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A Semiotics of the Counterfeit

Laikwan Pang

Abstract
This is a study of the semiotics of counterfeit products. Beginning with an analysis of a number of piracy-related activities taking place in China, I look at how and why China is understood by the world as a pirate nation. Through a careful reading of the counterfeit product as a material object, my study aims at demythologizing the relation between China and piracy, and I relate the logic of the counterfeit to the logic of capitalism. I argue that piracy is a result of global capitalism rather than to do with the character of a particular people, and I demonstrate the urgent need to establish a politics of mimetic reading, which refuses to be shut down by capitalist discourse, such as that produced by the intellectual property rights regime.

Key words
China ■ copying ■ creativity ■ intellectual property rights ■ mimesis

THE NOTIONS of creation and copying are severely dichotomized by today’s knowledge economy. The ability to create is not only taught and valued, but of late it is also sanctified by capitalism as the ultimate pathway to profit. The force of the new has always driven modernity – in the social discourse of modernization and technological development, and in the aesthetic discourse of modernist arts. But this reification of creativity has undergone a drastic structural leap in the age of the knowledge economy, which is fed by the abstract quality of the new, so that the value of a commodity is increasingly determined by the level of knowledge and creativity it manifests or that is invested in it. While many find the space of flows created by late-capitalist societal networks to be post-modernist (see, for example, Castells, 2000: 448–59), the discursive basis

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of the knowledge economy, which privileges innovation and newness, is modernist at heart.

This abstract quality of newness is conjured up by capitalism's continual supplies of knowledge and creativity. The value of a Ferrari car, for example, might largely derive from the knowledge invested in it, whereas the value of a Prada bag is related to its design – that is, creativity. But in the knowledge economy, knowledge and creativity cannot be separated: the presentation of knowledge (the style of the car) and the engineering of product design (the nanomaterial used to make the Prada bag) also make the car and the bag worth their price. Or, to put it directly, both knowledge and creativity are in the end information that is circulated, recycled and reorganized in new forms.

As a result, there is currently a conflation of two different understandings of creativity: on the one hand, authorship continues to be valued as an individual's emotional and aesthetic expression; on the other hand, creativity must be understood in its aspect of knowledge production and problem solving, in that creativity is utilized rationally to fit specific production and marketing situations.[1] The two understandings, which actually are contradictory, are discursively connected in that the knowledge economy can manipulate and reify creativity as new forms of labor inputs and commodity outputs. The notion of copying is also caught in a discursive quandary. As the opposite of the creative authorship model, copying – in its many forms of piracy, plagiarism and forgery – is demonized as unimaginative, lazy theft. However, industrialized creativity is actually a function of copying, which Theodor Adorno (1991) has elaborately analyzed. Copying is now even more convenient and effective due to the availability of different digital and cyber technologies, and new commodities often result from re-appropriation and conflation of existing ideas and expressions. Creativity in the modernist sense is now only a myth, but one that is still valorized and manipulated, partly through the discursive bashing of acts and products of copying. While creativity has a strong tendency to resist definition, different kinds of intellectual property rights (IPR) offenses are elaborately labeled, classified and condemned, in order to negatively legitimize the values of creativity. A site that attracts intensive discursive interests, the counterfeit product – no matter what exactly it is – is also semiotically rich.

In light of the widely circulated myth of creativity and the negative attention and terminology directed toward the counterfeit product, the main question of this article is whether it is really that easy to read and understand such an object. Legal frameworks only help us to name the product, but they by no means demonstrates what it signifies. In other words, I want to ask if the pirated product has a unique semiotics. As Ronald Barthes has reminded us, current consumer culture functions through its heavy manipulation of significations, which he calls 'myths' (1984: 109–58). In order to demythologize, we have to unveil the discursive framework that naturalizes culture. By studying the semiotics of the pirated product and the piracy

discourse related to China, I confront two myths: the Western notion of China as pirate nation and the Chinese notion that creativity is the key to modernization. The two myths are unified in today's global knowledge economy, which dialectically reifies creativity and condemns mimesis.

One way to tackle the dichotomy between creativity and copying is to investigate the interconnection between them, and in this article I show that the semiotics of the counterfeit product and brand commodity share common connections with mimesis. I hope to provide a semiological perspective from which to interrogate the knowledge economy, and to examine whether mimesis can point us beyond the mechanism of control that characterizes Western modernity. I also hope that this examination of mimesis might demonstrate a new rendering of the methodology of semiotics. Thanks to Barthes' seminal book, we have learned the skills of visual semiotics in reading advertisements, and we have learned how to understand signification through careful analysis of how different visual components are made to correspond to each other within a presentation. However, Barthes' meticulous and provoking analyses also emphasize the myth of the visual as a medium, and such approaches tend to create a dichotomy between the 'visual' as superficial images governed by a deeper 'invisible' socio-ideological structure. This dichotomization is deeply implanted in traditional Marxist thinking, in which the commodity form is fetishized in order to veil the true value – labor. Through a reading of the counterfeit and China's piracy scene, here in this article I want to complicate this polarization by examining the complex pathways between the visible and the invisible, and I want to demonstrate that mimesis is an important 'invisible' mechanism with 'visual' connotations, so that the semiotics of a commodity cannot be organized around a simple opposition between superficial appearance and deeper social reality. Let us begin with the myths.

China the Pirate; Chinese, the Uncreative

During a 2003 press conference in Beijing, then-US Commerce Secretary Donald Evans held up a bootlegged *Kill Bill* disc as evidence of China's flagrant disregard for IPR (Pang, 2005, 2006: 63–4). The European Union (EU) repeated the act three years later – the 'sublime object' that time was even more spectacular than Tarantino's violent film. With photographic evidence in hand, Franco Frattini, European Commissioner for Justice and Home Affairs, solemnly announced, 'The Chinese have finally managed to produce a fake Ferrari model' ('Fake Ferrari', 2006). The sensational news immediately hit the world media. This press conference was held to announce an EU proposal to adopt criminal legislation to combat intellectual property offenses, and the photo and the accusation were calculatedly deployed to attract media attention to an otherwise dry policy announcement. However, it was a poor imitation of the American action, as the accusation turned out to be false: the 'Ferrari' was actually produced in Thailand, another country famous for counterfeiting (Fitzpatrick, 2006; 'Phony Ferrari', 2006).

