. StubHub, also provided software known as StubHub Pro, to users who sold more than £40,000 worth of tickets in one year (Izundu, 2016). Sellers reported receiving tailored emails with notifications of upcoming sales on the primary market that would be worth participating in. Some simply stated: “*Dear [name], don’t forget that tickets for Kraftwerk go on sale tomorrow at 7.30am*”, in correspondence forwarded to me by “The Chameleon”. The same participant also revealed the existence of a “Cash Back Incentive Programme”, ran by Viagogo, which was based on the “performance metrics” cited above. These included a seller’s “late shipment rate” and “failure rate”. The latter referred to the orders sellers were unable to fulfil, and was calculated as a percentage from the total number of orders. An email from March 2016, which the gatekeeper shared with me, showed that sellers generating more than £50,000 per year, with a failure rate and late shipment rate of less than 2% and 10%, respectively, received 3% cash back. This was paid

quarterly. Previously, sellers could have gotten up to 5% if more than £100,000 worth of tickets was sold. The cashback incentive system was interrupted as of 1 April 2016, in the same way that early payment has now been discontinued. Worthy of note, in any case, was the push for sellers to maximise profits, a tactic that is also discussed in chapter five, where the similarities of online touting and street touting are presented.

A second issue that is often overlooked with regards to online resale sites was that the online secondary market extended beyond the big four. Other websites, such as Ticketbis or Worldticketshop, based in Spain and Holland, respectively, were two of many that had become popular amongst UK sellers (Waterson, 2016: 114). In particular, Ticketbis was a favourite amongst football touts in this country. It allowed the resale of Premier League and other football tickets, contrary to UK law. Indeed, football tickets were not listed on the UK servers of the big four.

Websites like Ticketbis are part of the greater landscape, beyond the big four, of online secondary ticketing. Because such websites are based abroad, however, they are able to evade the CRA 2015, and other touting legislation such as the CJPOA 1994. The CRA refers and applies to the big four quite explicitly, almost excluding all other sources of secondary ticketing on the internet. As well as Ticketbis, the status of websites such as Gumtree or Craigslist is also unclear. Such sites do not allow the direct purchase of tickets but rather permit individuals to arrange face-to-face meetings to exchange tickets for cash. Surely, though, they should be required to provide, amongst other things, seat and row details of tickets advertised for sale, as failing to do so would be in breach of the CRA, in theory.

All of these considerations remain futile while existing laws are not enforced; thus far the CRA 2015 has not been enforced against companies based within the UK, let alone outside it. Suffice it to say that, as highlighted previously, the online secondary ticketing market and the big four are not one and the same.

4.2.2.2 The streets

In the same way that buying tickets on the street is a method that is far from dissipating, so is selling tickets on the street.

Often hang around outside the festival to do the selling, though most I will have sold beforehand. I keep some to sell on the day as you can make more money. “Jaded”

Sometimes [I sell] outside the ground. Often just on a whim, or if I get pissed one hour before kick off and can't be bothered going, say, the sun is shining. There's always people outside wanting tickets. [It's] not [a] regular, premeditated sale. Outside you can double your money, but if [it's] 10 minutes before kick off you might struggle to get [your] money back. “Memory”

Otherwise I go to the pubs around the ground and ask if anyone wants a ticket, pass on details to someone who could know someone looking for one. As a last resort I stand outside the ground. “Twist”

Outside the stadium, if some are left, I may go [to sell], but rarely. I would prefer to call someone else who will just pay me upfront and then they can do it themselves and keep the profit. I've done my street work in the early days. It's good money on the streets but I no longer need the headache of the police. “The Pad”

Additional quotes presented above, from “Blogger” and “Spartan”, also illustrate the enduring nature of street touting. “Blogger” told me “*It's fifty-fifty; half I get rid of before the gig, the rest on the night*”. Selling tickets on the streets is covered in more detail in part two of this chapter, and more specifically in chapter five.

4.2.2.3 Known buyers: repeat customers, contacts and other touts

One of the most important methods of distribution for touts was selling to known buyers or repeat clients. This was advantageous not only because such customers constituted a regular and assured source of income, but also because there was very little risk, in terms of encountering undercover law enforcement agents, in selling to someone whom touts had dealt with before (Adler, 1985). A repeat buyer was a trusted buyer.

Most of my customers are repeats. I follow the scene but I don't have to 'cause my customers will ring as soon as a concert or event is announced. “Ache”

We then have a routine; this starts around six weeks before a game. We have memberships for every club. When selling arrangements come out for the games we intend to buy we have a lot of laptops and iPads. We have orders from when the fixtures come out from our regular customers. We have a

spreadsheet for each club with orders then the orders start coming up properly around six weeks before leading up to the match. “Bee”

“Bee” was referring to the email notification the touts would receive from a Premier League club to communicate, for example, that the next morning at 7am tickets for a particular fixture would go on sale to members.

Before even buying such tickets, “Bee” and his gang were aware of the number of orders that clients had placed with them that they would need to fulfil. They knew, for example, that they would need eighteen pairs of “*longside seats*” and twelve “*shortside*” for a given game. The orders were sometimes more specific and referred to “cats” – the categories. Category 1 or Cat A tickets could be sold for anything from £700 per pair upwards. Based on the orders received, they would make the purchases required. If more orders came in afterwards, as explained in “Bee’s” quote above, the clubs’ own exchange sites would be used to acquire more tickets.

Another participant explained:

I have a list of clients that have bought tickets from me in the past. I might know them through a friend, through my dad’s company; it could be a range of people. About 60-70 people buy from me. They go as far as people from Dubai or as near as Salford. They will come to me and say “I want four for this, how much”. Sold four for Man Utd vs Swansea for £600. Met them yesterday at the ground. “Duck”

A lot of these transactions were based on trust, such that large sums of money could be owed at one point. But this model was ultimately very lucrative for the touts, who based their business on repeat clientele, and, particularly, on a corporate clientele that had seemingly unlimited funds.

For our regular customers who purchase on a regular basis we just post tickets out, they will sometimes owe us several thousands [of pounds] and pay at some point. “Bee”

The corporate people pay a lot even when they don't have to, to be confident that they can get what they want to impress their customers. “Ache”

Regular clients will have my direct email, and I have many overseas buyers. “The Pad”

Other sellers relied on websites such as Craigslist to build a list of trusted, repeat buyers to whom they sold tickets.

Craigslist is a good way to make contacts, despite a large number of timewasters and scammers. It's good for selling, and for buying and reselling. It took me a long time to get to know who's who. Now you recognize the timewasters, like those "living in Inverness". I've got about 70 people on my list. On my phone I have a pre-set text that I send out to all of them and wait for replies, then arrange to meet and sell. I've established a list of trust, with some we can do it by post; they'll send a deposit then I'll send ticket. "Royal"

The *modus operandi* of "Royal" was thus slightly different. "Bee" and his associates, or "The Pad", within his separate group, waited for orders to come in, and "harvested" as many tickets as possible, from endless sources, knowing that many orders would be received. "Royal", who was not part of an extended gang of sellers, would reach out to previous buyers and send a text message containing information about tickets he had either just bought or was about to buy, and see if there were any takers.

Another important theme that emerged from the research was that tickets changed hands plenty of times before being sold to the customer using them, the "end user", as participants called him or her. When orders from repeat clients had been fulfilled, touts would rid themselves of excess tickets by selling to other contacts who would then sell them on again.

Hotels – a guaranteed source. The hotels call me and they sell tickets to clients. The [hotel name], for example, can sell a pair for £700. They buy from me and then just ask their visitors, "doing anything this weekend, do you know what's happening of interest in London", and they just add it to the room bill. "The Pad"

It's important to have a wide client base. With the hotels, you get friendly in Park Lane, go over and say "I do football", build rapport with concierge. If I get a call and don't have any I just call someone else. "Spartan"

The network of hotel concierges, who then resold the tickets to guests, was an important asset that touts were able to utilise. During an outing with participant "Duck", we hand delivered tickets to several hotels in London.

As we approached a hotel I witnessed an extremely brief encounter between "Duck" and the concierge. The concierge accepted an envelope from the tout, smiled and bowed, and there was no visible exchange of money. It was evident that the pair had conducted business before. "Duck" explained to me, as we hopped on a taxi, that the concierge had the gang's bank details and had either already paid or would do so at the end of the month. This was just one of many deals between them. "Duck" then took out a list of names and

addresses, and found from a handful of envelopes the one that matched the next address on the list, as he instructed the taxi driver what our new destination was.

Other known contacts that my participants sold tickets to were, in fact, touts. These buyers belonged to different groups with their own orders to fulfil, or perhaps operated on their own.

Say I don't want to go, I can give the touts my [season ticket] card for one week or whenever, which they sell to someone, then after the game the tout will return it to me. "Gunner"

I've been dealing with this website for a while so I now have a personal working relationship with a guy based in Spain, and with one guy in Manchester who has been in the market for years. He can get any ticket under the sun. He works with four other guys and it's all high end, they sell to companies. I met him through Facebook sales. I always saw him advertising then contacted him and got talking; we developed a working relationship. With him once a deal's done it's done. "Cheeky"

Some participants described their *modi operandi* in great detail:

I buy online, the tickets are delivered to me at home and then I meet the guy face-to-face. The price is decided by him, usually £20 on top, or more for bigger games. Something that cost me £70 he might pay me £200 I don't care what he does, we don't even usually negotiate the price; he decides. I don't ask too many questions. This guy then sells everything on. "Lucky"

My first port of call is Craigslist. If not, I offload to a tout. They are the bigger boys, as in they have people working for them. There's a tout from up North who comes down to London once a week. He's good for a quick sale. I meet him and he gives me cash. He then knocks my tickets off to corporates. He does package deals like hospitality, takes them for a meal and stuff. They supply businessmen for their weekends, restaurants and other entertainment. I know another guy who stands outside the [venue]. They [street touts] buy but for less, so that squeezes your profit. I also know someone who runs a coach for away games. He can only arrange a trip if he has enough travellers and he tries to attach game ticket to the travel. He can take the away tickets off me. "Twist"

This constitutes further evidence of the number of times tickets would be bought and sold before being handed to the end user to actually attend a match or concert. More importantly, it shows the wide web of contacts available to touts who, with a quick phone call, were able to make enquiries, strike deals and confirm sales, deliveries and pick ups. These methods, entirely based on trust, are reminiscent of the bootlegging described by

L'Hoiry (2013). His key informant avoided selling contraband cigarettes to unknown buyers.

The methods are also similar to the wheeling and dealing described by Adler in her ethnography of high-end dealers and smugglers in “Southwest County”. She explained that dealers “were wary of selling to new faces since this represented the most dangerous form of exchange” (1985: 72). The more severe illegality of the product traded, compared to tickets, required these dealers to conduct their business with a constant awareness of the risks of undercover operations. The black market nature of the operations in general also meant that no protection was offered, making trust an even more central element to such trading:

“unlike the legitimate business world where cash can be exchanged for goods without fear of theft or arrest, trust, at some level, had to be extended before a drug deal could occur” (Adler, 1985: 79).

Touts, however, unlike these dealers, did not always avoid entering into business transactions with unknown entities.

4.2.2.4 Unknown buyers: classifieds such as Gumtree and Craigslist

Selling tickets through the big four entailed no contact between buyers and sellers¹³, while selling face-to-face to known buyers also reduced the risk, for touts, of dealing with the unknown. However, other methods were available, and were used by touts, which required sellers to meet previously unknown buyers in person. This sometimes meant disclosing information such as a telephone number, a name, or even bank details if tickets were paid for in advance of meeting.

From other customers we receive money in advance then post tickets to them or meet them at a hotel in Liverpool, Manchester or at the ground if they have paid in advance. “Bee”.

After I've bought cheap tickets through the membership, I then use my smart phone to list the ads on Gumtree quickly, or Craigslist, and then meet people outside the venue after I've collected the tickets from the box office. “Air con”

¹³ One exception to this could potentially be a “walk-in” event, described below.

Listing tickets in this way had its advantages and disadvantages, and the touts were aware not to get caught out:

When I list on CL and meet face-to-face it's better as CL doesn't take a percentage off, unlike the other sites. "Shiny"

So I advertise online but don't put up the seat numbers – they always check. Better to list them on the net. I list on Craigslist and the clients come in. It's always the same ad, I just occasionally change the phone number. "The Pad"

Plenty of OB checking Craigslist. "Duck"

The first quote shows that, for sellers who did not have any qualms about giving out personal information, or meeting face-to-face with unknown entities, there were certain benefits. One of these was not giving up 12% of the final resale price to one of the big four – or 28% to Ticketbis – an amount which could be quite substantial. On the other hand, the more experienced sellers realised that precautions should still be taken, as in the second quote. Adler (1985) similarly noted that whilst the dealers who were new to the drug scene, its rich profits and exciting lifestyle, were not too worried about apprehension, in their later years this became a more important consideration. This final example also shows how, when dealing with unknown buyers that had been met through the internet, sellers were sometimes more careful, especially if dealing with larger sums or high profile football matches:

Social media is now the big one for tickets. Lots of people will pay big money. We've set up a few social media accounts, some aren't even fake names or subtle at all, like "Man Utd tickets". We receive the money then post them out. When actually meeting the buyer, one of us will approach the person, often without having tickets on us. If we think he's kosher then get the second person, who has tickets, to come and seal the deal. We did this for bigger games, met the person then told him to follow me in the car for two minutes. That was for the Champions League Final at Wembley. "Christmas"

Unlike Adler's (1985) high-end smugglers of cocaine and marijuana, other drug dealers, like touts, also sold to unknown buyers. In particular, those who engaged in more public street-selling practices, faced the risks that "unfamiliar customers could be narcs" (Jacobs, 1996: 360). In line with the examples offered above, these dealers had to adopt strategies of "risk minimisation" and "apprehension avoidance" (Jacobs, 1996: 371), similar to those employed by "Christmas" and his colleagues. Naturally there is a substantial difference

between getting caught selling tickets as opposed to drugs, but such behaviours were symptoms of an “apparent obsession with caution”, also expressed by cigarette smugglers (L’Hoiry, 2013: 421).

4.2.2.5 General trickery and exploitation

The primary market has attempted to adopt its own methods to reduce ticket touting. Methods preventing touts from buying, such as imposing ticket limits, have been considered above; this section focuses on attempts to stop touts from reselling. The touts identified loopholes in these systems of prevention, and exploited them to resell tickets. As a first example, most clubs now issue plastic cards to season ticket holders or to members, and preload purchased matches on to these so that customers can scan the card to gain entry to the stadium. The season card, in theory, deters touts; unlike with paper tickets which can be resold more freely, the plastic card is needed for the next fixture. “Twist”, cited above, indeed commented: “*You can’t tout a season ticket because it’s a plastic card*”. The following participant, however, found a way around this “aggravation”:

I have a plastic season card that I send to the buyer in an envelope with prepaid envelope so it can be returned to me and the postage is paid. I include a letter saying to send it back, including some bullshit law text about problems if the card is not returned. If it’s a foreign buyer, we communicate via email. Sometimes there are issues if the games are too close together as you might not get the card back. I just call the club and bullshit that the card is in my mum’s handbag or something. There is a new rule that’s supposed to help members but it actually helps sellers – you can allow “friends” or other people to collect tickets the stadium. “Cheeky”

One of the most discussed method of preventing touts from reselling tickets is imposing ID checks. This method is adopted, for example, by Glastonbury Festival, which requires a photo to be uploaded by customers when making online applications to purchase tickets, in advance of on-sale times. The requirement of a photo, however, is unique to Glastonbury. Most other ID-only events simply impose the condition that the purchaser is required to attend the event. It is believed that, by putting in place such restrictions, resale is deterred. Undoubtedly it is, to a degree. Yet, the most inventive touts found ways to, again, sidestep regulations such as ID checks, and indeed exploit them and increase their profits. This was once again an example of how touts utilised what Ruggiero described as

“innovation”: a way to “change the rules” (2013: 148) and “transcend established conducts in a process sustained by constant transgression” (2013: 95).

From my own observations, the undesired side effect of reducing the availability of tickets on the black market is to increase the demand for them, and, as a direct consequence, their cost, on the black market. Tickets for Kate Bush’s return to the stage in her 2014 tour at the Apollo in Hammersmith, for example, resulted in secondary market prices, on sites like Viagogo and on Gumtree, reaching £1,000 (Denham, 2014). Despite the ticket restrictions and the imposition that ID would be checked, ticket sales at such prices were achieved by conducting what is commonly known as a “walk-in” (Denham, 2014). If the ticket limit per customer is four, the tout uses one for his own entry and still has three to sell on. To further restrict such practices, selling procedures for other tours, such as Radiohead’s in 2016, limited purchasers to two tickets each. Once again, this became a numbers game, where touts could easily team up with each and purchase two tickets each other, then selling each of their “plus ones” as an independent pair.

I myself conducted a “walk-in” for a Coldplay concert at the smaller venue called Indigo, part of the greater O2 Arena complex in Greenwich. I bought three tickets and sold two on Gumtree. As nervous and embarrassed as I was, the experience was informative and provided an additional level of participatory immersion into the world of touting. I stated to the buyers that I was a student, and that I could use the extra financial help, which was true; however, to make it as natural as possible I could not explain to the gentleman and his wife that I was experimenting touting activity. I was therefore forced to lie (I stated that my doctorate was in Egyptology), which, I felt, rendered the experience even more realistic, as a real tout in my position would undoubtedly also have come up with all sorts of excuses to justify his activity.

In a separate episode, facilitated by “Drama”, “The Wizard” and I attempted to complete a walk-in with some of “Drama’s” clients. Of the four tickets which had been purchased in my name, two were sold to “Drama”. He then, naturally, sold them on at a profit to a buyer who, in theory, required me to gain entry. With only two tickets remaining, one of which I needed myself to take in my gatekeeper’s clients, “The Wizard” separately bought two more to create a final pair that could be resold, leaving one ticket for me and one for him to walk in our guests. This was for Adele’s tour at the O2 in March of 2016. At the point of purchase, the primary market sites, and Adele herself through much publicity on social media, announced that ID checks would be in place to limit touting. Much was made of Adele’s staff’s innovative ways to prevent touts from even buying tickets in the first place

(Sherwin, 2015). As often happens in these cases, however, ID checks were not consistently enforced. “Drama” provided me with his buyer’s phone number, so that we could communicate as he attempted to gain entry without me. I stood by, waiting to be called to show my ID. This was not necessary in the end, as the buyer was successful in entering without me. As an additional form of research, “The Wizard” and I visited the Seatwave shop next to the O2 to enquire about ID being checked on the night. We witnessed the following episode, as per my fieldnotes:

Two young women rush in to the shop on the verge of tears, screaming that they have been refused entry and that they had spent thousands of pounds and wanted their money back. The member of staff calmly asks “what happened, exactly?” They described walking up to the entrance and being turned away because their names did not match those on the tickets. The Seatwave employee again queried, with experience, “did they specifically ask to see what name was on the ticket?” It became clear that the women, in a state of anxiety as to whether they would get in or not, had gone out of their way to make it clear to the people at the gates that they’d bought tickets from a resale site. The member of staff told them to try again at a different entrance, and not to draw attention to the fact that tickets had been bought through Seatwave.

These findings demonstrate that ID checks are not a reliable means of preventing touting. From my own examination of online sales, announcements that checks would be made often reduced the number of individuals who tried to buy tickets solely to resell them, but such action on the part of artists inadvertently raised the value of black market tickets. If, and when, checks were effectively carried out, as at the Radiohead or Coldplay concerts, “walk-ins” provided a solution that touts could take advantage of. When promises of ID checks were not kept, and checks were sporadic, or random, as occurred during the Adele tour, touts could buy and sell with confidence, and the only potential victims were the buyers themselves in the off-chance that someone could randomly be refused entry.

Another common exploitative and innovative practice the participants I interviewed informed me of was known as speculative selling, which some adopted. This involved listing tickets that one had not actually purchased or obtained yet, whether from the primary market or whether through other means such as those listed above.

This method of selling, although alluded to in the Waterson report (2016), is surprisingly not discussed in much detail, despite the APPG and Members of Parliament deliberating over it in great detail leading up to the enactment of the CRA 2015. Reg Walker has also often defined speculative sellers as one of the biggest problems relating to the

secondary market of tickets. In the recent announcement by the CMA of their investigation into the big four, it was one of the most flagrant examples of breaches of legislation that was cited. The touts confirmed their use of such tactics.

It's about speculation. Putting ads up to sell tickets without having them. Accumulate contacts, numbers, once the tickets have been sourced for a cheaper price we can sell at the higher price. "The Pad"

Speculation was actually more of an overarching theme, which applied to all of the methods of selling introduced thus far. For example, touts told me that they would list on Craigslist without actually having the tickets yet. The practice therefore entailed: placing a listing for tickets on Craigslist, such as Manchester City versus Manchester United, for £400 per pair. Receiving numerous replies and verbally agreeing to deals with multiple buyers. And then sourcing tickets from known contacts for less.

Touts also listed on the big four, knowing that they could have access to tickets, but did not pursue them until a sale had been confirmed. Evidence submitted to the CMSC (2008) report explained in detail how some of the ticket stalls and shops in the West End work:

"These sellers suggest that they have tickets available for shows but usually just take orders from customers, predominantly tourists, charging considerably over face value for tickets and then go to buy the tickets from the theatre or other agents. Where possible they will buy the lowest price seats and mislead customers into believing they are better than they are (2008: 88).

My own West End dealer confirmed this:

90% of business is 'buy to order'. I take the order first. Telephone and shop orders. If someone comes to the shop, I give them a receipt. I know what I can get. "Drama"

Patricia Adler (1985) noted the same practice occurring in drug dealing. Such sellers were known as "middlers", and the practice referred to as "middling" (1985: 52). This was

"customer-initiated. Dealers were often approached by people looking to buy. Upon having such a request, most dealers shopped around to see if they could fill this order from someone else in town. If they matched a source of

supply with a cash purchaser, they boosted the price and made money on the transfer” (Adler, 1985: 52-53).

“Drama” would similarly be approached in his stall and take orders. Adler noted how such transactions were often advantageous because the middling dealer would just use the customer’s cash to buy a ticket from his source, thus not having to put any of his own money up front. Whereas in the drug world middling was a practice for those dealers that were less skilful entrepreneurially, either struggling, just entering or about to leave the drug scene, for ticket touts it seemed to reflect a status of establishment and a successful practice that was very widespread.

Through my own ventures as a participant observer, I was able to notice other mechanisms of trickery and exploitation based on speculation. I noticed that often tickets would be re-released by primary sources very close to the event itself. This happened, for example, for the One Direction tour of 2015. The FriendsFest event, celebrating the famous 90s TV-series, similarly released new tickets through primary seller See after the event had been sold out for months. Such re-releases sometimes occurred when prices on the secondary market were high, and tickets were selling in large quantities. Although publicised on social media, inevitably not all potential buyers had been made aware of a new opportunity to buy tickets at face value, meaning that tickets would still be selling for inflated prices on the big four. Having noticed the re-release, it became apparent to me that I could add tickets to my basket on Ticketmaster, or See, or whichever primary source, and simultaneously list them for sale on the secondary market to see if anyone purchased them. If they did, I would complete the sale on Ticketmaster, and if not, I would release the original tickets or allow the timer to run out.

This of course was only possible because, due to this being a re-release, tickets were easily sourceable on the primary market, which is otherwise rarely the case in light of the thousands of customers attempting to access them simultaneously. My attempt, which was a “safer” form of speculation than the one discussed previously, did not quite work in that case, as my listing did not sell on the secondary market. The tactic, however, was one that was admired as clever and skilful by some participants. “The Chameleon” informed me weeks later that he had access to a presale and was not sure whether it would be worth investing in. He listed tickets on Viagogo while at the same time beginning the check out process on the primary market. His listing sold immediately on Viagogo for a price above face value; he therefore completed the purchase on the primary market. Speculation was a

big part of ticket touting, and one that was integrated with most of the selling methods listed above.

4.3 Categorisation of ticket touts

The suggested categorisation of ticket touts introduced in this thesis builds on previous typologies, though it is reiterated that the amount of research in this area has been scarce. Previous works that have in some form attempted to establish a typology of ticket touts, in which types of sellers can be differentiated and understood, include: Michael Atkinson's (2000 and 1997), based on his study of scalpers in Canada; and the most recent governmental research from Professor Waterson (2016), published as part of his review of the CRA 2015. Brief mention of potential categories of touts was also made in evidence submitted by the Society of Ticket Agents and Retailers (STAR) to the House of Common's Culture, Media and Sport Committee (CMSC), as part of their 2008 report on ticket touting.

The latter consisted of a list that contained four types of touts, namely:

- “the individual internet tout”
- “the gig tout”
- “the corporate internet tout”
- “the shop front tout” (CMSC, 2008: 88).

Other than the fourth of these, which was described quite accurately and in some detail, the first three categories were afforded no more than a sentence or two each. Very little information was provided in terms of the touts' sources, contacts, methods of distribution, and even less on their belonging to networks, their culture, lifestyle and ethos. This was only one piece of evidence submitted to the Committee. The report itself mentioned “bedroom touts” (identical to “the individual internet tout”), and repeatedly referred to the “secondary sales of tickets by individuals, organised rings and IT experts” (2008: 11), but, again, these concepts were not elaborated or clarified in depth.

Atkinson's binary categorisation of Canadian street sellers into either “temporary” or “professional” scalpers, though immensely valuable as a starting point, does not fully capture the true extent of the touts' conduct and depth of involvement in illegality in a contemporary context, not least because the explosion of internet selling occurred after the completion of his research (Atkinson, 2000 and 1997). It is clear that the practice has

developed since, and the touts' embracing of technological advancements is merely one example of this. Atkinson's descriptions offered some insight into the methods of procuring tickets, and the network of contacts available to such sellers. Two categories alone are deemed to be insufficient, however, and far too broad, particularly within the contemporary context, in which online touting has become so prevalent.

Atkinson's scalpers were of course all street touts, or "gig touts" (CMSC, 2008: 88). Separating them into those that touted either full- or part-time is understandable in the context. Applying the same distinction to the wide spectrum of touts operating in the UK today, however, would have been far too vague and inconclusive. Modern ticket touting can mean a variety of activities, and comprises different individuals with diverse motives and backgrounds, another aspect which is not presented in Atkinson's work. It is hoped that a classification that also takes into account the individuals' ethos and motivations would permit a deeper understanding of the phenomenon as a whole.

Finally, the Waterson report explicitly focused on internet sellers ("the corporate internet tout" (CMSC, 2008: 88)), and as such should have filled the gap left by research conducted before the boom, such as Atkinson's and Sugden's (2002). However, by omitting the many individuals that operated outwith the secondary market ticketing platforms that are targeted by the new legislation, fresh gaps have been created. The report offered categories of "brokers", such as, again, "bedroom touts" and "power sellers", who make use of the aforementioned platforms (Waterson, 2016: 115). Examining online sellers only, the report stated:

- "There are three categories of sellers that use the online secondary platforms:
- A) Regular traders that have bought (or have possession of) tickets in order to resell, having never intended to go to the event.
 - B) Event attendees who have purchased more tickets than they wish to use in order to sell some others (e.g. to help pay for the tickets they do plan to use.
 - C) Those that planned to use all the tickets they bought, but whose circumstances have changed, meaning they can no longer attend.

By focusing only on activities that occur online, there were some glaring omissions in this contribution. Among these, for instance, were street touts or "gig touts" (CMSC, 2008: 88). Waterson's review also failed to consider the widespread black market trading of football tickets that existed both on- and offline, as such tickets were not sold on the big four due to their unauthorised sale being, unlike for all other types of tickets, illegal. The main problem

with Waterson's review was that the legislation itself, which he was reviewing, did not apply to a large enough portion of the market; the CRA 2015 focused almost exclusively on the big four, ignoring not only everything that happens offline, but failing to address some online practices too, such as the touting that occurs on websites such as Gumtree.

Some of the Category A) to C) resellers identified by Waterson can be recognised in the categorisation presented below, which aims to build on the available research. The new categorisation also considers other examples of sellers that have not been previously included. The data used to compile the categorisation are based primarily on the interviews, but also from deeper ethnographic work, such as regular dialogue with certain gatekeepers, and the more involved form of research (*verstehen*) conducted through PO. A combination of these methods inevitably yielded wider knowledge, particularly on those types of sellers that were not amongst the individuals that voluntarily participated in the research. The suggested typology therefore aims to contribute to the on-going debate that surrounds the practice of ticket touting by presenting new knowledge in the form of a more contemporary and representative overall picture of the individuals involved in buying and reselling tickets for profit in the UK.

4.3.1 Development of the classification

During the interviews a wide range of questions was asked, in response to which sellers revealed information such as:

- how they first came across the opportunity of reselling tickets for a profit;
- the type and range of contacts that formed their wider ticketing network, both in terms of sources to buy and outlets to sell;
- their conscious and reflective decisions as to which tickets to sell and which methods to adopt; and
- their knowledge of the law, and their fear of being caught.

As the data were collected, a "profile" was made for each interviewee, based on the responses above, amongst others. The full interview schedule used as a guideline is available in Appendix C. The profile for each participant was created to highlight the key characteristics that emerged from the interview. A thematic analysis was then conducted

across all of the profiles to reveal the existence of common themes that linked individual participants.

The first interviewee, for example, described how he was able to exploit advantageous connections with individuals who had access to tickets through employment in the primary market. He would then resell these to members of the general public by listing them on Craigslist, or to buyers he had dealt with in the past that he had also met through this website. This specific method enabled him to avoid registering with, and revealing personal information to, secondary market sites such as the big four. He arranged meetings with buyers using a fake name, email address and phone number, all of which he had set up entirely for this purpose. In analysing the transcript of his interview, therefore, a profile was created. “Tags” such as “fake identity”, “cash only”, et cetera, were attached to this specific profile.

New tags were created for each profile, including “avoids face-to-face”, “has multiple memberships” or “previously arrested”. This process was repeated for each of the 25 interviews. As more and more participants with diverse backgrounds, motivations and selling methods were recruited and interviewed, common themes between them were noted. All interviewees who stated that they avoided face-to-face contact with buyers as much as was physically possible, in an attempt to separate touting from their regular, “legitimate” job, were then grouped together. Patterns were revealed. Such participants, for example, were also the ones that tended to sell via the big four, and would never have been seen outside a venue, or use methods such as Craigslist which required arranging to meet a buyer in person. From this, the profile of the “Online Tout” was created. On the other hand, participants who sold tickets on the streets were more typically aware of the ins and outs of relevant legal provisions, such as the requirement of a licence. They also possessed more detailed knowledge on the specific law pertaining to football and experience of how to evade detection, based perhaps on previous arrests. Someone selling online may not have had such experiences.

