Red Sonic Trajectories - Popular Music and Youth in China
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"The author does not precede the works, he is a certain functional principle by which
in our culture, one limits, excludes and chooses; in short, by which one impedes the
free circulation, the free manipulation, the free composition, decomposition, and
recomposition of fiction. (...) The author is therefore the ideological figure by which
one marks the manner in which we fear the proliferation of meaning."

Michel Foucault (1984: 118-119)

"...that there is nothing to express, nothing with which to express, nothing from which
to express, no power to express, no desire to express, together with the obligation to
express..."

Samuel Beckett (in Esslin 1965: 25)

---"FORBIDDEN DOMAINS"

Here, in the penultimate chapter of this book, pop, rock, the CCP, the industry, and the
audience come together in their quest to denounce piracy. China’s first “Oppose Piracy,
Support Copyright” concert was held in the Beijing Worker’s Stadium on September 8th.,
2000. The concert was organized by 12 music companies, and its primary sponsor was the
Ministry of Culture. Both local pop stars and such rock artists as Cui Jian were among the
performers.

So far, the Chinese state has been relatively absent from this study: It has played an invisible
yet vivid role behind the scenes. I have shown how music scenes negotiate the political, just
as audiences oscillate between a depoliticized and a politicized everyday life. The state is
most visible in the music industry because it owns all the publishing houses. In this chapter,
I will reflect upon two domains where the state proves to be most conspicuously present,
namely piracy and censorship. Whereas music pirates operate in places presumably hidden
from the eyes of the government, and are chased after by them, the censors reside in government
offices.

This chapter explores domains that receive considerable attention from both journalists
and politicians, both in and outside China. In the Western media, the conspicuous censorship
policies of the Chinese government are often interpreted as proof of the totalitarian character
of the regime, whereas piracy is an important site to negotiate and contest international trade
relationships. Copyright safeguards the interests of specific groups at the expense of others;
consequently, piracy can be interpreted as a field of contestation. I will show how piracy is
perceived by musicians, record companies, and the Chinese government as a serious drawback.
The critiques on copyright - namely, that it is imperialistic and ceremonial - are relatively absent from China. Instead, it proves more rewarding to acknowledge how piracy produces culture.

For the rock culture, censorship - like piracy - is both restrictive and conducive. Especially censorship ties in well with the rock mythology, as it gives the sound a rebellious aura. I wish to move beyond a top-down, hegemonic view in which state power is interpreted as suppressing music cultures in China. Instead, I argue for a more dialectical view on power by presenting the tactics used by musicians and the industry to negotiate their way through the regulations. There is also a need to move beyond interpreting censorship as solely a political concern. Censorship is more a playground than a political battlefield. It can even be productive for the promotion of rock, as will be shown in this chapter's conclusion. I will finally argue that one should think of strategies of exclusion rather than of censorship, thus acknowledging the important role of the record industry in silencing potentially critical voices.

The idea of copyright - that is, the belief in individual creativity and individual ownership - is rooted in Romantic-capitalist ideology (Frith 1993: 1; Hugenholtz 1999; Stewart 1994: 4). The economy of patronage during the Renaissance period gradually gave way to a market economy in music in the 18th and 19th centuries, during which copyright systems played an increasingly important role (Laing 1993: 22). The rationale underlying copyright law can be summarized in five points (Ploman & Hamilton 1980: 24):

1. The author of a work should benefit financially from that work.
2. Through copyright protection, the author will be encouraged to create new works; thus, copyright ensures cultural progress.
3. Copyright revenues are needed in order to create works and ensure further investment in publishing or recording.
4. A work is the personal expression of its author's thoughts, and so he/she ought to have the right to decide when and where that work is used.
5. For reasons of national prestige.

The rationale reveals a range of assumptions that reify the idea of the unique artist making unique works of art, and thereby supporting the cultural progress of his/her country. This shows that authenticity is not only a notion with a specific history that goes back to the

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1 Stewart (1994: 9), who together with Hugenholtz provides a concise history of copyright, traces the most rudimentary sense of copyright back to 1200, when copyists in the university towns of Paris and Bologna were subject to the monopolies of the guilds of stationers and booksellers.
Romantic period, but also that it is an important juridical concept as much as it is a key concept in the rock mythology. The mythology intersects at this point with an increasingly globalized legal system. According to Benjamin (1968: 224), the mechanical reproduction of art has emancipated works of art, as it challenges the ritualistic aura of uniqueness and authenticity. However, in the case of popular music, this authentic aura has been transferred to all legal copies; copyright thus secures the uniqueness of the product, a uniqueness that is challenged not by its mechanical reproduction, but by its illegal mechanical reproduction.  