This Ferrari case is both a point of departure and a connecting thread of my analysis of the semiotics of the counterfeit product. Of the many pirated products frequently associated with China, I highlight this specific car because it effectively condenses the stereotypes and the mythos surrounding both piracy and China. There are two myths associated with this incident: that China is the chief pirate nation and that copying is culturally inferior. Barthes argues that the signifier (in this case the pirated Ferrari) is both the final term of the linguistic system and the first term of the mythical system – the meaning arising from the first system is distorted and appropriated into the second system. In this case, the first (linguistic) system tells us that it is a pirated car, and the second (mythical) system manifests as two myths: China is the chief threat to the knowledge economy; and China is backward because China makes copies.

From the perspective of the West, the Ferrari incident reflects China's current international image and its ambiguous position in the global economy. China has been stigmatized as the bootlegging capital of the world, a stereotype that the international community – particularly the US – has effectively exploited. Coercing China to play by international rules – that is, Western interests – is a major goal of current international diplomacy (see Mertha, 2005). The stereotype of China as pirate, regardless of how (in)accurate it is, is complicated by two other economic factors: China is the biggest target market for international companies, and China is capable of producing any kind of commodity. In other words, China is tied to today's global capitalism in all senses.

It is clear that all major motor companies are watching the Chinese market closely. Alan Greenspan even suggested that the continually expanding car market in China would have a considerable impact on the global oil market, and thus on world order.[2] In early 2006 Ferrari held a high-profile exhibition in Shanghai's Henglong Plaza that featured its most popular models ('Ferrari to Enhance Presence', 2006); the intention was clearly to reach out to potential Ferrari clients among the Chinese nouveau riche (Ferrari sold 100 of its sedans in China in 2005) ('Ferrari Maserati', 2005). But, to the frustration of many, China is not just a huge market, it is also a major competitor that does not necessarily play by the rules. Almost any commodity can be knocked off and reproduced in this 'world factory', which makes many 'genuine' products as well. In 2003 China was not only the third-largest consumer market but also the fourth-largest automobile producer globally (Research Department of Hong Kong Trade Development Council, 2005: 1). While an actual Ferrari is an Italian product, many of its parts are made in China,[3] making a made-in-China counterfeit Ferrari highly plausible.

The presence of foreign powers in China's car industry and market is extremely diverse: from the direct importation of the original Ferrari to imported parts to be reassembled in China; and from transnational collaboration – cars made specifically for the local market (e.g. Beijing Jeep, Guangzhou Toyota, Shanghai GM and Beijing Hyundai) – to the

manufacturing of car parts in China mainly for export. But a major section of China's automobile market remains local: there are numerous local companies of varying size and brands with varying market values. While Japanese motor companies have earned a great deal from the Chinese market through direct sales and different forms of collaboration, many of them – such as Toyota, Honda and Nissan – have filed IPR lawsuits against Chinese auto companies that pirate their models (Liu and Yu, 2004). Recently the competition has become so intense that, while overseas car manufacturers sternly oppose the aggressive Chinese car industry, which allegedly steals their ideas and even knocks off their models, internal competition is so fierce that no Chinese companies turn a profit: it's a lose–lose situation, concluded a Beijing car dealer (Dunne, 2005).

The EU's accusation of Chinese piracy, I believe, highlights how this international image of the 'Chinese pirate' is inextricable from the enormous industrial production power China allegedly possesses. The powerful and the demonic status of China, from both political and economic perspectives, is manifested and unified in its image as criminal pirate, and this discourse of robbery supports and is supported by the fervent desire and fear of transnational capital. As a country keen on becoming a major player in the new economy, China seems to have internalized this pirate image. In response to the aforementioned Ferrari accusation, an angry commentator wrote in the *China Daily*:

> The developed world is already wary of China's meteoric rise. It accuses us of undervaluing our goods and dumping them into other countries' markets. It imposes unjustifiable fines on 'made-in-China' products. It wants to save its domestic markets, but wants us to open ours fully. We are charged with wreaking havoc on the environment. In fact, we are made the scapegoat for every possible wrong that could occur in this world. (Zou, 2006)

After these strong, emotional and complex allegations, the commentator's conclusion and advice to the Chinese people is very simple: 'Help China by not making and buying fakes.' The rhetoric is straightforward: while China's position in international politics is too complex for ordinary Chinese to interrogate, they could at least give the international community less ammunition; in the end, the Chinese people are guilty of faking and buying fakes.

With the reification of knowledge and creativity, a major ethical battleground of the current IPR regime is the protection of the author. Although complex commercial and IPR-related laws have been passed at different times by different countries to allow distributors or employers to strip authors of their rights, the foundational position of the author in the copyright and patent constructs is irrefutable.[4] The legitimate commodity has an author, while the pirated product does not. If China is seen as world pirate, the country then lacks an author/subject position in the eyes of the international community proper. Parallel to the international anxiety over and

fascination for the stereotype of China's mimetic power is the Chinese people's own anxiety about their culture and their future in relation to creativity: in order to resurrect a legitimate Chinese agency in the global economy, we must create instead of mimic.