Some themes that emerged, however, were not always applicable to specific categories or profiles of sellers. For example, the amount of money invested in buying tickets to then resell varied greatly within the profiles identified. Both touts that sold on the street and touts that sold online often invested large sums of money on a weekly basis. One online seller spent more money than a street tout, who in turn spent more than a different online seller; the sum of money spent did not seem to be associated with one specific seller type. Equally, themes such as “fear of the law”, or “justification for deviant conduct”, were

noted amongst sellers who used Craigslist or Gumtree, as well as amongst sellers who traded in the streets. These single tags, therefore, could not be attached to the profiles that were devised; such characteristics were not exclusive to any one category. Through further analysis, however, certain variables were mapped across categories, to form a secondary level of emergent themes that went beyond mere selling methods and specific knowledge of the law.

This permitted the creation of a scale based on tags such as “awareness of the law” or “specific involvement in illegal activity”, which could be presented incrementally. The unique measure of a “general commitment” to ticket touting activity was established based on such variables, enabling the creation of a scale that was not too dissimilar to the hierarchies of high-level drug traffickers offered by Adler, from ounce or gram dealers to smugglers (1985: 56-69). Hobbs’ (1988) own categorisation of the deviant entrepreneurs in East London also consisted of an incremental representation of diverse black market traders and their activities, ranked in terms of success or commitment.

For example, individuals who purchased an extra ticket or two to fund their own attendance at concerts used mixed selling methods, such as listing on a classifieds website or perhaps on the big four. Their involvement in the “world” of touting was, however, relatively new and minimal. They had no established network of contacts, and no access to box offices from which they could acquire tickets under the counter. Nor did they have any interest in obtaining any of these things. They had no previous contact with law enforcement, either. As a consequence of this, their knowledge of the law was limited to being aware that reselling football tickets was illegal but the rest was not. In terms of the laws they breached, these would be low in number, often “tax evasion” or “not complying with the CRA”. These profiles were thus ranked lowly on the “commitment” scale.

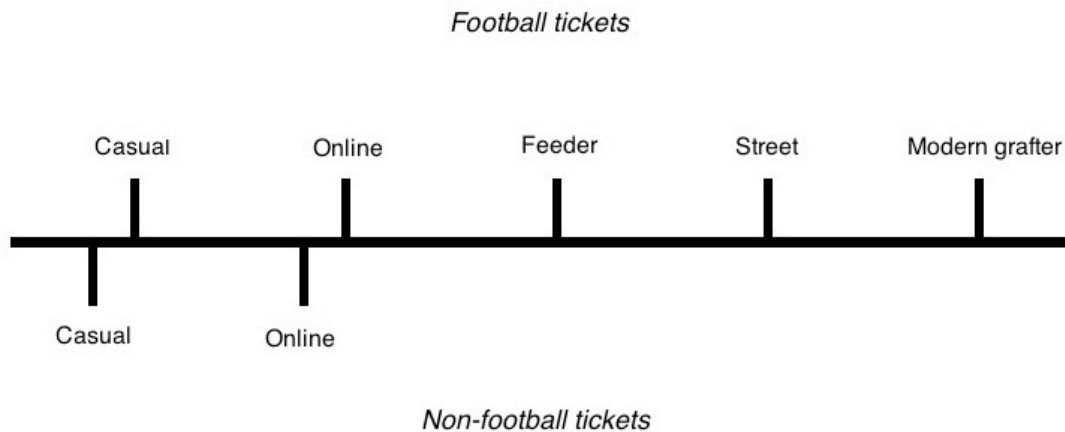
Other participants were very well versed in the law and its loopholes. This applied both to street sellers who may have previously been “nicked”, and to online sellers who, due to their regular activity on the big four, had researched recent legal developments including the introduction of the CRA 2015. “Awareness” and even “fear of the law” were tags indicative of a higher level of commitment. Such sellers not only evaded tax and breached the CRA, but also had the tags “no street license” or even “money laundering” attached to their profiles. These profiles, therefore, were ranked higher than those in the example cited above. The participants in question were more involved in the touting world, and more committed to touting activity; crucially, amongst other things, the number of laws they breached was greater.

Importantly, with the increase in commitment to touting activity, a cultural belonging to a certain group and lifestyle was identified, particularly at the higher end of the commitment scale. This belonging had its own linguistic code, values and beliefs. Within the typology of touts presented, especially for those who showed a deeper involvement in the practice, characteristics such as belonging to a structured and hierarchical organisation, or following unwritten rules of camaraderie and even a code of honour, became apparent (Adler, 1985). These elements enabled the drawing of certain similarities between the more committed criminal subculture of ticket touts and other deviant individuals that have been studied in criminology, including smugglers of a variety of licit and illicit goods (Ruggiero, 2013; Treadwell, 2012; Adler, 1985). The comparisons are presented below in the relevant sections.

The concept of “commitment to touting”, upon which the scale was ultimately constructed, therefore, referred not so much to the financial resources that sellers dedicated to its performance, but to sellers being mindful of their methods of profiteering, evading law enforcement, utilising fake email addresses and phone numbers, and so on. These were tags that, from analysing the themes that emerged *across* rather than *within* interview transcripts, permitted the profiles of sellers to be ranked incrementally. Within this theme of commitment, the number of laws that sellers infringed, ultimately, was the most quantifiable element. It permitted the creation of an “incremental scale of deviousness”, as presented in Figure 1, below. Touts that resold music tickets only were ranked below touts who also resold football tickets, due to the latter being illegal. Touts who breached three or four laws were ranked above those who breached only one, and so on. Specific justifications for placing one category above or below another are offered in each subsection, below.

As an additional form of analysis, the first two identified categories can be split into two further subgroups if we adopt the football and non-football separation, creating subcategories within each in which those engaging in the resale of football tickets were slightly higher in the scale of involvement and deviance than those who actively chose to avoid selling such tickets. From the third category onwards, football ticket resale was if not the only activity then certainly the primary one. As such, this internal distinction within each identified typology was not necessary. Figure 1 represents the full spectrum along the scale of seriousness, with this additional distinction.

Figure 4.1. Incremental scale of deviousness: commitment to ticket touting



Each category, below, also includes a table to illustrate a summary of the key findings. A couple of additional points and caveats are worth noting before exploring this scale further.

Firstly, while some touts exclusively belonged to one category, such as online or street, many would experiment with the occasional foray into other branches of touting to enhance their profits. It is not unusual for deviant actors to go through stages of development, gradually, sometimes unknowingly. In doing so they may increase their involvement in criminality, or at times make conscious choices to interrupt or halt their progress. As such they may limit their practices to some activities and not others (Adler, 1985).

The classic example is Becker’s (1963) marijuana users. Becker identified various stages in a user’s appreciation of the drug. Each stage involved conscious steps that came with a learning curve and an awareness of one’s belonging to a subculture that meant deviating from the norm. Another example is Jacinto et al.’s (2008) study of ecstasy sellers, in which the authors discovered three distinct pathways into becoming a dealer. Buying the drug for friends was one, and from these small first steps some individuals then delved deeper into the practice, while others acknowledged their positions and limited their roles to specific selling methods only, avoiding others. Taylor and Potter’s study of dealers involved in the sale of cocaine, ketamine and ecstasy, amongst other drugs, similarly found that the values of “social supply” – selling to friends only – would still apply and be differentiated from the the concept of “real dealing” (2013: 393), despite their increased involvement, and profits.

This shifting across methods was particularly similar with street touts, who, from time to time, included the use of the internet within their selling repertoire, for example. In contrast, it was extremely rare for touts that operated exclusively online to venture into the realm of physically trading tickets outside arenas or stadia. This would be avoided at all costs and only undertaken as a last resort. As with Taylor and Potters' (2013) dealers, who opted to sell to acquaintances only, the reason for these participants to avoid the streets was mainly the "criminal element" that is often associated with street touts. The newer, online generation of touts did not consider such criminality to be part of their identity. This is explored in more detail in chapter six.

The categories presented, therefore, are not set in stone, and belonging to one does not exclude engaging in activities that typically pertained to a separate category of tout. The development of the classification, however, is still able to provide a more detailed understanding on individuals about whom little is currently known (Adler, 1985).

Secondly, the data collected from the interviews, in addition to those gathered during field observations and through continued exchanges with various gatekeepers, have led me to consider that the true number of distinct typologies is in fact larger than those presented here. A noteworthy absence within the category of online touts, for instance, is that of the small group of ticket resellers who are able to fully exploit the most advanced technology and software in the form of bots. As described above, the recruitment process was unsurprisingly unable to include such individuals, perhaps due to their heightened elusiveness, or perhaps due to the fact that they are not as prevalent as the media would suggest. The latter was the opinion held by the participants that I was able to recruit, and was consistent with Atkinson's theory of the "engineered moral panic" (1997: 155).

Thirdly and finally, the suggested typologies are presented below within a spectrum, or ladder, by depth of involvement, from the least deviant to the more highly criminal. In order to quantify how far along the spectrum a category of ticket touting activity should be placed, reliance was made on the number of laws that the identified conduct infringed in addition to the ticket touting offence itself, where relevant. However, the paradox depicted in chapter two of an innocent or genuine fan becoming entangled with the law when simply selling a spare ticket to a friend or a passer-by has not been included in the scale in figure one. For the purposes of this investigation this person, dubbed the "accidental" tout, is not deemed to be a tout at all, despite the fact that he could be criminally liable for ticket touting. The model is cited below for illustrative purposes only, to differentiate accidental touts from "Casual Touts".

4.3.1.1 Accidental versus Casual Ticket Touts

In chapter two some of the paradoxes of the current legal framework were outlined. One example highlighted that individuals who are undeniably not touts, in that they do not sell tickets regularly for a profit, could fall within the reach of section 166 of the CJPOA 1994 (Greenfield et al., 2008). A fan selling a spare outside a stadium, whose friend may have pulled out at the last minute, could, in theory, be criminally liable for touting. The fan, it is argued, can and should be distinguished from a tout; he was merely attempting to recoup some of the money he had spent. Note that the CJPOA 1994 will apply even if a ticket is resold at face value or less; the laws against touting football tickets have nothing to do with profiteering, as discussed in chapter two. If not outside an arena, such individuals were likely to resell their unwanted tickets through websites like Scarlet Mist or Twickets. The latter allowed both concert and football tickets to be listed for resale, while Scarlet Mist focused on music only.

For the purposes of this research, it was established that these individuals were not real touts; the example of a fan who may accidentally or incidentally fall within the realm of touting is included here to show the difference between these types of consumers, listed as Category C) sellers in the Waterson report (2016), and those that, conversely, can be considered to be touts – those who purposefully bought additional tickets to sell on for a profit.

The latter, Waterson's Category B) sellers, were placed on the lowest end of the suggested scale, as presented in figure 1. The Casual Tout viewed the practice as an opportunity to fund his or her own frequent attendance of events. In line with a general anaemic dissatisfaction with today's society in terms of a perceived unfair balancing of its rewards and its costs, this category of otherwise law-abiding citizens considered the price of entertainment as unjustly expensive, and justified casual touting as a means to fund such attendance. Rob Ballantine, then chairman of the Concert Promoters Association, submitted evidence to the House of Common's Committee stating the majority of these sellers "are not lawbreakers, they are opportunists" (2008: 74).

The practice of the Casual Touts, often but inconsistently referred to as "bedroom touts" (see below) consisted of buying tickets that exceeded the number required, but only for events that they actually intended to go to. Primarily using the big four to instantly relist tickets bought moments before from official sources, this category of seller sold the additional tickets purchased for a profit, thus granting themselves the privilege of attending

the event for free, or at a cost below face value. If, due to a level of inexperience, or a relatively “low” commitment to touting, the attempts to profit were not successful, these sellers could then relist the purchased tickets on Scarlet Mist or Twickets. If necessary, the tickets could be sold to a tout outside the venue at the last minute.

Table 4.1. *Accidental versus Casual Touts*

	Accidental	Casual
Buying	From online primary ticket market, ideally, or the secondary market if unsuccessful	
Selling	“Ethical” exchanges Twickets/Scarlet Mist, or classifieds Gumtree/Craigslist (but for face value only)	The big four of secondary ticketing: StubHub, Seatwave, Viagogo, Get Me In!
Where	Outside venue or online through “ethical” ticket platform (not big four)	Online, or outside venue “if all else fails”
When	Last minute, or as soon as plans change	Immediately upon purchase
Payment	Cash, or via “ethical” platform system	Electronic transfer from big four
Culture	Will act alone or within small group of friends	
Motivation	“I just want my money back”	“Gigs are expensive”

As with the other types of ticket tout below, this seller evaded tax by not declaring the profits made on selling the spare tickets. In this case, the sum was likely to be relatively insignificant. If football tickets were involved at this level, the touting itself would be criminal, and as such marginally higher along the scale of deviousness outlined in figure 1. Casual Touts selling football tickets to self-fund could not always rely on the big four for resale and thus made the conscious decision to use “Ticketbis” or other such websites that were based abroad. This, and the illegality of reselling football tickets, placed sellers slightly above the music-only Casual Touts on the scale.

The act of self-funding was found to be quite similar to that of some casual drug dealers, who would sell enough to pay for their own recreational use of the substance in question. Jacinto et al.’s (2008) study of ecstasy sellers revealed how, as part of the research subjects’ attempts to justify their deviance, many explained that they weren’t “real” dealers as they would mainly sell to friends (Sykes and Matza, 1957). One said:

“I wouldn’t say I sell drugs really. I mean I’ve bought enough to sell to my friends that I can get my share for free, which in the eyes of the law is selling. But I don’t really consider myself a dealer” (Jacinto et al., 2008: 433).

These individuals also referred to themselves as “brokers” or “middlemen” rather than “dealers”, words that are extremely relevant in the ticketing context too. More detail on how ticket touts neutralise their deviant activity in ways that are similar to other offenders is analysed in chapter six.

Lastly, the term Casual Tout is thought to be more fitting than the confusing nomenclature devised by the media and by the previous research. Touts that self-fund, Waterson’s Category B) sellers, are otherwise referred to in the review as “bedroom touts” (2016: 115). The term “bedroom tout” was used in the CMSC (2008) report to refer to Online Touts, which Waterson identified as Category A), and I too consider to be a separate category, presented below. Evidence submitted to the same report by the Rugby Football Union (RFU) also considered, like Waterson, that bedroom touts self-funded only (2008: 52), rather than becoming “informal traders” (2008: 10). Other bodies who submitted evidence used the terms “individual internet tout”, “online” tout and “bedroom” tout interchangeably, sometimes referring to Waterson’s Categories A) and B) or both. The term is confusing, and hopefully the concept of the Casual Tout, to be distinguished from the Online Tout, below, provides a better understanding.

4.3.1.2 The Online Ticket Tout

While the discovery of the mobile phone was very beneficial to ticket touts, this did not create a “telephone only” version of ticket touting activity (Natarajan, Clarke and Johnson, 1995). The internet, on the other hand, has done exactly that. In addition to providing further options to existing touts that have adopted it within their repertoire of selling methods and techniques, the internet has allowed individuals that perhaps may have never previously touted tickets to become “online only” touts.

The big exchanges [the big four] now make it so easy for someone like myself to be an ‘entrepreneur’, or whatever. “The Chameleon”

These sellers were referred to as “individual internet touts” in the brief categorisation offered by STAR, submitted to the CMSC (2008: 88). They were simply described as individuals who “opportunistically buy tickets for resale online”.

Table 4.2. *Online Touts*

Online	
Buying	Primary ticket market, especially utilising presales. May exploit “ethical” exchanges
Selling	The big four mainly
Where	In private and anonymously: at home or in an office
When	Immediately upon purchase
Payment	Electronic transfer from big four
Culture	Will act alone or in joint enterprise with small group
Motivation	<i>“It’s so easy and everyone else is doing it, why not me?”</i>

In Waterson’s typology these sellers belonged to Category A), introduced above: “regular traders” that “never intended to go to the event” (2016: 9). The report stated that such sellers would accumulate tickets in batches “by using botnets” (2016: 10), “looking to achieve a quick turnaround and benefit from the “buzz” surrounding the original primary market sale” (2016: 121). The latter statement was consistent with the findings from my own research; Online Touts very much exploited the hype generated by general sales and the “panic” of a consumer who had missed out, in the same way that street touts (not covered in Waterson’s (2016) review) relied on this panic outside a venue. These are explored in more detail in chapter five, where the similarities between online and street touting are considered. The former statement, however, and the general insistence in the report that Online Touts relied so strongly on bots or “botnets”, was not consistent with my own findings, as previously discussed.

It is of course well documented that the internet has broadened the opportunities for, and the appeal, of crime. Treadwell has discussed the “transformation of the criminal marketplace”, whereby the black market exchanges of stolen or counterfeit goods typically occurring in what Ruggiero (2000) termed a “bazaar”-like setting, had now been transposed to what Treadwell described as a “cyber-bazaar” (2012: 187). He spoke of the internet “superseding more established local trading cultures”, a concept that Shover, Coffey and Hobbs (2003) had previously examined through the rise of the middle-class, entrepreneurial telemarketers.

Very much like Shover et al. (2003) and Treadwell's (2012) innovative deviants, the Online Touts can be juxtaposed with the grafters, below; they could be considered to be the evolutionary successor to the traditional "Street Tout" or "Spiv" in that the attitudes, aims, and some of the justifications for undertaking deviant activity, were highly similar. For instance, both Online Touts and Street Touts were driven by profit, saw their activity as merely a job or service, and considered that, if the system was unfair anyway, they should be entitled to exploit it just like everyone else. Unlike Shover et al.'s (2003) criminal telemarketers, and Treadwell's (2012) intellectual property offenders, however, which almost extinguished their earlier versions of criminality, the internet has not brought about the end of street touting. Rather, it seems to have widened the repertoire of traditional touts, as discussed in the categories below.

A key difference, however, between the Street and Online Touts, can be noted in how the two categories view themselves. For the Online Tout, reasons for electing to conduct the practice exclusively on the internet included viewing buying and selling on the street as "dodgy", and wanting to dissociate oneself from the category of street sellers.

The crux was therefore the anonymity provided by the internet and all its corollary aspects. What was crucial for the Online Tout was the absolute avoidance, at all costs, of engaging with buyers face-to-face. The dawn of anonymity and privacy courtesy of the internet has created this category and grants these touts the platform to make large profits in the safety of their homes. An Online Tout considered this activity a part-time job or more, even a form of reliable investment. In similar fashion to the street group, the online category was knowledgeable of the industry and its markets and was aware of what was likely to be in high demand and subsequently yield a larger profit. Online Touts, however, did not enjoy the same privileged access, such as contacts in the industry, as the Street Touts. Like the category of the Casual Touts, therefore, they could not acquire tickets from sources unavailable to the general public, with access mainly limited to general sales or presales. The key difference between Online Touts and the traditional Street Touts, below, was that the final transaction was exclusively conducted via the big four to ensure that no direct contact with the buyer was ever experienced.

Although, in this way, anonymity from the buyer was always ensured, the company through which one sold online inevitably held all of the individual's details. Transfers were made directly from one, or more, of the big four to the person's bank account and all activity was, in theory, ultimately traceable. Face-to-face sales were avoided and profit was earned privately and anonymously but, in reality, such sellers were revealing everything to the

online intermediary company, including their real name and surname, sort code and bank account number¹⁴.

What distinguished the category of the Online Tout from the first category of the Casual Tout, was the more sophisticated knowledge, the sharper intent, and the regularity of the activity employed to create significantly larger profits. Rather than limiting their scope to events which they would attend anyway, an activity which required very little additional effort in the form of, say, purchasing four tickets instead of two, Online Touts devoted time and effort to being aware of bands that were likely to be in high demand. This was done by joining mailing lists, following Twitter accounts, developing contacts within the industry, and studying the prices at which tickets were likely to sell. Simply put, Online Touts were more entrepreneurial, and viewed buying and selling tickets as a trade like any other, much like Street Touts. Engaging in this activity was a form of “innovation” (Ruggiero, 2013), investing large sums of money in an unusual activity that did not quite constitute playing by the rules (Hobbs, 1988).

The actual illegal activities in question were again tax evasion, common to all categories, and ticket touting if football tickets were sold. In the latter case, there would be the added deviousness of actively electing to use foreign websites such as “Ticketbis” to sidestep the CJPOA 1994. Curiously, if football tickets were not involved, an Online Tout could register as self-employed and declare the profits to HMRC, and he or she would not be breaking any laws whatsoever. This would potentially place such sellers on the lowest ranking of this scale, if not entirely off it. However, the fieldwork has proven that, consistent with the most classic of black market activities, taxes on ticket earnings were unlikely to be declared by most individuals involved in the practice.

¹⁴ The confidentiality of the touts’ data was seriously questioned in the case *The Rugby Football Union v Viagogo Ltd* [2011] EWHC 764 (QB). The RFU’s attempt to obtain the personal information of sellers may have acted as a deterrent for some touts from buying and selling rugby tickets. One research subject, “The Chameleon”, stated in this regard: “I’m staying well clear of the rugby world cup [in 2014], not getting involved”. The RFU won the case all the way to the Supreme Court. Surprisingly, there has been very little publicity in terms of the consequences of the RFU winning the case. When the RFU was contacted to shed light on this, they declined to respond. Separately, the recent announcement of an investigation by the CMA also poses a threat to the anonymity of Online Touts.

4.3.1.3 The Feeder Ticket Tout

While football tickets have been a large focus of this thesis due to their trading being illegal, this was not the only reason for this focus. Most touts at the higher end of the spectrum confirmed that, in spite of the law, they had actively chosen to tout football tickets, rather than other sports or entertainment in general. This was due to the significantly higher demand for attending football matches, particularly Premier League fixtures, and therefore the larger profits that football tickets yielded. As such, the categories on the spectrum from this level onwards largely relate to mainly football-only sellers. When there was large demand for a music concert or other sporting event, such sellers would still participate in the buying and selling of tickets for it. Wimbledon was a primary example of this.

The category of the “Feeder Tout” relates to individuals who had simultaneously spotted the lack of enforcement, the large demand for football tickets in the UK, and the ease with which large profits could be made via relatively safe and private transactions with trusted, long-term buyers. The Feeder Tout was usually a member or a season ticket holder of a football club who at one point in his life discovered that he was genuinely unable to attend a match for which he had already purchased tickets.

Although football clubs have set up ticket exchanges recently (and touts were able to exploit these also), in the past there would have been no legitimate way of returning a ticket. This meant that breaking the law was the only solution in the eyes of such sellers. Through friends, colleagues or networks of fans and contacts, the individual became acquainted with different a type of tout, the “Modern Grafter”, presented below. Feeder Touts were therefore individuals who regularly sold tickets not to the consumer, as in the two categories above, but to other touts.

Table 4.3. Feeder Touts

Feeder	
Buying	Primary ticket market, through memberships
Selling	Face-to-face to a known, trusted tout
Where	In an office or discreet location
When	Meeting agreed once paper tickets/season cards are received
Payment	Cash in hand from tout, perhaps bank transfer once trust established
Culture	Will act alone or in joint enterprise with small group
Motivation	<i>“There is so much money in football it’s only fair, and the clubs don’t care”</i>

Beginning as a one-off transaction to recoup expenses, the Feeder and the Grafter gradually developed a relationship of trust whereby the Feeder purchased tickets constantly, even when he knew he would not use them, to pass on to the Grafters at prices that were settled by the latter. Sales were made in private, usually in the workplace of the Feeder, which the Grafter visited to collect tickets in person once or twice per week. Interestingly, during my brief PO with “Drama” and “Duck”, my role can be aligned to that of the Feeder Tout. The Feeders were fully aware that these tickets were then to be resold at even higher prices, but, due to not having “*that kind of address book*”, settled with the cash offered.

In addition, and similarly to the category above, there was little to no risk of detection or punishment for this kind of tout, in that meetings with strangers were avoided. Although face-to-face contact was required, this was with a trusted individual who acted “more illegally”, and, as such, was not to be feared by the Feeder with regards to enforcement, very much like Adler’s (1985) “middlers”, examined above. The Feeders in the sample described having relationships with touts that lasted for years, further enhancing this level of trust. The only risk for such entrepreneurs was the cancellation of memberships should spot checks be conducted at the stadia. In such cases, new memberships were swiftly opened in different names.

Feeders justified their conduct by stating there was no harm in what they did. They likened themselves to ticket agents who demanded a small fee on top of the original cost of the ticket. Again similar to the middlers present in Adler’s (1985) research, their explanation was one of merely being middlemen: “we have a commodity, we try to broker it the best we can” (1985: 105). The justifications for placing this group above the Online Touts in terms of criminality are: the significantly larger sums that were received from trading in football tickets, as opposed to selling music or theatre tickets only, which some Online Touts do, and thus the higher amounts of undeclared tax; the active decision of Feeders to trade in football, which sellers in the previous category may specifically avoid due to its illegality and; the almost exclusively cash-in-hand nature of the transactions involved in this typology. Higher profits resulted in a greater need to hide the traces of illegitimate transactions and at this level we begin to see the relevance of money laundering in discussions around ticket touting.

4.3.1.4 *The Street Tout, Spiv or Traditional Grafter; and*
 4.3.1.5 *The Modern Grafter*

The two groups at the higher end of the scale of deviant entrepreneurship are introduced together to show their similarities and differences. At both these levels of involvement actual networks of touts working together were present. While the previous categories introduced single individuals who mainly operated alone, with the occasional partnership to further profits for one-off events, both the “Traditional” (i.e. the Street Touts) and the “Modern Grafters” belonged to groups that operated closely on a daily basis, pooling funds and distributing the rewards of ticket resale. Both categories, within their separate groups, knew one another, worked together, and had systems of unwritten codes of loyalty and business ethics that they abided by. The participants described an unwritten code that was typically built on trust, loyalty and integrity, both towards customers and towards each other (Adler, 1985).

Table 4.4. *Street Touts and Modern Grafters*

	Street Tout	Modern grafter
Buying	Contacts with promoter/associations/ticket providers/box offices, the primary ticket market, the streets	
Selling	Mainly face-to-face, either to passers-by or to trusted, repeat customers	Face-to-face deliveries to overseas clients, hotel concierges, companies
Where	On the streets or in discreet locations	In private offices, networks
When	Once tickets received, or on day of event	Deals often struck in advance of tickets even being available to buy
Payment	Primarily cash in hand	Cash in hand, or transfers to foreign bank accounts/companies
Culture	Alone or with regular partners, one being the “eyes” the other the “mouth”	In a group/gang of about 8 individuals, each with different role within a set hierarchy
Motivation	<i>“It’s my job, it’s all I know”</i>	<i>“We are providing a service”</i>

An example of this was experienced when one member of a group of Modern Grafters was arrested outside Old Trafford, in Manchester, in December 2014. The gatekeeper “Duck” shared with me his frustration at the incident, along with revealing the variety of responses it entailed for them. He warned me not to contact him about tickets for

a few days until the entire group could wipe their SIM cards clean. He described that such occurrences were not uncommon. The key was that, each time, the arrested individual would be quizzed by law enforcement and given the opportunity to collaborate with police investigations. Refusing to do so resembled a basic form of the traditional *omertà* principle that is characteristic of organised crime groups (Saviano, 2006). These touts were prepared to receive a sentence and a criminal record to avoid revealing details of the operation that could have compromised their friendships and their status within the organisation, or so they claimed. A financial penalty was of course of no consequence to them, while a criminal record, or being imposed conditions such as staying clear of the stadium on the day of the match, had no impact on their touting activity.

Adler (1985) reported similar findings from her respondents, who also stated that they would regularly receive offers from law enforcement of more lenient sentences in exchange for cooperation. While she stated that she believed her participants when they said that they consistently turned down such offers, she noted that such a code of honour appeared, in general, to be a “myth”. Such a “high standard of intra-group ethics and mutual self-protection”, in her view, was inconsistent with the number of arrests and police infiltrations that occurred during her fieldwork (1985: 114). The length of time I spent in the field did not permit a thorough verification of “Duck’s” words, but the concepts of “trust” and “ethical business conduct” emerged regularly throughout other interviews, indicating that, at least amongst themselves, touts did share notions of integrity and honour.

With regards to loyalty towards clients, despite profits being the key goal of the ticket-touting enterprise, repeat business and customer satisfaction did always come first. As such, ticket touts at this level, in contrast to those presented above, would sooner make a personal or collective financial loss than risk compromising their organisation’s respectability and reputation. Once deals were made they were final. Even if there was a dip in the market due to a lack of demand or, similarly, if the value of tickets were suddenly to rise, participants spoke of a code that required the original deal to be respected. This gave networks or firms of touts credibility and status within wider circles of dealers.

Of course this was not about the touts’ generosity of spirit; such conduct was linked to a sense of professionalism, and reflected an operation that functioned around principles of repeat custom and long-term profits, imitating once more a wider business-like and commercial ethos that mirrored the legitimate economy (Ruggiero, 2000; Hobbs, 1988). Grafters “served” the public. They saw themselves as businessmen with clients who were to be “looked after”, who, if unsatisfied, would buy tickets elsewhere. Again, this was

similar to other black market traders who saw their deviant occupations as vocations (Treadwell, 2012; Jacinto et al., 2008; Hobbs, 1988). Working to build up a client base was described as an art that had been finely tuned in some cases for 20 or 30 years. There was a sense of fulfilment and “pride” when high quality tickets for much sought after events could be delivered to very important customers. Adler’s dealers and smugglers, conversely, had no such interest in developing positive working relationships towards clients. As noted, seeking new customers was always avoided. Relations with customers, Adler found, were the most “transient, being valued less highly than supplier or circle connections” (1985: 72).

Most importantly, and contrary to the public perceptions of touting as a generally dishonest activity, ticket touts had a code according to which they strictly refrained from trading in fake tickets. The element of fraud, thought to be related to ticket touting by consumers, campaigners and Members of Parliament, did not appear to have any role in “real” ticket touting. The individuals that do produce and trade in fake tickets are not part of the touting world; they are con artists and fraudsters who may one week trade in stolen automobiles and the next in forged passports. Ticket touting, as a skilled street activity and even more so as a service, did not have or want anything to do with such individuals or practices, according to the participants. An interesting quote from one of the Grafters outlined this position succinctly:

Fake tickets, there are some about. It's disgusting, ruining someone's night or a game. Scumbags do it. People get cheated and contact the police. It puts a bad name on us. Little shit cunts come once in a blue moon. Then pressure from above to clamp down on it and make an arrest. We're there every week, working. "Spartan"

Another parallel can be drawn with Adler’s study, in which individuals who conned or ripped off other drug dealers were viewed with contempt as “the bottom rung of the drug world” (Adler, 1985: 101). Those who intentionally set up deals “for the express purpose of stealing money”, were, very much like in the touting world, not “real” dealers but “rip-off artists” (Adler, 1985: 101).