Here I will show how the rationale of copyright, which was originally intended to protect the individual author, has over time become an important force in the development of a capitalist world economy, and how this has created a climate in China that is highly in favor of strict copyright regulations. The ranks are closed when it comes to denouncing piracy: Rock musicians, music publishers, local, regional and global record companies, and both Chinese and foreign governments are univocal in their disapproval. One salient detail I will briefly discuss is that some state-owned publishers in their drive to make money, triggered off by the CCP's demand that they become profitable enterprises, themselves produce pirated CDs. Having sketched the current situation, I will move on to discuss two main lines of criticisms regarding copyright: The accusation that it is imperialistic, and the accusation that it serves ceremonial institutions. Finally, I will come to the conclusion that for Chinese rock, piracy is both conducive and destructive.

Copy Right

Whereas at first mainly the interests of composers and songwriters were the focus of attention of copyright laws, this has, under the globalizing forces of the 20th century, gradually widened to include the rights of commercial industries (Laing 1993: 23). It is revealing that until 1891, the United States did not recognize foreign copyrights, and thus legally pirated

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2 Indicative of the rationale is the slogan of the Hong Kong copyright-collecting agency CASH: “Protect Copyright - let Creativity Flourish.”

3 Here I apply a different standard for authenticity than Benjamin does; to him, “the presence of the original is the prerequisite to the concept of authenticity,” (Benjamin 1968: 220), and thus authenticity is not reproducible. Although a live music performance is usually considered more authentic than a recording, this does not imply that the latter lacks any authenticity, as I have shown throughout this book. My point is that not only the reproduction as such but also the mode of reproduction - legal vs. illegal - affects its perceived authenticity. For a subtle analysis of how different forms of piracy can generate different levels of authenticity, see Jamieson 1999.

4 Challenges to the idea of copyright are not of course restricted to either China or piracy. Stewart (1994) analyzes some important challenges, for example in her study of literary forgery and imposture, that of George Psalmanazar (a pseudonym) who fabricated at the start of the 18th century a successful ethnography of Formosa (and cases of plagiarism can still be found today), or in her discussion of graffiti, which she sees as a challenge to the production of art, an attack on property, and a challenge to the system of display and exchange.
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foreign works (Halbert 1997: 59). Within a period of less than 100 years, “the United States made the transition from pirate to police and consequently underwent a significant change in the way it viewed intellectual property” (ibid.: 60). The mission statement of the IFPI explains what is at stake in debates over copyright: It aims “to secure and expand a global competitive environment for investment in recorded music.” Copyright proves to be a key element of the globalization of capitalist ideology; as such, debates over piracy in China are part and parcel of global power struggles. Only after 1978 did China realize that, in order to deal with international intellectual property transfers and foster local innovation, protection rights had to be better safeguarded (Fu & Cullen 1996: 250; Halbert 1997: 67).

Particularly during the 1990s, China refined considerably its legal system of copyright protection. The copyright law was enacted in 1992 (Clark 2000: 22). This reflects both China’s desire to enter the world market, as it can be seen as a reaction to a growing problem. In the mid-1980s, there were virtually no counterfeit products on the Chinese market; pirated copies appeared on the Chinese market only after the liberalization of the country’s economy and the introduction of improved manufacturing facilities (Clark 2000: 22). The growth of China’s economy during the 1990s thus goes hand in hand with a growth of copyright infringement practices. Whereas the Chinese market for audiovisual products exceeded 20 billion yuan in 1998, the share of legitimate products came to only 1.4 billion yuan (BBC March 1, 2000). Consequently, the issue of copyright protection ranks high on the agenda of the CCP. In the words of Minister of Culture Sun Jiazheng in early 2000 (BBC March 1, 2000):

“Buffeted by rampant smuggling and piracy, the environment for publishers, manufacturers, and distributors of audiovisual products in China has worsened dramatically in recent years.”

The piracy market is driven by the rules of supply and demand; in particular, popular “originals” of, for example, Beethoven, Celine Dion, and Jacky Cheung are pirated. The issue even brought China and the US to the verge of a trade war in the mid-1990s, when the latter threatened to impose import tariffs if Beijing did not commit itself to stronger property right enforcement. Later, the two governments signed a memorandum of understanding, and China appended a five-year action plan to improve the enforcement of the laws (Potter 1998: 41). Copyright protection is considered crucial for the reform policies; in the words of state councilor Wu Yi (BBC April 18, 1998):

5 The formation of the IFPI in 1933 is indicative of this development. The IFPI has over the years become one of the most skilled lobbyists for copyright reform at the international level (Laing 1993: 28).

6 Halbert, who defines law as “created through stories that manufacture injustice” (p. 55), distinguishes three important intellectual property related industries: the entertainment industry, pharmaceutical companies, and the computer industry (p. 61).
“To introduce and constantly improve the Intellectual Property Rights system is an important part of China’s reform and opening up, and also a need in order to create a socialist market economy in China.”