Unfortunately, there is a certain degree of accuracy in this rather racist claim printed in the *New York Times*: 'Even the Chinese will tell you that they've been good at making the next new thing, and copying the next new thing, but not imagining the next new thing' (Friedman, 2005). As evidenced in the many recent policies and promotions of various city governments competing to claim creativity as their own, we are seeing a certain creativity syndrome in China. Beijing's 11th General Meeting of the 9th Party Committee, held in December 2005, concluded that the city would promote cultural and creative industries and become the pillar of the city's future development (Hui, 2006; Ministry of Culture, 2006). It has been notoriously difficult to apply for a *hukou* (residency) in Beijing. But beginning in 2006, talents in the 'creative industries' have been allowed to bid for special residence quotas, because creative practitioners are now heavily sought after in Beijing ('Beijing: Four Types', 2006). Shanghai put forward the idea of developing creative industries in early 2005, initiated by the private sector and soon overtaken by the city government, which now coordinates all related activities under the aegis of its Creative Industries Centre (Wang, 2006). The city of Hangzhou, home to 60 cartoon and animation enterprises that employ a total of 10,000 people, is grooming itself to be the capital of Chinese animation (Chan, 2006). The Yuexiu regional government of Guangzhou also launched a 'Creative Economy Forum' in January 2007 – the first of its kind in the region – in hopes of transforming the Yuexiu region into a 'national creativity center' (Guangzhou City Government, 2007).

Such policy actions are causes and reflections of the rise of a new discourse around 'creativity'. According to the Chinese academic database CNKI (China National Knowledge Infrastructure), in 2004 there were 162 Chinese academic journal articles in education and social science that contained the word 'creativity' (創意 *chuangyi*) in their titles. Ten years earlier, only 20 such articles included the word in their titles.[5] We must note that the kind of creativity currently being celebrated in most academic writing is not aesthetic but economic, which is meant to be used, circulated and understood as information which can travel, solve problems and be reassembled. Most importantly, the achievement of the creative industries is seen as the indicator of a country's global success. As two mainland scholars claim: 'the products produced by industries associated with creativity are the highest civilization achievements of a nation or a region' (Qian and Hu, 2006). In the English-speaking world there is also increasing academic attention to China's rising creative economy discourse, accompanying a changing academic focus from cultural strategies to creative industries.[6]

Here we observe two interrelated sets of anxiety: there is a general fear in the West of China's enormous industrial production capacity, whereas

the Chinese worry that they can only reproduce and therefore are forced in directions determined by others. In other words, the West fears China's copying power, while China is concerned that it can only copy. Copying is feared because it is both powerful and powerless, depending on where one sits and what is at stake. We must understand that the celebration of creativity and the condemnation of copying is foreign to traditional Chinese culture. As some scholars have reminded us, the Chinese conserve by copying. In traditional wooden architecture, for example, the original wood is made to be reproducible and perishable, so that rotten parts can simply be replaced as needed. The entire building might last forever, while the parts that compose the whole can be repeatedly renewed (Stille, 2002: 40–2). This rationale of protecting and promulgating culture through mimesis is found in almost all dimensions of traditional Chinese pedagogy, in that reciting and copying classics and rituals is the backbone of humanities education. In traditional Chinese society, there is a shared vocabulary that people acquire through education, and creativity is exercised by copying and sharing, so that the entire intellectual and artistic tradition is a public domain, and the notion of intellectual property is alienating (Alford, 1995: 9–29). There is nothing radically new; we can see history as an enormous process of mimesis. The notion of time as circular is evidenced in the traditional Chinese calendar and even in the narrative structure of classic novels. As Andrew Plaks has reminded us, the classical Chinese narrative is not linear, but emphasizes the overlapping and recurrence of events (1977: 309–52).

I am not trying to propose a cultural essentialist position here; I only want to emphasize the fact that creativity as innovation is a discursive construction new to China. In fact, this is not an issue only in China; the meanings of copying and appropriation have also changed drastically in modern Western history. As Jean Baudrillard argues, the concept of forgery is basically a product of modernity: it was around the 19th century that copying began to be considered illegitimate and no longer art (1981: 103). Piracy was central to the foundational spirit of Western modernity; Dutch and Northern piracy was not long ago the origin of adventurism and expansionism, and many pirate activities in the 16th and 17th centuries were in fact supported by colonizers (Harding, 2007: 34–5). The vigorous development in the 1910s and 1920s that made Hollywood the international film center was also clearly blessed by diligent piracy of all sorts (Vaidhyanathan, 2001: 81–105). The current anxiety-ridden celebration of the new is extremely recent, and is grounded in the new economy and its legal basis.

Let us now move from myth to the counterfeit product itself.

The Magical Power of Mimesis

Japan's Kirin Brewery Company, which owns not only the beer but an enormous number of agricultural and pharmaceutical patents, simply claims that 'offending IPR is China's specialty'.[7] Underlying this criminalization

we might find anger, a sense of insecurity or even jealousy. But there is also an indirect recognition of a sort of magical power, in the sense that China can conjure up anything found in our present capitalist market, and this fascination and fear are driven fundamentally by the challenge of this copying capability to our modern rational world. I call this power the mimetic power, in line with a major stream in postcolonial criticism which challenges the legitimacy of an original power. As Homi Bhabha describes it, colonial mimicry mocks the founding objects of the Western world; early 19th-century Bengalis gladly received Bibles because their pages could be used as wrapping paper (1994: 92). Accordingly, I use mimesis not according to the Platonic-Aristotelian tradition of mimesis as representation, but in the anthropological sense of mimesis as mimicry, which is pre-linguistic and therefore is zoologically antecedent to the Platonic sense of mimesis.[8] Mimetic activities, then, are social practices and interpersonal relations rather than results of rational processes of human agency – the making of models based on observations of the world. Mimesis as mimicry, as Walter Benjamin (1986) and René Girard (1978) articulate, allows people to connect to other people, and also invites one to locate one's own alterity. Precisely because of its pre-linguistic nature, this kind of mimesis provides a model by which to understand human relations that is not confined by the modern Western experience.[9]

To understand a material object through the concept of mimesis, we might start with Benjamin's seminal essay 'The Work of Art in the Age of Mechanical Reproduction' (1968). The concept of mimesis is not mentioned therein, but its central concern is precisely the changes in the function and mechanism of mimesis in the modern world, which can be summarized thus: '[m]echanical reproduction emancipates the work of art from its parasitical dependence on ritual' (1968: 224). The emancipation of the work of art is based upon a drastic technological change from ritual (the past) to mechanical reproduction (the modern). The pre-modern form of mimesis must attach to ritual, of which every performance is unique, while mechanical reproduction autonomizes and perfects the mimetic mechanism.