Grafters, both modern and traditional, also had their own language, or argot (Giulianotti, 1995), further distinguishing them from the other categories of touts above. For example, they referred to tickets as “bits” or “gear”. They called themselves “grafters” or “spivs”, money owed was “rent”, profit was “a drink”, and customers were “punters”. Fifty pounds was referred to as a “McGarrett”, after the character from the popular 60s

crime series *Hawaii Five-O*. The examples cited here are some of the most widely known and commonly used terms by touts. There were others that participants revealed to me, which I was specifically asked not to include in the thesis. One research subject, “Blagger”, gave me a list so that I could verify that my interviewees were “real touts”. He said, in the text message that accompanied the information, “*try not to put that in ye book that’s just 4 u so people can’t have ye eyes out ok*” [sic]. More on the touts’ specific language, described by Sugden as “an in-house, coded language that mixes back slang, cockney rhyming slang, market-stall tic-tac and the touts’ own invented gibberish” (2002: 21), and its importance as a strategy for buying and selling, is presented in chapter five.

Whilst the participants belonging to the category of the Grafters recognised that what they did was indeed ticket touting – another aspect that differentiated these categories from the ones listed above, as usually touts operating in the other groups did not accept this label – they saw this activity as a job. It was possibly their only source of income or usually the main one. Online Touts, for instance, normally had other more conventional forms of employment, as did the criminal telemarketers in contrast to their more traditional counterparts (Shover et al., 2003). Some of Adler’s (1985) drug dealers also had more traditional forms of employment, and did not accept the term “drug dealer” to be part of their identity.

In terms of justifying their conduct, many of these ticket touts contrasted the practice with drug dealing and other illicit street trading activity, arguing that in comparison they were “not doing anything wrong”. One participant, “Royal”, stated: “*it’s not like I’m hitting old ladies over the head*”. Such techniques of neutralisation (Sykes and Matza, 1957) are similar to those offered by many deviants observed in criminological studies (Vasquez and Vieraitis, 2016; Shigihara, 2013; Taylor and Potter, 2013; Enticott, 2011; Jacinto et al., 2008), and are explored in more detail in chapter six.

With regards to accessing tickets, Grafters, both modern and traditional, not only possessed numerous memberships to more than one football club, but often had contacts in high places that could guarantee tickets to any and every event all over the world, in line with the methods of acquisition described. In addition to the memberships they owned, the Grafters knew the players, the employees at the box offices, the sponsors, and had access to allocations that were never intended for the general public, such as corporate suites or complimentary tickets reserved for the families of the players themselves, or for executive employees of football associations. Finally, they still made use of their long-term contacts,

such as fellow season ticket holders, friends, friends of friends, or buyers themselves who on occasion passed on their own tickets for the Grafters to sell.

Further still, they worked the streets, buying spare tickets from the genuine fans (“Casual Touts”) who had bought one too many and wanted to recoup their expenses or cut their losses. These firms were all in contact with one another and contributed to the success of each other’s business ventures. For example, in cases where one group needed to satisfy an order from an executive or foreign buyer, they might purchase tickets from another firm at a reduced cost, as long as both parties enjoyed “*a good drink*”. The same occurred when selling on the street. They communicated with one another using phones and were always in contact as to what the lowest acceptable price for a sale would be, again providing for each other if one group was short in supply, or if a particular request could be met by a tout from another firm.

Another characteristic that was more typical of these two groups than of the ones described previously, was the more acute knowledge and awareness of the illegality of their behaviour. One Online Tout from the sample, “Cheeky”, listed on a foreign website but did not even know that selling football tickets in the UK was illegal. One of the Feeders interviewed, “Memory”, was also oblivious to the existence of a specific ticket touting law with regards to the football tickets he was regularly and illegally selling to his Grafter. Even in cases where touts from these categories were aware, little or no special care was adopted to avoid enforcement or to hide one’s identity; there was, with few exceptions, no particular attitude that recognised risk or revealed a fear of detection.

Grafters were the exact opposite. They knew not to carry all their tickets on their person when trading on the street. Typically, there were different roles assigned to each members of the firm. Whilst one looked out for the police, another was in charge of approaching potential customers and engaging in the sales: “*I’m the eyes you’re the mouth*”, they would say to each other. Some Grafters were responsible for taking customers to the gate or even to their seats inside the grounds, while others collected membership cards after the games. Grafters often booked hotel rooms somewhere near the venue where all the tickets would be stacked, in case someone did get stopped and searched during a conversation with a client. All of these practices, collectively termed “apprehension avoidance techniques”, were similar to those adopted by street drug dealers in the attempt to reduce the evidential links that could lead to being arrested (Jacobs, 1996: 359).

The Grafters’ knowledge of the law and their awareness of the risks they ran were much higher than any other tout category. It would appear that knowledge of the law, and

thus the fear of being caught, may be strongly linked to the level of involvement in, or “commitment” to, illegal ticket touting activity, and the care that is taken in conducting the business. Feeders and Online Touts dismissed the risks, if even aware of them. Modern Grafters and Street Touts were very much aware of the possibility of being issued with banning orders and the risk of losing their passports, and their techniques for conducting a sale were a reflection of this. The touting law itself, with a maximum fine of £5,000 and, in most cases, a banning order, was the last of the Grafters’ fears with the threat of a money laundering charge hanging over their heads. One of the most senior Grafters interviewed noted:

I was arrested whilst having around 10 tickets on me, I was arrested and banned for 3 years from football, received a fine of around £1000. This was the best thing that ever happened to me, it makes you more aware of the law and where to sell and where not. “Bee”

Broadly speaking, the two more serious categories of touts that have been identified in this research can be compared to some of the deviant entrepreneurs that Dick Hobbs (1988) described in his study on London’s East End. Hobbs’ “grafters” and “jump-up merchants” can together be aligned to the Spivs or traditional Street Touts, while his “I’m a business” man category and those above in the hierarchy are more representative of the Modern Grafters. The key difference between the two subgroups, placing the Modern Grafters slightly higher on the spectrum of deviance than the Street Touts, was the technological, globalised levels of touting that the Modern Grafters had reached.

The Modern Grafters worked in groups, known as “firms”, of usually up to eight people in which all tickets are pooled together and sales and profits are divided based on how much each tout has contributed to the communal pot.

We have a full team, set up with local SIM cards and phone numbers. Even travelling as far as Asia is worth it, certainly more weddings than funerals. Everyone in our team is equal when we go on these trips. No one is above anyone. In four days’ work we can get £7 or £8k, minus expenses. Even half of that is still good, if more, then great, it’s not impossible. And the bonus is as we travel we gather more and more clients. We make links wherever we go, such as the street sellers in Italy selling scarves or flags or fake merchandise. Buy scarves from them and if they come across tickets we’re in. “The Pad”

Dipping into new markets, travelling far and wide and even abroad to seek further opportunities and create working relationships in the process, were all further examples of

these touts' heightened entrepreneurial ability (Ruggiero, 2013). Adler noted a similar profit-maximisation strategy in pound dealers, the highest rung of the cocaine dealers. They flew around the country to sell drugs and "the profit they made on changing from one market to another justified the travel and lodging expenses associated with such methods of operation" (Alder, 1985: 60).

Whilst all other categories of touts tended to avoid speculation and therefore only sell tickets once they had been purchased or received through the post, this group could rely on having access to incredible amounts of season tickets, which guaranteed the ability to source tickets. This enabled them to speculatively strike deals many months in advance of a certain fixture. One Modern Grafter revealed:

I have memberships and season cards for all the big clubs. Approximately I own the following:

- *Manchester United – 120 season cards, 70 memberships, access to an executive box, 12 seasonal executive cards*
- *Chelsea – 50 season cards, 120 memberships, 2 executive cards, 4 away scheme memberships including Europe*
- *Arsenal – 20 season cards 100 memberships, 10 away scheme memberships including Europe*
- *Tottenham Hotspur – 10 season cards and 50 memberships*
- *Liverpool – 26 season cards and 48 membership cards. "Bee"*

Most Modern Grafters handled thousands of pounds on a weekly basis, and could not be seen to deposit such large amounts in UK banks. They therefore opened accounts abroad to hide their earnings (Adler, 1985). Further still, within their organisation, they had specific roles such as marketing, banking and finances, touts in charge of collections, deliveries. These Grafters had contacts within travel companies who assisted in the bulk booking of plane tickets for touting outside of the UK. Other members of the firm dealt specifically with the expenses of the business, such as travel and postage costs.

The Spivs belonged to an older generation and breaking into their ranks was very unlikely. In contrast, the structure and organisation of the Modern Grafters was far more developed, such that a younger or newer tout could start at the bottom, assisting touts at the top of the hierarchy, working his way through a "criminal career" until he has built a client-base that is lucrative enough to allow him to assert himself at the same level as the more experienced touts.

Students, friends, anyone could be and was employed at lower levels to take care of minor tasks such as buying online or dropping off tickets to hotels, where having good

relationships with concierges and staff was very lucrative. This was very much my role during my PO with “Duck”. These touts paid commission to persons applying for tickets on their behalf, for larger scale events such as the Rugby World Cup in which tickets were distributed according to a ballot system. Modern Grafters even opened bank accounts and credit cards in others’ names, again paying commission to the friends and family who agreed to share their details.

Modern Grafters also appeared to be more knowledgeable with regards to criminal networks beyond the world of touting more than any of the other typologies, including the Street Touts. Within the black market, all sorts of items, lawful or not, are exchanged and delivered. Modern Grafters used these services, for a fee, as and when required. A striking example of this, cited by participants “Duck” and “Bee”, was having contacts that dealt exclusively with the transportation of goods across international borders. The entrepreneurial level of involvement, or “commitment” to touting, of the Modern Grafters, was such that they required large sums of cash to be transported, for example, when working at international tournaments such as the Football World Cup that was held in Brazil in the summer of 2014. As described by “Duck”:

I had to pay someone from Rio to take my money back for me. I paid a Brazilian person £4000. I don't know how they do it. I do it all the time. I didn't ask any questions, I was told in good faith that the money would be there when I arrived. Done this before from other countries, Spain after Real Madrid away or a Champions League Final. Every country has “a person” that does it. I know people in different sorts of trades. I know people dealing drugs, dodgy people in general. So get to make contacts for this kind of thing. Cash was there waiting for me at Heathrow. Don't wanna know how but it was there.

This finding was consistent with the episodes recounted by Sugden during his ticket touting ethnography, in which some individuals within the grafters’ networks were in contact with individuals who dealt in drugs or guns (2002: 118).

All these additional steps to further their profits distinguished the Modern Grafters from the Spivs, who still worked the streets and were less reliant on serious criminal networks to further their own, independent trading. The Spivs or classic Street Touts, in addition, did not appear to have a hierarchical structure of the kind that involved different roles and responsibilities, such as expenses or deliveries. Everyone was rather independent, and although Street Touts occasionally worked together on a given day if a long-term tout and friend from the wider group suggested this, they would certainly all be on the same

level. When asked about higher involvement in organised crime, one Spiv said that he did not believe there to be any, despite reports in the press. The form of organisation that the Modern Grafters had further developed appeared to be lacking in the traditional model of the Spivs, who were thus relatively “disorganised” (Adler, 1985: 80).

4.4 Concluding thoughts

By matching the list of buying and selling methods, provided in part one of this chapter, with the diverse categories of touts, in part two, the two sets of data can be matched to produce a table presenting which categories of touts relied on which specific methods. From this, it can be concluded that the targeting of a single method or type of seller, whether through legislation or through the primary market or artists’ own initiatives, will have little impact on preventing or even limiting touting in general.

Table 4.5. Matching methods of buying and selling with classification of touts

<i>Seller Type / Methods</i>	<i>Casual</i>	<i>Online</i>	<i>Feeder</i>	<i>Street</i>	<i>Modern Grafter</i>
Buying					
<i>General sales, presales and memberships</i>	✓	✓	✓	✓	✓
<i>Streets</i>				✓	✓
<i>Contacts</i>				✓	✓
<i>General trickery</i>		✓	✓	✓	✓
Selling					
<i>Online</i>	✓	✓			
<i>Secondary Market</i>					
<i>Streets</i>				✓	✓
<i>Contacts</i>			✓	✓	✓
<i>Non-contacts</i>	✓	✓		✓	✓
<i>General trickery</i>		✓	✓	✓	✓

The table above aims to show the main methods of each type of seller, rather than exclusively pinpointing the only methods that sellers may use. For instance, the arrival of the internet has made traditional street sellers aware of the big four. While some participants have specifically said they do not use such websites, others may from time to time have listed either actual tickets, or created speculative listings, to avail themselves of additional options. This, however, would not have been their main port of call, or a method they would routinely have relied on, to make sales. As such, “online secondary market” has not been ticked for the Street and Modern Grafter categories.

A cursory reading of figure 2, above, will show that by targeting a single selling method, such as online resale in general, several additional avenues are left open for touts to exploit. As another example, the two categories of sellers that were identified at the higher end of the scale, the Traditional and Modern Grafters, were, ironically, the only ones that did not rely on the big four as their main source of ticket resale. This was also the only method, from both buying and selling strategies, that they did not routinely use. Reselling on the secondary market, of course, was the main target of the CRA 2015.

This is one of many conclusions that can be drawn by this newly available data. The creation of an extensive list of some of the buying and selling methods that are currently available to touts may, it is hoped, in addition to filling the gap in criminological literature and in the existing knowledge on the deviant persona of the ticket tout, assist the relevant stakeholders involved in discussions around the regulation of touting.

The categories created are designed to help understand the methods employed by various types of touts to entrepreneurially buy and sell tickets for profit. The next chapter will explore how the two categories of touts identified as being the most deviant, namely the Grafters, modern and traditional, performed one specific method of touting: street touting. This method is compared with that of the Online Touts, to show that the two are more similar than they appear to be.

5 THE ART OF STREET TOUTING

5.1 Introduction

One of the most important findings of this research is that, despite the explosion of the phenomenon of internet touting, ticket touting by Grafters on the streets is still thriving. The expansion of the activity from involving solely working class labourers to now being practiced by middle-class or “blue-collar” entrepreneurs (Shover et al., 2003) can be explained through the additional opportunities that are offered by the internet. Whereas other studies have highlighted how the internet has extinguished, reduced or completely changed various types of deviant behaviour (Treadwell, 2012; Shover et al., 2003), with ticket touting this has not been the case. As such, disregarding street touting has arguably been a failure of recent research and legislation (Waterson, 2016; CRA 2015; APPG, 2014). As recently as 20 years ago, the primary method for touts would have been to stand outside venues and buy spare tickets to resell. Although it is now just one of many, the traditional form of the practice is far from extinguished. Reasons for this include a severe lack of enforcement of longstanding legislation, and the close relationship that exists between the methods and strategies employed by the Street Touts and those adopted by contemporary Online Touts. Said relationship, which has thus far been strongly overlooked, has led to the conclusion that the art of street touting is as relevant as ever. This chapter reveals some of the connections between the two worlds.

Several themes emerged relating to street touting from the fieldwork. This chapter presents the dynamics of trading on street corners in three stages. These were found to be: establishing a physical presence; achieving visibility to engage with potential clients (and contemporaneous invisibility when it was necessary to do so discreetly); and, finally, negotiating and concluding deals. All of these phases were based on a learning process in which strategies for profit maximisation were acquired and tailored to touting at various events (Adler, 1985; Becker, 1963). Each section is informed by the more than one hundred hours of observation conducted at 61 mainly high- and medium-profile sporting or music events, and complemented with findings from the interviews. Parallels with the online secondary market are then drawn, based on PO conducted as an online ticket seller for a period of fieldwork lasting nine months. This analysis shows that traditional street touting

and online touting are more similar than they may first appear, and that, in the current conversations around touting, insufficient attention is being granted to street ticket touting.

The findings contribute to the thesis' overall portrayal of ticket touts as deviant entrepreneurs, as inventive characters of evasion and of constant, innovative adaptation (Ruggiero, 2013). On the streets, this meant adapting both to the physical environment in the form of tailoring selling strategies to the locations of train stations, junctions and traffic lights, or to the weather, and in terms of their interactions with customers, agents of law enforcement and the general public. Further evidence is offered as to the ways in which, regardless of existing or newly introduced legislation, ticket touts were able to exploit the grey areas of the law, avoid detection and execute their craft through strategies that were at times deceitful. It was found that, ultimately, online platforms operated in very similar ways. Within criminological literature, the behaviour of Street Touts can be compared to those of legitimate street vendors (Jones, Comfort and Hillier, 2004) and black market traders (Tchoukaleyska, 2014; Ruggiero, 2013 and 2000) or even thieves and conmen, new (Treadwell, 2012; Shover et al., 2003) and old (Mayhew, 1950).

It is through the touts' awareness, an accrued knowledge of the law and its loopholes, and their perception and management of risk, based on shared experiences and camaraderie, that their personal judgment, demeanour and interactions with one another are shaped to their surroundings in order to perform the art of touting. Street savoir-faire, a rich, experiential understanding of human interaction and an ability to influence customers through subtle selling techniques, were also key elements to the touts' trade (Hobbs, 1988). Similar skills have been noted in studies on medium to high-level drug dealers (Jacinto et al., 2008; Jacobs, 1996; Adler, 1985) and buyers and sellers of stolen goods (Klockars, 1975).

The tolerance shown towards Street Touts by law enforcement officials, however, should not be underestimated (Atkinson, 1997), as it is undoubtedly enabling large amounts of touting activity. Situations were noted when law enforcement was absent and touts could operate regardless of the legal provision in place, without much need for specifically elusive strategies. The lack of touting-related enforcement became even more apparent when security staff or the police took other action, such as enforcing licensing checks or conducting intellectual property raids on scarf sellers. These interventions occurred while touts traded tickets illegally just yards away, handling much larger sums of money, and, crucially, engaging in conduct that was, arguably, more deviant. Online touting, of course, is also widely tolerated, as previously discussed, with old and new legislation, including the

CRA 2015, being consistently overlooked by Viagogo and others (Davies and Jones, 2016; Davies and Treanor, 2016; Waterson, 2016).

The empirical evidence presented reinforces the argument that, whilst ticket touting in the UK has expanded to an online realm where an increasing number of mainly new individuals are utilising new technologies, the old-fashioned street-vending methods are still relevant. In particular, the methods that can be observed on the street, including the speculative nature of touting, may explain much of the activity that occurs online. Of crucial importance is the savvy, elusive, black-market identity that these individuals have adopted and moulded through years of sharing knowledge and skills (Hobbs, 1988). Despite recent legislation and governmental reports entirely overlooking these practices, there are many lessons to be learned from the streets that can inject new knowledge in societal discourses around ticket touting.

5.2 Street touting: a learning process

Touts working on the streets adopted behaviours and strategies that were the product of a learning process. These strategies were either learned first-hand, or shared by the more senior touts who had years of experience of touting at countless events in different contexts. This was similar to the way that drug dealers learned their trade (Adler, 1985). Several participants confirmed the process in the interviews, and such behaviour was also observed in situ.

One night I saw a tout coming home so I asked to join him, he said, “come next week we’ll get you started”. He brought me into the game, I knew him through his son. So for 4 years he trained me up. Started with basics, he’d say: “what I’ve got is 4 people coming from Saudi Arabia, go to meet them at the [name] hotel. Get £500 and your cut is £50. That’s how it would start. Then it was about meeting people outside the ground with tickets, sometimes collecting money from them. I was getting paid by him to deliver to people, becoming a bit like a courier boy or a paperboy. From there you move on to talking to people and buying up your own tickets. People asking me “I need 4 for Tottenham away, how much” – £400 a piece. Then I’d make a deal, saying I could get those tickets and I would buy them for £150 from another tout. By then I had my own clients and people that worked for me, I told the tout I’d go my own way. Still see him now and we do deals. “Duck”

In the same way, touts relied on prior encounters with law enforcement, or shared experiences of these, to select which strategies to adopt at a specific event or venue. Prior encounters consisted in some cases of being stopped and searched, leading to questioning and sometimes actual arrests. One participant, “Bee”, described being arrested as “*the best thing that ever happened to [him]*”, in light of everything he learned from the experience; “*it makes you more aware of the law and where to sell and where not*”. Based on mistakes made during the learning process, such as getting “short counted” or “burned” (instances in which punters perhaps got the better of them, or touts could have bargained harder for a larger profit), or arrested, ticket touts could return to their posts “better educated”, and improve on their previous attempts (Adler, 1985: 127). Becker (1963) highlighted how forms of control exist at each learning stage of the deviant process and that, if these are overcome, a deviant can become more of an expert, acquiring further knowledge and experience that assist him in gaining control over and better performing the deviance.

With such experiences, therefore, came a specific knowledge of the legal loopholes. These were learned and established through a more implicit understanding with law enforcement officials, who in some cases would decide to turn a blind eye if the touts plied their trade in less conspicuous ways. In other cases, the touts could not rely on such freedom. All of these experiences would be recounted to other group members to build “shared understandings and recipes of knowledge (motivations, methods and justifications) for ‘doing’ the deviance” (Atkinson, 2000: 155). Adler described this learning process amongst drug dealers and smugglers as “sponsorship” (1985: 127), where a sponsor would teach the novices the ropes of the trade.

As part of this learning process, decisions relating to the specific strategies that touts employed on the street revolved around a plethora of variables, including:

- The size of the venue;
- The popularity of or demand for an event;
- Whether it was a one off or part of a series of shows, whether it fell on a weeknight or weekend;
- Collections and deliveries to fulfil sales made to clients, whether privately or through secondary market platforms;
- And even the wider context, such as a recent signing by a football club or a newly released album; whether an event was being televised or fell on a bank holiday; the weather.

Central to most of these “recipes” was the fact that there had to be key differences between the behaviours, strategies and attitudes the touts employed when operating at football stadia, where ticket touting remains a criminal offence, in contrast to trading outside other entertainment venues, where no touting offence existed.

It was observed, however, that one crucial theme transcended all of these variables and characterised the strategies of touts at all types of events and venues, whether football or non-football. This was the requirement to be visible. Only once touts had learned how to establish a physical presence could they attempt to engage with the public and then buy and sell tickets. In light of the legal peculiarity, at football games the requirement of being *visible* to punters on the street was paired with the simultaneous necessity of being *invisible* to security staff and law enforcement (Jacobs, 1996). This paradox required the touts to learn to make on-the-spot decisions as to whether an approaching individual could be a potential customer or an undercover policeman. This, in turn, determined whether the touts opted to make themselves visible and accessible or to remain hidden. Before decisions around engagement could be made, touts had to establish a form of physical presence.

5.3 Physical presence: Key Access Points

The initial phase in the performance of touting was identified as being the establishment of a physical presence at, or dominance of, the venue in question. Before negotiating visibility with potential clients, the touts would identify the precise geographical locations at each venue that the approaching crowds passed through, often in their thousands, to physically access a stadium or concert venue. These key access points (KAPs) were grouped into two categories: the points of departure, A, and of arrival, B. Typical access points would include:

Points A:

- The exits of the stations nearest to the venue, whether underground, railway, or bus;
- Car parks;
- The main pedestrian routes from these locations to the venue;
- The main pedestrian routes from other locations such as pubs, city centres or points of interest, to the venue;

- Particular crossroads, bus stops or traffic light junctions en route to the venue where larger groups of people would be stationary, even for very short periods of time;
- The venue's box office or collection point;

Point B:

- The actual entrances into the stadium, concert hall or theatre, especially in cases where the venue is quite small, or the areas around such gates or entrances at bigger stadia

A tout's presence across one or more of these KAPs very much depended on whether he was working jointly with others or alone. One participant, "Spartan", commented that although each individual tout was independent in terms of his buying and selling of tickets, often they decided to work together as a small group.

The group of touts I know – we are all separate. 'You wanna make one' means if someone is asking to work together on a particular day. Then we split the money at the end based on what each of us has put in at the beginning.
"Spartan"

Joint operations of this nature were observed. The touts would more often than not work in groups. At some of the more popular events, such as a Chelsea match at Stamford Bridge or a Scotland fixture at Hampden Park, at least three or four separate groups of touts were visible. Each group consisted of five to eight individuals.

In terms of the KAPs, within a group of touts operating together, some individuals located themselves at one of the Point A locations and others at B, while others still orbited from B to A. This was mainly decided ad hoc, though it was clear that the more experienced touts, or "sponsors" (Adler, 1985), would indicate to the others where to stand or point out where to go. At Anfield I was able to observe this phenomenon of touts sharing their learned experience and physically instructing others where to stand and how to move. On several occasions, while travelling to stadia or arenas, I happened to be on the same bus or train as a tout, and could overhear telephone conversations relating to where particular members of the group were going to stand that day.

Those on the move, as opposed to the touts that were stationary at A and B, would linger for a while somewhere between the spots, particularly near crossroads or main junctions, before continuing this backwards and forwards movement. Variations of this occurred where there was more than one point of departure, such as a car park and a tube

station, and where venues had more than one point of arrival, such as different entry gates on opposite sides of the same stadium. When an individual tout decided not to “make one” with a colleague, he would follow the same kind of movements above while acting alone.

The focus was to control a venue’s KAPs and create a swift network of communication and interchange from one point to the next. This was done to establish a constant presence such that the touts became a concrete reference point for customers. The word “network” is used to compare these exchanges of dialogue, hand gestures, tickets and cash to other street-vending activity examined in criminological literature. In the same way that drug dealers would signal across the street to each other to negotiate sales and strike deals, touts would be in contact through gestures or phone calls to inform each other of ticket availability, seat locations and prices (Adler, 1985; Jacobs, 1996).

The observations revealed strong similarities between, for instance, ticket touting and Jacob’s (1996) description of crack dealers, in which runners would keep the drug stash hidden and follow instructions by the more senior sellers as to which drugs to fetch, and where to take them. Or, in some cases, coded exchanges between buyers and sellers would inform the buyer where to pick up a drug that had been hidden under newspapers or a mound of grass nearby (1966: 371). The ticket touts that were observed in action followed very similar patterns, with one holding the tickets and others being responsible for striking deals before any exchange was made. Cash itself would often not be exchanged at all on site. These movements and strategies are discussed in more detail, below; they are touched on here to introduce the concept of touts operating in networks as a way of expressing a strong physical presence. By ascertaining a true territorial dominance of these key areas touts could ensure that the large majority of spectators would know who they were, what they were doing and where to find them, should their services be required.

At a given event, once the range of points A and B were occupied, the sellers could make themselves available to potential buyers or to fans with spares. Thence, attempts to engage with punters, before actually striking deals, would begin.

5.4 Engaging with punters

The methods of engagement are expressed through the theme of visibility and its simultaneous counterpart, invisibility. While the goal of visibility was applicable to all types

of sporting and music events and venues, invisibility from authority was a supplementary dimension that related mainly to touting tickets at football matches.

5.4.1 Selling tactics: visibility

The process of identifying physical locations A and B at each venue and asserting a visible presence on these sites was in itself a learned selling tactic. This was integral to all the behaviour patterns outlined below, as each individual tactic had visibility at its core and depended on establishing a physical presence first. Each of the following stratagems would be performed in or around the KAPs in which the touts would be most visible to customers.

5.4.1.1 *The salmon*

The term “salmon” was chosen to reflect the movement of those touts who, within their groups, were tasked with orbiting from points B to A, as described above, as opposed to remaining stationary at a station exit or venue entrance. This was done to ensure maximum visibility to both potential buyers and to sellers of spare tickets amongst the general public and event attendees. The concept can be understood through the imagery of an onrush of large crowds of people, all heading in one direction, almost forming a stream in their steady and direct flow from, say, a tube station to the venue entrance, with the tout moving in the opposite direction.

The tactic involved having three or four touts walking upstream. It was noted at almost every single event observed. The sellers were highly visible not only because they were the absolute minority within large sectors of the general public who were walking in the opposite direction, but indeed through their physical disruption, at times, of the smooth flow of the current of attendees. In their attempts to steer through the wall of approaching spectators they were inevitably highly noticeable and often an obstruction. During their orbit they would sometimes stop along the way and try to engage with punters in a variety of ways.

The concourse leading from Wembley Park Station to the stadium itself released a constant flow of bodies emerging from the station exit and moving swiftly towards the

venue, in a standard A to B direction. By standing in a specific location which offered a view of the concourse, I was able to note that with very few exceptions, such as local residents heading to the station to depart from Wembley Park, the only individuals moving ‘upstream’ were in fact ticket touts.

The salmon approach was successful in attracting attention at busy events in large venues and on less busy routes to smaller venues. The notes, below, were taken outside the Roundhouse, a popular music venue in London.

As I walked up [towards the venue], right after the bus stop, several touts were seemingly creating some form of “gate”. As in, they occupied an entire stretch of the pavement so that, in order to keep walking along, you had no choice but to walk through them, between them. As you did, they would audibly say “tickets [name of band]”. On my way back down the same street I saw that the individuals forming the gate, four or five of them, were now crowding round a potential punter. [It] must have been intimidating.

Similarly, as you immediately exit Holloway Road tube station on the way to Arsenal’s Emirates Stadium, you face a key junction with its set of traffic lights and pavement corners. This was the ideal KAP for touts. Some notes from one of many visits there:

Surprised at how visible everything was. It’s easier than you think: tube, then direct walk to Stadium. First noticed movements of touts based on lights crossing. They prepared themselves in the middle island and then literally ‘attacked’ the approaching crowds face on as soon as the green light hit.

This behaviour and its inherent selling strategy were similar to that adopted by legitimate vendors or street workers, such as charity fundraisers, or individuals employed to distribute promotional leaflets (Llewellyn and Burrow, 2008). Known as “streetwise marketing”, the idea was for the touts to ensure they were standing or walking in such a way as to potentially engage with clients, making eye contact and potentially dialogue, even if minimal, almost unavoidable (Clark and Pinch, 2014).

Atkinson’s study of scalpers in Canada confirmed the use of a similar tactic. “To encounter as many marks (customers) as possible...scalpers have learned that it is imperative to position oneself near street corners, passageways or high traffic areas”. In the words of an interviewed scalper:

“Being on a street corner, or standing right where the subway comes out are the best places, anywhere 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...Yeah, I see so many guys doing that more, trying to be the first thing people see when they pull up” (Atkinson, 2000: 159).

