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Sold out? Reconfiguring consumer demand through the secondary digital ticket market

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Sold out? Reconfiguring consumer demand through the secondary digital ticket market

Abstract

Market studies research has posited the reciprocity of markets making exchanges and exchanges making markets. In this paper we assess the impact of digitalizing on exchanges and markets. We present a case study on concert ticket resale, in which the object of exchange (the ticket) is at least stable, but the methods of exchange are changing significantly, partly to attach or detach some contested quality to the exchange, and partly in the tussle over the distribution of costs and benefits. Focusing on the secondary market for concert tickets, we find it is enabled, contested and made problematic for individual actors and in public policy by thoroughgoing digitalization, unsettling a prior balance of logics of scale, scarcity and fairness. Digitalization of the market actors and devices shapes and reconfigures this mundane market setting and we show a process of configuration whereby novel social, technological and market agencing takes place.

Keywords: digitalization, agencing, agencements, market studies, bots, secondary ticket market

Introduction

How is the increased intermixing of humans and technology transforming markets and market actors? Recent market studies' research has established that the digitalization of markets is processual rather than finite, denoting a transformation of market forms, processes and elements (Hagberg 2016; Hagberg, Sundstrom and Egels-Zanden 2016; Cochoy, Hagberg, McIntyre and Sörum 2017; Fuentes, Bäckström and Svingsted 2017). For Hagberg, Sundstrom and Egels-Zanden (2016, 695), digitalization refers to an 'all-encompassing transformation' from 'analogue' to 'digital' and the facilitation of new forms of value creation, which remain under-researched. Digitalization is challenging researchers and practitioners to understand its processes, which requires analysis of the dynamics of framing and shaping markets, methods of exchanges, and ways of presenting products and services (Araujo and Kjellberg 2009).

Empirically we approach these challenges by studying the case of consumer demand for concert ticket resale, whereby tickets are purchased using digital platforms and often resold through secondary sources, usually for profit. Ticket scalping – or touting – has long been in existence as a market practice, with scalpers employing 'fans' to stand in line for tickets to create (visually) an artificial demand (Happel and Jennings 1990). Happel and Jennings (1990, 6) explain how scalping is 'from a market perspective ... a consumer service. Demand and supply forces interact and influence producers and consumers through the price mechanism.' The ticket broker or reseller relies upon the ability to resell their tickets at a premium, assuming that the new price of the ticket takes into consideration the face value plus the 'opportunity cost' in acquiring the ticket. We argue that the secondary market for concert tickets is enabled, contested and made problematic for individual actors and in public policy by thoroughgoing digitalization, unsettling a prior balance of logics of scale, scarcity and fairness.

Digitalization, as with the case of concert tickets, is a promising setting in which to explore the ideas of agencing. Agencing as a concept focuses on the conversion of humans and materials into entities

with agency: ready and able to act. A shift from agencement to agencing has enabled explorations of the composition and configuration of markets (Cochoy, Trompette, Araujo 2016). There has been a movement away from the separation of market devices, even from markets as devices (Callon 2016), and towards the notion of agencing activities (Cochoy, Trompette, and Araujo 2016) where the actions or practices of producers, consumers or devices can modify and create novel patterns of behaviours (Araujo and Kjellberg 2016). This is seen, for example, in the multiple uses of shopping bags (Hagberg 2016) and the development of frequent flyer programmes as a way of increasing competition within the airline sector (Araujo and Kjellberg 2016), and, in our case, around the buying and selling of concert tickets.

We argue that market behaviours have transformed the secondary concert-ticket market into a matter of concern, with the agencing of new digital actors, such as bots,¹ involved in developing new market frames, along with the often less technically adept actions of consumers. Originating from Latour's (2004) proposed shift in attention from matters of fact to matters of concern, a concerned market is one where participants seek to develop 'democratic and technical procedures' that may facilitate 'socially, morally and politically acceptable combinations' of the various entities involved in social life as well as in economic exchanges (Geiger et al. 2014, 4). Geiger et al.'s (2014, 2) market typology considers concerns in markets as 'those things and situations that – for better or for worse – are related to us, can affect us and worry us in the current context of liberal market democracies'. Mallard (2016, 56–57) suggests turning these matters of 'concern' into 'concerning' to enable an unpacking of the collective processes through which various stakeholders, such as interventions of regulations and legislation, shape and reshape markets. This understanding of concerning is valuable as it allows a questioning of a market and how it works, which enables consideration of the existing market configuration and collective action for change (Fernandes, Mason and Chakrabarti 2019).

¹ Typically, **bots** perform tasks that are both simple and structurally repetitive, at a much higher rate than would be possible for a human. Bots are scripts of pieces of code set up with credit card details, which can scan the market at regular points to make a purchase as required.

Market studies researchers have challenged earlier ways of understanding markets, ones that could be understood as implying that markets can achieve a state of being framed, and hence of being challenged, reconfigured and reframed. This study positions consumer demand for concert tickets as the outcome of collective action created by multiple actors, whereby these actors acquire agency collectively, as coalitions of the human and material, by making and learning to use devices within and for markets, and shape a market through wide ranges of actions and restrictions on actions (Araujo 2007). Our contribution is to draw together the domains of theory (agencing, concerning) and practice (digitalizing), demonstrating a blurring of these domains as digitalization expands and multiplies the realms of possible, affordable and feasible. We show in the case of digitalization a process of configuration whereby novel social, technological and market agencing takes place (Cochoy, Trompette and Araujo 2016). Thus, we assess how the concert ticket market becomes of concern because digitalizing offers new challenges to ideas of scale, scarcity and fairness. Multiple market actors – regulatory bodies, artists, promoters, marketers, consumers, and market devices including bots – are reconfiguring demand.