Benjamin's position in relation to the modern and the pre-modern forms of mimesis is slightly ambiguous – he interlinks instead of dichotomizing the two. But his concluding predisposition is well known: it is the mechanically reproduced art, specifically cinema, that is capable of politicizing aesthetics and releasing the more culturally productive force of technology. This thesis of mechanically reproductive mimesis can help us understand the contemporary image of China as pirate: piracy has been so painstakingly criminalized in the new knowledge economy because of its enormous reproductive capacities. Unlike its Fordist predecessors, post-Fordist commodity is increasingly individualized because of the creativity and originality supposedly invested; piracy duplicates and proliferates such forces to challenge the rhetoric of knowledge economy. Piracy gives a new reading and new application of Benjamin's theorization of modern mechanical reproduction, and piracy reflects a (post)modern mode of technological

reproduction that is itself autonomous. It does not even matter if this particularly phony Ferrari is mass produced – an army of them will come, which is implied by Frattini's fearful accusation. In other words, the authentic commodity is endowed with a kind of aura, and the counterfeit product destroys this aura.

However, piracy is not just a politicized art; we would overlook much of piracy's power if we were to understand it only as simulacrum. Benjamin dichotomizes mimesis as modern and pre-modern, and piracy might effectively demonstrate the problems of such dichotomization. While it is clear that the impacts of piracy's mimetic power are destructive to the order of the knowledge economy, the responses to and the causes of this destruction do not rest only on economic and political terms. There is a certain magical power associated with, for example, the Chinese ability to conjure up a Ferrari – the Italians are proud of the intelligence, handicraft, technology and even taste that have been built into the brand after many years of research and refinement. How could China produce a fake with such wizardry? Using Benjamin's vocabulary, if the Italian car builder is like a surgeon who cautiously and scrupulously penetrates the car's body and builds it bit by bit, the Chinese pirate is like a magician who maintains the natural distance between the car and himself: Does s/he perform the magic by simply laying hands on some unrefined metal – or by casting a spell? Contrary to what has been stated earlier, there is also a mythical aura about the fake Ferrari that cannot be contained within the normalized logic of present-day capitalism.

Accordingly, piracy can also be understood as a 'pre-modern' form of mimesis, which is not just a specter of the past. Piracy is the negative definition not only of the current IPR legal regime but also of the social and cultural structure of capitalist modernity, so that inevitably piracy is associated with both modern crime and pre-modern irrationality. The developed world's fear of China's piracy capabilities, I believe, is a real one. The frightening and fascinating dimension of the counterfeit Ferrari resides not only in the damage done to the real Ferrari, but also in the difficulty of attaching any fixed meaning or value to the fake car. Piracy is associated with contradictory meanings, in that it is both 'postmodern' – as self-reproducible simulacrum – and 'pre-modern' – as magic, so that the counterfeit product is infused with meanings that can subvert the rationality and the order of modern society which safely houses the genuine brand-name commodity.

However, what I really want to demonstrate in this article is not their absolute differences but the intricate connections between commodity and counterfeit. It is true that there is not a fixed discursive framework to teach us how to relate to counterfeit products: some people consume counterfeit products simply because of their price and function, and many want to appear to possess a particular brand, but others like these products precisely because they are not 'real'. Because counterfeiting is criminalized by the dominant legal-economical structure, there is no legal basis for

legitimizing ownership and proper consumption of counterfeit products. But we should not assume the entire opposite with the commodity. Arjun Appadurai argues that the production and the consumption of commodities require very complex social forms and distributions of knowledge, and the various types of knowledge define the commodities' 'life histories'. While much technological, social and aesthetic knowledge go into a commodity's production, knowledge is also required to consume it appropriately (Appadurai, 1986: 41–2). To Appadurai, a commodity has a social life because it constantly interacts with the world through the changing knowledge invested in and extracted from it. In other words, a commodity acquires its identity also through a constantly transforming process. Similarly, a counterfeit product also has its own social life, but the kinds of knowledge apposite to a counterfeit product seem to be less controllable and predictable. As the interviews Shujen Wang conducted with various pirated movie VCD consumers show, consumers purchasing these items have extremely diversified interests and intentions, but reading them together they also demonstrate 'a desire and a conscious decision [of the consumers] to interpret their own realities and to make sense of the fast changing world around them' (2003: 89–92). While the identity of the genuine commodity might be more stable than the counterfeit product, they also share many common traits.

The value of a genuine commodity is allegedly governed by production costs and market demand; so is that of a counterfeit product, with the complication that a counterfeit's costs and markets are (only) partly conditioned by the genuine commodity. In terms of production costs, there are two very different systems governing the value of the counterfeit: one based entirely on the original product, and one based specifically on the production of the pirated product, which might be extremely slipshod. In terms of market demand, the counterfeit has its own market, yet it also exploits both the marketing and the residual market of the genuine brand name. It becomes very difficult, therefore, to assign a price to the counterfeit Ferrari. Should it be cheaper or more expensive than a counterfeit BMW? Should it be priced according to its condition and quality (use value), or its brand image (exchange value), or its secondhand market (surplus value)? It is also more difficult to be certain of the hierarchy of brand names in the world of counterfeit. The consensus among Chinese pirates is that the Prada nylon bag is the most profitable pirated item, because it is extremely easy to make and the materials are cheap.[10] The production value of Prada bags might be extremely high, but the reproduction costs of the pirated Prada bags are very low, thus allowing the brand name to pervade the pirated-goods market. The unsettling and powerful counterfeit product – the mimetic object – is enchanted partly because it cannot be abstracted into stable value.