However, the crux of the “problem” does not lie in the legal system: Analysts agree that on most points China’s intellectual property laws are in line with international standards (Clark 2000, Fu & Cullen 1996, Potter 1998). Rather, the “problem” lies in the enforcement of these laws. So far, enforcement “is assessed primarily in terms of rule-making and campaign style enforcement” (Potter 1998: 43). Examples are the 1997 “strike hard” campaign against pornographic and pirated CDs, which indicates an interesting overlap between the piracy and the censorship policies of the CCP. During the establishment of a national copyright protection center, the director Yu Youxian of the State Copyright Administration said (BBC September 23, 1998):

“This action again demonstrates the Chinese government’s determination to eradicate copyright piracy.”

The word “demonstrate” is a rather apt description of the predominantly performative, campaign-like approach of the CCP. Another example of this is the “2000 Major Operation of China - Crackdown on Piracy” campaign, during which five million CDs were reported to have been destroyed in Guangzhou alone (China Law 2000: 107). Such actions usually receive considerable media attention, and photos show policemen burning a pile of pirated CDs. Being aware of the inefficiency of these measures, Minister Sun Jiazhen declared on February 28, 2000 that raids on pirated goods ought to be replaced by law, regulations, and effective mechanisms, for which a six-point action plan was drafted (BBC March 1, 2000). The slogan of the 2000 anti-piracy campaign is worth quoting (BBC May 30, 2000):

“Innovation is the Soul of the Nation’s Progress, Piracy is the Cause of Civilizational Desertification.”

Here we see that the fight against piracy is framed in a nationalistic discourse, as it might hinder “the national spirit of innovation.” In the words of Gui Xiaofeng, director of the office with the illustrative name of the National Working Group for Wiping Out Pornography and Cracking Down on Illegal Publications (BBC May 30, 2000):

“This Chinese nation is an innovative nation, but we are confronted with a severe challenge as we face the 21st century today. Anti-piracy activities on the one hand help preserve our own capability of innovation and on the other hand reveal to the whole world China’s determination to implement the strategy of revitalizing the country through science and education, and to protect intellectual property rights.”
An issue often considered to be imposed upon China, as put forward in the imperialistic critique I will discuss later, has been appropriated by the CCP as a site to foster the strength of the nation. It remains to be seen whether such action plans will reverse the tide. The state-driven, campaign-like style, with its militaristic overtones (a war to crackdown on piracy) and implicit threat of impending doom ("civilizational desertification") prevails. The US, aware of the importance of the Chinese market, acts approvingly, which makes the performance successful more in terms of the desired entrance to the world market than in terms of reducing piracy. The words of Andrew Pincus of the US Department of Commerce are indicative of the US response (BBC April 13, 1998):

"The legal framework provides a structure that allows economic relationships to function. As our economic relationships grows, necessarily more issues will arise. But we can discuss them as friends, and come to mutual understanding."

He agreed that China had made progress in intellectual property rights protection. Here it becomes clear what is at stake: The debate is related both to China's entry to the world market and to the desire of other nations, in particular the US, to conquer the Chinese market. China's wish to become a WTO member has surely fueled their property rights policies, since WTO members are obliged to comply with international regulations.

But practice differs. The experience of Magic Stone with the release of Tang Dynasty is indicative of the poor law enforcement. According to Niu Jiawei:

"At that time, we worked with one of China's biggest publishing houses, Tianjin Audio Visual Company. This publishing house used to cheat the record companies by concealing the real quantity of the units sold. They also made piracy tapes themselves."

A state-run company produces piracy copies in order to increase its profits. This shows how commercialization has stimulated the violation of property rights, while at the same time it is believed to have resulted in a refinement of the law that is supposed to punish these violations.

Another interesting case that shows the limitations of the copyright system, is the law suit between Red Star and Zheng Jun. After the success of Zheng's first album, he broke his contract with Red Star and signed up with Polygram. Red Star manager Louis Chan explains how they tried to sue him:

"The intellectual property law in China is very vague. In China there hasn't been a case of an artist breaking a contract, so the lawyer really tries hard to find out what he should do."
But, as said earlier, it is actually not the vagueness of the law, but its implementation that sets China apart from, for example, Hong Kong. Red Star manager Leslie Chan elaborated further on the case:

“In Hong Kong or elsewhere in the world you can ask for an injunction to stop the production of the record or ban performances, but in China such a thing does not exist. Furthermore, if you are familiar with the judge, you just go and tell him what you want. (...) I later found out that Zheng Jun’s brother is a lawyer.”

Both cronyism and the inexperience of the court turned out to be major drawbacks. Both parties later reached an agreement. All record companies I interviewed consider piracy to be the major drawback to the music business, just as the musicians complained about the pirated copies of their albums.