Market agencements and agencing of markets

The notion of agencement looks beyond specific episodes of agency, for instance as part of a commercial exchange, to explore socio-material arrangements that encompass the boundaries denoting markets, exchanges, production and consumption (Callon 2007, 2008; Çalışkan and Callon 2010; D'Antone and Spencer 2015; Cochoy Trompette and Araujo 2016). 'Agencements' refer to the collective actions involving all the actors involved in a market (for example, promoters, artists, consumers, websites, and bots in the case of concert ticket markets) and the 'possibility of economic action' that can occur through the collective behaviours of these actors to allow an exchange or transaction to take place (Mallard 2016). For Callon, an actor is 'made up of human bodies but also of prostheses, tools, equipment, technical devices, algorithms. In other words, it is made up of an

agencement' (Callon 2005, 4). As an agencement, a successful market will identify and define a 'good' (in our case a concert ticket), provide ways of attaching value to this good, and organize a market space for the exchange of such goods. Such arrangements may also indicate positions yet to be occupied in the market, which actors may seek to do by for example changes in price or technical specifications, through calculations, qualculations and other qualifications (Cochoy 2008; Callon 1998). Agencements may also reveal the otherwise 'hidden' actors who enact, shape or influence markets (Hardie and MacKenzie 2007). Market agencement therefore refers to the entire market collective and the activities and processes it sets in motion (Araujo and Kjellberg 2016). In our case the agencement includes 'bots', pieces of digital code designed to purchase multiple tickets simultaneously that subsequently are to be resold. The actions of these bots effectively move consumer demand from the primary market to the secondary market for tickets.

During agencing, the capability to act can become concentrated in a specific actant (perhaps a buyer, seller, regulatory standard, or quality guide) but it is never the possession of that actant (Fuentes and Sorum 2018). Onyas and Ryan (2015) discuss agencing efforts to illuminate the capacity of markets to act in different ways depending on how the agencement is configured. They explore agencing as a generative process, a collective action that brings the agencement into being and capacitates agencies to act in certain ways. We consider the agencing efforts that enable market reconfigurations, possibly reinforcing and solidifying activities in something like a stable pattern, and at the same time establishing the prospect of transition from one form of market (a mainstream/primary market) into another (secondary market), so revealing new actors at work.

For markets to be agencing they require regular and intensive efforts at framing always and approximately; whereby framing a market involves all the aspects that can stabilize a market. Callon (2016) adapted this set of framings to fit with the concept of agencing markets, taking into consideration the *passivaction of entities traded; operations of valuation; orchestration of encounters; good's attachment to consumers; and pricing in bilateral transactions*. In some settings,

such an intensive collective effort across five dimensions is hard to achieve and indicates multiple routes of resistance to framing. When pacifying objects within the marketplace there is limited opportunity for market actors to challenge the object (Finch and Geiger 2011), such that the goods are considered a commodity with little variation among those for sale. These goods are referred to as being part of a 'cool' market (Law and Singleton 2005) made up of rather 'mundane' purchases. The purchase of concert tickets from the primary market (market one) is one such market that is made cool. As concert tickets move from market one (the cool primary market) to market two (the warmer secondary market) some challenges are made to the existing market framing, which in turn results in changes concerning how objects can be valued within this 'new' market setting. At first glance the primary market is made cool, but this heating up of the secondary market, triggered by the agencing consequences of digitalization (e.g. bots) may also impact the relatively stable cool primary market. The primary market may be made hotter as consumers, concerned about scarcity of resource (e.g. all tickets sold out), purchase tickets as soon as they go on sale. These challenges to the existing framing of the secondary market illustrate a second key process in the organizing of markets: that of concerning.

Processes of concerning

A matter of concern is what happens to a matter of fact when you add to it its whole scenography, much like you would do by shifting your attention from the stage to the whole machinery of a theatre (Latour, 2008, 39).

The concept of a concerned market, one that through rival forms of agencing can be extended to include new standards, ideas, judgements with reference to goods and exchanges, production and use, is useful in considering a relatively unstable market in which interventions are designed to alter how the market works and who can engage in market configuration (Fernandes, Mason and Chakrabarti 2019). For example, concerning can address the fairness of the concert ticket market in its current version, when considering the scarcity of the good, and the activities of the bots, which

remove tickets from the primary market. In such concerned markets, many actors engage in agencing efforts and in voicing concerns, thus possibly frustrating a stable agencement (Geiger and Finch 2016). For example, due to the potential regulatory controversies involved in stabilizing the secondary ticket market, the market becomes unstable and contested (Finch et al. 2017). This makes the markets evolve and mutate, shaped by reflexive and concerned actors who 'explicitly question their organization and, based on an analysis of their functioning, try to conceive and establish new rules for the game' (Callon et al. 2002, 194). A collective, such as in our case the consumers, can be formed and mobilized to challenge some market circumstance or impact on specific market actors (the bots) (Chakrabarti and Mason 2014). Matters of concern therefore provide the mechanism to unite and join members to progress common actions, providing bases for alternative ways of agencing a market (Stigzelius et al. 2018, 351).

Market boundaries can serve as a point of orientation for concerned groups, highlighting the precarity of market spaces by rendering matters as qualifying to be of concern and visible. Stigzelius (2018) demonstrates that concerning is fruitful for explaining how agencing manifests new concerned actors to maintain an engagement around matters of concern (Geiger et al. 2014; Mallard 2016). As such, agencing efforts can produce differences and asymmetries (Cochoy, Trompette, and Araujo 2016), which may create a concerned public and associated concerning activities (Stigzelius et al. 2018); thus, also actively reframing what may be excluded or included. By focusing on regulatory action to qualify the mechanisms of regulation through the lens of the 'concerning' of market agencements, the dynamic quality of concerning is demonstrated, from the identification and problematization of matters of concern, to the use of market devices, through their development, structuring or legal challenge (Mallard 2016).