However, this does not mean that we can take the value of a brand-name commodity for granted, particularly in light of market demand which is both manipulable and extremely slippery. Such volatile signification and

valuing mechanisms are most elaborately shown in 'branding'. The Chinese people's common vocabulary of international brand names has increased exponentially in the last decade. International brand-name products proliferate in department stores, which are located in major shopping malls or on main shopping boulevards. Their effects are more visual than tactile, as these brand-name products are far too expensive for the average Chinese person; this echoes Benjamin's description of the shopping culture in 19th-century Paris, which privileged seeing over touching (Buck-Morss, 1989: 81–2). A second tier of national brands is emerging, with a few major successes such as Haier, producer of home electrical appliances, and Lenovo, a computer company. However, the vast Chinese commodity markets are not yet monopolized by megabrands and transnational corporations as are Western markets. For example, 'the rapidly-growing MP3 players market in China is crowded with more than four hundred brands, mostly local ones with most of them capturing less than 1% of market share' (Eivio, 2006). The ability to develop successful brand names, then, leads directly to increases in market share. The Chinese government also is concerned about brand names. According to the Development Research Center of State Council PRC, the strongest components of China's economy are the country's labor force and production costs, and the weakest is its brandscape.[11] The development of Chinese brand names is believed to be the most effective way to elevate the global image of 'Made in China' commodities, and could be the driving force in the advancement of the country's industrial and economic portfolio.

The world of branding is highly hierarchal, with certain Western brands being the ultimate objects of desire, and a hierarchy of local brands trying in vain to catch up. Such fierce competitions can be understood as competitions of signification effectiveness, backed up by marketing programs of different kinds. In a way, the brand offers an authorial signature, endowing the product with a kind of originality, so that the brand functions as a metaphor, providing a semantic link from the commodity to a concept or a quality in a fixed and direct way. However, the actual ways the brand signifies are more ambiguous. Brand is a concept and an entity which fits very well with Raymond Williams' understanding of the unfixed and multiple forms of exchange that permeate people's 'structures of feeling', which are not personal but social and collective (1977: 130). As Celia Lury (2004) elaborates, brand is at heart performative, in the sense that it is the interface promoting, realizing and also unifying the many different consumer expectations for the product(s). The kind of creativity celebrated in recent capitalist society must not be understood as an end but as a means – not realized through a specific material product but manifested as a constant mutation that prevents the arrival at any final product.

The reification of brand, then, is not unrelated to mimesis. According to Lury, the creativity invested in branding does not rest in the product as new, but in the brand image as performative:

> [B]rand innovation need not derive or emerge from innovation in the organization of the production process. Instead, it may be produced in the practices of simulation or behavior modeling – that is, through qualification trials in which products are experimentally tested in relation to the goal or aim of reaching a target market. (2004: 56)

Because the ultimate signified – consumerist desire – is extremely volatile, the kinds of creativity invested in branding cannot be directed toward individual final products, which are destined to be displaced quickly. Each commodity is imbued with a built-in mechanism that leads the consumer to desire another commodity: I buy this camera in order to buy the next new model, although the succession of new cameras is unified by brand significations in terms of image, technology or knowledge: '[T]he whole point of modernity and capitalist competition being that technology and manufactured products are made obsolescent by progress' forward march' (Taussig, 1993: 232). The magic of mimesis ultimately also defines the magic of consumerism as performative, and it promises (but always fails) to reach the ultimate signified. If I may link the performativity of brand marketing to that of pirated objects, we might observe an odd connection between branding and piracy: the brand-name commodity and the counterfeit product each carry a metonymical movement that constantly displaces itself.

Postcolonial critics are interested in mimesis largely because of its metonymical movement, which generates effects that are destructive to colonial hegemony (Bhabha, 1994: 90). However, we need to pay attention to the fact that the commodity also has this dimension of metonymical displacement, which must be stabilized by the brand: the brand 'is'.[12] As Angus Fletcher demonstrates, metonymy is a teleologically controlled trope, which, on the one hand, conjures otherwise unrelated terms and images into a signification process, and, on the other hand, is governed by an invisible force that eludes figuration (1964: 85–7). Through such dynamics metonymy allows us to label dynamic interactions between part (the commodity) and whole (brand). It is this kind of 'teleologically controlled' movement that makes the brand commodity attractive to consumers. Consumerism also replaces colonialism to become the main hegemonic force of contemporary culture. As Michael Taussig reminds us:

> [I]n the second half of the twentieth century, objects as commodities have displaced one side of the [colonial] mirror. . . . Truly the commodity economy has displaced persons, if not into things then into copies of things flaring with life of their own, briefly animated (as Disney has taught us) by animal life stirring in the thickets of an ever-receding lost nature. (1993: 231)

Mediated by commodities, the old colonial system has been converted into a new form of commodity imperialism. The mimetic faculty continues to be manipulated by dominating powers; yet because of the displacement of power from colonialism's privilege of an original source to consumerism's

ubiquitous dissemination, it has also become more difficult for the manipulated to recognize and escape their manipulation.

In light of the dynamic metonymical movements governing branding, we might be able to come up with a new understanding of the make-up of the IPR. We must recognize that the copyrights, trademark, patents, trade secrets and other items that make up IPR are rooted in different cultural and historical contexts and different international treaties, and the IPR regime is a recent WTO (World Trade Organization) construct that artificially conflates all these rights (Maskus, 2000: 15–26). But why is this sweeping generalization and categorization of disparate rights being painstakingly put in place to legitimize the IPR regime? In terms of the dynamics between transformation and stability, we could group patent and copyright together as constructs to promote profits generated from new works and inventions, whereas trademark, trade secret and geographical indication protect and perpetuate existing monopolies. In the case of Nike, the singularity of the Swoosh sign is protected by trademark laws to perpetuate its market domination, while the company constantly applies for new patents to substantiate the brand's pride in so-called state-of-the-art shoe technology. For example, Nike claims that there are 19 separate patents protecting its SHOX system, yet what really matters is not these patents but the differentiation of Nike and Adidas (BBC News, 2006). The knowledge economy needs protection from both directions, in that the enormous amount of R&D investment in their ever-changing product lines is protected through patent and copyright, and trademark and trade secret laws guarantee the continued domination of the established brand names. Wholeheartedly embracing and encouraging creativity could be drastically detrimental to the status quo, and the existing hegemony needs proper protection from such destabilizing effects. It is therefore not enough to isolate any one of the constitutive rights as symptomatic of the entire functioning of the knowledge economy, but it is through their interactions and negotiations within the new IPR confines that the contrived late-capitalist logic is perpetuated.