Examples of this phenomenon were noted at Wembley, Emirates Stadium, Brixton Academy, Old Trafford, Stamford Bridge and the Hydro in Glasgow, amongst others. The salmon touts would wiggle their way upstream, against the current, through the approaching crowds and supplement this physical presence and visibility with the mantra that is often associated with touts that line the pavements.

5.4.1.2 Key words

Closely connected, yet not exclusive to the role of the salmon, the touts’ mantra was a key element in their establishment of physical presence and visibility in order to engage with punters. At most fieldwork outings the variety of words that were utilised, repeated and reused interchangeably was observed. The use of “key words” is not to be confused with the touts’ own coded language or argot, which is also intended to be heard by punters, but for a different reason (Sugden, 2002). The current section relates to direct, plain language utilised to engage with punters rather than confuse them. The latter selling strategy is examined below.

On one occasion, at a touting operation at the Hydro in Glasgow, it was almost as if the pair of touts in question were reciting from a phrase book, ensuring that every single variation of “buy any spares” was said and heard. The chosen KAP was the bottom of the walkway leading from Exhibition Centre Station to the grounds of the venue. It seemed that their intention was to emit a catchall message that could potentially attract not only customers who were already intent on purchasing tickets, but also those who were undecided and could perhaps be swayed by hearing certain trigger words that the touts were pronouncing. The list of the combination of words used, from the fieldnotes taken, is as follows:

- “Any tickets?”
- “Any spares?”
- “Anyone looking to buy tickets?”
- “Looking to buy or sell tickets?”
- “Any spare tickets?”

- “Anyone need tickets?”
- “Anyone looking for tickets?”
- “Buy or sell?”

The tactic, very similar to a company’s advertising or marketing strategy, enabled the touts to appeal to those passers-by who may at the exact same time have been involved in a thinking process which rehearsed around the same key words. This can be aligned to a concept known as “sensory marketing”, a technique of engaging a potential buyer’s senses to affect “their perception, judgement and behaviour” (Krishna, 2001: 2). By utilising a wide range of words, the chances of appealing to a passing consumer’s specific needs were increased. If someone walking by was looking to sell a spare ticket, the tout’s mantra covered this option. Were a passer-by thinking he really needed to buy tickets as the show was truly one he would have regretted missing, by stating the trigger word “need” the touts could emit inviting messages to then engage and initiate the negotiations (Clark and Pinch, 2014). This technique, therefore, played on the emotive significance of attending an event, and could alter a potential buyer’s perception as to the objective value of the physical tickets. The idea or desire of attending the event could skew this perception leading a customer to subjectively be prepared to pay a sum that not only exceeded the tickets’ original cost, but also the price that someone might ordinarily be prepared to pay without being submitted to such a manipulative influence.

The use of the senses, in this case hearing or “audition”, can lead to “consumers’ self-generation of (desirable) brand attributes rather than those verbally provided by the advertiser”, it is argued (Krishna, 2001: 3). In Sengupta and Gorn’s 2002 article, *Absence makes the mind grow sharper*, it was posited that engagement based on deduction, assumptions and consumer-led perception can often be more persuasive than direct statements that are specific about a product rather than allude to it. Their research revealed the ability of a consumer to recall information within an advertisement when particular details were omitted. In the case of the touts, instead of specifically saying the band’s name, the location of the seats or their cost, the tentative “spare tickets” was a way of reaching out to the consumer’s interest and preconceived value of the event itself, driving him or her to create their own assumptions on the demand of an event and what the cost of purchasing tickets from a tout could be.

This, if anything, was a method of facilitating engagement, from which potential negotiations could then take place. It is possible that by omitting such information the tout

could have a better chance of persuading customers to engage, than if he had started by stating the price demanded. Also, Sengupta and Gorn's research focused on advertisements that were produced in front of a neutral audience. In the case of the touts, it could be argued that the individuals that made their way to a venue without a ticket were already in some way willing to engage, and thus potentially even more persuadable.

Although it is unlikely that the touts would have been familiar with the exact psychology behind this technique of engagement, there was clear evidence of this being either a learned method, perhaps developed thanks to years of performing touting on the streets, or a deliberate tactic that they would have been instructed to adopt by other touts with more extensive knowledge and experience.

They know what they're there for, no point in saying who the band is or how much at first. Keep it to a minimum. I have what they want and I can draw them in. "Blagger"

It was not a coincidence that the touts did not simply repeat the same, single phrase over and over, or that they chose to allude to the mere availability of tickets and leave the rest to the buyer's imagination; these were subtle tactics dictated by years of experience.

A specific example of the touts' awareness of the need to use inventive and ad hoc linguistic methods in order to be visible and appeal to approaching customers was noted during an observation of the Scotland versus Poland match held at Hampden Park in Glasgow. The touts expanded their repertoire of key words by including the Polish translation for "buying", "selling", and of course "tickets". Aware of the large parcels of Polish residents within the Glasgow area and the UK in general, it is possible that the touts researched the specific terms in Polish for the words above in order to widen the scope of their visibility and outreach. "*Bilety*" ("tickets") and "*kupic bilet*" ("buy ticket") were used by British touts in order to engage with Polish fans as well as the locals. Of relevance here is the innovative, inventive and adaptive nature of the touts and of their business model, particularly evidenced in this example through their astute use of language to access a larger market of potential buyers (Ruggiero, 2013; Hobbs, 1988).

Referred to as the "gift of the gab", and based on "homespun psychology", using key words to tempt buyers was not the sole example of Street Touts using "sensory marketing" (Clark and Pinch, 2014; Krishna, 2001). The following section introduces a technique that was also designed to appeal to a consumer's senses.

5.4.1.3 Flashing the cash or the goods

In what may come across as another very basic, instinctive psychological tactic (Clark and Pinch, 2014), touts often “flashed the cash” in their attempt to appeal to the obvious wants of customers with spare tickets. In fulfilling the requirement of establishing visibility and physical dominance on and of the street, very few strategies were as effective as seeing groups of men approaching strangers and waving around crisp £50 notes. This was once again a learned dual expression of visibility and desirability. It not only emphasised the ready, immediate availability of cash in exchange for tickets that may, otherwise, have gone unused and wasted; it also injected credibility, reliability and seriousness into the image of the tout as a professional entrepreneur who was prepared to uphold his side of the bargain should a customer decide to part ways with his or her unneeded tickets.

These nuanced movements and decisions strongly resonated with Clark and Pinch’s (2014) sociological examination of a street seller’s tactics of persuasion. Their observation of a seller that defined himself as a “pitcher” or a “grafter” outlines in detail the strategies required in transforming an ordinary object – in that case a toy or a towel, or perhaps, similarly, a ticket – into a bargain that one just could not miss (Clark and Pinch, 2014: 20). The authors defined these individuals as “spellbinding orators” (2014: 20). They dismissed such tactics as being merely “dubious...conjuring, showmanship and ‘smoke and mirrors’ chicanery” and saw in them “a highly complex affair”, with “sales patter” that:

“forms a barometer for what their customers are thinking, what they are buying and, more to the point, what will motivate them to buy” (Clark and Pinch, 2014: 23-24).

The touts were thus able to tune in to the state of mind of these customers, having been through it all themselves. They would know more than anyone what it is like to make a loss in this context, and that unused tickets are ultimately mere pieces of paper that may be worth hundreds of pounds at a given moment but are completely worthless if unsold. Undoubtedly there was, in the case of the ticket touts, plenty of charlatanism. However, just as unquestionable were the touts’ skills of perception and capitalisation on the needs and wants of potential buyers or sellers amongst the crowds. At the very essence of these performances was the knowledge that some customers would come to the venues exclusively to sell tickets they had not managed to sell beforehand. For example, one of the impacts of the internet

has been an increase in the number of people touting tickets online. Inevitably, some of the tickets that had been purchased months before may not have sold for the desired profits; such tickets could be resold at a loss to the Street Touts, and the touts knew this.

A common alternative to flashing the cash would be to flash tickets instead. It was noted at some non-football events at which tickets were in very high demand, that touts would be walking around KAPs, exchanging quips with one another while trying to engage with prospective customers by thrusting tickets in their faces. As with the cash, the purpose was to appeal to potential buyers' senses, making it as evident as possible that tickets were available, and that a guaranteed purchase was only minutes away. These strategies were noted at both music and sporting events. The first sighting occurred at an Ashes test match held at the Oval in South London. It was subsequently seen at both the Roundhouse and Brixton Academy.

The choice to adopt this specific tactic at a given event may have been based on the touts' reading of the demand for tickets, and their experience and knowledge of a host of other variables. For example, adverse weather could have the effect of making an event, for which many tickets are still available, even less desirable. In such a case, the touts may opt to "flash the cash" in the knowledge that demand is low and that customers with spares will want a speedy transaction to minimise their losses. The touts' views on the likelihood of encountering either a scenario in which there would be an excess of tickets on the street, or one in which tickets would be scarce and in high demand, therefore dictated the direction of this specific tactic. However, no particular pattern was found as to whether tickets or cash would be the particular bait on a given day, and both variants were observed at highly popular events.

Surprisingly, touts were seen waving cash around on one occasion at a football match, at White Hart Lane, for the fixture Tottenham versus Manchester City. This was unusual given that touting football tickets is illegal, and that the practice of flashing money was hardly discreet. Purchasing football tickets, however, as opposed to selling them, was not strictly speaking illegal. This was likely to be the reason why cash, and not tickets, were being displayed on this occasion. In addition to the "buying and not selling" loophole, the fact that this tactic was employed at all at a football game could perhaps be explained by a lack of police presence at the specific moment in which the behaviour was observed. Shortly thereafter, a sale was made and the cash exchanged hands from the tout to a punter. The latter swiftly proceeded to resell the purchased tickets for (probably) more cash than he had just received. Before considering the specific, tailored engagement strategies used by touts

at football matches, one more tactic that focuses on the visibility of touts in general is presented.

5.4.1.4 Touts in cahoots

It was clear from the observations that ticket touts often operated in pairs or in groups. In terms of numbers, it was noted that at smaller venues there could be one group of touts only, consisting of three to five people. For example, only one group of no more than four touts was observed on concert nights at Koko in Mornington Crescent and La Scala in King's Cross, both popular alternative music venues in Central London. At bigger venues, which often had a greater demand for tickets, multiple larger groups of about eight to ten individuals were seen to be operating at the same time. At White Hart Lane, Wembley Stadium and other venues several groups were observed trading at a single event, with the total number of touts reaching approximately thirty, belonging to three or four groups.

Witnessing these dynamics in person represented a confirmation of the data that had been collected through the interviews. As participant "Spartan" said, mentioning a colleague with whom he often worked together, "*He's the eyes, I'm the mouth*". This was a reference to touts having various roles and responsibilities within each group in order to execute the buying and selling of tickets; while one did the talking, the other kept a look out or kept "dixy" (Parker, 1974, cited in Maguire, 2008: 282). The discussion here revolves around the use of cooperation to perform street touting, which can take two forms: actual transactions between touts and pretend ones.

At Hampden Park, I spoke to a group of touts that had travelled from Liverpool to sell tickets for the match between the Scottish and Polish national teams.

Exchanged contact details with a certain [name]. As a group they told me £40 a ticket. I said a friend was on his way and I'd ring the tout once my mate confirmed. I spoke to another who wanted £30. He said they all know each other anyway; doesn't matter if I buy from him or [same name].

Similarly, at West Ham's former ground, Upton Park, I witnessed a couple of tourists from California engaging with a seller not far from the entrance gates. Once the cash was out and ready, the seller whistled over to an accomplice who came running with the actual tickets.

When multiple groups shared the same territory, elements of simultaneous competition and cooperation became crucial to the performance of ticket touting: touts often sold tickets to each other. If, for instance, a tout had run out of his supply and then found another potential buyer, he might resort to buying tickets from another tout, or from another group, and then share the profits. One participant explained:

- *If I don't have any I'll ask another tout, "what's the return?" It's based on trust; I've found him a buyer. I'll buy from him and he'll make a bit on top.*

Would you say you are in competition with each other or working together?

- *Both. People would rather have pound in the pocket than cardboard in the drawer. "Blagger"*

Atkinson (2000) noted the same dynamics in his study of scalpers in Canada. Although entirely opposing forces, competition and cooperation worked side by side, with the touts often having to reach a compromise in order to maximise profits.

"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" (Atkinson, 2000: 87).

Another scalper interviewed by Atkinson said "I always remember who's hooked me up with seats" (2000: 86). There was thus a sense of collaboration, of helping each other out, within the greater drive of seeking to maximise individual profit.

Naturally, these exchanges would be visible to potential clients, and deliberately so. Using teamwork as a means of increasing the desirability of the tickets from the perspective of potential sellers was witnessed at most venues in London and across the UK. This was yet another version of the touts' techniques of "sensory marketing", through which they influenced the perceived value of tickets (Krishna, 2001). By dealing not only to strangers but also with fellow touts, further hype around the event was generated.

However, touts did not limit themselves to generating demand to engage with customers through real transactions in which they assisted one another to fulfil orders. They were similarly able to create hype and persuade customers to engage through *playacting*. It

was observing these scenes that the theme of touts working “in cahoots” was developed. Very much like the sales techniques of Clark and Pinch’s (2014) “pitchers”, the main aspect of this tactic consisted of performing in front of audiences to create the illusion that the product on offer was one that was in high demand, that supply was quickly vanishing, and that punters should therefore pay up before the opportunity was let slip.

This method required the implementation of sensory marketing tactics (Krishna, 2001) resembling those described above, which combined the use of language and the flashing of tickets or cash with playacting. The latter was very much in the style of Mayhew’s magmen and sharpers (1950), who would trick bystanders from the observant crowds into participating in games of skittles or cards that they could never win. Albeit much more reduced in number, compared to the crowds that were enthralled by the magmen, and inevitably in constant movement as opposed to being stationary like the pitchers, the touts’ targets would be submitted to similar advances. The key difference with Mayhew’s urchins, naturally, was that the touts adopted such strategies not to defraud or steal from customers, but to maximise their own profits through the provision of a real product. Very much like the practices of Clark and Pinch’s “pitchers”, there may have been an element of deceit in the real value of and demand for the tickets, but not in their validity.

Another pertinent example is the figure of the poolroom hustler, central to Polsky’s (1971) study on entrepreneurial deviance. The hustler’s actual talent at the game of billiards or pool was “not nearly so important as his skill at various kinds of conning” (Polsky, 1971: 53). The key of the hustler’s trade was to deliberately miss shots in a way that the other player could not perceive this. He thus acted in a way to deceive his opponent, lulling him into a false sense of security, and ultimately altering his “perception, judgement and behaviour” during the match (Krishna, 2001: 2). In Polsky’s words, this type of conning involves “extraordinary manipulation of other people’s impressions of reality...creating false impressions” (1971: 63).

Ticket touts talked to each other about how sales were progressing throughout the afternoon or evening. They were often seen shouting at each other across the street to be more audible as well as highly visible. In addition to the particular wording that was relied upon, the key was in the greater urgency the touts displayed when acting “in cahoots”, as opposed to when they were genuinely negotiating with each other. They addressed one another in a noticeably more quiet and efficient manner during a genuine tout-to-tout transaction. During their playacting, however, I observed touts screaming at one another that there were “*not many tickets left now*”, or stopping just by a group of potential buyers,

audibly enquiring, “*how many left?*” to another tout. This was done in a boastful and even taunting way, ensuring all the while that the passing crowds could overhear them and become part of the buzzing atmosphere created by the illusion of the heightened demand.

Other nuanced interactions went as far as discussing how many tickets had been sold up to that point in time, and even for how much. Often, a tout was seen standing alone and shouting phrases to the same effect on a mobile telephone. Although it seemed likely that the phone call itself had also been staged, whether he was actually speaking to anyone became immaterial: throngs of people around him could see and hear him, and interest and awareness were being generated. Crucially, the spectators’ perception of the event was being altered.

These exchanges or charades between one tout and another usually occurred just as a group of attendees was approaching. In the role of the observing bystander, I was able to easily notice that the same role-playing routine had been adopted minutes before to entice a separate approaching audience, and would be adopted again shortly thereafter.

During an observation at Brixton Academy, in South London, the touts were particularly vocal and visible and each of the selling tactics described above were employed. At one point, while en route back to the tube station, I witnessed a tout running across the road, screaming at the top of his voice to a colleague about a ticket he had somehow just obtained, and sped into the oncoming stream of attendees walking from A to B. This constituted prime evidence of how to achieve maximum visibility and create a palpable sense of urgency: the impact was such that the tout was immediately inundated with enquiries from punters who required one additional ticket for a friend, and another group of concert-goers who hoped to exchange seated tickets for standing ones. The touts’ being in cahoots, jestingly communicating with one another, often simply playacting in order to create demand and urgency, were important elements within their repertoire of selling tactics.

In addition to Mayhew’s scheming magmen and Polsky’s hustlers, another companion of the touts can be found in the literary figure of the charlatan. Understood nowadays to mean a trickster or a fraudster, the origins of the word can be traced to the Italian *ciarlatano*, a term that “did not first come into existence as a disparaging reference to a professional imposture” (Cryle, 2006: 301). Indeed, in Cryle’s study of charlatanism from its origins to 18th century France, where the term acquired a more morally dubious meaning, the earliest notions of the charlatan were ones relating to the individual’s skills and qualities. Examples included “the quickness of the tongue”, similar again to Sugden’s

description of his grafters' "market-stall tic-tac and the touts' own invented gibberish" (2002: 21), and the "gift of the gab", noted above (Clark and Pinch, 2014). Another was the charlatan's "quickness of the hand", exemplified in the 1740 ballad opera *The Operator*, in which charlatan Dr Hurry possessed a range of skills including performances with cups and balls and the curing of bad eyesight with his "legerdemain tricks" (Cryle, 2006: 302). In the literature on deviant entrepreneurship, such devices are all seen as key skills in the performance of one's deviant craft (Hobbs, 1988; Adler, 1985; Polsky, 1971).

As a final example of the reliance on the method of playacting and skilful employment of the tongue and hands, it was noted that fake trades and sales were also utilised to entice customers to make a purchase, in addition to mere verbal exchanges. This was very similar, in principle, to the longstanding methods of con artists who make use of an insider. The accomplice would participate in the conman's card tricks, or some other form of street entertainment, and then walk away victorious to entice bystanders to take their chances (Mayhew, 1950). Going beyond mere conversations of innumerable sales and decreasing ticket availability, touts also engaged in exchanging tickets and cash amongst themselves in prime view of their unsuspecting customers to further generate hype.

These practices were again uncannily similar to those observed in the poolrooms by Polsky. The repertoire of the poolroom hustler included stalling or "lemonading" his opponents, which mainly referred to deliberately not potting unchallenging shots. Another tactic of deceit that was even more similar to that employed by the touts was "dumping". This involved cheating not the opponent against whom the hustler was playing, but entering into a pact in cahoots with the opponent to deceive the spectators that were watching. The spectators would regularly bet in poolrooms and, on occasion, the players themselves would place "phony" bets and communicate with each other through "prearranged signals" in order to maximise their profit from the night's work (Polsky, 1971: 58-59). As described, the ticket touts similarly engaged in a form of dumping to attract customers and exploit them.

A distinction should once again be drawn between the practice of playacting, designed to maximise profits, and plotting to defraud someone, as in the case of the skittle players in Mayhew's Victorian Britain and of Polsky's hustlers. While the hype was perhaps not real, or at least artificially increased, the available tickets were certainly real. The tactics explored here were geared towards generating hype, and obtaining higher margins of profit than may have otherwise been received. The touts were not untoward in *what* they were providing, but in *how*.

In another example, it was observed that, very much like the charlatans of old, a seller was pretending to be a regular punter. A face that was familiar to me, meaning I could be certain beyond doubt that this individual was actually a tout, was parading near the Emirates Stadium looking for a spare ticket. An ordinary passer-by told him to head towards the ground: *“plenty selling up there”*. The tout’s response was *“Yeah, they’re touts, [tickets are] too expensive. I wouldn’t trust them”*. It was later confirmed to me that this was an attempt to procure cheaper tickets, perhaps from supporters who wanted to rid themselves of spares and who were either not interested in a large profit or who refused, in principle, to sell to touts. Were this tactic to work, the tickets purchased would then be resold at a premium.

More frequently, touts would make it as clear as possible as part of their playacting that the deals were trades between touts, as opposed to impersonating buyers. A typical exchange would involve one tout saying: *“I’ve just sold three tickets over there for £50 each, I’m short, I’ll buy two more from you”*. This was strategically done while the second tout was in the middle of a deal with some real buyers. The second tout would raise the price to £60, and so on, to contemporaneously increase the visibility of deals happening, of money exchanging hands, and of ticket availability decreasing. All of these contributed to enhance a ticket’s desirability and push the buyer into making a purchase at a potentially increased profit for the touts.

This theatrical element of ticket touting goes hand in hand with other black market wheeling and dealing (Mayhew, 1950; Clark and Pinch, 2014) and it is evident that the elusive persona under observation – the ticket tout – is part of a traditional order of mischievous street traders. It must be said, as often highlighted in this thesis, that there was one main characteristic in which ticket sellers differed from Mayhew’s petty thieves and fraudsters (1950), or from Treadwell’s eBay traders (2012) and Shover et al.’s criminal telemarketers (2003): the tickets that are eventually sold to customers, through whatever inventive or dubious means, were always genuine and never fraudulent.

5.4.2 Selling tactics: invisibility

As introduced above, visibility remained the undisputed prerequisite for touts to buy and sell tickets. As such, the learned selling tactics discussed in the previous section

emerged from all the observations, irrespective of whether the event was a football match or not. Visibility itself is inevitably a common requirement for most if not all street vendors who aim to engage with passers-by to sell their goods (Pinch and Clark, 2014; Jones et al., 2004). Naturally, black market operations in which either the trade of the product or the product itself is illegal necessitate a certain knowhow and resourcefulness with regards to concealment tactics and either evasion from or avoidance of methods of control (Adler, 1985; Jacobs, 1996; Tchoukaleyska, 2014; Ruggiero, 2013).

At events in which the unauthorised selling of tickets was a criminal offence, therefore, the touts' tactics required contemporaneous visibility and invisibility. Generally, this was found to be extremely similar to processes surrounding the act of drug dealing in the context of an ordinary urban setting. Referred to as a dealer's "trade craft", this is defined as "the artistic skill, cunning, and ingenuity employed by the street [...] trafficker" (Knowles, 1999: 445). This cunning would be employed to perform "apprehension avoidance techniques" when the illegal selling had to be "indiscreet"¹⁵ in order to engage with unknown buyers in public (Jacobs, 1996: 359). Ticket touts therefore required the ability to shift from invisible at any given moment to visible the next in order to tout discreetly.

Many tactics relating to invisibility and discretion were observed. With the exception of the first tactic, which relates to the touts' linguistic code and their desire to be invisible from customers, the findings illustrate the touts' aims to be invisible from the police, and the means employed to achieve this invisibility. As with drug dealing and other black market activity, the objective became ensuring visibility to some and invisibility from others.

5.4.2.1 Language in code

A crucial selling tactic for maximising the desirability of the tickets for sale was the use of a uniquely made-up language in the form of code words with which touts were able

¹⁵ The term "indiscreet" in Jacob's (1996) research on crack dealers is used to differentiate the avoidance strategies of his participants from previous findings on drug dealing which, like Adler's (1985), involved "discreet" trading, that is, selling to known buyers away from the streets. This terminology is not to be confused with the boisterous trading of the ticket touts, which I have described as "indiscreet". Touting at football matches was "discreet" compared to touting at non-football events, in the same way that Jacob's crack dealers dealt "indiscreetly" compared to Adler's cocaine dealers. The term "discreet" will be used to describe the avoidance strategies employed by touts at football matches.

to communicate to one another. It was noted throughout the observations that there appeared to be two main purposes driving the use of this language: one pertaining to a continued expression and assertion of visibility, a marketing technique that was crucial for engaging with customers and striking deals; and another to discuss matters secretly with one another, tout to tout, particularly regarding the market value of tickets and questions of money in general. While the first may fall within the touts' strategy of communicating "in cahoots" with each other, the second purpose was to conceal items of information from buyers.

In juxtaposition to the playacting tactics, use of the touts' secret language was made when the negotiations were genuine. Touts would occasionally cooperate with each other despite there being some competition across different touting groups. Of particular note was the difference in the manner in which they spoke to each other when using code language, which was more efficient, compared to the more blasé, casual tones they used to address each other during their simulated exchanges.

The code itself was another example of a learned process that might have been developed over years of accumulated experiences and of handling sticky situations with customers, in which such a code might have eventually become a requirement. A well-known tout was interviewed and asked whether he could share elements of the code, to which he responded:

"No, not at all. We've got to be able to have the ability to talk to customers in front of them, sometimes even argue about prices. For instance, I could be touting and find a customer who wants to pay £80 for a ticket, my tout mate wants to sell me one for £100, so I know it's not worth it. So I have to tell him in the secret language that I only want to pay £70 whilst keeping the customer happy and unaware of what's going on" (Bain, 2012).

This constituted the opposite of the example cited previously. When playacting, the prices from tout to tout were raised to increase the alleged demand and to inflate the desirability of a ticket, whereas, in secret, the touts might lower prices in order to make a sale. They thus required this language when conducting genuine negotiations amongst themselves.

Constructing a language is not an unknown phenomenon with regards to the study of deviant groups, particularly ones in which elements of evasiveness and resourcefulness are present due to a group's illegal activities. Treadwell's fraudulent eBay sellers used the word "snide" to refer to "good quality" counterfeit products (2012: 181). New York City marijuana users and dealers rely on argot terms like "twenties", "dub sacs", "nickels, dimes and quarters" to refer to quantities bought or sold (Sifaneck et al., 2007: 44). Polsky's (1971)

hustlers had their own argot, as did Adler's (1985) dealers, and numerous other deviants (Hobbs, 1988; Giulianotti, 1995; Becker, 1963; Knowles, 1999).

For the touts, though, the use of this argot was not so much about breaking the law; the language was a requirement of the trade. An example of the code is the touts' word for fifty pounds: a "McGarrett". The origin of this term can be traced back to the American television show *Hawaii Five-0*, in which Detective Captain Steve McGarrett was head of the police force. Five-0 became fifty, and fifty pounds became a McGarrett. This is one of the better-known examples of the touts' secret language, and the term McGarrett would be used along with others when touts were discussing in front of customers the market rates and, for instance, prices below which they could not sell.

Sugden's research on ticket touting led him to come across several words that touts used secretly. In addition to the more commonly known McGarrett, he uncovered other ways that touts referred to various prices, such as "pony", "wonka", "carpet", "chink" and "rouf" (2002: 21). In one interview in this study, several words belonging to this code were revealed by participant "Blagger", but he, in similar fashion to the tout quoted above (Bain, 2012), requested that the specific vocabulary not be disclosed, stating, "*Try not to put that in ye book, that's just for you so people can't have ye eyes out ok [sic]*". He was referring to the fact that only "real" ticket touts would know certain words, and that I should use such knowledge to verify that my interviewees were, in fact, "real" touts.

On one occasion, while travelling back to Central London on a train from Twickenham station about half an hour after the start of the Rugby World Cup match between England and Australia, I happened to be sharing a carriage with a large group of touts who had just finished work for that evening. Still very much in their element, and inevitably aware of being in a carriage full of outsiders with whom they would not have been too keen to share their exploits, an in-depth conversation in "tout-speak" took place (Sugden, 2002: 21). Discussions around "bottles", "penalties" and a "nevis ching" ensued; despite my best efforts, and some insider knowledge, I struggled to make much sense of it all. It would, therefore, have been completely impenetrable to the general public.

5.4.2.2 Pretending to be otherwise occupied

Of a more criminological nature were the selling strategies that were tailored to making the touts less visible to the police. Ticket touts selling football tickets on the streets

had to adopt “apprehension avoidance techniques” (Jacobs, 1996). These would kick in when police presence was particularly perceived, and would involve various methods of avoidance. The first of these tactics, which ensured total invisibility until the tout made the conscious decision to take the risk and become visible to an audience of his choice, revolved around pretending to be otherwise occupied.

The act would unfold more or less as follows. After attending to the KAP that he had been assigned by a more senior member of the group, a tout would linger in this location as throngs of people walked by. The initial task would be to critically observe and assess the passers-by, and make a judgement based on experience and intuition as to whether those approaching could be undercover workers. This was reminiscent of what L’Hoiry termed an “unspoken test”, utilised by his bootlegger of contraband cigarettes to “weigh up” customers wishing to buy his illicit goods (2013: 424). Once the decision was made, the tout’s eyes would be fixed downwards on the screen of the telephone he was holding and he would mutter the usual: “*buy or sell*”; “*any spare tickets*”, and so on. Often this was effectively mumbled or whispered, while the tout pulled on his best poker face and maintained his undivided attention on the phone. If he was not pretending to be texting someone, he may have been feigning a telephone call, or reading a newspaper instead. Through this alternative charade he would be able to insert the usual key words in the imaginary phone call and offer tickets to the passers-by.

For example, at White Hart Lane I noticed a tout sitting at a bus stop who was pretending to read a newspaper. Each pedestrian that walked past him would be expertly scrutinised, and once the tout was ready to take the plunge he would sneakily emit from the side of his mouth the offer to buy or sell tickets. It was at this moment in which the invisibility cape was removed and the tout reclaimed the visibility he required. This is an extract from fieldnotes taken while observing touts at a high profile match at White Hart Lane in North London:

As I approach the bus stop in front of where the temporary merch shop has been set up while the stadium works are completed, an individual holding a newspaper looks up and makes eye contact with me. He looks me up and down and it is my understanding that he is determining whether I could possibly be undercover “OB”, to use their terms. We keep scrutinising each other while I try to look as casual as I can. The instant I walk past him he lifts his paper to cover himself from distant onlookers and mutters, from the side of his mouth, “any tickets I buy or sell”.

And at Arsenal's Emirates Stadium.

Again noticed touts pretending to talk on the phone – an excuse for loitering. And then catching eye contact and offering tickets for sale as you walk past once they've made the decision you're not undercover. They are maybe not looking as they say it, still holding the phone.

Again at White Hart Lane:

Saw a few faces I recognised on that side [of the street]. However, after locking eye contact, [they] didn't offer [to buy or sell], maybe out of suspicion. This would never happen at [a] music [event].