Against this background we illuminate how processes of concerning and agencing are not only mediated but also enabled and controlled through digitalization, and now move on to demonstrate

how this works in practice through our empirical example of the United Kingdom (UK) concert ticket market.

The case

Once tickets are released onto the primary market, the event organiser's ability to control the allocation process reduces substantially. At this stage, the secondary ticketing market takes over. Tickets purchased or received through the primary ticketing market can be offered to other would-be attendees by sellers at whatever prices they choose ... The Internet and the large online secondary ticketing platforms offer what may seem to be the easiest way to sell tickets. (Waterson 2016)

The cache of *'sold out'* concerts and music events have reputational significance for artist, promoter and venue, and results in ticket scarcity for fans and consumers. The secondary ticket market relies upon what Leslie and Sorensen (2009, 2013) term *'arrivers'*, who are led by their willingness to pay, their agreement with the *'costs to obtain'*, and having the resources available at the time to purchase the tickets in advance. The secondary market thrives when the resources (the concert tickets) are scarce – the *'sold out'* element – and valuable. Thus, the existence of a secondary ticket market has benefits for both buyers and sellers. To provide context into the varied prices advertised across the primary and secondary market for the same product, a Liam Gallagher concert taking place in Manchester on 18th August 2018 had *'pitch standing'* tickets advertised for sale at the following prices (including related fees): Ticketmaster (£64.75 – face value of ticket), GetMeIn (£105.24) and Viagogo (£124). Purchasing concert tickets in advance can be comparable to options value, where there may be uncertainty around whether the buyer will be able to use the ticket (Bennett et al. 2015). On the other hand, consumers may choose not to purchase from the primary market at the time of going on sale due to uncertainty about whether to attend, lack of resources, or the concert being *'sold out'* at the point when they made the decision to purchase tickets.

While there can be personal reasons for reselling tickets (for example, illness or change of circumstance), the secondary resale market is generally populated by a combination of personal consumer sellers and brokers, intermediaries and professional resellers. Su (2010) terms these as 'speculators': buyers who purchase from the primary market with the intention of reselling for profit in the secondary platforms and brokers who focus entirely on the possibility of resale at profit. Courty (2017) argues that issues emerge when the secondary ticket price is greatly above the face value of the ticket, citing issues of unfairness and immoral behaviours that damage the public perception (Kahneman et al. 1986; Sandel 2012).

There are four main secondary platforms operating in the UK market – GetMeIn, Seatwave, StubHub and Viagogo. With an estimated value of £1bn (Moore 2017), there are challenges in valuing the industry due to an inability to clearly identify buyers and sellers and the continued absence of a managed digital ticket lifecycle. These secondary platforms offer a place for C2C (fan-to-fan) exchange and the website acts as a key intermediary. Many of the transactions are purchased in a B2B2C process by what could be perceived as professional touts and facilitated using bot² technology. Market confusion also exists due to co-dependency of the primary and secondary market. For example, Live Nation, the UK's largest promoter, owns Ticketmaster, the UK's largest primary ticket outlet (Moore 2017), and Ticketmaster owns both Seatwave and GetMeIn, two of the big four. Behr and Cloonan (2018) express that the secondary market is somewhat of a misnomer in that it may well be the most profitable part of the modern music industry, making possible a form of arbitrage; a situation usually seen in areas such as trading floors (Mackenzie 2006; Hardie and MacKenzie 2012) where identical products are bought and sold at profit. Here we utilize arbitrage pricing to refer to 'a profit seeking behaviour which takes advantage of underpricing in primary markets and excess demand' (Leslie and Sorensen 2009, 16).

Through digitalization, the secondary market has become sophisticated to the point that it is becoming an issue for the primary market and leading to market confusion. Digitalization has driven technological developments around ticket sales, where bots are used to move tickets from primary to secondary market, thus driving consumers to websites in which prices vary and differ from initial cover or issue prices. Leading to consumer confusion through sales tactics such as paid advertising to move secondary ticket sites to the top of search engine ranking pages. The primary market has attempted to re-humanize this market by introducing actions such as the need to physically enter CAPTCHA codes (made up of random letters and numbers that are unreadable by bots) into a keyboard as a way of accessing the final point of purchase.

Notably, business interests are devising forms of agency that are not easily controlled as they are neither straightforward nor stable market devices (van Doorn and Velthuis 2018). The scale of the secondary market has received continued media attention, seen as 'ticket touting on steroids' (Webb 2018) with the distortion of the market through new market actors, such as with the bots, and a perceived loss of control within the industry, ultimately, resulting in a government-funded independent inquiry and the rising consumer voice on issues of fairness around these market practices.

Methodology and data collection

The inspiration for this study came from discussions among the authors, in late 2017, on the difficulties of purchasing concert tickets as they seemed to be sold out within minutes of going on sale but immediately appeared at higher prices on other (secondary) sites. This motivated the research team to carry out an initial search through news sites and Twitter for what we considered informally to be 'unfair practices'. In doing so, we uncovered conversations taking place on social media and witnessed the frequent use of the hashtag #toutsout. We saw that the period of 2017

appeared to be a tipping point in how the market was changing and developing, with pressures coming from the public, artists, venues, government and other interested parties. For example, the UK government-led Waterson report (2016) published recommendations for how the concert tickets market should operate and, in late 2016, the Competitions and Markets Authority (CMA) began to outline documentation around compliance with Consumer Rights Acts and the Digital Economy Act. As market studies scholars, we identified an opportunity to gather data in a systematic way that would aid us in understanding how consumer demand could be reconfigured through the operations of the secondary ticket market(s). The year of 2017 was therefore chosen as our period of study due to the ability to trace (online/digital) conversations around these markets.