Yet — However univocal the parties involved in the music industry in China are in supporting the enforcement of copyright laws, a look at practices in the West shows us that it is anything but an uncontested issue. Frith (1993: 19) poses a crucial question: Which artistic rights define music as a commodity - those of the creators, or those of the consumers? In line with the idea of the creative, talented individual, the system is based on the rights of the creator, but this is increasingly being challenged by new technologies. Frith (1993) elaborates on two such challenges, namely home taping and sampling. The first frequently enrages producers, who interpret it as creative murder; debates at the end of the 1990s about CD recordables and downloading music from the Internet are examples of this controversy.

But the debate has so far been characterized by the failure of the producers to win the moral argument, as is indicated by the fact that governments have never introduced a blank

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Manager Leslie Chan has a good nose for contracting future “stars,” but seems to be less capable of keeping them: Earlier he also contracted Beyond - which, under his guidance, became the top pop-rock band from Hong Kong, but soon left him - and Wang Faye, who later became one of Hong Kong’s top female artists. The case of Zheng Jun shows the important role small record labels can play in the discovery and nurturing of new talents. This is also the case in the West: The big record companies are usually trend followers rather than trend setters. A good example is house music, which emerged in the club scene and was released by small labels. Only later, after witnessing the popularity of the genre, did the big record companies enter the market. In recent years, the big record companies have started to invest more money in local music cultures. Consequently, figures for, for example, European countries show a steady rise of the proportion of domestic music. Such a trend should of course be interpreted in a wider cultural, political, and economic context. More financial support from record companies coincides with controversial debates over European unification and the related proliferation of local identities.

It was said by a Chinese journalist that the fact that Leslie Chan still receives royalties from Polygram for the band Beyond was an important reason why Red Star did not want to push the court case to its limits.

Feng Jiangzhou from The Fly is an exception: He was happy and proud to come across pirated copies of his album in Mongolia, as it showed that his underground music is more popular than he expected.
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tape levy (Frith 1993: 4). As to sampling - which is considered by some as the creative rearrangement of existing sounds, and by others as creative exploitation - record producers have frequently frustrated artists by claiming rights to a sampled product.10 Here the power of the recording industry proves to be more effective, but now it is used mainly against the musicians. The name of UK sampler group KLF is indicative: the Kopyright Liberation Front (Frith 1993: 4-14). The sampling method continues to contest and subvert established notions of authenticity and creativity, and has blurred the line between producer and consumer (some CD jackets even contain guidelines on how to make your own sample). Both the sketch of the history of copyright and the issues of home taping and sampling show that copyright is a contested subject. To further substantiate this, I will move on to a discussion of two critiques, one that considers copyright an imperialistic force, and one that considers it to serve ceremonial institutions.

Copy Wrong

Imperialistic — Under the forces of globalization and parallel technological developments, it has become increasingly pressing for the transnational record companies to lobby for comprehensive copyright regulations all over the globe in order to protect their business interests. But in this lobby, “the commercial importance of music as an export industry counts for more than the legal rights of copyright owners” (Laing 1993: 31). This inspired Frith to conclude that “copyright can be seen as a key plank in Western cultural and commercial imperialism” (1993: xiii). In his analysis of Japanese copyright law, Mitsui comes to the conclusion that this law is primarily an imposition of Western concepts on the Japanese understanding of authorship (1993: 125-145). Fu and Cullen (1996: 273-274) come to a similar conclusion in the case of China. They argue that there are cultural reasons why copyright has been a neglected area for so long on mainland China. Among other cultural particularities, they refer to Confucian traditions, which in their view support collective rather than individual interests, and includes a stress on sharing intellectual products within a society. Also Chinese aesthetics used to place the highest value on the skillful imitation of classical works of art.

Both their essentialist undertone and the strategy of using the past to explain the present can be questioned. However, to do so would be beyond the scope of this study. But the underlying assumption of Fu and Cullen - namely, that notions of creativity differ over time and space - serves as a timely reminder that the struggle against piracy reflects specific ideologies. China drafted its first intellectual property laws at the beginning of the 20th century under pressure from foreign governments (Halbert 1997: 67). Academics in China acknowledge

10 Yet, it proves too sweeping to solely “accuse” the producers; also authors/descendants of authors have claimed their rights. For example, in a notorious Dutch case, a dance floor hit comprised of samplings of Carl Orff’s Carmina Burana enraged the descendants of Orff, who are the copyright owners of the original. They sued the sampling artists and won the case.
the power imbalance, but consider it inevitable to accept the globalized intellectual property laws; in the words of Zheng Chengsi from the Chinese Academy of Social Sciences, “though developing countries may be reluctant, they have no way to resist” (Zheng 2000: 80). In the same article, Zheng also remarks dryly that a certain person who owns many intangible properties abroad, happens to be the richest man in the world: Mr. Bill Gates.