Indeed, my observations at Koko, Brixton or Glasgow's Hydro, to name but a few, could not have been more different. The touts were extremely blasé in plying their trade, and completely indifferent as to the presence of any sort of authority. From my fieldnotes, their bellows of 'buy or sell' were "deafening; it's all you can hear outside Brixton tube station". Visibility at non-football events was more easily achievable, unsurprisingly.

My direct experience enabled me to note that, despite the desire to make money, there were often several instances in which a tout would look upon a passer-by with suspicion and keep his eyes on his phone or his newspaper and his mouth shut. If the passer-by happened to give the tout a strange look, or was not interested, then the tout could simply revert to his previous state of loitering and try his chances with the next approachable group.

At Anfield:

Definitely felt like I was getting eyeballed by a potential tout. Just near the police on horses. Heard ["any spares, I'll buy or sell"] several times and yet soon as I turned my head I couldn't make eye contact with anyone.

The thinking process behind this tactic was likely to be that, if a tout had wrongly decided to engage with someone who then turned out to be an officer, he could supposedly offer an alibi to the effect of: "sorry, officer, I was just reading my paper must have been talking gibberish to myself". Unfortunately, I did not come across an incident in which this occurred, and cannot offer empirical evidence as to the effectiveness of this particular mechanism of justification.

In defence of a tactic that, compared to others, probably does not seem as bulletproof, it should be remembered that the enforcement of ticket touting laws at football

matches is negligible. In fact, I concluded from the observations that, if anything, the touts were likely being too careful (L’Hoiry, 2013), and this tactic, in particular, was an example of the touts leaving no stone unturned based on prior experiences. Striking the delicate balance between the pursuit of a sale and the importance of not compromising the operation was a fundamental consideration for the touts as they conducted their business, aware of the legal loopholes and how to exploit them. In the selling tactics that are presented below, such a heightened level of attention may have been more warranted.

5.4.2.3 Keeping cash and tickets separate

Another example of a specific tactic that touts learned, was to avoid carrying physical paper tickets or season ticket cards on their person when touting at a football fixture; often only one specific tout may have been responsible for holding tickets. The tout with the tickets would position himself away from the stadium, perhaps in a bar or even a hotel room, awaiting instructions from his associates. This tactic was used to minimise the risk of others who had been assigned different roles in the operation being arrested, and is highly resonant with the practices of "apprehension avoidance" described by Adler (1985) and Jacobs (1996). On the off-chance that one tout was stopped and searched by the police, he could avoid being found with numerous tickets in his possession, guaranteeing a form of "insulation" from evidential links to touting (Adler, 1985: 112). One respondent noted:

2011 was my first full season working on my own. Man U got to the Champions League final against Barcelona. I got two hotel rooms near Wembley and worked from there. I left tickets there in the rooms, didn't want to walk down Wembley way with all the tickets on me. "Duck"

Adler described how smugglers avoided being present at stash houses when these were "holding", that is when they were stocked up with drugs awaiting dealers to come and collect them. She reported: "once drugs were removed, the smuggler was called so that the money could be exchanged". In a similar fashion to Duck's practices, "hotel rooms were the usual settings for these financial matters" (Adler, 1985: 38). In another technique that Jacobs referred to as "transactional mediation", an additional player collected the drugs from a hidden location before passing them on to a colleague, while other members of the crew would be responsible for collecting the cash from the user separately. The money, in turn,

would be passed around several times and was strictly not to be handled by the same individuals who formed the drug supply chain; no one at any point held both cash and drugs at the same time (1996: 371-374).

Jacobs similarly described his dealers as they employed their techniques of “risk minimisation”, the scope of which was to “reduc[e] the probability of being caught with drugs on one’s person” (1996: 369). His participants described hiding rocks under their armpits, or between the upper lip and gum. Their method of “stashing” drugs in hidden areas nearby, as described, was centred around preventing the police from finding it, and, crucially being “untraceable to the person who had placed it there” should it be discovered (Jacobs, 1996: 371). The key in such instances was to avoid creating any sort of links that could create evidence for arrest between the individual and the product, what Knowles described as “a type of streetwise criminal prosecution countermeasure” (1999: 450). “Blagger” noted:

I just know. I’ve been dealing with the police since I was 10. I know where to keep my tickets on my body, or to give them to someone if we’re working together. “Blagger”

Cash was very often not even exchanged outside the stadia. If payments had been made in advance by trusted buyers to the touts, tickets would simply be handed over in an envelope. Again, there would be no definitive evidence that touting had taken place. The *modus operandi* described by “Christmas” in chapter four, as well as the exchanges I witnessed between “Duck” and the hotel concierges, were further examples of this. If such exchanges were being covertly watched, and an agent of the law attempted to intervene, the touts could always say that the buyer and seller were friends, that no money was involved, that they had simply met up to pass the tickets on, et cetera. In addition, while it is likely that no officer worth his or her socks would actually believe this explanation, without precise evidence, and given the lack of seriousness of the crime, he or she may be tempted to tolerantly turn a blind eye, as presented in more detail below.

5.4.2.4 Dispersing or disappearing

A key, for the touts, was being constantly aware of police movement and being in a position to ascertain, at any given time, where the closest officer was, and whether that

officer could see the touts and their conduct. Jacobs described this as “environmental positioning”, a tactic which enabled sellers to set up in a spot that gave them maximum visibility from all directions (1996: 367). Different patterns were noticed from ground to ground. For example, my notes state that touts were “*less visible, less in your face, less detectable*” at Old Trafford, where Manchester United play, than they were at Stamford Bridge or Emirates Stadium, the homes of Chelsea and Arsenal respectively. At Old Trafford I found myself “*actually trying really hard to overhear*” conversations as I walked around the perimeter of stadium, attempting to and hoping to catch touts in operation. Here is another comparison between Old Trafford and Emirates Stadium, taken from my fieldnotes.

Always had this impression; you really need to find [the touts at Old Trafford], rather than [the touts] being unavoidable, as in other places. After 30 minutes I've literally seen six or seven touts. At Arsenal vs Barcelona, after 5 I'd seen thirty. Here there's a lot of police. It's messy. No real “bit” where touting could happen.

Yet, it must be stressed that very often I witnessed deals being made just meters away from security personnel or the police themselves, regardless of the location. As important as the distinction between football and non-football events was in general, the real question was whether touts felt they were being watched, or whether they felt they could find pockets of time and space in which they could break the law without being noticed. These were my reflections upon seeing a seller conclude a deal in the middle of a busy thoroughfare of fans and passers-by outside the Boleyn ground.

He must feel pretty confident to do this not just on a street that isn't at all hidden but at the entrance of the gates of the West Ham United complex. He's also rather loud and visible there. The police are completely elsewhere right now, whether stationed or patrolling, and the touts know this.

And when the police did arrive, it was the turn of specific individuals who were constantly on the lookout, the “eyes” of the operation, to give the signal for the others to react. Once one or more touts were aware of police presence it was about communicating to each other with coded gestures or language, or through quick phone calls, of approaching police forces. This enabled the others to react and adopt less suspicious behaviours or positions.

Reacting could mean turning their backs to avoid being identified while picking up an imaginary phone call, temporarily interrupting a given transaction and quickly dispersing or even physically disappearing from sight. The following was noted at Hampden Park:

I stand still observing and typing for a few mins [sic]. Another English tout walks up. Reaches corner. Two police walk towards him, he becomes aware of them and goes all quiet. Then more police on horses. Tout turns his back [on them], shuts mouth, on phone, waits for them to walk on.

Similar occurrences happened at observations all over the country:

Anfield: Touts still there, turning their backs when the cops come. Brilliant, as cops go by they all exchange glances and smiles.

Boleyn: Another sale in broad daylight. I notice some kids are watching from the top of a double decker bus that has stopped due to traffic. They are pointing and clearly find the exchange a bit dodgy and cool. As the police stroll by the touts suddenly look like innocent school kids themselves.

Emirates 1: Cops appear clueless, going into a dodgy-looking side street on left while all the action is super visible on the main road. There appears to have been an arrest. The horses ride quickly up the entire street towards where three men are being held. The touts disperse immediately. There is literally no one on corner now.

Emirates 2: One cop on the far side like last time – he is heading the way that people going to the ground wouldn't go when exiting the tube. In terms of invisibility it's almost as if the touts and the police are doing the exact opposite of each other. I see police on horses coming now. The touts turn their backs, spread out, pop into shops. To be fair the hooves are very loud.

The arrest referred to in my notes was not for touting. In the same concourse that links Holloway Road and the Emirates Stadium there are several nooks and crannies in which touts could quickly hide themselves. Among these was a shop that was used for conducting cash transactions, where touts would bring clients after having engaged with them on the street. All of these practices are analogous to the techniques employed by other black market traders when attempting to avoid detection. Tchoukaleyska's (2014) study of illicit mint traders in the markets of French cities described a similar phenomenon. She found: "the mint vendors scattered at the sight of a police van only to reconvene once it was gone" (2014: 84).

Many of these issues are closely linked to the matter of police tolerance, and a distinctly visible lack of enforcement of anti ticket touting measures. Before considering these, one more type of visibility versus invisibility selling strategy is presented.

5.4.2.5 Withholding or changing identity

One final tactic of note that enabled the touts to engage with buyers was to avoid divulging their true identity. This strategy was noted at several venues, particularly football stadia, and it varied considerably in terms of the specific act or behaviour.

The practice of Online Touts withholding their true details from buyers is touched on in the next chapter on deviant identities. Selling through online platforms such as StubHub or Viagogo enabled “bedroom” touts to remain anonymous (Waterson, 2016). Participant “The Chameleon”, an Online Tout, confirmed that using Viagogo was “*more anonymous*” and by touting online and not on the streets he could “*avoid being identified*”.

Traditional Street Touts, however, have never had such a privilege. They have been showing their faces to the general public they profit from, while breaking numerous laws, for years. Just several months into my fieldwork I was already able to recognise many individuals. Members of staff, policemen, and the touts themselves have confirmed to me that most of them know each other, with venue staff in particular stating that they recognise the faces of regular street sellers. Street Touts, unlike Online Touts, had fewer measures to rely on in terms of protecting their identity or image.

In line with their entrepreneurial verve, the Street Touts did not disappoint, and once again showed the depths of their resourcefulness. The following is an extract from an observation conducted at Stamford Bridge:

I find a place to stand on Fulham Road and watch the crowds moving slowly towards the stadium. Someone approaches me and asks if my name is [name]. I say that it is not. The man walks into the nearby phone box and takes out his mobile to find the number he needs to ring.

Based on the interviews and observation, I am fairly certain that this was a tout trying to maintain anonymity. He had clearly arranged to meet someone unknown to him at the ground to sell his tickets. He may have come across the buyer through Craigslist, or through his network of contacts. There was an agreement that the tout would get in touch upon arrival at

the stadium on the day of the match. Seeing me loitering, coincidentally, right next to a potential meeting spot, he may have thought that I was his buyer. All of this could have been engineered to avoid giving out a phone number, enabling the seller to maintain some form of anonymity after the brief face-to-face encounter.

Whilst some sellers, such as “The Chameleon”, elected to maintain full anonymity, it was clear that others, when rationally calculating the advantages of ticket touting against its risks, were prepared to relinquish some privileges in exchange for the profits to be made. An interviewee whom I recruited at my first observation at the Emirates Stadium, “Spartan”, whom I happened to run into on several occasions at various locations including White Hart Lane, Twickenham, the Roundhouse and the Electric Ballroom, often attended each event sporting a different look. He later explained that he did this in case anyone was watching. He wanted to try, where possible, to achieve some level of anonymity. I spotted him with a different haircut or hairstyle, and on one occasion with a dark pair of sunglasses. I saw other touts whom I had not interviewed, but whom I recognised from various visits, wearing hats or hoods. Although I was sceptical about these tactics considering the fact that I could still recognise these individuals, when I saw “Spartan” on one occasion at Upton Park he told me that he had been at White Hart Lane the previous day, an event that I had also been present at. I told him that I did not see him there, to which he replied, “I was keeping low”. I was surprised to hear that he had been there and that I had not spotted him. This of course could have been purely by chance.

5.5 Negotiating and executing sales

At music concerts or festivals, or any sporting event that was not a football match, once touts had been able to achieve some level of visibility and successfully engaged with a potential buyer, the negotiations could begin. Eventually, deals were struck and cash was exchanged. At football matches, however, the tactics employed above to evade detection would continue not only through the processes of visibility and engagement, but necessarily through to the negotiations and actual sales themselves.

5.5.1 A ready hideout and transaction point, via cash machines

An important follow-up strategy, once visibility had been achieved and punters engaged with, was having a specific location like a nearby shop, alleyway, pub or car park where potential buyers could be taken for the actual transaction to occur more discreetly. This would sometimes be done after a detour to a cash machine. Specific examples that emerged from the fieldwork include the parking lot to the right of the Wembley walkway, and the aforementioned shop located between Holloway Road tube station and Emirates Stadium.

These are my notes from an incident in which, after seeing a tout engaging with a member of the public, the two entered this shop.

I overhear a casual “where you from” behind me and it's clear one guy is taking a customer into shop. I follow them in. Couple of people sitting down inside waiting including one I recognise as tout. Messenger leaves, I buy water and leave after immense tension and awkward silence. Obvious they were just waiting for me to leave before discussing tickets and money.

This extract is from an observation at Wembley Stadium.

Noticed touts talking to each other, signalling, once a potential buyer had been located it was about communicating with one another and taking the buyer somewhere to the side. On one occasion I saw them walking away from the car park to the right and in search of a cash machine.

In the first episode, the “messenger” was the tout who had recruited the buyer on the street. Both items evidence the touts’ need to adapt their methods in order to evade the law. These are again examples of “apprehension avoidance techniques”, similar to the ones employed by Jacobs’ (1996) drug dealers who were forced to execute their deviance discreetly. Particularly noticeable, on many occasions, were situations in which touts were conducting foreign fans or tourists to a cash machine.

5.5.2 Atkinson’s “typification” of scalping transactions

In his ethnographic study of Canadian street scalpers, Michael Atkinson (2000) revealed three broad instances in which the interaction of negotiating a deal, and then

concluding a transaction, could be studied sociologically. These were: the “fast” hustle, the “go-nowhere” hustle and the “rough” hustle (Atkinson, 2000: 158-164). A brief outline of each is provided here and critically compared to the findings from my own observations, which include instances in which I became the “mark” of the ticket tout and entered negotiations with them (2000: 159). Crucial to Atkinson’s analysis was the interactive exchange between touts and buyers, whereby the role of the “mark”, the customer or, indeed, the victim, could be undertaken by either the tout or the buyer, signifying the occurrence of a role reversal in certain types of negotiations.

Atkinson noted that the “rough” hustle occurred when tickets were in high demand and there was an expectation that customers would be willing to spend large amounts of money to guarantee highly desired seats. Referred to one by of Atkinson’s research participants as an “in and out” type of interaction with punters (2000: 159), the tactics behind this type of transaction, which ensured generous profits for the touts, resembled many of the strategies previously presented. Atkinson argued that ticket scalpers shared “recipes” of knowledge. These included ways in which they could maximise their profits.

In the same way that I observed touts instructing each other upon arrival at an event, and assuming certain positions and roles at a given venue’s KAPs, Atkinson revealed the existence of a “learned pricing structure” that touts would agree beforehand:

“If all scalpers are committed to charging similar prices (with a minimal amount of variation), customers will quickly realise that bargaining may be futile” (Atkinson, 2000: 159).

This was the essence of the “fast hustle”: making punters aware that tickets were extremely valuable on that day, and, indeed, increasing that value through the elements described above of resorting to “streetwise” and “sensory marketing” (Clark and Pinch, 2014; Krishna, 2001), altering the perception of the buyers and inducing them to make a purchase. Indeed, “scalpers believe that their customers experience anxiety about acquiring their seats and correspondingly tend to pay higher amounts than ‘normal’ in the scalping market to safeguard against missing the event” (Atkinson, 2000: 160). This was no different to the forms of playacting outlined above and the generation of hype that took place.

The “fast” hustle would require no negotiation and was the preferred type of sale for touts, as it guaranteed the highest returns. “Spartan”, during his interview, made the following comment:

Proper punters, [I] tell them £800 per pair, [I] look out for nice shoes, watch, clothes. "Spartan"

In this case, the "mark", was undoubtedly the punter, or the buyer.

The second model transaction within Atkinson's "typification" was the "go-nowhere" hustle. These occurred when the negotiations would not lead to a sale. The author found that scalpers were able to identify these types of incidents at their onset, thanks to the "parcels" of knowledge they had accrued through years of experience of scalping in the streets. As such, they tended to avoid engaging in this type of fruitless interaction, where possible (Atkinson, 2000: 161). Unlike in the typology above, in which scalpers knew they were in possession of tickets that were desirable, in this instance there were "irreconcilable differences between what scalpers and clients are seeking in the exchange" (Atkinson, 2000: 161).

A key element for scalpers was not only to recognise customers who were merely "shopping around", but to communicate to their colleagues that these clients should be avoided as they were only going to waste the sellers' time (Atkinson, 2000: 163). These interactions constituted a slight change in the clear demarcation of the buyer and seller's roles within the transaction. The "mark", previously the buyer, was no longer at the mercy of the seller.

Lastly, the "rough" hustle constituted a complete role reversal in the buyer and seller relationship. Occurring at less popular events in which prices were lower and tickets were possibly still available via the box office, touts would often be content to break even. The buyers often perceived this, creating a situation in which the label of the "mark", the victim, fell onto the sellers themselves. Atkinson's research participants revealed that this last type of sale often started off as a "go-nowhere" hustle, but suddenly the negotiation process and interaction would change. Sellers would perceive through the buyers' body language that perhaps a sale could, in fact, take place. Led on by a "physical or verbal cue" (Atkinson, 2000: 163), the sellers could rely on past experiences to complete the sale, albeit at "minimal" profits.

5.5.3 My own observations, negotiations and purchases

On several occasions my own observations became exchanges and interactions in the ways described by Atkinson. Curiously, I never consciously intended for observations to become negotiations or purchases. These exchanges occurred at whim, very much as described by Atkinson. In hindsight, it is likely that the decisions taken were dictated by either my own or the seller's body language, transforming a "go-nowhere" hustle into a deal that satisfied both parties.

"Spartan", who had no knowledge of Atkinson's research, confirmed that he and his colleagues also felt able to recognise types of interactive exchanges as they were playing out, and shared such "recipes" with each other. The "go-nowhere" hustler was described by "Spartan" as a "messer", as in "*he just messes you about*". His response to such a situation, in order to avoid wasting time, was:

[They] are just curious, you know they won't buy. I just tell them tickets are £1 each. "Spartan"

In my fieldwork, therefore, I often shifted from a passive observer that was merely "hanging around" (Wolf, 1991) to a "go-nowhere" hustler or a "messer". Once in that role, occasionally my exchanges with touts would become "rough" hustles, and although the sellers themselves may have predicted this, I was certainly none the wiser.

Whilst merely hanging around at Brixton Academy, and Camden's Electric Ballroom, I noted the following exchanges:

Brixton: Buyer not interested. Touts ask 'how much you wanna pay?' Standard.

Electric Ballroom: £150 was the price asked. Then 'what's your budget' when buyer said no and began walking away. 'How much can you pay? What do you offer?' I noticed that same guy had said £200 to an Asian tourist. 'I'm open to offers'.

The comment "standard", at the end of the first extract, denotes how accustomed I had grown to seeing this kind of behaviour. Whilst both exchanges represented a "go-nowhere" hustle, with sellers attempting to shift the interaction on to a "rough" hustle to make a sale, the second example shows how touts would treat different customers in different ways. Relying once more on their experiences and "parcels" of knowledge, learned and shared,

they knew that they could obtain bigger profits from tourists, or as “Spartan” said, from individuals who dressed in a particular way. The £200 requested from the Asian couple represented an attempted “fast” hustle, where the hype of the event could perhaps have been inflated, as the tout attempted to give the impression that no negotiations could be made. The hope was that the tourist would come back and buy the tickets at that price. When negotiating with a local, however, the price requested was £150. Once this was refused, the buyer was no longer the “mark”. There was a clear role reversal, of the type identified by Atkinson, in which the tout was at the mercy of the buyer rather than the other way around, going as far as submitting “*I’m open to offers*”.

When I spoke to the same seller myself, it became clear that all interactions at that moment in time constituted “go-nowhere” hustles. After I asked a few specific questions about how the touts intended to guarantee entry to the event in question, which was a wristband-only event to prevent touting, the seller said impatiently and quite aggressively “*Do you want one or not?*” Perhaps he realised that the negotiations were going “nowhere” and that I was merely a “messer”.

On two occasions I did purchase a ticket from the touts. At the Boleyn Ground I bought a ticket for face value just minutes before kick off from a tout who I had come across just the previous day at an observation at White Hart Lane. He recognised me, and we had a friendly exchange hours before kick off. I had made it clear that the prices were too high, and he made it clear that he was not open to negotiations: a classic “go-nowhere” scenario. Several hours later we crossed paths again, and in the end the “rough” hustle was completed. As a curious addendum to this experience, I naively asked a steward which gate I should access, showing him my ticket. He looked at it, and looked at me, and said “*Are you Mr [surname printed on ticket]?*” In the fast-paced exchange with the tout I had not looked at the ticket closely enough. I lied to the steward, saying that I was, in fact, the gentleman in question. It is unlikely that the steward believed me, but he indicated the way and I got to my seat just in time for kick off.

The second time I bought a ticket was at Manchester’s Old Trafford ground. In this instance I was again participant to a “rough hustle”, whereby my true intentions of not necessarily wanting to buy a ticket, and certainly not being prepared to shell out a fortune for one, shifted the bargaining power between buyer and seller. This made the identification of the buyer – of me – as the “mark” less discernible. My observation was coming to an end and I was heading away from the stadium to make my way back to Manchester Piccadilly Railway Station. These are the notes of my experience with the tout in question.

Approached from behind by a tout who was selling. I said 'no thank you' before money even discussed, which surprised him. 'I was heading home', I said, which was true. He asked for £150 to which I said 'no thank you'. Again, I genuinely was not trying to haggle; I had no intention of going to the game. He says £125 at which point I think 'why not, it's a big game, I'm here anyway' and offer £120, asking how much the face value was. '£60', his response.

The value of these notes can be appreciated when read alongside the other perspective, that of the tout's. This quote from Atkinson's study exemplifies what may have been the thought process of the tout I was dealing with. Together, they form the interaction known as the "rough" hustle:

"If the guy 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... And if he does any of these together, you're back in business" (Atkinson, 2000: 163).

Aside from the negotiation process itself, the experience was valuable because I was able to engage with the seller and ask some questions while we walked together to the cash machine. Indeed, the brief encounter confirmed many of my findings. Adopting Jacob's (1996) "apprehension avoidance techniques", given the high-profile nature of the football fixture in question, he instructed me to approach the cash machine from one exit of the nearby supermarket, whilst he would meet me at the other when the cash was in my pocket, so as not to draw suspicion should it seem he was escorting me to withdraw money. Walking back towards the stadium he nodded his head as we passed several of his colleagues, and said "*walking a lad in now*" when his telephone rang. The theory of touts being in "cahoots" was unfolding live in front of my eyes.

Confirming what many of the interviewees had told me, he took care of me as a "client", providing great "customer service" as he ensured that I got in through the gates and stood by watching in case there were any problems with the season card he had temporarily given to me. Also, it being a season card and not a single one-off paper ticket, this had to be returned to the seller after the game. Again evidencing much of what I had learned through the interviews and observations, he explained the loophole of selling season tickets as he gave me his phone number and arranged a meeting place outside after kick off, revealing he was collecting all his other cards after the game too. He warned me not to lose it as it was worth thousands of pounds.

To top off the experience, once inside the ground I learned from the fans sitting next to me that the seat I was in had a different occupant every single week, and that the true face value was in fact £28 (not £60). In the end it was not necessary to coordinate a meeting point outside to return the card to the tout. About five minutes before the final whistle he came to my seat and collected it from me – evidently, the tout had a spare, unsold season card or two, with which he could watch the game himself. Again, the spectators around me were not too surprised to see this. They were familiar with the tout's routine.

5.6 A question of tolerance

Many of the street-dealing tactics outlined above may have been unlikely to work if the product that was bought and sold was something other than a ticket, such as a drug or a stolen good. Touting tickets is, arguably, far less serious, and, as amply discussed throughout this research, touting activity is largely tolerated – if not by society at large, then at least by law enforcement and parliament. As previously noted, in many cases the police will not act unless they see a direct and obvious cash exchange. And even then, they may have been instructed to look out for other more serious crimes such as drug dealing, antisocial or violent behaviour, and so on, which are justifiably greater priorities. After a very quick exchange with some officers at my very first observation at Wembley Stadium for the 2014 FA Cup Final between Arsenal and Hull, I jotted down the following:

The police were saying that yes, it is something they are aware of but unless they see it happening in front of them then there are other priorities. Curiously just at that moment a member of the general public came over to have a go at them because of all the touting that was happening nearer to the stadium just before kick-off. They interrupted the brief 'interview' and rushed off.

This approach was noted both in the UK and abroad. At the Juventus versus Barcelona Champions League Final of 2015, in Berlin, the German police gave a similar position.

Spoke to police – touting not allowed, if they see something maybe they will do something maybe not. And it's not their priority. They are here for "trouble". Interestingly one officer said selling one ticket is OK but selling lots is not. The friendly exchange ended with the policemen jokingly alluding that I may be a seller making enquiries undercover.

And at London's O2:

Cops say they're here mainly for counter terrorism, crowds, helping people out. General police work.

The touts, of course, having witnessed such tolerance and having also experienced arrests, were aware of what to do and what not to do. Echoing the quote offered above, in which "Bee" stated that getting arrested was nothing more than a worthwhile lesson for future touting attempts, participant "Spartan" confirmed the police's general disinterest in pursuing ticket touting, a position based on tolerance and having other priorities.

They [police] know who we are, if I sell in front of a cop it's taking the piss. With concerts even though it's not illegal I still wouldn't do it in front of them, out of respect. They know we do it, can pick it up a mile out. We build up rapport, nothing in it for them, we just respect one another. "Spartan"

In such cases, it was thus a question of maintaining invisibility for the touts. Their knowledge of the law, their direct or indirect experiences relating to arrests and their awareness of certain loopholes, all enabled them to perform touting in a way that rendered the "indiscreet" discreet (Jacobs, 1996). Without such tactics, they would be seen as disrespectful, as failing to abide by the unwritten code of honour that existed between the police and the touts. Atkinson's study in Canada revealed an "understanding" between coppers and scalpers (1997: 144). Atkinson cited Stebbins' (1998) work on habitual and enlightened tolerance, stating that the police in his view grew to almost understand the touts' perspective rather than merely politely ignoring it.

In any case, touting or scalping represented a "low order social concern" (Atkinson, 1997: 138), and the same can be said about the situation occurring in the UK 20 years later. Atkinson correctly pointed out that the high presence of scalpers made it clear to the event-going population that the government, despite illegalising the practice, did not view this as a priority. Further empirical data illustrate this point:

At Stamford Bridge: Stewards and policemen present on the Fulham Road, same busy road where touts are working. Let's be honest there is no way in hell that they are not aware or that they do not overhear. Large river of people, plenty of salmon, easily identifiable.

Security personnel at the O2 explained to me how, for them, one of the inherent risks of ticket touting was that, as tickets bought in one name would be sold on countless times, staff would ultimately be unaware of who was sitting in a particular seat, or who was physically present inside a venue. One of the advantages of the big four, perhaps, was that information on the new buyer would be held. This could in some way justify why StubHub, Seatwave and Viagogo all have shops on the O2's grounds, in addition to the partnerships that exist between the companies and the venue. Regardless, the main conclusion to be drawn is that, once again, the potentially unethical nature of ticket touting and the profiteering attached to it were deemed of no importance whatsoever.

This conclusion was confirmed at several observations in which I witnessed interventions by the police, or by authoritative bodies such as Trading Standards, that had nothing remotely to do with ticket touting. On the main street just outside Upton Park tube station I saw officers questioning an individual who had set up a stall selling scarves and pins. The same afternoon I saw officers booking a second seller. They called a third individual over by radio, who, as he approached, I noticed was not even in uniform, signalling that in fact there was an undercover operation that seemed to specifically target unlicensed scarf sellers. I lingered nearby and overheard the undercover operative saying to the seller: "*All other people selling scarves have licences, all the other stalls*". The seller was issued with a fine.

In a very similar incident in Glasgow, I witnessed scarf sellers being stopped by plain clothes personnel, and in one case a large quantity of unofficial merchandise, held in large plastic bags, was confiscated. Conversing with another seller who had watched the scene just next to me, I gathered that his license had just been checked too. The issue was one of copyright infringement, that Trading Standards sometimes enforced. The seller said to me "*you can't have '1D' [One Direction] on the scarves, need to have some kind of variation of it, otherwise you'll get done*" as he showed me his own knock-off version that intentionally looked as unofficial as possible. I shared my surprise that more attention would be given to black market scarves that were selling for £5 than to tickets that were selling for hundreds of pounds. He concluded: "*It's Simon Cowell, isn't it!*" A member of security standing outside the Hydro on the same evening also said to me:

We do see [touts] and ask people to leave normally, tonight we're just very busy. We have asked them but they just come back. Ultimately it's down to management. Illegal merch may be more important than tickets, it's up to them.

My own conclusion, confirming Atkinson's (1997) findings, was that the activities of the ticket touts are just not seen to be as important as other activities that may occur at or near venues. These reflections were very similar to the observations made by John Sugden (2002) during his investigation into the operations that challenged the counterfeit shirts that were being sold by the grafters in Manchester. These too were submitted to a greater level of enforcement than any ticket touting operation. Outside Glasgow's Hampden Park, two police officers walked by as I was negotiating with a group of touts, but after looking over at us they stopped and search another individual nearby, who was smoking what may have been marijuana. Again, I concluded:

Cops walk by, they can see us chatting and the tout's got tickets in hand. Cops now one meter away, they spot someone smoking and decide to search him. Again, priorities are different. People just need to accept that.

5.7 Similarities with online touting

5.7.1 Establishing visibility

In the same way that Street Touts required visibility to maximise their profits, visibility was important for Online Touts utilising resale sites such as the big four. It has long been argued by the "moral entrepreneurs" (Atkinson, 1997: 160) who wish to curtail this practice that one of the biggest "problems" of online touting is the fact that websites like Viagogo and others are the first to appear on online research engines such as Google (APPG, 2014). A quick online search such as "*The Who tickets London*" will, without fail, reveal Viagogo as the very first option to click, with other secondary market sites not far behind, mixed in with various primary sources including Ticketmaster. Many of the big four's strategies appeared to intentionally make these websites come across as the primary ticket agents.