In keeping with studies on market formation and shaping (Geiger and Gross 2017; Kjellberg and Olson 2017; Araujo and Kjellberg 2016; Geiger et al. 2012; Araujo 2007), we followed actors and analyzed various secondary research sources (see Table 1). As we collated, read and compared notes, we began to see patterns in the different actors involved in this market. Changes in legislation, ongoing legal investigations, political interest and a growing consumer voice expressed across various social media channels, resulted in the publication of many additional sources of reference. Our data collection consisted of historical data and was complemented by secondary contemporary sources (Araujo and Kjellberg 2016), which allowed us to gather information on the many frequent market changes that occurred in the UK in 2017.

We drew together a set of secondary data from newspaper articles, tweets, legalisation, EU reforms, press releases and online comments made by artists, promoters and consumers. This aided our initial sense-making and assisted in triangulating the data. We focused on the UK market and content created specifically in 2017: due to the degree of market scrutiny from search engines, political and legislative concerns and the high level of consumer discussion taking place on social media.

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+++ Insert Table 1 about here +++

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Our analysis reveals ongoing discussions on the social media platform Twitter, where users were sharing their (mostly negative) experiences of the secondary ticket market using the hashtag #toutsout (see Table 2 for an overview of thematic unpacking of tweet data linked to each empirical vignette). To develop our nuanced understanding of the challenges within this market we utilized a commercial social listening tool (Brandwatch) to follow all public Twitter posts containing the hashtag #toutsout that originated in the UK in 2017. Taking guidance from ESOMAR (a not-for-profit organization providing guidance on the use of social data and analytics) we followed the guidelines for social media research (ESOMAR 2011). As a result, any tweets used were anonymized with usernames, photos and any links removed. The posts revealed conversations from consumers, artists, government bodies (and their representatives), consumer action groups, promoters and the media.

The authors met regularly to discuss the empirical data collected and frequently compared news stories and articles, tweets and other sources of evidence. We organized our data in chronological order (Araujo and Kjellberg 2016) and discussed our notes as a team to understand how these different data sources related to each other, allowing us to build and revise vignettes (starting with bullet points and organization into chronological order).

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+++ Insert Table 2 about here +++

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Findings

We present three vignettes based around our study of the secondary ticket market in the UK in 2017. This is in keeping with Andersson et al.'s (2008) presentation of three empirical scenes (where the market actors involved are part of the same process) and provides a reconfiguration of consumer demand in the secondary ticket market. Our market exploration reveals several key sets of (often interrelated) actors attempting to shape the exchange: regulatory bodies (focusing on the UK government), consumer action groups, individual fans and artists. As highlighted by the Waterson (2016) enquiry, the interrelated nature of primary and secondary markets makes it difficult to understand one market fully without grappling with the other. The state of the ticket market emerged as ambiguous, as shown in Vignette 1, where demand is manipulated by the capacity of the bots and their ability to operate at scale. The transferrable nature of the ticket impacts on the understanding of, firstly, how to conceptualize and, secondly, how to regulate and intervene as a concerning actor (Geiger et al. 2014; Mallard 2016; Stigzelius et al. 2018; Stigzelius 2018). In exploring an entity's qualification as a 'good' (the ticket) there must be a passiva(ct)ion of the entity traded (Callon 2016). This raises questions about the subjectivity of the good: has the consumer purchased the right to enter the concert conditional upon satisfying certain conditions which the ticket signifies? Who owns the ticket (the promoter, event partner, venue or consumer) and therefore who can resell the ticket? This ambiguity of the ticket and its associated rights is taken up as part of the consumer activism evidenced in this case. The behaviour of the bots also leads to scarcity in the market, removing ticket inventory from the primary market and making it difficult for consumers to purchase tickets at face value.

As consumers become aware of digital technologies being used in the concert ticket market, such as the use of bots allowing market actors to operate at scale to purchase more tickets than humanly possible, our analysis of online conversations saw affected and concerned consumers sharing

information with others across digital platforms. They actively drew attention to what they perceived to be 'unfair' ticket resale practices, particularly around the idea of scarcity of tickets (in comparison to perceived value of the tickets), what constitutes a 'fair' price and the role of arbitrage pricing rules (Hardie and MacKenzie 2012) operated by secondary ticket market actors. We turn to the key market actors of consumers, demonstrated through consumer action groups and the relevant media, where consumer-oriented conversations unfold across social media (specifically in our tracing of Twitter data).

Consumers' voices were joined and amplified through their uses of digital social media platforms, leading to the creation of concerned groups, finding new ways to frame the concert ticket markets and stabilization through new legislation and re-establishment of control through the cancellation of inventory. The key issues discussed in the concert ticket market(s) are driven by consumer demand exceeding supply, thus scarcity of the offering. The sharing of personal experiences, news stories, and direct communication with the artists across social media using a single hashtag #toutsout helps towards collective concerning action (Mallard 2016; Stigzelius et al. 2018; Stigzelius 2018) to reconfigure the primary and secondary ticket markets. We see that the secondary ticket market, where tickets are resold, has no impact on the artist, who will already receive their share of profit from the primary ticket sales. However, the data show that many artists are focused on fair prices and fair treatment of fans that purchase tickets. As we consider the agency of the artists, their roles in the market can be scrutinized. These actors develop in common shared practices that achieve collective action, informed by articulated accounts of their own experiences and actions but reported in public for others to read, accumulated online by tags and common terms of search.

Vignette 1 tells the story of bots arbitraging the boundaries between primary and secondary ticket markets, Vignette 2 discusses the role of regulations in challenging the use of bots, and Vignette 3 focuses around the rise of concerning consumers. Our first vignette highlights the shifting of consumer demand from the primary to secondary market with the role of the bots in arbitraging

boundaries. Our second and third vignettes outline the processes of concerning the market through the collaboration and bringing together of several different concerned actors including regulatory bodies and interested consumer action groups (Geiger et al. 2014). We present each vignette in turn.