Benjamin understands pre-modern mimesis mostly from the perspective of the performative act, emphasizing that each performance, and each attendance, is different from any other. 'Aura' is a result of such productions of differences and authenticity (1968: 228–9).[13] Benjamin therefore discusses the power of ritual mainly according to its temporal dimension and the changes made possible. But what I have discussed is how a stable material object can be mimetic on its own. As we have learned from the studies of religious artifacts, a static object can also be 'moving'. In fact, Benjamin briefly mentions the relationship between static objects and mimesis, and he suggests that many statues of gods and Madonnas are hidden from the general masses because of their specific ritualistic use (1968: 225). While Benjamin's criticism mostly concerns the clergy's exclusive ownership of works of art, we might extend Benjamin's observation to an understanding of how an object might be endowed with mimetic effects, particularly if they are religiously defined. According to Benjamin,

the veils and the seclusion involved with the religious artifact reflect the dichotomy between cult values and exhibition values: the more rarely it is seen, the higher its cult value. Underlying this dichotomy is the assumption that each exhibition is powerful and unique, and the meanings of the artifact are made anew each time it is seen, or it is involved in the performance of rituals. In other words, although the artifact is fixed and inert, its significations change.

In Christian thought, sign (as iconic) is considered religiously more truthful than symbol (as idolatry), because the sign points beyond itself to reach the divine being, whereas the symbol retains power and might become idolatry (Ouspensky, 1992: 17). In Christian aesthetics, then, arts should never stop moving, because the iconic, which is also mimetic, moves towards the divine, whereas idolatry invites the gaze to cease looking beyond the symbol (Mondzain, 2005: 70). Time and change are important elements in Christian thinking: while the ultimate signified – God – stays transcendental and permanent, all arts dedicated to it are moving, transient and unreliable. It is precisely this motion and instability that makes the artwork powerful.

This understanding of religious art is not unique to Christian thought; many other religious traditions have similar views on their ritualistic artifacts, which are religious precisely because they cannot figuratively portray their gods.[14] If the artifact is aware of its 'representation' of a higher 'unrepresentable' being, it could not be confident in itself because of the distance between readings and meanings dramatized in religious art. If a human being (whether producer or viewer) is aware of his or her own impotence in reaching the divine through a particular work, the signified cannot be fixed within the work. However, it does not mean that the signified of the iconic art is free-floating or empty. As Paul de Man has reminded us, religious art is often understood on the basis of structuralist symbolism, which assumes that all cultural expressions are manifestations of a set of ultimate symbols or archetypal stories (1989: 87). The iconic movement of Christian art is clearly structured.

Accordingly, our understanding of brand-name commodities might benefit from studies of religious arts. It is true that capitalism is more a way of life than a belief system, so that commodities are not religious, and it does not point to an ultimate signified as Christian art does. However, capitalism provides a cult system with its own elaborate set of beliefs and values (e.g. market as god, commodity as fetish), which promote social solidarity and stability (Yip, in press). So brand-name commodities are like religious symbolism in their reliance on a secure system in which god and brand name stabilize the object's metonymical movement. We can take the Mao Batch – items showing Mao's face that are meant to bring good luck to people in China – or other similar 'secular iconic' objects, as examples to demonstrate the difficulties of such balances. The Mao Batch is doubly fetishized because it is both sacred and commercialized, so that the collector takes the batch as both magical and collectable. But due to the two signification

systems functioning simultaneously, both Mao's divine figure and the Mao brand become less stable than most other religious artifacts and commodities. Market value and supernatural value define and delimit each other, so that the batch becomes not really magical, yet not completely disposable.[15] The significations of the Mao Batch, situated between being both a commodity and a religious sign, are very difficult to pin down. The mysterious identity of the counterfeit product could be seen as being like the Mao Batch, in the sense that in both cases the signification forces involved partly evade the capitalist system.

Kenneth S. Rogerson argues that the information age is characterized by the tension between two dynamics: 'first, the tendency of information to be free flowing and not to lose its value as it moves, and second, the tendency to want to control that flow of information in order to profit from its value' (2003: 136). We might use the same model to understand the creativity invested in brand-name commodities, in that their significations, however fluid, must be controlled to secure and benefit the dominant discursive system. The brand is set up to relate each commodity to another in diachronic terms, such as generation, or synchronic terms, such as niche market. Like the religious transcendental, the brand name also links the diversified receptions and consumptions to generate coherent consumption desire, although its ultimate signified is impossible to define.

The Politics of Mimesis

So far, I have demonstrated that both the commodity and the counterfeit are signified metonymically: while the former's movements are governed by the brand, the counterfeit is based both on the original brand name and something more irrational and arbitrary, which is outside capitalist control. The key question remains whether such counterfeit 'residual' could effectively subvert the ultimate signified, that is, the capitalist order. I am not optimistic, and I do not believe that we could hold on to the actual social functions and effects of piracy as a kind of responsible subversion. The current trend of hacking activism relies heavily on a politics of 'liberty', in that hacking realizes a form of freedom specific to the information age.[16] While piracy is like hacking, in that it also unsettles the information age, we cannot use the exact same leftist political perspective to understand piracy, because the embodied 'freedom' of piracy is not directed by individual agencies; yet it only indirectly reflects the metonymical dimension of the commodity and the larger capitalist system.