The consequences of such visibility were not insignificant for consumers. From my own research, in line with what has been reported by the APPG (2014) and in the Waterson (2016) report, I found that tickets were being sold through secondary platforms for events that were yet to go on general sale on the primary market. This was possible because touts were able to gain access to tickets through presales, or through contacts in box offices, or

using some of the other innovative methods previously described. Even if the touts had not purchased tickets yet, through contacts and corruption they could rely on being able to source tickets one way or another. This, combined with the fact that the big four allowed tickets to be listed in advance of on-sale times, enabled Online Touts to list tickets speculatively.

The result was that, as soon as tickets became available through a presale, they would also be listed on the big four. Once tickets were sold out in the official presales, with many of these possibly being bought by touts, tickets would be purchasable through the big four only, and only at inflated prices. This was part of an important strategy for resale sites and Online Touts: generating and subsequently exploiting the panic or hype, leading consumers to panic-buy in the fear that, in the same way they failed to buy tickets in the presale, they might also miss out in the general sale. The story would often repeat itself 48 hours later when the general sale had also sold out: this time there would be no other option, however, but to purchase through the big four (MPS, 2013). A similar scenario presented itself when tickets had not even sold out on the primary market. Due to their high visibility on internet searches, the big four would present themselves such that a customer without much ticket-purchasing knowledge might buy from them, unaware that tickets were still available on official markets at their intended prices.

Google was effectively the KAP for Online Touts, the equivalent to a tube station exit on the streets. Viagogo and others would portray themselves as the immediate go-to source for tickets, just like the Street Touts did for punters arriving at a venue. Through this heightened visibility, Viagogo, Seatwave, Get Me in! and StubHub were thus able not only to dominate the resale market, but also to gain a stronghold of online sales in general.

5.7.2 Selling football tickets online

Touts trading football tickets on the street had to act in more inconspicuous and innovative ways due to their resale being illegal. This was no different for touts trading online. Some of the big four did not allow football tickets to be listed for sale in light of the existing legislation. Touts would therefore resort to using websites based abroad, thus circumventing UK legislation and listing football tickets to be resold contrary to CJPOA 1994. Ticketbis, a Spanish website, was a good example of this resource. However, while some of the big four did not deal in the illegal resale of football tickets, others employed

more roundabout ways to do so. A prime example was to allow tickets to be sold on their foreign servers. Non-hospitality Premier League or Champions League tickets cannot be purchased on viagogo.co.uk or seatwave.com. Tickets were, however, allowed to be listed through these companies, and could be accessed on their foreign servers. If one tries to search for such listings on Google, the specific Viagogo URL for the event will come up in the results, but the message “*we are sorry, the page you are trying to access is not available to customers in your country*” will appear after clicking it. The website then highlighted the option “*View these tickets on Viagogo Switzerland; we’ll take you to our Swiss website to view these tickets*” (see Appendix D).

Curiously, throughout my PO research of online ticket resale, I noticed that Twickets, the fan-to-fan exchange that allowed tickets to be bought and sold at their face value cost only, permitted football tickets to be listed illegally. Whereas Twickets had established a partnership with some clubs, such as Queen’s Park Rangers, consumers could list spare tickets to Chelsea, Manchester United, or Arsenal matches illegally. The terms and conditions of the Twickets platform acknowledge the illegality of such sales. In accepting the website’s conditions, customers agree that:

- “a) by permitting the listing of any such tickets via our service [Twickets] make no assurance or guarantee that such listing is permitted or authorised; and
- b) if you are listing and/or selling tickets for a “designated football match” via our service, you take full responsibility for your actions” (Twickets, 2017).

This simply shows, once again, that breaches of the current law are tolerated. Due to Twickets acting as a “moral entrepreneur” in its attempts to impede touts from making profits through its site, such breaches may thus be seen as more acceptable, if not legally then at least morally, than those of the touts working in the streets outside a football stadium. However, it should be remembered that touts relied on exchanges, and on Twickets specifically, to buy tickets. Touts could impersonate consumers, in the same way that they did on the street or when purchasing on the online primary market, to then resell such tickets for a profit.

5.7.3 Sensory marketing: imitating primary sources

Touts in the streets often deceived consumers, not about the validity of the product they were selling, but as to its real value, or its availability. A key was to generate hype, and to induce consumers into making panic-buys through what has been termed as “sensory marketing” (Krishna, 2001: 2). Although it is unlikely that the Street Touts were familiar with the theory behind such marketing strategies, there is no doubt that these practices were central to the operations of the big four.

Viagogo, in particular, appeared to employ such strategies in the way it made tickets available for consumers. One example was the virtual queue that began loading when first clicking on a ticket listing. This queue, in my experience, was entirely fabricated. It served two purposes: to imitate primary market sites and to raise the tickets’ desirability.

With regards to the first, primary markets, may, when tickets are first released, have systems in place to respond to consumer demand, and to manage the large number of people trying to access their website at the same time. In theory, customers are placed in a queue based on when they first accessed the site. Some providers, such as AXS, have a system whereby users in a waiting room are then allocated a place in the queue at random, and given a chance to purchase tickets once the general sale has started. Viagogo, however, appeared to place consumers in queues regardless of the event, its popularity, or the time one tried to access it. This became frustrating for me as a researcher; I was not trying to buy tickets but merely monitoring the site. On one occasion, I simply hit the refresh button and to my astonishment, I was in. This would never happen on Ticketmaster or in the queue to buy Chelsea tickets, or for an event at the Royal Albert Hall. Sometimes, refreshing the page would in fact have the opposite effect of sending you to the back of the queue on primary market websites. I noticed, therefore, that Viagogo’s queue was fake. It was, very much like a form of playacting adopted by the Street Touts, a charade. By creating such a queue, Viagogo tried to come across as a primary seller, thus potentially deceiving customers who were unfamiliar with it (Waterson, 2016; APPG, 2014).

Secondly, the queue was significant because it generated consumer hype and anxiety, possibly altering a buyer’s judgement and behaviour in the rush to secure tickets (Krishna, 2001). In addition to the queue, notifications would pop up. These signalled: how many buyers were viewing a particular event; individual tickets that had just sold and were no longer available; and predictions as to how long before an event would sell out entirely. As you finally accessed the event page after reaching the front of the non-existent queue

and clicked on the highest listing hoping to obtain the cheapest available tickets, you would see them slowly disappear before a “sold” notification in red hovered over them. Frantically, in the attempt to purchase the next listing, you would see several others, one by one, starting to disappear. When you eventually made a selection you would be told that several other customers were observing those same tickets.

All of these functions were still visible at the time of writing. Visual evidence is provided in Appendix E. The newest strategy, first noticed in January 2017, displayed numbers showing exactly how many customers were at each stage of the buying process “live”, from selecting the tickets through to check out. The site even showed animated figurines of individuals moving into the final stage of the process, suggesting that hundreds of tickets were being bought every second and that a given number of users were in line to buy the same tickets you had selected if you failed to check out promptly. The particular language used, entirely similar to that of the Street Touts, was “*Tickets are likely to sell out soon; don’t wait until it’s too late!*”, “*Buy now!*”, “*8 customers are currently in the check-out stage for this event*”, and so on. MP Nigel Huddleston defined these practices and the website itself as “one of the most psychologically manipulated...I have ever seen” (Davies, 2017a).

Attempts were made to verify some of these strategies, and, again, many were found to be misleading or simply fabricated. Through my research as a temporary seller, adopting the method of PO, I was able to personally verify the authenticity of some of the sales that occurred on Viagogo. Often, my own listings would disappear, as described above. I was, understandably, under the impression that a sale had taken place. I would visit the event page and see my own listing – distinguishable from others as it was highlighted in blue – with the writing over it, in red, “*just sold!*” However, hours later, my tickets were on sale again. The sale had not actually taken place. Yet, from a potential buyer’s perspective, the tickets would still, deceitfully, show as having been sold, meaning that the buyer would need to resort to purchasing more expensive ones. The strategic purpose behind such triggers was to lead the consumer himself to alter his own perception of the ticket and its desirability (Krishna, 2001). This obviously generated hype, whilst at the same time securing further profits for the website itself. By creating hype, touts, and websites, were able to increase sales and ultimately achieve their goal of profiteering.

Many of these approaches are not unusual. eBay, for example, signals how many potential buyers are currently viewing an item, or how many sales have been made in the last hour. Other sites such as Amazon or Argos provide information about limited

availability. These are undoubtedly designed to encourage customers to make purchases, and, as such, to maximise the companies' profits. The authenticity of the data provided could, as in the case of Viagogo, be questioned, but such an exercise was not within the scope of this research. What can be said with conviction is that Street Touts aimed to exploit their "marks" and maximise their profits through devious, and at times fraudulent tactics: their online counterparts, through the marketing strategies of some of the big four, were able to do the same.

5.8 Concluding thoughts

The interactive nature of the street exchanges examined, both between touts and each other and between touts and the public, were very different to the contact occurring between buyers and sellers online. In fact, when an Online Tout listed a ticket on one of the big four resale companies, there would be no contact whatsoever between the seller and the buyer, physical or otherwise. The former would simply name his price and the latter would make the purchase, with the website doing everything in between. Crucially, however, the strategies that dictated these street exchanges, the tactics that were relied upon by touts to exploit consumers, were in fact very similar to those that characterised online resale – if not employed by the online sellers themselves, then certainly by the intermediary companies that acted on the touts' behalf. Most importantly, these tactics had the same impact on consumers, whether they were buying online or on the streets.

In the same way that the tout at Old Trafford lied to me about the face value of the ticket I purchased from him, the secondary market has, from its inception, attempted to conceal as much information as possible on the true cost of the tickets it was selling. Initially, the face value was entirely withheld, such that buyers who received tickets bought on Seatwave or Viagogo did not understand why the price they paid was different to the one printed on the ticket. They thought they were purchasing from an official, primary source (APPG, 2014). Recent challenges to this system have meant that such websites now inform consumers, however subtly, that they are purchasing from resale websites and that, as such, "*prices are set by sellers and may be lower or higher than face value*" (Viagogo, 2016). Street Touts communicated with one another, playacted and generated hype and even "anxiety", in the words of Atkinson, to pressure buyers into making purchases for "higher

amounts than ‘normal’” (2000: 160). Equally, online websites used similar tactics to fabricate non-existent virtual queues, to invent recent sales that had allegedly just been made, and to notify potential buyers that the event was likely to sell out within days. All of these methods of “sensory” and “streetwise marketing” had one thing in common: they were designed and employed to dupe the ill-informed consumer into entering a “fast” hustle, whether with the Street Tout or, the Online Tout via the big four, resulting in consumers paying over the odds.

The reality is that, given the amount of scrutiny that is placed on the online market, it is surprising that recent legislation and governmental inputs, whether in the form of legislation or research, have grossly overlooked street touting.

The comparison between the methods of the Street Touts and of the Online Touts has shown that the entrepreneurial tactics of exploitation and even deception, employed by the traditional touts, are now being adopted by contemporary Online Touts, or by websites facilitating online touting. The next chapter will explore how some types of touts differed in the ways through which they themselves justified and conceptualised their behaviour, an important characteristic of the deviant entrepreneur.

6 NON-DEVIANT IDENTITY FORMULATION

6.1 Introduction

This chapter presents some of the “internal” findings that emerged from interviewing ticket touts. It contributes another crucial element that was lacking in the previous research on touts and touting, namely, an insight into the deviance of the act from the perspective of the perpetrators themselves. This position can be contrasted with the more widely available views of law enforcement, industry spokespersons or consumers. Central to this chapter are the research participants’ views of touting and of themselves within wider society, in relation to the study of deviant, entrepreneurial behaviour.

The participants interviewed were able, through various means, to deny deviant conduct. The first section of this chapter presents a series of justifications, offered by the entire sample of touts, for buying and selling tickets for profit. These are categorised within the three techniques of neutralisation (Sykes and Matza, 1957) found to be most relevant to ticket touts. Subsequently, this denial of deviance is framed within the participants’ formulation of positive identities, based on what constituted, in their view, the identity of the ticket tout. Establishing a positive view of the self, despite the conduct in question, was done in one of two ways.

The first approach involved distancing one’s self from the concept of the “tout”, in terms of the negative inferences that are widely attached to the term. Although the individuals who responded in this way recognised the deviance of touting behaviour in general, by detaching their own practices from those commonly associated with touts they were able to describe themselves as non-touts, and thus non-deviant. The second method, adopted by fewer participants, was to attempt to cast a new light on touting behaviour and the figure of the tout. These individuals, therefore, did not deny that they were touts; they did however deny that touting was morally wrong. They rejected society’s commonly held views on the act and its agents, and redefined such concepts in positive terms. In this way, they too were able to adopt a non-deviant identity.

In addition, the very origins of the participants’ touting activity, whether as a full-time career or as a secondary, supplementary activity, whether performed on the streets or online, are considered. The origins are deemed to be important in the context of explaining the sources of the rationalisations that the touts offered to deny wrongdoing. Referring back

to the history of touting activity, presented in chapter two, the distinction between traditional full-time street traders, the products of poorer economic conditions, and modern online sellers that have emerged since the arrival of the internet, enables a deeper understanding of the participants' identity formulation.

Their decision as to whether to, on one hand, deny being a tout, or, on the other, deny the wrongfulness of touting, was generally consistent with the distinction regarding the origins' of these individuals' trading experiences, and the intensity of their involvement. The long-term career touts who had entered the scene through need, due to a severe lack of alternative economic options in the post-war years and up to the late 90s, tended to embrace and defend the "tout" label. Most of the modern, middle-class entrepreneurs who seized touting as an occasional opportunity to supplement their income, however, acknowledged the deviance of "real" touts but denied being touts themselves. Online sellers who had reached higher levels of involvement that went beyond casual part-time work, also tended to define themselves as touts. This indicated that the level of "commitment" to touting, rather than the original context in which it was taken up, could have been a more telling factor. This was found to be consistent with other similar studies on deviance and on deviant identities (Vasquez and Vieraitis, 2016; Jacinto et al., 2008; Adler, 1985).

In presenting how touts justified their behaviour, it is not my intention to take the side of the touts within the larger context of the debate surrounding the regulation of the practice. Rather, the purpose of this chapter is to address the gaps in criminological research on the phenomenon of the tout, and to contribute to discourses on the regulation of the practice. It is hoped that providing previously unavailable knowledge, and a new level of understanding of the touts' justifications and motivations, may serve to inform such conversations around regulation.

6.2 Neutralising deviance

Of Sykes and Matza's five techniques of neutralisation, three were found to be relevant to ticket touts. The authors argued that deviant actors can reject i) responsibility, ii) harm in general, and iii) there ever having been a victim in the first place. Each of these three techniques is considered in turn in relation to the participants' responses to the question "*how do you feel about selling tickets?*" Each of the participants offered at least

one explanation for their ticket selling, with most touts expressing multiple forms of neutralisation.

6.2.1 Denial of responsibility

This method, viewed as the “most central” technique (Maruna and Copes, 2005: 239), relies primarily on “forces outside of the individual and beyond his control” (Sykes and Matza, 1957: 667). An individual is thus able to justify deviant behaviour due to it being a reasonable response to external factors within larger society. This presents a position according to which the conduct, although possibly wrong in general, is viewed as excusable and thus morally acceptable in the circumstances. The following quotes encapsulate this theme of rationalisation. They are taken from the whole sample of respondents, and thus comprise the views of touts who sell tickets casually, and those who sell them as a full-time career, whether on the streets or online. Both groups are included; those individuals who rejected the tout label, admitting that touting was wrong, and those who embraced it, denying that touting was wrong. The deviant individuals “see themselves as victims of circumstance or as products of their environment” (Copes and Patrick Williams, 2007: 261).

I just take advantage of a supply and demand situation now and again. It's just capitalism, something I have access to and there is a demand for. “Air Con”

All the tools are there for you, broadband connection and some guile and off you go. “The Chameleon”

Look at the flights for the [2015] Champions League Final in Berlin. How is that ethical? It is a capitalist world – everyone is trying to shaft everyone. “Memory”

I don't have to justify anything. It's supply and demand and my customers are always happy. “Ache”

I don't see it as any different to airlines charging more on school holidays. Even if there are empty seats you still pay 10 times compared to if you had booked the ticket 6 months ago. If you sell at an increase, it's just supply versus demand. “Jaded”

This reliance on the concept of “supply and demand” was used by smugglers and drug dealers who offered explanations to Adler (1985) for their highly illegal behaviour. The key here, as in “Southwest County”, was that the product itself was, in the eyes of the dealers, one that consumers wanted. The quotes from “Memory” and “Ache” in particular echoed what Hobbs described as “utilising the rhetoric of capitalism” to justify deviant behaviour (1988: 117). In Adler’s words: “they knew that they were breaking the law, but they saw nothing morally wrong with their activities. Providing a commodity that people eagerly bought did not give them criminal self-conceptions” (1985: 97).

In particular, ticket sellers were ready to blame the very ticket system they were exploiting as conducting business in a less ethical manner than themselves (Ruggiero, 2013). In this instance, Ticketmaster was viewed by the participants not as an authorised ticket seller but as a company that performs ticket touting and was thus, particularly through its secondary affiliated websites, a potential rival. In light of its official role as a primary ticket supplier, its fees and its ambiguous relationship with the big four provided ticket sellers with the context to identify their own ethos and methods of reselling for profit as less deviant than Ticketmaster’s.

Am I any different to Ticketmaster who pass it on for a fee? They are actually immoral because they are entrusted by promoters, unlike me, and they then pass tickets on to sister sites [such as Get Me In! and Seatwave]. “Lucky”

But then why is it legal when Ticketmaster do it? “Twist”

What Ticketmaster does is not just business, [passing to Get Me In!], it’s unethical. But they’ll deny it all the way to court...Ticketmaster are way worse. “Blagger”

Companies like Ticketmaster passing tickets on to partner sites, they are more corrupt than the touts on the street. “Memory”

[Touting] becomes a problem when someone supplies batches at inflated price, without [tickets] ever being available in the public arena. What about blocks for corporate events? Companies do this all the time. There is a difference. The people who supply them to me know that I am selling. Artists that rely on these companies may not. “Jaded”

These findings are also consistent with Ruggiero’s (2013) description of how economic criminals are able to justify their actions by denigrating their rivals. Ruggiero described this as “innovation” that resembled Merton’s (1938) responses to economic strain. He used the example of large corporations avoiding tax to either gain an advantage over

competitors, or simply to respond to times that are less profitable. Providing justifications such as being “less corrupt and more ethical than arms producers, because they at least provide food, not weapons” (2013: 89) enabled these actors to “[repel] the criminal label from their activity while directing it to competitors” (2013: 96).

Atkinson’s Canadian scalpers (1997) offered very similar rationalisations to those presented here. Allegations of corruption within the very system they exploited represented the perfect scapegoat for these deviant actors. Curiously, Atkinson’s study revealed how this method of neutralisation was used not only by the scalpers, but also by Ticketmaster itself. The company was able to, through what Atkinson describes as an “engineered moral panic” (1997: 155), depict ticket scalpers as deviant characters.

“Ticketmaster spokespersons are cautious not to criticize ticket scalping but instead ticket scalpers as mobsters, goons and parasites... 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” (Atkinson, 1997: 156).

Further,

“they [Ticketmaster] must inject negative images about scalpers in 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)” (Atkinson, 1997: 156).

Ticket touts reacted in similar ways; by raising questions around Ticketmaster’s practices that the general public could concern itself with, they were able to deflect accusations and excuse their own wrongdoing. There appeared to be, therefore, a case of mutual blaming and reciprocal justifying, which relied heavily on the alleged similarities between the conducts of touts and primary ticket suppliers. Neutralisation, specifically in its first technique of denying responsibility, was at the core of these attempts to divert the blame onto others.

6.2.2 Denial of injury or harm

Rather than blaming the system, this second form of neutralisation relies on justifying that the conduct itself is acceptable. Ticket touts that utilised this method of

neutralisation argued that their actions were not morally wrong, or were at least relatively acceptable, compared to other acts of wrongdoing. While their behaviour may have been illegal, morality and legality do not always go hand in hand. Ruggiero found that deviant actors involved in white-collar crime often resorted to distinguishing between conduct that may be a *mala prohibita*, prohibited by a specific identifiable law, but not a *mala in se* (Wells, 1993), not wrong in and of itself. Sykes and Matza's examples include acts of vandalism dismissed as "mischief" (1957: 667). The distinction with the previous model, therefore, was that while in the former a justification was required to make the conduct acceptable in those particular circumstances, when denying injury or harm the act itself was generally acceptable and did not require a justification.

A common response that emerged from the respondents was to contrast touting with other, more serious criminal activity; a method employed to deny ticket touting a sense of true criminality. The participants, however, were not necessarily stating that ticket touting was not morally wrong: here they were describing *their* conduct as morally acceptable. A large portion of the sample simply did not consider their actions as amounting to ticket touting at all. Referred to as "justification by comparison", this can be closely aligned to the rationalisations offered by Vasquez and Vieraitis' graffiti taggers (2016: 13). One of many taggers who resorted to this justification said:

"...we aren't banging, and we aren't shooting anyone. Don't the cops have more serious shit to worry about than fucking with us?" (2016: 13).

Other taggers specifically distinguished the criminality of their acts from those of terrorists or drug dealers. The following quotes, which were arguably very similar, are taken from the entire sample of touts, including those that denied being touts and those that did not.

If I was ashamed I wouldn't do it. I might be wrong but I don't see that I'm doing anything wrong. I'm not proud of it, it's like selling shoes that you don't make. It's nothing. Not embarrassed either. "Toad"

I don't even see that I am committing a crime. I don't do it and feel guilty, compared to if I was going to someone's house and breaking in. I don't feel like that with tickets. "Gunner"

What would you rather me doing, selling tickets or class A drugs? Not hurting anyone. I don't think there's a link with high organised crime, all nonsense. I've been doing it long enough and I don't know anyone involved in that. "Spartan"

Everyone that knows me knows what I do – [I'm] not a drug dealer. Not proud, certainly; I'm not saving lives. Not ashamed of it, just my job.
“Drama”

The following quotes focused more on not only a lack of harm, but indeed to touting being of value. Ultimately, some participants disagreed with the law itself.

I feel cool about it. Nobody is hurt by it. “Bee”

My customers are always happy. I provide a service and no one ever gets hurt. “Ache”

[Being arrested] didn't put me off as I disagree with [ticket touting] being illegal. How is it that the whole reason it was brought in was to stop the wrong fans being in the wrong end. Nobody goes and spends £200 to go and have a fight, they'd wait for people to come out or fight in the town. Just doesn't make any sense. “Drama”

The quotes above show that touts were aware that some of their activities were in fact illegal. This clearly did not stop them from a continued practice of buying and selling tickets for profit, often without distinguishing non-football tickets and football tickets. Yet by arguing that they were merely providing a service, the touts reflected on the benefits of their behaviour. Not only were they not hurting anyone, despite their conduct being strictly speaking illegal, they were in fact helping by providing a service.

The final quote in particular indicates a profound disagreement with the law itself and with how it emerged historically. Similarly to the arguments offered by Greenfield et al. (2008), the participant “Drama” felt that such a provision was dated, contradictory and “[didn't] make any sense”. In the view of many individuals who are involved in the practice, ticket touting consisted of a *mala prohibita* only (Wells, 1993). Offenders could excuse their behaviour “if they believe[d] no one was ‘really’ harmed” (Maruna and Copes, 2005: 232). The reasoning appeared to be that if touting was historically illegalised to prevent rival fans from sitting together, this was now flawed, as fans wishing to engage in violent conduct could do so regardless of where they are positioned within a stadium. It followed that touting was not intrinsically harmful.

Touts thus felt entitled to freely break the law, due to it clashing with their own personal morality and it being, in their view, dated and irrelevant. This mechanism was strongly consistent with other deviant actors excusing their own illegal practices. In

Enticott's (2011) study of farmers culling badgers, he spoke of the "rights to usurp the law based on the experiences and knowledge of offenders" (2011: 205). In Jacinto et al.'s (2008) study examining how ecstasy dealers refused the "deviant" label through neutralisation, dealers denied injury or harm by offering the view, based on knowledge and experience, that their ecstasy sales were not hurting anyone. As such, they were breaching a law that was in any case unnecessary. In a way that was very similar to the touts' own neutralisation, the dealers believed, rather, that "they provided customers with an amazing experience" (Jacinto et al., 2008: 434-435).

Vasquez and Vieraitis (2016) also found that denial of harm or injury was in fact the most frequently adopted method of neutralisation for street taggers, or graffiti artists. Responses such as "no one was really hurt", or "it's just paint", were offered in contexts in which the research subjects admitted engaging in illegal behaviour. In the taggers' eyes, such behaviour was acceptable due to the fact that it was seen as of little consequence to its potential victims. If the owners of the tagged property did not like the art, they could always cover it up, and were likely to be insured in any case. In a particularly resonant quote, one tagger stated:

"It is just paint. I mean why do they gotta try to lock up taggers for writing, I mean, we are not hurting anyone. It is just vandalism. Jail is for bad people that hurt someone. Like, they can fix graffiti by just painting over it, it ain't hurting anyone" (Vasquez and Vieraitis, 2016: 11).

6.2.3 Denial of victim, or of a "real" victim

This third pertinent component of neutralisation theory relates to the concept of victimless crimes. Again, this resonated strongly with Ruggiero's (2013) interpretation of the crimes of the powerful, in which economic crime is neutralised by deviant actors who venture into the black market economy. Examples included violations of environmental criminal law, in which the victim may be "absent, unknown or abstract" (Copes and Patrick Williams, 2007: 263).

I put it online, someone is happy, I get my money, everyone is happy. And when it's my turn I'm ok to pay a large amount, that's fine as long as it's original. "Gunner"

Football clubs will say you're taking money out of the game. Not true. You're taking money from someone who is desperate and can afford it. It is a myth that touting affects the club. The buyers will get [a ticket] one way or another. It's victimless as people can afford it anyway. It's a crime, but it's victimless. People can afford it anyway. "Twist"

It may be debatable whether touts could be viewed as “the powerful” in society, particularly the street touts such as those examined in Atkinson (1997) and Sugden’s (2002) works. However, Ruggiero’s theories could be applied to those that are innovative in their entrepreneurship, spotting and exploiting opportunities, particularly in the context of stagnant economic situations. Additionally, since the arrival of the internet, ticket touting takes place in corporate offices also, and, if we wish to adhere to Atkinson’s theory that Ticketmaster itself is merely a “legal scalper”, then the label “powerful” may in fact be quite fitting (1997: 174). This perspective highlights the relevance of neutralisation theory, which can be applied to both traditional ticket touts and the more recent online sellers in the same way that Ruggiero sees both the “abundance of opportunities and resources” and the “lack of both” as influencing criminal behaviour (2000: 179).

The defence of denying the existence of the victim is also not a new one in criminological studies. In the same study on street tagging, Vasquez and Vieraitis (2016) found that their participants often justified their vandalism of abandoned buildings in light of the fact that these had no owners. The fact such buildings were no longer in use enabled them to avoid the guilt of illegal tagging. “It allowed them to claim that there were no ‘real’ victims to their actions” (Vasquez and Vieraitis, 2016: 12). Shigihara, in what she termed “minimizing accounts”, posited how, for “restaurant workers, the victim...of theft [is] predominantly absent” (2013: 502). Due to there not being an “explicit victim or physical cash removal through force”, employees had “the ability to alleviate the guilt of theft”. By using tricks such as removing items from the bill or overcharging drinks, the workers pocketed small sums of cash that the restaurant was due. They were able to justify this conduct due to the restaurant, unlike a specific member of staff such as the manager, being “physically absent, unknown, or a vague abstraction” (2013: 502).

In a version of victim denial that is even stronger than considering the victim as an abstract, invisible or unidentifiable concept, “the victim is transformed into a wrong-doer” (Sykes and Matza: 668). Indeed, Enticott’s (2001) interpretation of this strand of Sykes and Matza’s neutralisation theory was that offenders believed that “whoever is harmed by an action deserved its consequences” (2011: 201). Shover et al. (2003) noted that the fraudulent

activities of the telemarketers “cannot succeed without acquiescence or cooperation from their victims” (2003: 450). Consistently with this line of negating deviance, the ticket touts went as far as claiming that the fault was not theirs, but that of the consumers purchasing tickets from them.

We don't force anyone to buy. If you want to see something so much, then, pay, if I want a jumper I buy it. I have police customers. If you flash money at my face for a piece of paper I'm not gonna say no. “Spartan”

If a person really wants to see something and then waits 5 days before, then they're just stupid. If it's important, they should plan. Or they may have loads of money in which case their time is more important so that's fine. I've seen people pay loads but could have just queued for half an hour and spent less. Once or twice, very rarely, I've had to spend more for a ticket but that was my fault, not theirs [touts]. “Toad”

They are competent enough to know they are parting with £500. It's a business, everyone is happy. They've got too much money for their own good. If they're happy to spend £500 I'll definitely provide that. “Cheeky”

Jonny come lately and half supporters. “Twist”

If you're a real fan you'll have a ticket. At the end of the day if you are a good enough football fan you will have a ticket for the game. If you are not, you have to pay the price for it. People spend year on end to build up loyalty for a club why should someone just come along and expect to pay the same as them. I've had many arguments from people outside the ground and around the world. Calling me a cunt. I just say have you got a ticket, why not, you're not a real fan. People tell me “You're conning people”, no I'm not, why is it my fault you haven't got one, there's memberships that exist. I'm an England fan member I buy tickets through it it's not hard or difficult. Is my job morally bad? No, at the end of the day, if you are good enough fan you will have a ticket for it. “Duck”

It may be hard to fathom for a consumer, artist or legislator that the wrongdoers in the context of black market tickets are conceptualised as the buyers themselves. It could be argued that the consumers are the ones being exploited: they pay over the odds, and, along with other individuals who may miss out due to the heightened prices of tickets, they are the ones clamouring for a serious government intervention. However, it could also be argued that by buying from touts, consumers may ultimately be assisting and even promoting the touts' business and continued practice. This particular defence held that buyers “deserved their fate” (Enticott, 2011: 204).