Vignette 1: Shifting consumer demand from primary to secondary – Bots arbitraging boundaries

... bots flood reservation systems, gobble the best tickets and subsequently resale these tickets ... in some instances, tickets are sold out within minutes of the initial release date and appear right after on secondary websites. (Courty, 2017;1).

Venue presale and Ticketmaster presale this morning for [@liamgallagher](#) and every fucking ticket sold out in less than 20 second [#toutsout](#). (7 September 2017)

[@FanFairAlliance](#) StubHub claim that 98% of ticket sellers on their site are 'people like you and I that can't go to the event'. Yes, and the other 2% of sellers are selling 90% of the tickets. Oh, and bots can't go to events! [#toutsout](#). (11 December 2017)

WHY won't Ticketmaster blacklist supertouts? DO they earn them too much money?

[@nigeladamsm](#) [@johnnicolson](#) [#toutsout](#). (6 April 2017)

Sooo another Ticketmaster farce this morning trying to get tickets for [@stereophonics](#) [#toutsout](#). (1 August 2017)

The posts above from the social media platform Twitter illuminate the challenges around the original purchase of concert tickets. This appears to be a simple process for customers who have access to the necessary digital skills and devices, to Ticketmaster accounts, email accounts and credit or debit card/integrated payment systems, and the ability to make the decision to purchase tickets when they first go on sale. For those who wish to resell their tickets or have missed out on a ticket in the primary market, a secondary concert ticket market exists. While these secondary platforms offer a

place for fan-to-fan exchange, many of the transactions that take place using these platforms are for tickets purchased by 'professional touts' or purchased using bots. Bots are devouring the market and through their agentic capacity are shaping and transforming the market, requiring a particularly stable and mutual relationship and interdependence across primary and secondary markets. The volume and scale of this activity by the bots is facilitated by digitalization and this has led, in part, to the reframing of the boundaries of the secondary ticket market.

How does this activity shift consumer demand? We documented primary ticket platforms, such as Ticketmaster, classifying an event as 'sold out' but multiple tickets were immediately put for sale on secondary ticket markets. By removing ticket capacity from the primary market, buyers must move into the secondary market to purchase tickets or else miss out on attending the event. The role of the initial face value of pricing is generally irrelevant, as the bot owners are more concerned with the anticipated value of the ticket on the secondary market in comparison to the initial outlay. But what happens if the bot buys too many tickets? In considering the need to slow down the bots to reduce or minimize any potential damage within the market, the bots must be controlled to ensure they do not over-purchase stock that cannot be resold at profit (Al-Fannah 2016). When considering how goods are valued, the bots are only of use when there will be an additional resale value to the tickets. There is little value in utilizing bots to purchase multiple tickets for reselling at a profit if the primary ticket market has not sold out. Although we note that the measure or tag of 'sold out' is itself a vague claim, which the bots can influence for a period of time at the interstice of markets one and two, albeit at the risk of holding and eventually revealing that inventory into the secondary market.

To 'beat the bots' Ticketmaster has introduced new practices and conditions for entering the primary market. Ticketmaster's contract with customers specifically mentions the ability to cancel transactions made using automated devices or bots and will cancel tickets they believe to be purchased using fraudulent means, making the ticket null and void and resulting in affected

consumers being refused access to the concert venue. Other measurements implemented to reset the primary market, and by association cool the secondary market, include CAPTCHA codes where human input is required to copy a unique code provided by the platform before a purchase can be authorized. This is one approach where Ticketmaster can validate and authorize their legitimate presence in the primary market, thus restricting the number of tickets purchased by bots and sold on to the secondary market. Ticketmaster has also introduced a limited number of purchases per transaction and per credit card to reduce the number of buyers that can bulk purchase inventory. As Table 2 shows, the UK brought in new regulations to find a way of controlling the market. This resulted in a government-funded independent enquiry (Waterson 2016) and changes in UK law in 2017 through the Digital Economy Act, discussed in more detail in Vignette 2.

Vignette 2: Regulatory concerning of markets – banning the bots

The Bill received Royal Assent on 27 April 2017. In respect of secondary ticketing, the new provisions introduced by the Act will: criminalise the use of bots to purchase tickets in excess of a maximum number and puts the ICO's direct marketing code on a statutory footing; and require resellers to provide 'any unique ticket number that may help the buyer to identify the seat or standing area or its location'.

(Conway 2018)

The CMA (Competitions and Markets Authority) has opened an enforcement investigation into suspected breaches of consumer protection law in the online secondary tickets market.

(UK Gov. 2017).

A term is unfair 'if, contrary to the requirement of good faith, it causes a significant imbalance in the parties' rights and obligations under the contract to the detriment of the

consumer'. The fairness test thus includes the following main elements: significant imbalance to the detriment of the consumer and good faith. (CMA 2018)

NEWS: Touts using bots to bulk-buy tickets for resale will now face unlimited fines under UK law. [#musicnews](#) [#ToutsOut](#). (The Student Playlist 12 March 2017)

Four arrested under suspicion of breaches of the Consumer Protection from Unfair Trading Regulations 2008, in raid by [@tsecrime](#) [#tickettouts](#) [#toutsout](#). (*M Magazine* 14 December 2017)

In 2017 the UK government began moving towards the regulation of the secondary ticket market as indicated above through snapshots of newly formed regulatory and legislative materials, alongside news stories shared on Twitter. Announced in December 2016, the UK government established an investigation into the behaviours of secondary ticket sellers, stating that this investigation focused specifically on the lack of transparency around restrictions in the use of resold tickets. Further, the CMA announced new enforcement actions on those who were seen to be selling secondary tickets that breach the existing Consumer Rights Act (2015) and Consumer Contracts Regulations (2013). Evidence from the Waterson's report (2016) showed consumers were disadvantaged as sponsorship deals meant general ticket release was often inaccessible and the overall ticket inventory was greatly reduced. As well as recommending enforcement of the Consumer Rights Act, the 227-page Waterson report advocated a series of proposals including more transparency in identifying sellers and ensuring their details are made available to buyers. This involves the criminalization of the use of bots when purchasing tickets and the introduction of a unique ticket number, a QR (Quick Response) code or other digital technology to ensure that the ticket cannot be resold.