Although the language - arguably more so than the idea - of imperialism employed by Frith sounds rather outdated, his point is well taken. It resonates well with Halbert’s analysis of US policies toward China. In her view, the US holds the narrative cards in the negotiations with China. “The consequence of disobeying the US position is to be depicted as a nation of pirates and thrust into a trade war” (Halbert 1997: 67). She argues that developing countries are disadvantaged in such a “war,” as they lack fully developed industries of their own. According Halbert, the American narrative frames the pirates as villains who steal money from the poor, hard-working Americans. “Making foreign piracy a moral issue instead of a legal one is an important step in distinguishing the good from the bad. (…) The story creates the identities of victim, villain, and hero in order to justify intervention” (ibid.: 69-70). Such a narrative with victims and villains (Asian pirates abusing American creativity and technological knowledge) conceals the larger political economy - that of the culture industry rather than that of the individual creator - and justifies the imposition of US notions of copyright on developing countries (ibid.: 72). Her analysis illustrates that the symbolic, rhetorical power of the piracy narrative guides us toward interpreting the pirates as bad villains and those who fight them as heroes. The imperialism critique is appropriated by neo-Marxists such as Ronald Bettig (1996), who argues that copyright serves solely to protect the capitalist class. Consequently, “the views and accounts of the world held by the capitalist class and aligned class factions and groups are broadly disseminated and persistently publicized” (p. 110).

Yet — The danger of the imperialistic critique is that it invites one to adopt a fixed position. Either the transnational companies are victimized, as they suffer from those villainous pirates, or a Marxist reading reverses the roles and constructs it as a clear case of capitalist imperialism. Both readings prove to be one-sided and tend to ignore the agency of the Chinese government and that of the musicians. Copyright is a field of contestation, rather than a leading theme in a theatre play in which the good can clearly be separated from the bad. Chinese equivalents for piracy are daoban (“stolen version”) and fanban (“copied version”), both of which have lost the connotation of piracy at sea. Now it can be argued that this proves Halbert’s point, as the “underdog” does not employ the piracy rhetoric. But the Chinese state has employed an equally powerful rhetoric, which defeats Halbert’s argument as the CCP is taking over the heroic role, rather than taking up that of the underdog.

Militaristic metaphors and metaphors of impending doom are used by the CCP in its fight, which positions the party as heroes fighting the illegal pirates. Also, Halbert’s approach is
both one-sided and US centered. Not only the US but also, for example, Hong Kong and Japan are crucial economic centers of global capitalism which articulate their economic loss due to piracy. It would be a gross overestimation of the rhetorical power of the US to assume that the underlying ideology of copyright is completely imposed upon the Asian industry, as though it were a message injected into blank Asian minds. It is equally misleading to ignore the earlier quoted voices within China that argue for a stronger enforcement of the copyright law, as piracy is equally damaging to the local industry. It is also too simple to univocally blame “transnational companies”. Fierce struggles between the record industry on the one side, and the consumer electronics industry on the other, show that different transnational companies have different interests. The marketing of the CD recordable by Philips is criticized and countered by Polygram - which until recently was part of Philips. These dynamics make piracy a thorny, complex issue.

_Ceremonial_ — Halbert points out that the piracy narrative is a powerful one: It turns a legal issue into a moral one and, as such, legitimizes the enforcement of copyright laws without making clear whose interests are served, and at whose expense. Whereas record companies claim to represent the interest of the musicians when they argue for good copyright regulations, their interests might actually diverge.

In his analysis of how copyright laws have changed in Europe over the centuries, Hugenholz (1999) shows that copyright started off protecting predominantly the rights of the individual author, but over time has moved toward protecting the rights of intermediary organizations, such as publishers. In particular these intermediaries benefit from copyright protection, often at the expense of the author. Dolfsma (2000: 5) argues that “the present system of copyright does not create an environment where a vast number of creative individuals earn an income thanks to financial incentives. Instead, copyright as it exists provides substantial flows of income to administrative organizations with no creative functions.” These non-creative organizations are in particular the copyright collecting societies (for example, the Dutch BUMA/STEMRA keeps 8.8% of the royalties to finance its services (Dolfsma 2000: 5); such organizations do not yet exist in China) and the music publishers (which are often, though not always, part of the respective record company).