6.2.4 Concluding thoughts

Responding by rejecting, or denying the presence of various elements that make up a criminal act (responsibility, harm or victim), either singularly or simultaneously, enabled ticket sellers to deny wrongdoing. In cases where a portion of deviance was admitted, there were other actors that could be considered worse, or indeed the blame was attributed to the system or to the victims of touting. Sometimes the existence of a victim was denied altogether. In this sense, ticket touting could be aligned to what Mill (1859) termed “intelligent deviation”, an expression which Ruggiero equated to innovation. Mill, however, maintained that it could only be viewed as such as long as it did not cause harm. Only then can it ultimately be defined as a “victimless crime” (Ruggiero, 2013: 176).

Similarly, Ruggiero discussed the concept of “philanthropic crime”, whereby offenders attempt to neutralise criminal conduct and “persuade others that their goals correspond to those of the collectivity” (2013: 178). Many of the attempts to neutralise touting activity, offered above, fit this description, particularly those in which touts described providing a service to happy customers. However, given the general opinion society has of touts, it can be said that attempts to define touting as a victimless crime, or to convince the general population of the touts’ goodwill, have thus far been unsuccessful.

6.3 Constructing identity

One of the most pertinent questions the participants were asked during the interviews was “are you a ticket tout?” This question was usually asked directly after obtaining a definition of the practice from each participant. Despite 14 of the 25 of participants answering “no” to this question, 21 stated that they relied on selling tickets as a regular and reliable source of income. Four key elements of the tout persona emerged from the interviewees’ definitions. Within each characteristic, the responses of those individuals who did not view themselves as touts are offered to further contrast their views from the definition of the “tout” label.

6.3.1 Touts sell tickets as a full-time job

In Adler's (1985) seminal ethnographic work on high-level drug dealers, she noted that identifying as a drug dealer was a process that was prolonged and continuously negotiated. Due to the self-definition and identity formulation of an individual being closely linked to one's occupation and commitment to it (Adler, 1985; Becker and Carper, 1956), in instances where drug dealers, or ticket touts, had a separate, law-abiding form of employment, their instinctive identity creation developed around the non-deviant occupation. This would naturally lead them to view themselves as non-deviant: a consequence of the desire of individuals to be viewed positively, both from within and in the eyes of society at large.

In my circle we work hard and work together as a group to make ourselves a living. On non-tournament years I spend summers away relaxing, what people don't realise is, our job is 24/7 so once the season is over we all go away and relax, we get comments from members of family and friends saying how we have an easy life, but when you work 18 hours pretty much every day especially match days you certainly need a break. "Bee"

The quote above is taken from an interview with an individual who self-identified as a tout. It serves as a benchmark against which the quotes below, from individuals who refused to identify as touts, can be measured.

For me a ticket tout is someone who is making a living out of it, and is a service provider. I don't do it for wages. "Lucky"

For me in order to be a "proper tout" you need to do it full-time for starters. "Christmas"

I'm not a tout. I consider it a source of income but my life would mean so little if I did this full-time. It's not how I see myself. If I knew someone that did this for a living I'd think, "shoot myself". I don't declare to the tax man as I'm still sure I spend more than I make. I don't consider it income. Maybe I should and I don't. It would be accepting that I do this for a living, but that's not how I see this. Maybe I should but I don't. For me it's just a way to get extra money to get tickets I want. It takes up five per cent of my time. "Toad"

The contradictions within, for example, the rationalisation of touting offered by Toad, are noteworthy. Firstly, there is confirmation of the negative association with the

word “tout”. “Toad” stated he would “*shoot [him]self*” if he were to ever consider selling tickets for a living. Secondly, touting for him was not income but a “*source of income*” (emphasis added). Hazani defines neutralisation techniques as “universal modes of response to inconsistency” (1991: 146), and this concept was strongly applicable to the views of Toad, who further reflected, “*maybe I should but I don’t*”. This was a statement he repeated several times throughout the interview, while discussing a variety of arguments. Hazani further stated that these techniques could be applied to “any situation where there are inconsistencies between one’s actions and one’s beliefs” (1991: 135).

Am I a tout? No – I don’t consider myself one but my friends do and call me one. I have another job, although yes, I’ve set up this little business for myself. “Royal”

Nope. Its not my job so I’m not a tout. I do it at night and on weekends. I have another full-time job. This is not a job, it’s a way to earn extra money. “Morning”

The justifications above are once again similar to those that deviants from other criminological studies have offered. For instance, Jacinto et al. found that their ecstasy dealers denied being “real” dealers because “a dealer is someone who moves large quantities” or who considers his or her drug sales as their “main source of income” (1998: 428-429). Additionally, having other work contributed to the sellers’ identity constructions. Similarly to some of the dealers in Adler’s (1985) study, those interviewed by Jacinto et al. had “connections to nondeviant activities [which] precluded them from taking on a deviant identity” (1998: 432). Ruggiero discussed the concept of “crime as moonlighting”, first introduced by Polsky (1971), whereby individuals “commute from the official to the underground economy, and back again. In this process they constantly negotiate the moral acceptability of their behaviour” (Ruggiero, 2000: 37).

6.3.2 Touts are profit-driven

I think touts generally have a bad reputation which I do understand because most are taking advantage of an open need in the market and they milk it for every cent. “Morning”

This description was used by one seller to distance herself from being considered a tout. She therefore viewed touts as being individuals who stopped at nothing to maximise their profits. As a contrast to the image portrayed in the quote above, these are the methods through which other participants were able to conclude that they, too, were not ticket touts.

I could get people to work for me, but not really what I want to do in life.
“Jaded”

It's not being too greedy, I'm not greedy, if I were doing it full-time I'd make more. My participation is lower level. I feel I have a moral code and I'm not greedy, if I make £10 on each ticket, 5 or 6 pairs of tickets, that's about £100 a week. “The Chameleon”

I'm not greedy, I just want to see me be alright. I make enough to have a reasonable life. I don't need more. “Twist”

If I wanted to be greedy I could have 8 memberships in 8 names but I have just the one...I don't want that, for little extras it is fine but I don't want to become greedy and rely on it. “Lucky”

Just trying to make a short-term profit. I will stop this when I know it is time to stop. I could be asking more; I'm not trying to rip people off. “Teacher”

The general consensus was thus that a crucial element of being a ticket tout was prioritising profits over everything else, including, for example, any form of ethical code. The application of ethical considerations to the selling methods of touts is discussed in more detail below.

6.3.3 Touts are unethical and sell without a system of moral values

This mode of identity resistance appeared to be very consistent with the view society has of touts. Touts are seen to indiscriminately sell tickets without a minimum of reflection or conscience. According to this view, it would not matter if tickets were sold to rival fans or hooligans that sat in the wrong end of the stadium and thus put others at risk (Rumsby, 2012). Equally, depriving grassroots movements supported by national sporting associations or charities (Bennett, 2014) would not be an issue; profit is the key, as described above. Some participants were able to reject identifying themselves as touts not only

because they could deny being greedy, but also because they felt they applied an ethical code of sorts to their own, profiteering sales.

I would never sell what I don't have, or gamble, it's always what I've got. I only personally sell tickets I have and know I will get. When I started about 18 months ago I thought I could pick up a couple of cheap ones on Gumtree – never happened. If I sell tickets I don't have, I don't get paid for fraudulent transactions. "The Chameleon"

The above quote is a clear response to the accusations of speculative ticket touting, which has been grossly denounced in the media (Hebblethwaite, 2015; Wearmouth, 2015) and by professionals who fight ticket fraud (Walker, 2015, cited in Wearmouth, 2015). By locating a specific strategy that is widely considered to be deviant and distancing himself from it, "The Chameleon" was able to deny being a tout himself.

With some institutions I feel I have a moral code. I wouldn't pass the tickets on for money, despite there being a big demand. If I have spares I may even give them back [to the venue] or give them to friends. I would never sell anything on that would make the person or company that gave it to me be unhappy about it. Regardless of profit. I respect the philosophy of the venue. If I know someone in production I don't do it, like I told you. Lots of times I could have made a lot of money with just one quick phone call but I chose not to sell. "Toad"

I've done it with concert tickets before, yes, but not with a view to sell. It wasn't for a profit. A few times I had some spare tickets and maybe I just wanted to help someone for example I had two tickets for Oasis and just gave them to some kids. With regards to the music, I feel I have morals. "Lucky"

This participant highlighted his different values when comparing touting for music tickets and touting for football matches. Specifically, he had no issues with touting football tickets because he saw Premier League tickets as being far too expensive anyway. In his view, profiting from football tickets was a "redistribution of football wealth". This again proved a level of reflection and a sense of applying morality – however skewed and controversial – to methods of sale.

I have some sort of code of loyalty to my long term buyers. I hate letting people down. I have a friend in music who can get free tickets and best seats for my family. Sometimes I have spares but I'm too embarrassed to sell them. I have a bit of a conscience unlike other people. If I got in trouble it would go back to my friend. Access all areas, passes, all very tempting to sell.

Absolutely wouldn't do that. It's different because with the football friend, he knows exactly what's going on. We have a deal and it's my responsibility to flog them. With music, the friend gives me them because he thinks I'll use them. If it comes back, I'd have nothing to say except "I'm a greedy bastard". If I pass his tickets to my kids, I ensure they don't sell them on. He's a friend. "Royal"

I am actually selling at less than face value, as I have always been ethical and make sure the person gets a good deal. I'm moral about tickets. I try to think that the people I sell to are real music fans. I don't think I'm selling to touts, they don't buy from Gumtree. "Air Con"

With regards to the final quote from "Air Con", it should be noted that, as a member of a theatre group, he had access to tickets for amounts far below face value, often paying only the booking fees. His technique, therefore, was to legally buy a £50 ticket for £4 and then sell it for, say £40. This enabled him to make a profit while at the same time come across as a true "Robin Hood" figure (Atkinson, 1997). In his view, he deprived dishonest touts from selling tickets at a profit and served the extremely grateful, yet unaware, public. Within his process of positive identity construction, he was able to strongly focus on the fact that he wasn't forcing his customers to pay more than the price printed on his tickets; this enabled him to dissociate himself from how ticket touts operated, and view the fact that he was, in any case, still profiteering, as secondary or irrelevant.

6.3.4 Touts operate in the street and have a criminal element about them

The final characteristic that was seen to be defining of a "real" tout, and which enabled a large majority of the sample of touts interviewed to reject said label, was the alleged criminality associated with touting. Not necessarily in terms of breaking specific laws, but more in the sense of a tout's dodgy dealings, unreliable and deceiving character and unpleasant appearance. This image fits with much of what is presented in the media, including descriptions of touts as "sheepskin-coat wearing" individuals "who hang around outside sold-out venues" (Jones, 2015).

This justification was of course particularly useful for Online Touts, who touted from their PCs at home or in the workplace and could thus separate themselves from traditional touts. The majority of the modern touts viewed touting as merely a secondary activity rather than a full-time job. By seeing their older counterparts touting on the streets

outside a venue, or involved in other forms of borderline black market activities, Online Touts could further distance themselves from the “tout” label. Indeed, touting was seen as lifestyle choice rather than a mere job. This enabled many touts, who did not conform or belong to that lifestyle, to view themselves as different and non-deviant.

I've never sold outside the venue – I don't see myself that way. “Toad”

I don't hang around the stadium. “Royal”

But touting is about trading, which I do, but also soliciting. The prearranging element is different to speculating. Speculating is more than trading, it is soliciting, it's putting yourself out there. I don't stand outside and tout. “Air Con”

I'm not selling in the street or causing obstruction, I wouldn't do that. “Lucky”

Once I had no choice but to arrange a meeting outside [the] venue – it was a ‘Viagogo meet the buyer’ thing, for The Libertines. Kind of glad it fell through. I remember selling tickets for something, it was a dodgy deal and felt dirty after it. Standing outside, [I] feel like a bit of a drug dealer, [it] feels very dodgy. Few times I felt this wasn't really for me so I stuck to online. “The Chameleon”

These guys are professional. I wouldn't say I am. It's hard, I do it on my own. These people have guys looking out for police and stewards. They have little firms, groups, teams of professionals that do it for a living. About 8 of them in a team, all selling and looking out for the police. They buy for less as they are in the know. They sell in a confusing way, as quick as possible. “Twist”

The quote from Twist was consistent with a lot of the details revealed by other individuals who did, conversely, refer to themselves and identify as “real” touts. While Twist's description of the methods of the Street Touts might have been accurate, it served in this context as a further justification for his own selling activity, which, in many ways, was no different to that of the street seller. All it lacked was the context, a hidden corner, an associate keeping an eye out for the police. The act, in itself, aside from the fact that it was conducted in the bedroom through a computer, was identical. Yet, the negative connotations attached to Street Touts assisted Twist in making this categorical distinction.

The last quote, below, was unique in that only one of the 11 individuals who resisted the tout identity referred to the practice of fraudulent activity, a concept that from the external viewpoint of the media and society at large is very widely discussed.

I don't consider myself a tout, tout is a negative word. Though [I] don't really care. I don't tout, touting is illegit [sic] or fake tickets. "Jaded"

Whether the general view that touts are responsible for ticketing scams is true or not is considered in more detail, below. Of importance is Jaded's reliance on it as a given, and his use of it as a technique of neutralisation to apply to his own sales and ethical stance on tickets, depriving his act of the deviant label. In terms of self-identification, having established that his conduct was not deviant, he was able to also resist the tout identity.

It can be concluded that these participants believed their conduct to be inconsistent with the meanings attached to the word "tout", based on how society defines the term. Through the justifications offered above, they established that their conduct did not amount to touting. Techniques of neutralisation (Sykes and Matza, 1957) enabled them to reject the idea that they could be touts, given their own self-definition as "good" and their recognition of touts as "bad". A smaller group of participants concluded that they were also non-deviant but did so in a different way. They redefined the "tout" label in terms that were laden with positivity. The final process in the development and shaping of these individuals' identity was therefore the exact opposite of an outright rejection of the "tout" label: embracing the tout identity and clarifying its true meaning.

6.4 Redefining the tout identity

Using Ashforth and Kreiner's study on "dirty work", defined as roles in society which carry socially constructed elements of "physical, social or moral taint", the position of the participants that self-identified as ticket touts can be considered. Ashforth and Kreiner defined "moral" taint as pertaining to a job that is:

"generally regarded as somewhat sinful or of dubious virtue (e.g., exotic dancer, pawnbroker, tattoo artist, psychic, casino manager) or where the worker is thought to employ methods that are deceptive, intrusive, confrontational, or that otherwise defy norms of civility (e.g., bill collector, tabloid reporter, telemarketer, private investigator, police interrogator)" (1999: 415).

One's occupation contributes to the creation of self and the concept of identity. Indeed, "job titles serve as prominent identity badges" (Ashforth and Kreiner, 1999: 417). The perceived importance, usefulness, prestige or difficulty of certain occupations influences the identity formulations of the workers doing them. The internal evaluation of one's own occupational role in society and how society generally views said occupation contribute, together, to forming the final self-definition of identity.

The authors described how individuals involved in these forms of "dirty work" adopted occupational ideologies "to transform the meaning of stigmatised work by simultaneously negating or devaluing negative attributions and creating or revaluing positive ones" (1999: 421). One of the ideologies cited was "reframing", a subcategory of which is similar to Sykes and Matza's (1957) neutralisation. Reframing is a technique through which the meaning attached to an occupation with less than favourable connotations can be transformed.

While neutralisation, as examined previously, relates to denying the alleged deviance of certain types of behaviour, the other form of reframing, "infusing", is a process in which "the stigma is imbued with positive value, thus transforming it into a badge of honour" (Ashforth and Kreiner, 1999: 421). This was especially pertinent to the eight individuals from the sample who self-identified as touts, but, crucially, did not accept the general negativity that surrounds the occupation. One interviewee said,

Actually we're writing a book [about touting] because we want people to know we are not bad people. There are reasons behind doing it. "Duck"

This quote encapsulates exactly what Polsky saw not only as valid reason for undertaking in-depth field research, but also as one of the potential justifications that deviants could offer for their misconduct: the deviant "may have some complaint about the outside world's mistaken view of him that you...might sympathetically understand and correctly report" (1971: 129-130).

The touts' rationalisations are presented in two categories. They contradicted important aspects of what is considered to constitute the ticket tout identity, as presented above. The first addressed the idea that touts sold fake tickets. The second related more to the morality of selling tickets for profit. The following quotations were consistent with the technique of infusing (Ashforth and Kreiner, 1999), through which the meaning of the occupation of the ticket tout could be transformed, from a dishonest scammer who exploited

and defrauded consumers, to an innovative entrepreneur that provided a service (Ruggiero, 2013).

6.4.1 Touts do not scam people

Many of the participants who did not adopt the tout identity expressed views that conformed to those portrayed by the media and politicians. Others, however, inevitably had closer contact with those individuals that they considered to be “real” touts. Although they distinguished themselves as separate entities, some participants recognised the true nature of the touting occupation.

They are like a community. They don't sell fake tickets. However, there are lots of scammers on Craigslist. These are not touts - have to sort out and need to verify that they are genuine. Proper touts have proper tickets. I call them to check if they know each other. All the touts know each other. All about establishing trust. “Gunner”

The following quotes are from the eight participants who viewed themselves as touts but did not agree with the negative connotations attached to the label, and as such attempted to “imbue” and “infuse” positivity into the profession (Ashforth and Kreiner, 1999). This was an attempt to transform what is often seen as exploitative or fraudulent into a real occupation, a service to society.

I've given out refunds to people who bought fakes or reprints from me. These are tickets that I bought from someone else, I would never intentionally rip someone off. “Blagger”

Because of the internet, everyone is a seller. Especially in the last couple of years, the general public has seen this is a way of making a living. People have a £50 ticket and sell it for £200, then get duplicates or etickets that can be reprinted. It's deplorable, it has ruined it for me as a trusted seller. If I buy from these guys I could lose a client if the ticket I sell on is not valid, and the police could get involved. I may check someone's ID if I haven't dealt with them before. “The Pad”

The second quotation singularly confirms the distinction between an older generation of touts and the new, online actors. It also outlines that others, in addition to touts, have been exploiting the opportunities offered by the secondary market of tickets to commit fraudulent

activity. Crucially, it distinguishes the concept of “real” touts from these practices. Becker claimed that “different groups judge different things to be deviant” (1963: 4). He defined as “outsiders” not only those individuals who have allegedly broken the laws or informal social rules that have been dictated by the majority of society and identified as the norm, but also the majority of law-abiding citizens themselves:

“[The rule breaker], however, may have a different view of the matter. He might not accept the rule: the rule breaker may feel that his judges are outsiders” (1963:2).

In a role reversal which may appear surprising, particularly in light of the general consensus with regards to ticket touting and deviance, “The Pad”, a full-time ticket tout, became in this instance the “moral entrepreneur” (Atkinson, 1997) by verifying the documents of unknown and untrustworthy individuals from the general public from which he was purchasing.

Fake tickets, there are some about. It's disgusting, ruining someone's night or a game. Scumbags do it. People get cheated and contact the police. It puts a bad name on us. Little shit cunts come once in a blue moon. Then pressure from above to clamp down on it and make an arrest. We're there every week, working. “Spartan”

There is a guy named [name] that all the touts hate – all of them want to break his legs and neck. He comes down from [town] and he gathers drug addicts to come down on the train with him. Buys two tickets from a big tout or from the club directly, usually Arsenal. Will make loads of copies, really good forgeries, and then just change the seats printed on to them, pair by pair. Gives them to the drug addicts who then sell them on the street and bring back the cash to him. Touts have a bad enough name without people like that. For them, it doesn't matter if it's women or children, they don't care about spoiling someone's night or weekend, saying “it's only foreigners”, not realizing they are the bread and butter of proper touts. “Blagger”

Ticket touts are not bad people. A scalper¹⁶ is like a con artist – will make money off anything - if there is a gap in any market and equally so the ticket market they will have fake tickets. This gives us a horrendous name. For example, in Brazil [for the 2014 World Cup] this was a nightmare, people selling fake tickets. People thought mine were fake because others were selling fakes. Made it harder for people selling genuine ones. A lot of people are now trying to make a fast buck on the trade. Very annoying, I'm a very honest person. “Duck”

¹⁶ The term “scalper” is understood as being the equivalent of a ticket tout in countries such as Canada and the USA. However, UK ticket touts refer to scammers as scalpers within their argot.

A point can be made, at this stage, in relation to the two main recurring issues surrounding ticket touting. Whereas a reduced ticket availability on the official, primary market may be attributable to an escalation of the ticket touting phenomenon, it cannot be concluded that fraudulent activity related to ticket scams is the work of the ticket touts themselves, the same deviant actors who profiteer from real tickets. It is the view of the touts from this sample that an entirely separate actor is to blame – namely, the common fraudster.

Perhaps in the same way that the increase in demand for tickets has attracted new individuals such as the Online Touts to undertake touting activity, the opportunity to exploit the largely unregulated secondary market has invited fraudsters to extend their range of scams to include fake or non-existent tickets, in addition to, say, rent scams and selling counterfeit jewellery or clothing, amongst other things.

This element was another important aspect of the tout identity, in that individuals who accepted the label, and identified as touts, rejected the belief that ticket touts committed fraud, whether online or on the street. The extent to which touts are actually involved in scams, if at all, is no longer determinant in terms of the image and reputation of touting that have developed, and that now exist in the common consciousness. Yet it is extremely relevant in terms of the internal interpretation of the individuals who practice ticket touting, and their responses to such stigmatising beliefs.

6.4.2 Touts do sell ethically, and are not wholly profit-driven

While confronting the fraud allegations was simply a matter of denying or negating the fact, with regards to the profiteering element of touting Ashforth and Kreiner's (1999: 423) technique of "refocusing" was more relevant. This involved shifting from the "stigmatised features of the work to the non-stigmatised features". Therefore, while the accusation may have been that the touts' prices were too high, unfair or exploitative, their responses to these points focused on other aspects of the touting identity, which enabled the participants to define themselves in positive terms.

We don't do anyone out of money. Have had people give me too much money by accident and I gave them it back. To make proper money in the game, honesty is key. On the day of the game if we receive a last minute order, we

will send a couple of lads out with cash and source them, in this instance it's normally from regular customers, so actually you take a loss to sort them out. They repeatedly pay huge amounts so you must look after them. "Bee"

The whole thing [the CJPOA 1994 which illegalised touting football tickets] is mainly for the hooligan games, in case you sell to fans in the other end. I wouldn't do that. Still have a moral code. I've given free concert tickets to kids who couldn't afford it. "Spartan"

Am I unethical? Yes, and no. Example of you being my friend, I can give them to you for what I paid. But with others, I'll take as much as I can. I've given away free tickets; I believe in Karma. Do a good turn for someone and it will come back in other ways¹⁷. "Blagger"

I have some moral stance about [touting] – it's not all about money money, ripping people off. I've seen other fans that really wanted to see some games and I have sold tickets to them at face value. They asked why, and I was like, "just because". There are certain times. "Fabs"

Two final quotes further outline some of the touts' "ethical" considerations when selling tickets, albeit at large profits. These justifications again consisted of "refocusing" the centre of attention from a stigmatised feature of ticket touting to characteristics which attempted to humanise the subjects: respect and trust.

Police know it's not us [fraudulent tickets], they told us. We build up rapport, nothing in it for them, we just respect one another. They know who we are, if I sell in front of a cop it's taking the piss. With concerts even though it's not illegal I still wouldn't do it in front of them, out of respect. They know we do it [tout for profit], can pick it up a mile out. "Spartan"

Touting is very similar to gambling and investment banking. You think you have a good price and then you haven't. Man City away two years ago. United lost 1-0. I thought tickets would go for £250-£300 and bought some for a bit less. A result from another fixture changed the whole context of the game and the price that I'd be able to sell at plummeted. I still kept my word and bought them for what I had agreed. It is like stuff happening in the news and then it affects your trade or the market in general. If I agree with someone I'll never go back on my word. No one does each other over in the trade. Need to be a man of your word even if it means that you may lose out on profit. "Duck"

¹⁷ Curiously, during the interview with Blagger, a woman asking for spare change approached our table. She had a black eye and was looking poorly. She asked for money for a plaster pointing to a visible cut on the side of her face. The tout gave her a pound coin or two saying, "Go on, get your fags or your booze or whatever", to which she protested and insisted that she wasn't asking money for those things. My interviewee was not convinced and ended the exchange with "you can't blag a blagger, dear". He then proceeded to reiterate to me his belief in Karma, in doing a good turn for others.

Ashforth and Kreiner concluded by stating that “a compelling occupational ideology... can recast dirty work in more ennobling terms and bestow a positive identity on those who perform it. Accordingly, dirty workers are more likely to identify with the work role” (1999: 426). This was found to be highly consistent with the processes of identity construction of the part of the sample which self-identified with the tout label.

These touts’ general position can be simplified in the following terms: “*yes, of course I am a tout, but touts are honourable people*” as opposed to the majority of the sample whose rationalisation resembled an attitude more consistent with “*no, what I do is not wrong, and I certainly am not a tout*”. Analysing ticket touting as an occupation within the framework of the “dirty work” concept may explain these two positions, which were ultimately dependant on the negative associations that have been socially constructed as belonging to the ticket tout, an occupation that, whether correctly or incorrectly, is undeniably viewed as deviant.

6.5 Concluding thoughts

Sykes and Matza’s (1957) theory of neutralisation provides the theoretical background for understanding the discourses of the individuals that have been interviewed as part of this research. By denying responsibility, harm, or there even being a victim, the touts were able to justify their conduct.

The majority of the participants, whose views conformed to those of wider society in the condemnation of ticket touts, then distanced themselves from being “real” touts. This was very similar to other deviants denying being “real” dealers, such as in Jacinto et al.’s (1998) study on sellers of ecstasy. This enabled some touts and some drug dealers to maintain a positive view of their own behaviour and activity in the process of adopting a positive identity. Such attempts to challenge stigmatisation were consistent with research on identity construction (Ashforth and Kreiner, 1999; Goffman, 1993).

In order to manage potential stigma, some touts justified their behaviour by relying on external factors, such as the law being incorrect or the buyers themselves being at fault. This implied that in different contexts such behaviour may not have been as acceptable. They conceded that touts were deviant but simply did not accept that their own behaviour amounted to touting.

Conversely, a minority of touts embraced the “tout” label. Due to its negative connotations, they were only able to do so by relying on the techniques of “infusion” and “reframing” to reinterpret the “dirty” touting occupation (Ashforth and Kreiner, 1999). They ultimately shared, however, the same objective as the other participants: to maintain a positive view of the self and establish a positive identity. By redefining the role of the tout in their own words, in a way that contradicted what society thought of ticket touts, they were able to achieve this objective.

On one hand we see individuals who agreed that touting is wrong, but thanks to law enforcement continuously turning a blind eye to it were able to justify, amongst other things, that everyone was doing it, or that the act itself was not too serious. These individuals had the added luxury of being able to distinguish themselves from “criminal” Street Touts, and could ultimately find countless reasons why, in their own mind, they were not “real” touts. On the other, we have a group that may be even harder to reach, who had an entirely different set of values. The second group of individuals simply felt that they were conducting themselves in a way that was beneficial to wider society, having developed a sense of right and wrong that clashed completely with society at large. In addition to being deviant entrepreneurs of the type studied by Treadwell (2012), Hobbs (1988) and Adler (1985), they were also, therefore, what Ruggiero would term “philanthropic criminals” that engaged in “intelligent deviation” (2013: 176-178).

7 CONCLUSION

7.1 Contribution to criminology

This research has located the figure of the tout within criminological study as the deviant entrepreneurial persona that followed in the footsteps of the petty criminals, looters and conmen that throughout history have achieved survival in situations of poverty thanks to their wit, independence, and ability to exploit economic opportunities. Specifically, in its first emergence, the practice of buying and reselling tickets for profit enabled touts to strive for and achieve desirable goals by undertaking a path of lesser criminality, of semi-legitimacy (Sugden, 2002): a form of employment or provision of service like any other, in line with Ruggiero's theories on "crime as work" (2000: 16). Hobbs noted the same phenomenon in his study of deviance in London's East End, in which entrepreneurs exploited available opportunities and established a "localized version of legitimate business practice" (1988: 118). From these roots, the spirit of survival was passed on to the touts' black market wartime ancestors (Sugden, 2002). Finally, the figure that we still see loitering outside football stadia every week, established himself in the grey area between official ticket suppliers and consumers, identifying a gap in the market and its potential for profits, fulfilling the needs of those football fans who in the 70s and 80s attended stadia without a match ticket.

Decades later, with the evolution of communication and distribution systems, the tout shifted from a working class individual to a white-collar entrepreneur (Treadwell, 2012; Shover et al., 2003). Rather, it would be more precise to state that the figure of the street tout did not shift, but the *role* or occupation of the tout has *expanded*. We have seen an atypical situation in which the old Street Touts have, thanks to the internet, widened their net of methods and networks while maintaining their position on street corners. Unlike other forms of criminality that have either subsided or radically transformed with the arrival of the internet, ticket touting has merely gained more avenues for its accomplishment.

In addition to broadening the strategies and methods of profit maximization for the older generation of touts, the internet has created the opportunity for *new* individuals to participate in the practice, adopting the role of Online Touts. These are new individuals who, due to their backgrounds and economic status, would never have dreamed of donning the cloak of the person standing outside a concert hall and pestering approaching gig-goers

for profit. They do not tout for reasons of need or survival, nor do they rely on an inherited street knowhow to ply their trade. These individuals exploit the “abundance of legitimate opportunities” available to them thanks to their economic status and independence to build on existing comforts (Ruggiero, 2000: 178). Through the use of methods that are innovative and diverse compared to their existing forms of employment, they can enter new avenues of conducting business. They consider their conduct justifiable not through necessity, but by viewing their competitors as unethical, thus changing the “perception” of their business model (Ruggiero, 2013: 96). In this case, the competitors may in fact be the very street touts they have originated from.

Whilst class distinctions remain, this has ultimately led to a necessary widening of the definition of the word ‘tout’, crucially, without the traditional form of the practice becoming obsolete. Indeed, the methods of resale, founded on deviant tactics through which touts can pry on a consumer’s vulnerability and excitability in order to maximize profits, have not changed: these tactics are now being employed both on the street and on the internet, whether by individuals or by companies.