Ministers have proposed stronger enforcement of consumer rights laws, amid concerns that tickets are being sold with no information about the seat location or the name of the seller, which is in direct contravention of the Consumer Rights Act 2015. Efforts to step up scrutiny of firms' adherence

to consumer laws is also aimed at sites that sell tickets whose terms and conditions specifically ban resale, meaning fans are turned away at the door. One example of enforcing changes in the marketplace occurred in 2017 when the UK's National Trading Standards (NTS) (working alongside the CMA) carried out raids on businesses identified as carrying out 'unfair practices in the secondary ticketing market' and seized digital storage devices, computers and phones (NTS 2017). The outcome of this raid was shared widely across social media, serving as a warning to other secondary ticket sites. These changes led to a positive response as articulated by those concerned consumers contributing to social media (under the #toutsout hashtag). However, these consumers active in social media argued that there is still work to be done, as explored in our third vignette.

Vignette 3: Consumer counteraction and mediating collective action

Because UK consumer law is not currently enforced, touts can act with impunity and under the cloak of anonymity: hacking into online ticketing systems, scalping inventory, inflating prices and profiteering via under-regulated resale sites. We urgently need Government to address these failings and make legislation effective for the digital age. It is also imperative that music businesses show leadership and do everything they can to grow the primary market, and to help fans buy or exchange tickets at their face value. (Fan Fair Alliance Declaration, 2017)

On numerous occasions, we have found tickets being sold unlawfully, so we welcome the competition authority taking action to tackle this. No one can know the real value of their ticket if they haven't been given the information on face value, where the seat is located and any restrictions. Tickets also shouldn't be fed straight into secondary sites at consumers' expense. We expect the CMA to take strong action against ticketing sites and businesses

that are not playing by the rules. (Vickie Sheri Director of Campaigns and Communications at *Which?* 2017)

Ticket resale is a curious and unique market in lots of ways because any other peer-to-peer online marketplace is usually based around some semblance of transparency and trust between buyers and sellers. But the big four anonymise the sellers; that's a massive issue ... If people buying tickets don't know the identity of sellers, it prevents consumers seeing who's selling in bulk. That in turn prevents us from seeing who's buying in bulk and makes it so much more difficult to work out how those power brokers are getting a hold of tickets. (Adam Webb of Fan Fair Alliance, cited in *The Independent* 2017)

@BrandonFlowers pl follow @edsheeran example & cancel resold tickets. Get yr agents to use the readily available tech to stop touts #ToutsOut. (17 July 2017)

Great to see this petition on banning resale of tickets at inflated prices gaining traction: [#ToutsOut #putfansfirst](#). (9 February 2017)

In response to secondary ticketing, government says a price cap would not work !! What a joke [#toutsout #Tickets #fairprice](#). (11 March 2017)

New legislation still a way off, but at least [#tickettouting](#) being taken seriously by government [#toutsout](#). (20 March 2017)

We need to give a consistent unified decision, led by artists, managers and promoters [#toutsout](#). (11 September 2017)

Growing consumer dissatisfaction alongside concerns about unethical practices carried out by secondary ticket market actors has led to a rise of concerned actors, including established and newly formed consumer action groups, activists and the artists. In addition, new fan-to-fan secondary ticket sites (such as Twickets) were introduced so that tickets can only be sold at face value, and opinions were shared widely throughout 2017 in news articles, on Twitter and in the formation of consumer action groups. Consumer activism in the market acquired coherence and a sense of singularity as industry actors and those with an interest in the success of the market(s) joined in. It could be argued that artists have achieved their main goal if tickets are 'sold out' through the official platforms. However, alongside the consumer voice, we traced the increasing prominence of the voices of artists and promoters, actively challenging the conditions of exchanging in tickets in primary and secondary markets and using Twitter as the platform for amplification of concern, especially around the themes of enforcement (or a lack of enforcement) and evidence of unfair practices. As the tweets above show, interested parties are actively sharing government and regulatory decisions, usually with a positive slant. Fans are also using Twitter independently to challenge the industry, encourage artists to discourage unfair practices, and rally for change in the marketplace.

Alongside evidence from individuals, we see collective action from consumer action groups formed in the market, with interested and affected consumers uniting to share their stories and experiences and challenging the accepted market norms. Established consumer action groups, including *Which?*, released media statements in support of changing the configuration of the secondary ticket market. An example of how the concern gained prominence through becoming collective in engaging with and acquiring a position in the market is FanFair Alliance: a consumer action group set up to 'unite members of the music and creative community who wish to take a stand against industrial-scale online ticket touting' (FanFair Alliance 2017). Funded by several music managers (therefore a collation and coalition of interests), FanFair Alliance (2017) states that a 'coordinated and pragmatic approach between Government, creative businesses, entrepreneurs and consumers

can make major inroads' against ticket touting. Functioning as a key concerned (and unified) actor in the market, the FanFair Alliance website acts as a hub for guiding, informing and educating consumers, and offers consumers a mechanism to elevate their individual voices into a collective strength through signing a declaration to support the movement. This action group supports consumers who have been charged unfair levels of pricing and fees when purchasing tickets from secondary ticket sites, providing advice and links to online templates for refunds.