Currently, the discourse of '*dajia*' (打假, combating fraud) pervades Chinese media and government policy.[17] Objects of condemnation range from pirated Hollywood movies to counterfeit Gucci items, and from academic plagiarism to reporters falsifying news. We should recognize the cultural productivity of some of these IPR offenses – an entire new generation of Chinese film-makers has been taught the art of cinema through pirated movies, and new video works made up of copyrighted materials proliferate on the internet.[18] However, the actual effects of many of these

forgeries cannot be romanticized. One of the most heart-breaking examples took place in 2004, when knock-off baby formulas caused the deaths of 12 babies and serious malnutrition in more than 220 others (Feng, 2004). Or, in April and May 2006, bogus Armillarisin A injections produced by Qiqihar No. 2 Pharmaceutical Company caused the deaths of at least nine people and kidney failure in many others (Huang, 2006; 'Killing Bogus Drug Maker', 2006). The company is by no means a pirate factory, but a renowned state-owned company with more than 300 registered workers. It just happened that a corrupt merchandizing manager purchased an important component of the injection – propylene glycol – from a pirate.

In fact, counterfeit drugs are not found only in China but all over the world, and people in developing countries are particularly at risk (Akunyili and Nnani, 2004: 181–90).[19] Those in the developed world find these fatal incidents shocking mostly because they have taken commodities for granted. Would any parent doubt the nutritional value of beautifully packaged formula sold in supermarkets? Would patients question the medication they receive in hospitals? Consumer society, however diversified and targeted it becomes, needs coherency, just as iconic arts need god. While it may be arguable whether medicine should be considered a commodity, we must admit the important position of the drug and the health industries in the new knowledge economy. While IPR concerns are most contested in drug-related fields, the simple romanticism of piracy would also prove the most problematic there.

In China, the drug industry is the biggest spender on advertising. In 2001, eight of the top ten most-advertised corporations were pharmaceutical companies (Lu, 2005: 205–7). In China, health products most frequently carry brand names, and the aforementioned fatal piracy cases are detrimental to China's pharmaceutical industry. However, this subversion is provisional and weak because it only challenges China's medical industry, rather than the global medical industry. Hong Kong's drugstore retail, for example, benefits from drug fraud in China; thousands of mainland tourists come to Hong Kong every day to buy medicine and baby food (Nathan, 2006). We must observe that widespread piracy does not dismantle people's trust in brands, but that more affluent Chinese simply shift their consumption activities to Hong Kong, a more abstract brand name they now trust.[20] Parents might not have faith in any brand-name baby formula found in China, but they trust anything sold in Hong Kong. In this case, the capitalist system does not break down, but in some sense is reinforced. Such minor crises only reinforce people's longing for a better capitalist system.

A counterfeit product might disturb global capitalism because of its illegal position, which escapes from and subverts any form of macro control. But a pirated product, although negating the brand-name commodity, is ultimately parasitical on the original commodity, so that the consumption of a counterfeit product also indirectly reinforces the value of the model. Counterfeit is a function, however distorted, of the brand name, and the

disruptions it causes are easily remedied by the commodity market itself: it is only China's fault for tolerating piracy, not the fault of the 'Market'. Bhabha's celebration of the Bengali use of the Bible as wrapping paper might not apply to the actual use of counterfeit products, as the Christian god is probably not signified in the use of the individual pieces of the Bible's pages, but many are attracted to counterfeit products precisely because of the exchange value of the original brand.

To conclude, I now return to the theme of demythologization. As mentioned at the beginning of the article, I am interested in exploring the semiotics of the counterfeit product in order to understand the logic of the negative meanings associated with copying. As I have demonstrated, both the counterfeit and its model are governed, first, by the semiotics of mimesis and, second, by the capitalist drive. The two are connected in the sense that the metonymical movements comprising the objects' semiotics need the grounding of an economic system. Or, to look at the situation from another perspective, it is this constantly displacing economic system that needs the myth of creativity to hold it together. Barthes demonstrates two ways to counter mythologization: through poetic language that proliferates, therefore transforming the sign back into meanings, and through labor, which does not mediate but links oneself to the object directly (1984: 156). The latter is the language of revolution, which is equivalent to an act of penetrating the object and destroying it. This is an option unconsciously taken by many IPR critics, who choose to focus on political economy or legal polemics to understand piracy and counterfeiting, in which the actual objects, either the commodity or the counterfeit, are there to be deconstructed.

In this article, I chose the poetic approach advocated by Barthes, because I want to take the material object more seriously. Instead of destroying it in a single stroke, I chose to politicize by 'poeticizing' the object, so that it – both the counterfeit product and the commodity – can be transformed from a sign back to a contested site embodying multiple sources of meaning. But I also try to avoid the visual bias of Barthes, who tends to see the commodity as just a sheer surface or veil, waiting to be peeled off in order to reach the hidden meanings. As Baudrillard has reminded us, the magic of today's consumption culture is the assimilation of commodity and sign into an object form, 'on which use value, exchange value and sign value converge in a complex mode' (1981: 149).

Chasing after a modernization dream, the Chinese people are mercilessly exploited within the capitalist market. As suggested earlier, China is positioned as a pirate by the developed world because there is no other position in which the country could be placed. If piracy is merely a fast track, all the evils associated with the capitalist system are manifested much more hastily and dramatically through piracy. Piracy itself definitely cannot be romanticized as Maoist guerrilla action, as piracy only demonstrates the disorder resulting from China's frantic adoption of capitalism.[21] In order to counter such dense mythological systems, we need to commit to a mythological reading, reflecting carefully on the ways contemporary China is

entangled in capitalism. The fanatic capitalist society found in China and all over the world is constituted by objects encoded with a complex and glistering system of signs, which attract our attention and lure us into perpetual consumption and perpetual indifference. I find counterfeit products an interesting case for interrogation because they are an extreme manifestation of commodity obsession, and a careful reading of the object form of the counterfeit necessarily sheds lights on the sign system of the commodity itself. I believe that we need to regain our 'reading' capacity to understand a current knowledge economy that actually has robbed us of our ability to read. Precisely because mimesis can so easily be tamed, we need to hold on to a politics of mimesis that prevents us from falling into any trap of abstraction.