The activities of particularly these two intermediaries - apart from benefiting considerably from the copyright system - remain obscure. Hugenholtz (1999, translation mine) explains the tasks of a music publisher: “They don’t do much, and often absolutely nothing (...) they don’t publish but only administer and exploit (...) the rights of the [author].” As I explained in the previous chapter, the role of a music publisher in China is very different; among its other functions, it helps the government to control the market. They are similar, however, in that they are, like their Western counterparts, administrative organs with no or hardly any involvement in the actual “creative” process of music-making. Inspired by institutional
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In the economics literature, this leads Dolfsma (2000) to the conclusion that such intermediaries are ceremonial institutions, which are, rather vaguely, characterized as "those that prevent developments from taking a turn to the benefit of all." Consequently, Dolfsma applauds the copyright-free nature of the Internet, which he considers beneficial for both consumer and musician. He expects it to generate a greater variety of music without completely replacing the old system.

Yet — To assume copyright to be a solely ceremonial institution that benefits all except musicians and consumers is a bit too sweeping in the case of China. I have already pointed out how in China both musicians and audiences oppose piracy. For example, this is what one anonymous fan wrote in a letter to Red Star:

"I hope you can produce more tapes like this one from Tian Zhen, and I hope that you can make your products more distinguishable so I won’t buy a pirated one."

The ceremonial critique also rigidly divides creative from non-creative practices, whereas my study on the production of rock has shown that these practices are far more blurred and intertwined.

Both the imperialistic and the ceremonial critique pose important challenges to the ideology of copyright. They serve as a timely reminder that we ought to constantly ask ourselves the question, when discussing copyright, whose interests are being served at the expense of whom. When applying this question to both piracy and censorship, we can trace an interesting schism in the Western perspective. Whereas in the West, the censorship of culture is constantly interpreted as a brute and unjustified intervention by the state, when it comes to copyright protection, such intervention is applauded. In the case of piracy, the critique is that China fails to control culture, whereas with censorship it controls too much. Whereas Chinese reports produced in the mid-1990s reinforce the centrality of the state when it comes to fighting piracy, the US agreed to "regard IPR [intellectual property right] enforcement in China as primarily a matter of public security and censorship" (Potter 1998: 43).

Depending on the context (or rather, on what interests are at stake), the West poses different demands on the Chinese state. To secure the right of freedom of expression, the state is criticized; to secure the right of individual ownership, the West embraces the Chinese state, at times to the extent of a suffocating trade war.11 As can be expected, one case where the West responds positively to piracy is when it concerns a forbidden, censored publication. The novel Shanghai Baby from Zhou Weihui - which is full of sex, drugs, and nightclubs - was banned in April 2000, after which all remaining copies had to be destroyed and the publisher was forced to close down. The book immediately appeared on the illegal market all over China to the approval and amusement of Western observers (Putten 2000: 4). Because the book was driven...
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underground, it gained much popularity in both China and abroad; publication is now scheduled for Taiwan, Hong Kong, and Japan. This leads me to some final observations on how piracy also produces culture.

Copy Culture

The critiques on copyright enforcement outlined above center on the question who profits at the expense of whom. In the imperialistic critique, the West profits from the rest; in the ceremonial critique, shadowy intermediaries profit from the creative artist. Both critiques are valid, but only to some extent in the case of China, where artists, companies, and the state are strikingly univocal in denouncing piracy. Both critiques fail to challenge the underlying rationale of the copyright issue, namely that of the unique artist who produces a unique work of art. Consequently, the notion of authenticity remains the main thread. Here, the copyright issue ties in neatly with the rock mythology, as both reify the idea of the unique artist.

Piracy can thus be interpreted not only as a threat to the music industry, but also as a challenge to the underlying principles of this industry. It challenges the ideology of intellectual property that serves as the legitimizing narrative for the collection of copyright revenues by record companies (cf. Negus 1992: 13). In China, such challenges do not rank high on the agenda of either consumers or producers; I therefore consider it more interesting to acknowledge how piracy produces culture: It enables more people to buy CDs in China, and more titles are being circulated in the market.

If we expand the piracy issue and include the illegally imported dakou CDs, we see how all the debates around copyright are also producing specific cultures. The words of the earlier quoted state official Gui Xiaofeng are indicative (BBC May 30, 2000):

"With the unchecked spread of large quantities of pirated publications riddled with errors, a lot of wrong knowledge and information is misleading the consumers in a very harmful manner. Youngsters in particular will be adversely affected for life by such wrong knowledge. Certain obscene pirated CDs will even directly interfere with youngsters' healthy growth."

11 Here I must add, however, that such a conflict is not solely related to the image of China. Copyright grants owners a monopoly over their text which can be considered a restriction of freedom of expression. For a discussion of the conflict between copyright and freedom of expression, see Hugenholz 2000.