Discussion

In presenting the vignettes above, we begin the process of analyzing flows and offshoots between the primary and secondary ticket markets. The digitalized version of the secondary market formed around an attempt to make scarcity and scale transparent yet coexist with the 'sold out' in market 1. In Vignette 1 the bots come across as market actors harvesting tickets with the potential for arbitrage (Hardie and MacKenzie 2012). This has led to complaints from other market actors (notably potential customers) who find themselves unable to purchase tickets at the initial sale, with secondary websites such as Viagogo advertising the specific numbers of tickets available for each concert (e.g. "Hurry, only five tickets left") as a way of highlighting the scarcity of the resource.

The UK government is the focus of Vignette 2, moving from a passive to a more active concerned actor with scope across the broad category of the sales of concert tickets and the ability to impact on current market practices through regulations and legislation. Finally, in Vignette 3 the process of raising concerns about actors participating in the concert ticket market is discussed as we uncover attempts to stabilize the secondary market or suggestions for changing both the primary and the secondary market. Potentially, a fairer market is emerging through a combination of the regulation via legislation of ticket inventory resale and consumer activism to encourage boycotting of (certain actors in) the secondary market. We see the introduction of a new digital market actor, Twickets,

where there is greater transparency of the scarcity of tickets and the principle of fairness, but which operates at a much lesser scale than that of other market actors such as Viagogo. Our third empirical vignette emphasizes that the concerning of consumers (around these unfair practices) and their allies still has work to do in configuring this market. Empirically, we see that currently these concerns are inside rather than outside the market(s) with concerning as a central part of the logics (such as fairness, scarcity and scale) of market agencing (Mallard 2016; Stigzelius et al. 2018; Stigzelius 2018). The resultant consumer demand emanates from the collective action created by multiple actors who have differing capacities to join, act and challenge established interests in the market. Concerning by human and digital actors, including government bodies, artists, fans, legislation, bots and blockchain technology, is independently and collectively involved in the ongoing transformation of the concert ticket market.

We summarize our analysis in Table 3 as a way of understanding the agencing (Cochoy, Trompette, Araujo 2016) taking place in both markets (primary designated as market 1, and secondary designated as market 2) and introducing concerning processes within the market(s). Returning to Callon (2016) we present our analysis around the five dimensions of framing. In our first dimension of framing, the *passiva(ct)ion of the entities traded (the investments)*, the good (the ticket) has moved from an object within a 'cool market', which rarely requires any adaptation, to a potentially 'hot market', notably in terms of the interactions of scale, scarcity and fairness (Law and Singleton 2005). The ticket itself is easily passive in market 1, but perhaps is much more turbulent in market 2. In our digital context, we demonstrate that bots are agencing as arbitrage (Hardie and MacKenzie 2012), acting alongside consumers (however, at far greater speed and scale) to access ticket inventory and remove it from market 1 (the primary market); thus, driving consumers to the secondary market where the tickets can be resold at profit. Consumer demand here is related to the scarcity of the object initially, combined with the consumer's desire to access the object (as the opportunity to see a much-loved artist in concert) – the face value of the ticket therefore changes from a price to a reference point for exchanges in the secondary market, signifying mark-up, profit,

scarcity, and fairness. As such, when consumers are unable to make exchanges in the primary market (if demand has exceeded supply), they must decide whether to participate in the secondary market – an endeavour in which price is no longer a fixed entity and there are uncertainties around the security of the ticket and its presumed rights. Our case provides examples of concerning in consumers using social media as a platform to discuss the unfairness of this market, i.e. seeking more ‘socially, morally and politically acceptable’ ways of operating the market (Geiger et al. 2014). We show that agencing market actors like bots could be designed out of the market through the enforcement of new legislation led by trading standards officers, such as making fines and cancelling affected ticket inventory. The market therefore becomes more stabilized due to increased legislation around the use of bots. This leads to a more controlled market, with the primary market being prominent, indexed by time (i.e. the date of the concert being the next organized moment of the transition and realizing of value once a buyer has purchased a ticket).

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+++ Insert Table 3 about here +++

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We now move to consider the second dimension of framing in Table 3, the *operations of valuation* (Çalışkan and Callon 2010; Callon 2016) whereby we see that in the primary market the ticket is offered at face value, with little opportunity for discount or adaptation of price (generally controlled by the promoters and printed onto the ticket for clarity and transparency). We show that in the secondary market, valuations and prices made for exchanges will depend on the scarcity and value of the tickets remaining on sale plus consumers’ willingness to pay, particularly when price greatly exceeds original face value. The value of the ticket will depend on the scarcity of product. Concerning is evident from multiple market actors, including consumer action groups, artists and

fans, around the 'unfairness' of pricing, including the transparency of fees within the final price to pay within the secondary market. New devices such as algorithms can join the conversation in the market, which can adjust the value of the ticket based on changing market conditions in the secondary market.

In examining how the concerning process impacts on the *orchestration of encounters* – the third dimension of framing – and the framing of markets, artists, as concerned actors, take to social media platforms to actively encourage other market actors to avoid the secondary platforms, again, we see that collective action of market actors (intermixing technology and humans) is helping to shape and represent demand. We demonstrate that in the primary market fans are competing against bots for the same ticket inventory. However, bots are working to a far greater scale and speed compared with humans. The primary market has attempted to re-humanize this market by introducing actions, such as entering CAPTCHA codes, as a way of accessing the final point of purchase. Our analysis reveals evidence of search engine rankings and paid advertising used as a promotional technique to drive demand to the secondary site (often bypassing the primary market's website presence). Therefore, digital devices such as Google Search rankings (Digital Music 2017) are significant in our understanding of the *orchestration of encounters*.