Epilogue

In July 2006, three people, including one Coca-Cola employee, were charged with stealing the 'trade secrets' of the Coca-Cola Company and trying to sell them to PepsiCo Inc. The two companies are perennial enemies, but when Pepsi received a letter offering to sell Coke's trade secrets, it went straight to its rival, which initiated an immediate FBI investigation ('Three Charged', 2006). I am not surprised by Pepsi's 'righteous' response, as this notion of 'trade secrets' really holds together the soft drinks industry to which Pepsi, of course, belongs. However, I remain extremely doubtful about the 'secrets' contained in those documents. Considering the extremely large number and 'variety' of soft drinks in the market, how could this market be held together without some kind of mythical aura? In a memo concerning the case, Coca-Cola Chief Executive Officer Neville Isdell writes: 'While this breach of trust is difficult for all of us to accept, it underscores the responsibility we each have to be vigilant in protecting our trade secrets. Information is the lifeblood of the company.' To be more precise, it is the companies' ability to uphold the myth of trade secrets that allows their pseudo-individual commodities to continue to flood the markets. By resorting to trade-secret laws, these soft-drinks companies prevent their consumers from reading the products, and therefore from understanding the market mechanisms. What we need, then, is a politics of mimetic/mythological reading, which refuses to be shut down by such a system of mimetic/mythological control. I believe this attitude of reading is particularly warranted in China, where too many people see capital as the ultimate signified.

Notes

1. The recent interests in the new creative class also center on the intersection of the expressive and the technical, making this new career particularly vulnerable to managerial manipulation. Richard Florida argues problematically that, instead of working solely for a wage, the creative class is motivated by passion (2002: 88). For the actual occupational situations the creative workers confront, see Christopherson (2004: 543–58).

2. On 7 June 2006, Alan Greenspan testified before the US Senate Foreign Relations committee that the energy abundance on which the US was built is over, partly due to China's high oil demand (Blackstone, 2006).

3. For example, the American Delphi Corporation supplies key systems, including the electrical/electronic (E/E) system, for Ferrari's newest luxury vehicle, the 599 GTB, and most of Delphi's E/E systems are produced in its Chinese plant. See Delphi's press release: http://www.delphi.com/news/pressReleases/pr7238-0301 2006, and the company website, Delphi China, http://delphi.com/careers/main/international/china/ (both accessed May 2006). On China's role in the global automobile supplies industry, see Yang (1995).

4. For a historical analysis of the complex relationship between the stationer and the author in the earliest copyright laws, see Patterson (1968: 64–77). For the different emphases on the author's rights in European and American copyright cultures, see Goldstein (2003: 137–42). For the authorial anxiety manifested in contemporary copyright laws, see Coombe (1998: 169–70).

5. The database can be found at http://cjn.lib.hku.hk/cjbd/mainframe.asp?encode=bg. Of course, many new journals have been established over the last ten years. But the percentage increase is also clear: in 2004, 162 articles out of a total of 321,631 (comprising 0.05 percent) included 'creativity' in their titles. In 1994, 20 out of a total of 103,217 (0.02 percent) did so.

6. See, for example, Hartley and Keane (2006). See also Wu (2004) and Wang (2004), who demonstrate the changing focus of scholars interested in Chinese cultural industries.

7. The accusation was raised just before Mother's Day, along with the company's complaints of Chinese farmers not paying proper royalties for planting the carnations whose patent it owns ('Chinese Carnations Exported to Japan', 2006).

8. For an elaborate discussion of the historical development of mimesis as a Western concept, see Gebauer and Wulf (1995).

9. Reading Girard's theories of mimesis carefully, Rey Chow (2006) recently recast mimesis as transaction and competition, through which she is able to demythologize the Holocaust and the German–Jew relationship as singular and historically unique.

10. See Liang (2006: 29). This Chinese 'shopping' book gives tips to Hong Kong and Taiwan tourists as to how and where to buy pirated name-brand bags in various Chinese cities.

11. See 'The Journey of the Internationalization of Chinese Brand Names' at www.drcnet.com.cn: http://218.246.21.135:81/gate/big5/www.drcnet.com.cn/DRCNet.Channel.Web/subject/chnp.asp (consulted May 2006).

12. John Frow also demonstrates the dialectical aspects of the commodity form, which he calls seriality and singularity. He believes that as a result of this duality the commodity form has the potential to be enabling and productive as well as to be limiting and destructive (1996: 151–200).

13. Of course, Judith Butler's (1990, 1993) famous theories of gender performance are also based on the mechanism of ritual and mimesis. I think it is interesting to compare gender performative theories with Benjamin's notion of 'aura' to further analyze the relation between aura and power.

14. For example, Wu Hung demonstrates that Laozi, the deified man personifying Dao (the Way), cannot be represented by a figurative likeness in Daoist art, because Dao can only be formless (2000: 87–8).

15. For an elaborate analysis of the Mao industry developed in China, see Dutton (2005).

16. Both Wark (2004) and Himanen (2001) see the hacker as the exemplary challenge to recent capitalism.

17. This news on forgery is also an effect of China's distorted freedom of the press. The media industry is flourishing in China, but it is not allowed to report on governmental errors; much of the press's energy is directed at piracy, which supposedly does not relate to the government in any direct way, and therefore is a safe political topic.

18. Jia Zhangke, the famous independent Chinese film-maker, self-reflexively commented in his film *Unknown Pleasures* (2002) on the importance of pirated movie discs to this generation of Chinese film-makers. For the video works produced by fan film-makers around the *Star Wars* saga, see Jenkins (2006: 131–56).

19. As the Nigerian activist Dora Akunyili claims, 'In Nigeria, there is hardly any family that does not have a history of somebody dying of fake drugs. My youngest sister died of diabetes in 1988. I'm a pharmacologist. I know it was fake insulin' (quoted in Aldhous, 2005: 134). See also Harding (2006).

20. Hong Kong, in reality, is full of counterfeit products and also a key site in the global piracy network. See Wang (2003: 167–86). But when placed in the hierarchy of global imagination, Hong Kong the global city facilitates the genuine commodity and capital flows, which would be filtered down to other adjacent and minor networks.

21. I have demonstrated elsewhere more elaborately the socio-political background of movie piracy in China; see Pang (2004: 101–24, 2006: 98–116).

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