12 As my study is not on authenticity itself, but on how it functions as an important concept in the production of culture, I will not discuss what it means to be authentic. For an analysis that comes closest to my view on authenticity, see Foucault 1979.
Buying a pirated CD or a *dakou* CD is an illegal act; it subverts both the ideology of the Chinese state and that of transnational companies and the US government. Its illegality gives a subversive aura to the act of buying, which makes it a pleasurable act that binds youth. In the case of VCDs (video discs), it opens up violent and pornographic worlds that are considered harmful by state, educators, and parents alike. Not only are the CDs an important musical resource for both rock musicians and audiences—and at times also a crucial source of income, since some musicians are themselves involved in the *dakou* business—but they are also part of a youth culture I introduced in the first chapter of this book. Indeed, artists lose money because of piracy, but at the same time by buying pirated and *dakou* CDs they gain cultural capital and are part of a youth culture that celebrates the illegal above the legal, that is as global as it is local. Piracy can thus be considered both a productive cultural force and something that damages Chinese music cultures.

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According to the ancient Chinese philosopher Confucius, there are two dangerous kinds of music. The first is loud and jarring music, which stimulates chaos. The second is pleasing but lewd music. Both are supposed to disturb the harmony he considered crucial for society (Tuan 1995: 89). If Confucius were to enter a music store in Beijing today, he would most likely classify rock as the loud music, and pop as the pleasing but lewd kind. Confucius might be pleased to know that the current authorities in China share his view and do their best to censor popular music, in particular rock.

A case in point is Cui Jian. He expressed his annoyance to me after fifteen years of struggling with official authorities:

“I think the Chinese government plays a child’s game that I can’t play. Maybe you can treat them as kids, or maybe worse, maybe you should lie, or be patient, only then you can win.”

Here I aim to discuss this “child’s game” of the Chinese government. It is not my intention to write a genealogy of censorship in China, but to map out the impact of censorship on the production of music in China. I argue against generalizations that depict the artistic circle in China as being completely suppressed by, or in complete compliance with, the communist state. In other words, the artist is neither fully a victim nor fully an accomplice. The complex relationship of power is illustrated by the 1990 tour of Cui Jian in support of the Asian Games:

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It is worth noting that in Chinese, there is no real equivalent for the word censorship. The Chinese expression is generally taken to be *shencha*, meaning to inspect or to check. The emphasis thus lies on the act of inspecting, rather than on the item to be inspected. Its connotation is arguably less strong than in English.
He was banned after stirring up the audience too much. Starting off working together with the authorities, the singer ended up being banned again.

I will first briefly describe a model of censorship that prevails within Modern China Studies - that of the "velvet prison" - and link it to studies of censorship in other communist/post-communist societies. After that I will discuss three domains where rock is directly confronted with state regulations; namely (1) the production and distribution of rock, (2) its media exposure, and (3) the performances. The focus will in particular be on lyrical contents, since lyrics appear to be the nodal point from which to scrutinize popular music; I have not heard of cases where songs were banned because of their compositions. After this I will show how both musicians and the industry negotiate their way through the regulations. Censorship proves to be more of a playground than a political battlefield. Finally I will show how censorship is productive for the proliferation of Chinese rock culture.

**Velvet Passions**

How can we interpret censorship policies under a communist system? To answer this question, Barmé (1999) adopted the idea of the velvet prison from Haraszti (1987), who analyzes the relationship between artists and the communist Hungarian authorities during the post-Stalinist period. In post-revolutionary China, Barmé argues, the Party cannot scrutinize and control artists as it did during the Cultural Revolution (1966-1976). Instead, by co-opting artists into its bureaucratic system, a system of top-down control has been replaced by the self-imposed compliance of the artist (Barmé 1999: 1-19). According to Barmé (7): “Technocrats reformulate the social contract, one in which (...) consensus replaces coercion, and complicity subverts criticism. Censorship is no longer the job of a ham-fisted apparat, but a partnership involving artists, audiences, and commissars alike.”

Through the state’s co-opting of artists, Barmé believes self-censorship has become the major form of ideological control. Only a few artists - the naive heroes - dare to speak out against self-censorship, whereas others - the maverick artists - work independently and are, in the case of China, generously funded by regional and global capital (Barmé 1999: 12-13). Interestingly, neither author draws the obvious link between their work and that of Gramsci, who already in the 1930s argued that state hegemony had moved from coercive control -

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14 For reasons of space, I confine my analysis to practices directly related to music. I leave out coercion tactics related to the personal lives of musicians. Sometimes singers are charged under the law against hooligans (liumang), but this is only rarely the case. More often bands (Tang Dynasty) or singers (Luo Qi) are taken into custody under the charge of drugs use.

15 On the contrary, I have heard of a case where the Ministry of Culture even subsidized a taped compilation of revolutionary classics, because of its lyrics. They were certainly not aware that these were used in punk songs; as such, the government subsidized a musical parody on itself.
manifested through direct force or its threat - to consensual control, in which individuals “voluntarily” assimilate the view of the state (Gramsci 1971, Fernia 1987: 23-60).  