Although not tremendously popular, the description of touts as “entrepreneurs”, proffered by then Culture Secretary Sajid Javid (2011), is in fact highly accurate in the context of the criminological literature on deviance. A group of elite ethnographers (including Polsky (1971), Adler (1985), Hobbs (1988), Klockars (1975) and Treadwell (2012)) and theorists (Ruggiero (2013 and 2000), Webb et al. (2013), Taylor (1999), Becker (1963) and Merton (1938)) have relied on the term to describe their research subjects. Among these, we have seen looters and pilferers, thieves and conmen, drug dealers and smugglers, racketeers and fraudsters. Criminologically, the term “entrepreneur” refers to those shrewd, skilful, flexible individuals who are able to “create something from nothing” (Atkinson, 1997: 85), who can “mobilise creativity” (Ruggiero, 2013: 95), and, essentially, “innovate” (Merton, 1938: 676). Innovation has been defined as bending the rules, finding loopholes, thinking outside the box and networking to identify gaps in the market and spot opportunities on which to capitalise (Hobbs, 1988; Adler, 1985).

The activities of these criminological, deviant entrepreneurs were of questionable morality or legality (Treadwell, 2012; Sugden, 2002; Hobbs, 1988) and, as such, required equally innovative methods to conduct the business opportunities that had been identified. These methods may have required further bending of the rules in the form of actual law-breaking, and practices of deceit and exploitation, which, in turn, required more creativity in seeking ways to elude detection or arrest (Knowles, 1999; Jacobs, 1996; Hobbs, 1988).

Importantly, such individuals were able to justify all of these actions as business-like (Ruggiero, 2013; Hobbs, 1988; Adler, 1985). Through theories of neutralisation (Sykes and Matza, 1957), deviant entrepreneurs relied on the similar structures, ethics, networks, and cutthroat ways of legitimate companies and enterprises to justify their own malpractice. Hobbs found that the way in which these workers interpreted capitalism itself could explain deviant entrepreneurship. Through interpreting their own version of the notion of business, deviance was negotiated, neutralised, and assimilated. Capitalism is, after all, “in essence an exploitative and oppressive regime” (Hobbs, 1988: 136).

The ticket touts, whether working on the streets, in offices or online, were no different to this model of entrepreneurial deviance. They occupied the space between the “informal” and “criminal” economy (Ruggiero, 2000) and operated in the “zones of ambiguity” (Hornsby and Hobbs, 1997). This research has produced an extensive list of the buying and selling methods that are currently used by touts, most of which can be defined as innovative. Empirical evidence has been offered to illustrate how ticket touts often bent the rules, sidestepped methods of control and exploited loopholes to pursue the identified opportunities within the market of ticket resale. Equally, further creativity was employed to evade detection, and, finally, to neutralise the deviance in question. Polsky’s definition of the poolroom hustler as a deviant entrepreneur encapsulates the theoretical position of the ticket tout within criminology:

“There are no formal entrance criteria such as examinations or licences or diplomas. And job training (the development of playing and conning ability) is publicly available to anyone, as are the tools of the trade (playing equipment), a workplace (the poolroom) and the market for one’s skill (suckers). In most of his job activities, and in all that are truly essential, each hustler is basically an individual entrepreneur” (Polsky, 1971: 69).

If one inserts ‘funds to procure tickets’, and perhaps ‘a computer’ under tools of the trade, and ‘an office or street corner’ under workplace, the close similarity between touts and the model of the deviant entrepreneur can be noted. Unfortunately, in the case of touting, the “suckers”, or the “dupes” (Mayhew, 1950: 330-333), are the consumers who, misled and left unprotected by legislation, are effectively funding the touts’ deviance.

The evidence offered as part of this research aims to build on the picture of the world of the touts that is currently emerging in the available literature on touts and their methods. The subject has gained much popularity in recent years, particularly since the establishment of online touting through secondary market platforms. This has led to extensive media

coverage of the practice, with the denouncement of ticket touts and their ways granting the topic much attention.

The media, recent legislation and governmental enquiries, however, have all tended to focus too closely on areas of touting that, as argued in this research, are only minor or partial aspects of the practice, and not as widespread as is believed or presented. As such, the previous body of work has failed to capture a complete picture of, for example, available methods of touting, the role of fraud, the ineffectiveness of current legislation (even if enforced), or the extent to which corruption within the primary market enables touting practices.

Surprisingly, given the spotlight on the phenomenon, academic research that specifically examines the deviant persona of the tout has been lacking in criminological study since the explosion of the online secondary market and the rise of the “bedroom” touts (Waterson, 2016: 115). This had left a considerable gap in the knowledge currently available on touts.

Through this research, I have filled this gap by providing an internal perspective into how touts really buy and sell tickets, how they exploit the loopholes and corruptible individuals that exist in the official markets, and how, in line with criminological theory, they motivate and justify such actions through entrepreneurialism, a lack of serious criminality and general tolerance from law enforcement.

7.2 Wider interpretations and the future of ticket touting

The government, perhaps unsurprisingly, has followed the enthusiasm and direction of society and the media and has, after long periods of resistance, enacted laws to combat touting. These may have temporarily appeased the demand for a solution to the touting problem; when unpicked, however, the limitations of the legislation can be revealed. The debates that preceded the enactment of the CRA 2015 revolved around issues of transparency in order to prevent fraud. It was argued extensively in parliament that illegalising touting, or requiring the names of online sellers to be revealed, or, at the very least, introducing a price cap to be placed on the resale value, might succeed in curbing fraudulent practices. These were the issues raised by “moral entrepreneurs” who genuinely had the best interest of the consumer at heart. None of these measures were passed, and yet the introduction of the legislation was widely acclaimed as a large success. Something was

being done. The media reported that a new £5,000 fine had been introduced by the CRA 2015, often implying that a new specific offence against touting had been created (Clark, 2015). This, of course, was not the case. Viagogo was far less ambiguous: “Ticket resale was legal yesterday, is legal today, and will still be legal tomorrow” (Gibson, 2015).

Fraud, at the time of the CRA 2015’s introduction, was seen as the real enemy, as touts were portrayed as scammers and further transparency on sales occurring on the big four was demanded. It could be argued that this was perhaps merely a *distraction*: online ticketing scams were actually being carried out by “fly-by-night opportunists” (2002: 26) that imitated the touts. One of my participants commented,

Creating a new law against fraud? A law already exists that makes fraud illegal. Touting would happen anyway. It's like making money illegal. Stealing? That's against the law. Forgeries or fakes? Against the law. These are separate things to touting and if you make touting illegal is that going to stop stealing and fraud? No. “Drama”

Once laws were finally passed, the media, and concertgoers through social media, could celebrate the alleged success of these new provisions. Again, at least something was being done. Until it became apparent that nothing had changed.

This research, through a wider, historical analysis of the evolution of touting as a phenomenon, and, in particular, the government’s response to it, has revealed that the introduction of the CRA 2015 was in fact entirely consistent with the position the government has always held. Touted as being a long-awaited “U-turn” (Clark, 2015; Hebblethwaite, 2015), it was a change of direction only in appearance.

Eventually, the demand for additional legislation was renewed. Almost instantly, a new enemy was identified: the bot. Discourses around fraud, an issue that, as succinctly explained by “Drama”, has very little to do with touting, were being replaced by unprecedented media hype on the use of ticket bots. Was this because fraud had been expunged by the CRA 2015? The enacted legislation is routinely unenforced. Fraud quickly disappeared from conversations around touting because it was never really the issue. It was thus replaced by a new distraction. Indeed, at the time of writing, new legislation is being devised to make the use of bots, through which touts can “harvest” large quantities of tickets, illegal (Conway, 2016: 3).

Michael Atkinson’s (1997) study on ticket scalpers in Canada introduced the theory of the “moral panic” in the context of scalping, or touting. Inspired by Stanley Cohen (1972),

the concept revolves around the identification of a threat, and the portrayal of that threat in the media or in common societal discourse until action is taken. In the context of ticket touting, Atkinson saw the street scalpers that he was studying as the “folk devils” that “moral entrepreneur” Ticketmaster was demonising. This was done, not only so that action would be taken against such deviants, but, Atkinson argued, to further distance Ticketmaster’s own practices from the notion of scalping. The deviant street scalpers were therefore a distraction, so that Ticketmaster’s own “legal scalping” could continue unabated while the masses focused on the immorality of the street sellers. Could it be that, almost 20 years later, we are seeing something very similar in the UK, albeit with a curious role reversal?

The government has made it clear that it does not want to outlaw ticket touting. Football is an exception, and the reasons behind this, as presented in this research, have nothing to do with unethical profiteering or the immorality of consumer exploitation. The government’s stance continues to be to allow a free market, and no ticket legislation past or present has ever indicated otherwise. Yet, unlike in Canada where laws exist and where, based on the available literature, touting was “not yet significantly shunned by the general public” (Atkinson, 1997: 50-51), the current situation in the UK has reached boiling point. In addition to the public sentiment, the industry itself, member associations, artists and the like have come together to request an intervention. These “moral entrepreneurs” have argued and continue to do so in defence of the consumer. Their demands for protection have been so resonant in the public domain that the government had no choice but to respond. Yet its interventions have been inconsequential. First it was the fear of fraud, and now it is the use of bots. Are these the contemporary “folk devils” of the ticket touting world? Are these the enemies designed to create an “engineered moral panic” in society, in order to offer the masses a *distraction* from the real issues?

This research has shed light on many of the issues that have been ignored. It has approached touting from a historical perspective to show not only the entrepreneurial roots of contemporary touts criminologically, but also the government’s continuous desire to allow the secondary market of tickets to self-regulate. Legislation has, without fail, been the “last resort” (Ward, 2014: 13-16). This research has unpicked the newly introduced laws to show their lacunae and contradictions and, in particular, their inefficacy when contrasted to the plethora of methods available to ticket touts. These methods have been presented as a list of tactics and stratagems that go beyond what the media and the government are focusing on. The bots, although potentially an issue, have been revealed to be just a minor aspect

within the greater touting landscape. It is argued, based on the wide range of methods used by the touts, that any form of intervention addressing the situation of the bots would have very little impact on consumer protection, if any.

Will introducing a new law change anything? The participants interviewed for the present research had access to hundreds of tickets through memberships or season passes, and would continue to trade in the same fashion with or without a law prohibiting the use of bots. All arguments around the specific functions of such laws are in any case redundant when the laws themselves are routinely unenforced. It is felt that the real issues lie in the widespread corruption that occurs in the primary market, and in the numerous loopholes that touts can exploit. These factors *enable* touting more than anything else, and yet have received very little attention in both the media and in parliament. It is hoped that the examination of these may contribute to generating more informed conversations around touts and touting.

7.3 Limitations and future research

The gap in the literature that this study has addressed was considerable, not least due to the lack of studies that specifically examine touts and touting. As such, this research should be viewed as a step forward in understanding the concepts of ‘touts’ and ‘touting’ in contemporary society, and the world such individuals belong to, rather than a definitive manual or solution to the “problem” of touts (CMSC, 2008: 11).

The findings and conclusions of this work are based on thorough research that consisted of various strands of investigation, permitting a triangulation of methods that has strengthened and validated the arguments presented. However, as with all research, the possibility remains that some aspects have been neglected or not given sufficient attention.

Other avenues of penetrating the secretive world of touts may have been available. A clear example is having, as Hobbs (1988) and others (Wakeman, 2014; Williams and Treadwell, 2008; Armstrong 1993) had, biographical links with the research subjects that one could rely on. If “Duck” and I had been childhood friends our working relationship, and the quantity and quality of the information I could have obtained, would have been very different. Whilst I had originally set out to conduct a fully ethnographic piece of research, which would have entailed standing on street corners with touts and offering to “buy or sell” tickets, this idea was discarded. The participant observation I had begun with one touting

group was also thwarted prematurely. Having come very close to the touting world, there is no doubt that future endeavours of this kind, if pursued fully, would contribute an even deeper understanding of the experiences, motivations and values of ticket touts.

For example, some participants noted that, in addition to the obvious financial rewards, they pursued the activity of touting for the lifestyle itself. The studies of Katz (1988) and Adler (1985) focused strongly on the “fast life” (Adler, 1985: 84):

“they relished more than just the money; they revelled in the thrill-seeking associated with their close scrapes, their ever-present danger, and their drug-induced highs” (Adler, 1985: 85).

This image was not too different to that described to me by several participants with regards to the lifestyles that touting permitted. Due to this theme not being very common amongst the whole sample, it was not examined in great depth and eventually discarded from the research.

Some criminological theories consider the intrinsic expressivity of crime as a more complete explanation for types of criminal behaviour than theories relying on economical calculations and opportunity. Young (2003) argued that neoclassical and structural criminology fail to see that a “wide swathe of crime...is expressive rather than narrowly instrumental” (2003: 391). Katz explored the sensuality and intensity of crime, that cannot be accounted for by theories that are purely materialistic such as those presented in this research. For instance, he contended that the criminal activity of career robbers does not involve professional, rational calculations of pain and pleasure but rather exhibits elements of gambling, vices, and a sense of pride in their bad reputation (Katz, 1988).

These unexplored theories may offer a deeper understanding of some of the emotions that ticket touts experience. In my brief foray into online touting, I did on some occasions experience a form of “rush” when completing a sale. While the rational and calculating element should not be neglected or dismissed, this particular side of the touting lifestyle could perhaps be explored in future research. Such research would undoubtedly be easier to undertake by individuals who have pre-existing contacts with the touting world.

Another potential avenue of enquiry for future research could be trying to gain access to the “big four”. Attempting to secure employment with one of the ticket companies, primary or secondary, and perhaps adopting a more covert research approach, may result in the opportunity to expose potentially unscrupulous practices that this research has missed. It is likely that this research has only been able to scratch the surface of such dealings. One

participant's access to Ticketmaster vouchers, and others' claims of having access to player and website allocations, are quite likely to only represent the tip of the iceberg in terms of the corruption and unethical relationships within the primary market, the secondary market, and across both.

For example, while I can say with certainty that ticket touts *do* speculatively list non-existent tickets on secondary market companies, my research did not explore whether such practices occurred on the part of the companies' themselves. Several of the participants confirmed that the websites actively utilised this tactic. They believed that a website such as Viagogo could generate a listing that was not created by a real seller but by an employee, and thus advertise tickets that did not exist. Once such listings resulted in a sale, the website, through its contacts, would find ways of procuring such tickets. If unsuccessful, they could always, as per their terms and conditions, cancel the sale and refund the buyer. Accusations of creating tickets from nothing are often accompanied by claims that some primary ticket companies, or even the artists themselves, are passing tickets on to secondary companies directly. Due to my own focus being contemporary touting in general, it is likely that some of the finer details pertaining exclusively to online touting may have been missed, and there is surely more to be learned there.

Lastly, future research is undoubtedly required in the specific area of buying tickets through bots. One of the major findings of this work is that undue focus is being given to the use of bots as a system of routinely "harvesting" tickets in large batches (Conway, 2016: 3). It could be argued that, while the participants I had the opportunity to interview and collaborate with made no use of such methods, were the study to be repeated, one could just as easily recruit and establish contact with an individual who *did* rely exclusively on the use of bot software to purchase tickets en masse. From my experience, and from the statements of industry experts such as Reg Walker who confirmed that very few UK touts use bots (Davies, 2016), I maintain this possibility to be unlikely. This does not exclude that future research in the specific area of bots should be undertaken. In particular, an ethnographic approach similar to the one adopted for the present research would be able to conclusively shed light on the current bot myth, if, say, one were to purchase such software, or collaborate with a tout that used it, so as to actually see it in operation.

8 APPENDICES

8.1 Appendix A: Recruitment flier

Have you ever sold tickets by advertising them online?

I would like to talk to you about your experience!

£50 will be paid to you for your time.

It will just involve a chat lasting no more than 20 minutes about your views on buying and selling tickets in general, nothing personal.

I am a student conducting research at the University of [name] and you can contact me on [email]

Drop me a message if you are interested.

8.2 Appendix B: Participant information sheet and consent form

PARTICIPATION INFORMATION SHEET

Research on Buying and Selling tickets to Football Matches and Other Popular Events

[name], PhD student at the University of [name] Law School, is inviting you to take part in a study about “ticket touting”.

Participation is voluntary, and if you agree to take part, you will be asked to sign a consent form. **You are free to withdraw at any time, without giving a reason.**

What is the study about?

I am interested in opinions of those directly involved in the buying and selling of tickets to football matches and other events to shed light on this interesting area.

What does taking part involve?

If you agree to take part I will arrange an interview at a time and place convenient to you. During the interview you will be asked questions about your experience of selling tickets on a regular or casual basis, the reasons why you do so, and your views on regulation in general. The interview will last about twenty minutes or less. You will be paid £50 in cash as a thank you for taking part in the research and to compensate for travel expenses, time and inconvenience.

Will anyone know that I have taken part?

The research is confidential and you will not be asked specific questions, just general questions about your opinions on selling tickets. No one will be informed that you have taken part in an interview and any information that can be used to identify you will be destroyed. Your participation is entirely voluntary.

You should only take part if you want to, and you are free to withdraw at any time and without giving a reason. If you decide to withdraw from the study the anonymised interview data will be destroyed.

How can I find out more about this study?

If you would like further information about this study, please contact me by email ([email]) You can also contact my university supervisor, Professor [name], by email ([email]) or telephone on [telephone].

PARTICIPATION CONSENT FORM

Research on Buying and Selling tickets to Football Matches and Other Popular Events

To be completed by the participant.

<ul style="list-style-type: none"> • I have read the information sheet about this study • I have had an opportunity to ask questions and discuss this study • I have received satisfactory answers to all my questions • I have received enough information about this study • I understand that I am / the participant is free to withdraw from this study: <ul style="list-style-type: none"> ○ At any time (until such date as this will no longer be possible, which I have been told) ○ Without giving a reason for withdrawing ○ (If I am / the participant is, or intends to become, a student at the University of [name]) without affecting my / the participant's future with the University • I understand that my research data may be used for a further project in anonymous form, but I am able to opt out of this if I so wish, by ticking here. • I agree to take part in this study <input type="checkbox"/> 	
Signed (participant)	Date
Name in block letters	
Signed (parent / guardian / other) (if under 18)	Date
Name in block letters	
Signature of researcher	Date
This project is supervised by:	
Researcher's contact details (including telephone number and e-mail address):	

8.3 Appendix C: Indicative interview questions

What kind of tickets do you sell? (i.e. football only or not)

How do you have access? (membership)

Do you ever use multiple identities/memberships?

Can you describe your typical routine, from finding out about an event, to purchasing, to locating a buyer and completing the sale?

*Why do you sell tickets?
(profit, need, other activity)*

Have you had any contact with the police for touting?

Have you had any other contact with law enforcement? (criminal record)

Do you know of anyone who has sold fake tickets? (or duplicate tickets, generally not valid)

What are your views on the free market and whether there should be touting laws at all?

If so, why, if not, why not?

8.4 Appendix D: The big four evading UK law

UEFA Champions League - Round of 16 Tickets

Sign Up Log In Help Centre Sell Tickets

Recently Viewed:

- Arsenal vs Bayern Munich - Champions League 2016-17
- UEFA Champions League - Round of 16

⌛ Tickets are likely to sell out soon!
Tip: Don't wait until it's too late! Buy now!

⬆ Prices have been rising over the last 3 days!
Tip: We recommend you buy now as prices may continue to go up

LAST CHANCE!
TO SEE UEFA CHAMPIONS LEAGUE - ROUND OF 16 IN LONDON

Arsenal vs Bayern Munich - Champions League 2016-17

Emirates Stadium, London, United Kingdom
Tuesday, March 7 2017 7:45 PM (More UEFA Champions League - Round of 16 Events)
⚠ Only 3 days until the event!

How Many Tickets?

🔍 Select a quantity to quickly find the best tickets available for the number of people attending the event. There may be fewer tickets remaining for the quantity you select.

Any 1 Ticket 2 Tickets 3 Tickets 4 Tickets 5+ Tickets

👤 Seats are guaranteed to be next to each other if you buy two or more tickets!

UEFA Champions League 2016-17 Tickets

Sign Up Log In Help Centre Sell Tickets

Recently Viewed:

- FC Barcelona vs Paris Saint Germain - Champions League 2016-17
- Manchester City vs Stoke - Premium Season Tickets

⬆ Prices have been rising over the last 3 days!
Tip: We recommend you buy now as prices may continue to go up

FC Barcelona vs Paris Saint Germain - Champions League 2016-17

Camp Nou, Barcelona, Spain
Wednesday, 08 March 2017 20:45 (More UEFA Champions League 2016-17 Events)
⚠ Only 4 days until the event!

How Many Tickets?

🔍 Select a quantity to quickly find the best tickets available for the number of people attending the event. There may be fewer tickets remaining for the quantity you select.

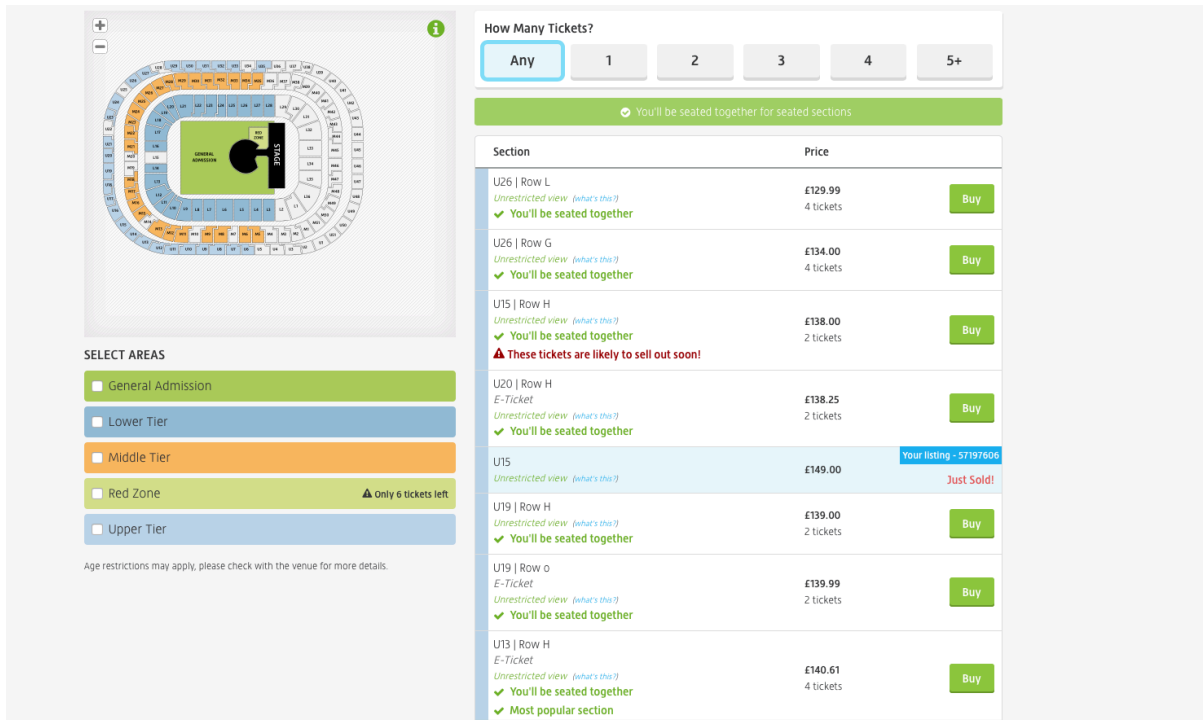
Any 1 Ticket 2 Tickets 3 Tickets 4 Tickets 5+ Tickets

📍

Section: 544 - General Upper Tier
✔ Unrestricted view (what's this?)
Instant Download
£112.30 per ticket

Section: 542 - General Upper Tier
✔ Unrestricted view (what's this?)
Instant Download
£102.73 per ticket

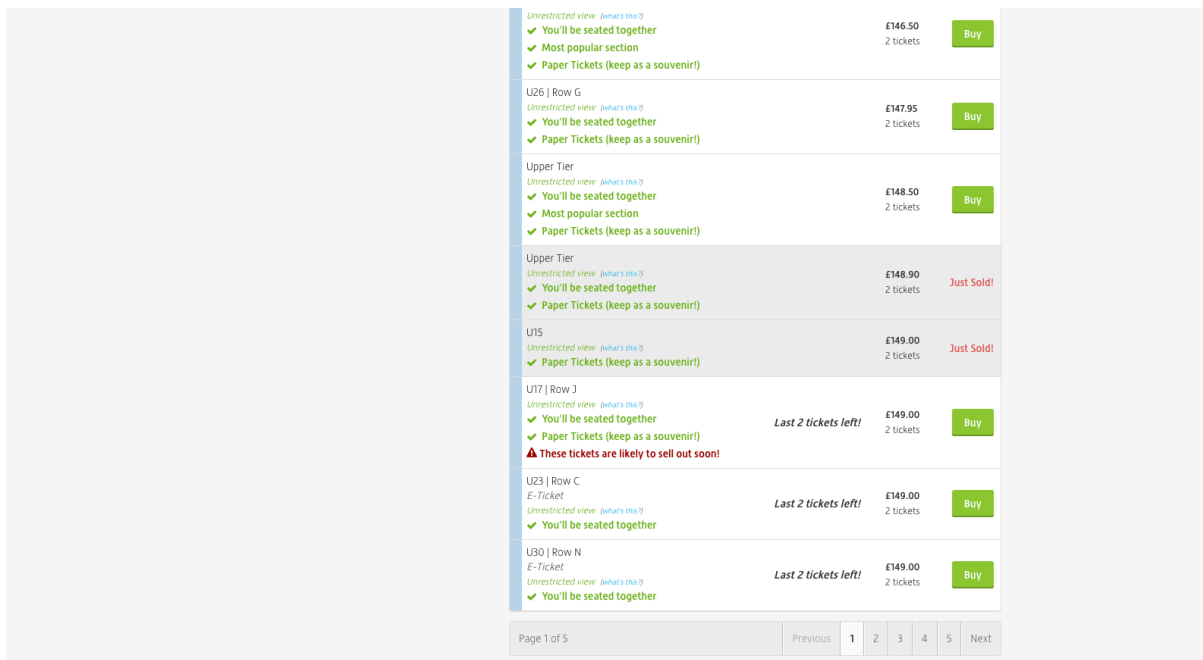
8.5 Appendix E: The big four's deviant selling strategies



The screenshot shows a ticket selection interface. On the left is a circular stadium seating chart with sections labeled U26, U15, U20, U19, U19, U13, etc. Below the chart is a 'SELECT AREAS' section with five color-coded buttons: General Admission (green), Lower Tier (blue), Middle Tier (orange), Red Zone (light green), and Upper Tier (light blue). The Red Zone button has a warning icon and the text 'Only 6 tickets left'. Below the buttons is a note: 'Age restrictions may apply, please check with the venue for more details.'

On the right is a 'How Many Tickets?' section with buttons for 'Any', '1', '2', '3', '4', and '5+'. Below this is a green bar with a radio button and the text 'You'll be seated together for seated sections'. The main area is a table of ticket options:

Section	Price	Buy
U26 Row L Unrestricted view <i>(what's this?)</i> ✓ You'll be seated together	£129.99 4 tickets	Buy
U26 Row G Unrestricted view <i>(what's this?)</i> ✓ You'll be seated together	£134.00 4 tickets	Buy
U15 Row H Unrestricted view <i>(what's this?)</i> ✓ You'll be seated together ⚠ These tickets are likely to sell out soon!	£138.00 2 tickets	Buy
U20 Row H E-Ticket Unrestricted view <i>(what's this?)</i> ✓ You'll be seated together	£138.25 2 tickets	Buy
U15 Unrestricted view <i>(what's this?)</i>	£149.00 Just Sold!	Your listing - 57197606
U19 Row H Unrestricted view <i>(what's this?)</i> ✓ You'll be seated together	£139.00 2 tickets	Buy
U19 Row o E-Ticket Unrestricted view <i>(what's this?)</i> ✓ You'll be seated together	£139.99 2 tickets	Buy
U13 Row H E-Ticket Unrestricted view <i>(what's this?)</i> ✓ You'll be seated together ✓ Most popular section	£140.61 4 tickets	Buy



This screenshot shows a list of ticket options with various status indicators and a pagination bar at the bottom.

Unrestricted view <i>(what's this?)</i> ✓ You'll be seated together ✓ Most popular section ✓ Paper Tickets (keep as a souvenir!)	£146.50 2 tickets	Buy
U26 Row G Unrestricted view <i>(what's this?)</i> ✓ You'll be seated together ✓ Paper Tickets (keep as a souvenir!)	£147.95 2 tickets	Buy
Upper Tier Unrestricted view <i>(what's this?)</i> ✓ You'll be seated together ✓ Most popular section ✓ Paper Tickets (keep as a souvenir!)	£148.50 2 tickets	Buy
Upper Tier Unrestricted view <i>(what's this?)</i> ✓ You'll be seated together ✓ Paper Tickets (keep as a souvenir!)	£148.90 2 tickets	Just Sold!
U15 Unrestricted view <i>(what's this?)</i> ✓ Paper Tickets (keep as a souvenir!)	£149.00 2 tickets	Just Sold!
U17 Row J Unrestricted view <i>(what's this?)</i> ✓ You'll be seated together ✓ Paper Tickets (keep as a souvenir!) ⚠ These tickets are likely to sell out soon!	Last 2 tickets left! £149.00 2 tickets	Buy
U23 Row C E-Ticket Unrestricted view <i>(what's this?)</i> ✓ You'll be seated together	Last 2 tickets left! £149.00 2 tickets	Buy
U30 Row N E-Ticket Unrestricted view <i>(what's this?)</i> ✓ You'll be seated together	Last 2 tickets left! £149.00 2 tickets	Buy

Page 1 of 5 Previous 1 2 3 4 5 Next

⚠ Only 82 tickets left

Section	Price	
General Admission <i>Pick up on event day</i> <i>Unrestricted view (what's this?)</i> ✔ Paper Tickets (keep as a souvenir!)	£300.00 1 ticket	Buy
213 Row f <i>Pick up on event day</i> <i>Unrestricted view (what's this?)</i>	£197.00	Buy
102 Row G <i>Pick up on event day</i> <i>Unrestricted view (what's this?)</i> ✔ You'll be seated together ✔ Paper Tickets (keep as a souvenir!)	£400.00 2 tickets	Reserved! 26s

⚠ Last tickets in this section!

⚠ Only 82 tickets left

Section	Price	
General Admission <i>Pick up on event day</i> <i>Unrestricted view (what's this?)</i> ✔ Paper Tickets (keep as a souvenir!)	£300.00 1 ticket	Just Sold!
213 Row f <i>Pick up on event day</i> <i>Unrestricted view (what's this?)</i>	£197.00	Just Sold!
102 Row G <i>Pick up on event day</i> <i>Unrestricted view (what's this?)</i> ✔ You'll be seated together ✔ Paper Tickets (keep as a souvenir!)	£400.00 2 tickets	Reserved! 9s

⚠ Last tickets in this section!

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