The purchase of the good (in this case the ticket) involves the bundling of options, obligations and knowledge, where each ticket has an individual identity. The fourth dimension of framing – *the attachment of goods to consumers (singularizing)* – shows that concerned actors are working to reframe the concert ticket market to understand ownership of the ticket from purchase to concert, using technologies such as blockchain (Iansiti and Lakhani 2017). While gaining ownership of the ticket in market 1 should be fairly straightforward as a binary transaction, and indeed the agencing of bots demonstrates how straightforward (approximating an agencement), the behaviours in market 2 differ due to consumer expectations, especially around pricing, the risk of ticket cancellation by the promoter or the possibility of being sold a false inventory. Market actors,

including consumers, artists, venues, digital developers and promoters, are working individually to find new ways of stabilizing (or agencing) the secondary ticket market. These interventions are challenging the basis for a difference between the two markets. Innovations including tracing the ownership of the ticket through blockchain, cancellation of resold tickets, and the introduction of verified ticket owners are all different ways of controlling and stabilizing the market. This is happening alongside the concerning of consumer activism, action groups and petitions and regulatory changes to drive change.

The price of the concert ticket – *the pricing in bilateral transaction* – is the fifth dimension of framing. The price of the ticket in the primary market is generally stable and is the main mechanism used to try to retain market control although there may be some instances where this is not the case. For example, performing artists have deliberately set prices for a proportion of ‘protected’ tickets as either artificially low, to ensure that engaged fans (or perhaps corporate sponsors) can attend, or artificially high, to price the ‘touts out’ of the market. The success of the secondary market appears to centre on the hypothesis that primary tickets are underpriced and made scarce, meaning that consumers are willing to pay above face value in order to purchase a ticket. The reasons for this perceived underpricing in the primary market may relate to a lack of understanding around consumer demand and how buyers value the ticket, and may be driven by artists who wish to promote fairness and reward fan loyalty (Geng et al. 2007).

The behaviours in the secondary market allow for variable pricing, and multiple secondary sellers, rather than the bilateral transactions detailed in the primary market. With arbitrage (Hardie and MacKenzie 2012) there are risks that prices may fall as well as rise and that involvement of the secondary market’s agencing may change qualities of (or associated with) the product. There is also the scenario that brokers/resellers may need to sell below face value if the demand has been overestimated or the level of competition underestimated. Pricing in the secondary market is therefore unstable and unpredictable, as is the availability of the ticket inventory. We view the

secondary market as being a continuous (unwieldy) market where agencing is still taking place as the market responds and adapts, where buyers and sellers can work out how, and decide when, to enter and leave the market until it is no longer attractive (e.g. too many competitors, unsold inventory, demand price has fallen below face value, or too close to the concert start date). Agreements must be made on additional profit for intermediaries (e.g. fixed fees or percentage of final price).

Conclusion

Our exploration of the primary and secondary markets for concert tickets suggests that digitalization has significantly altered the functioning of these markets, which in turn has destabilized them and triggered questioning from several groups. We demonstrate how matters of concern around the fairness of the market practices unite consumers and other actors into taking collective and public action. Our empirical exploration demonstrates that while digitalization (Hagberg 2016; Cochoy et al. 2017) has benefits for consumers, it creates challenges for many market actors involved in the process of selling and buying (and reselling) concert tickets. Our case shows within a digital context how the market for concert tickets is framed and challenged by multiple market actors and devices including regulations, algorithmic control, and asymmetries, giving rise to a fusing of concern, exchange and market, which accompanies multiple seemingly mundane exchanges. We see that developments in digital technology, such as bots, have driven consumer demand from primary to secondary markets by removing inventory quickly under a single price and reselling it under conditions that allow for a flexing of price over time. Therefore, the practical question of fairness is heightened by the specific and cultural, as well as the typically digital, nature of concerts, the referent to which tickets connect. The object of exchange, the ticket, is at least stable, but the ways of exchange and the role of actors within the markets are changing significantly. Digital devices, including Google Search rankings, QR codes (EventSmart 2017) and CAPTCHA codes, are being

utilized as a way of enabling this market to be performed, through the introduction of novel market practices.

We have demonstrated that by framing the markets (Callon 2016) by *passivation of entities traded, operations of valuation, orchestration of encounters, attachment of the goods to consumers and pricing in bilateral transactions*, we reveal opportunities for reconfiguring (or agencing) the market for concert tickets. This illustrates an attempt to create a fairer and transparent market, in which digitalization of the market is enabled and regulated, and access to ticket inventory is focused on the end consumer.

The market practices around concert tickets are one example of how digitalization affords secondary markets. Of course, there are many other examples of digitalization reshaping secondary markets, for example the evolving secondary financial markets use of algorithms and artificial intelligence in the Stock Exchange (Goldberg 2017). Within more mundane markets, the growth of the digitalized sharing economy has led to new market concerns about ‘digital discrimination’ against potential AirBnB customers in the short-term rental accommodation market (Cheng and Foley 2018). For other examples of such concerns see the articles on ride-sharing by Chimenti and AirBnB hosting by Ravenelle in this special issue.

Digitalization of market actors and devices will continue to shape and reconfigure mundane market settings, through the agencing of market actors leading to increased evidence of concerning and collective action from affected market actors attempting to re-stabilize unwieldy markets. The context of this study, the concert ticket market, remains in 2019 a subject of contention, instability, and affected by new technologies and digital actors, legislation, regulations and changing consumer demands. This study relies on secondary data including documentary evidence and Twitter data gathered under a single hashtag. Future research opportunities could include interviews with concerned market actors to gain a first-person understanding of how the market is performed and the impact of the regulatory changes and the adoption of new digital interventions.

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