Although I consider the Gramscian idea of a velvet prison an appealing analogy, it, as analogy goes, unfortunately runs the danger of easy generalizations and oversights of peculiarities that are at odds with broad similarities. It is at best frayed velvet, with holes and signs of wear. As I will show, the idea of a velvet prison is at times an accurate way to describe how musicians deal with the authorities. However, the idea can be considered a rather violent, paternalistic and over politicized narrative.

It is violent, as it imprisons artists in a position of compliance with the authorities. It is paternalistic, as the subtext reads that true artists ought to resist any cooperation with state institutions. And it is over politicized, as it reduces complex cultural realities to a stereotypical dichotomy of artist vs. the state, a reduction I consider to be emblematic of the Western gaze on China. In 1999, China’s internationally acclaimed movie director Zhang Yimou withdrew his contribution to the Cannes Film Festival. He accused the festival authorities of misreading his movies and of reducing them to solely the political. In his words: “I cannot accept that the West has politicized Chinese cinema for all these years. If a movie is not against the authorities, it is immediately considered propaganda” (in the Dutch newspaper De Volkskrant, April 21st 1999, translation mine).

As in other socialist societies, the relationship between state and rock in China is neither that of full compliance, nor that of plain opposition. In my view, it is necessary to release Chinese artists from the discursive construction of the velvet prison, and to search for understandings that interrogate the political by highlighting the tactics used by bands, companies, and state-owned publishers within the system, in order to circumvent the system.

16 The idea of a velvet prison positions artists vis-à-vis the state. Such politicization of art and popular culture is not restricted to China alone; it can also be found in writings on other communist/post-communist societies. Interpretations of the role of rock music in such societies differ among academics, most of whom are highly informed by the rock mythology. Wicke, for example, argues that “rock music contributed to the erosion of totalitarian regimes throughout Eastern Europe long before the cracks in the system became apparent and resulted in its unexpected demise” (Wicke 1992: 81). In his discussion of rock in Czechoslovakia, Mitchell makes a similar statement, saying that “rock music has represented probably the most widespread vehicle of youth rebellion, resistance and independence behind the Iron Curtain” (Mitchell 1992: 187). Ramet draws less on a fixed hegemonic model in her writing on Russian rock in the 1980s. She points out that the authorities politicized rock, and that the music itself is not intrinsically political. The erosion of the political order badly affected the rock scene, which, according Ramet, has lost energy now that the fight with communism is over (Ramet 1994: 10, 209). Ramet’s study shows that, in contrast to what the quotations from both Wicke and Mitchell suggest, there is little ground to uphold the idea that rock and socialism are natural enemies. On the contrary, the East German state used rock as one of its propaganda tools (Rauhut 1998: 343). However, I do not know of such a direct use of rock by the Chinese authorities. In her critique on the often assumed political role of rock in socialist societies, Peckaz concludes, in line with the narrative of the velvet prison sketched above, that “relationships between the socialist state and rock were more often symbiotic than contradictory, hence many rock musicians were more interested in ‘adapting’ to the status quo, rather than destroying it” (1994: 48).
All parties are involved in the continuous negotiation of the rules set by the state, a negotiation that does not necessarily signify a desire to challenge the political, but to release what may be a commercially profitable album.

**Regulations**

The Product — According to Article 102 of Chinese criminal law, it is an offence for any person "to confuse right and wrong, to poison people's minds, to incite the masses and create chaos, to undermine socialist revolution and construction, and to achieve the final goal of overthrowing the people's democratic dictatorship and socialist system." (Fu & Cullen 1996: 145) Such a statement offers a fine glimpse of a strong feature of Chinese law: Ambiguity. What is meant by right and wrong? What is most poisonous in popular music? Song Zufen from one of China's biggest publishers concisely summarized their policy:

“There should not be any sexual content, or anti-China, anti-government content. We just cut out these inappropriate parts.”

The issues deemed most sensitive - or, to retain the jargon of the law, most poisonous to the minds of the people - when it comes to the contents of popular music, are politics and sex. As Fu and Cullen correctly remark (1996: 162): “In China, the dividing line between what is unacceptable because it is obscene or indecent and what is politically unacceptable is less clear than in most Western jurisdictions.” However, one can distinguish laws directed against cultural expressions that incite sedition, subversion, and defamation (thus focused on the political), and those against obscene and indecent expressions (thus focused on the moral). When singling out the political, the offence of counter-revolutionary incitement is committed, according to a text issued by the Political and Legal Commission of the Party in 1981 (in ibid.: 151):

“Where counter-revolutionary elements, anti-party, and anti-socialist elements, and leading members of reactionary societies attack and defame the party leaders as the representatives of the proletarian dictatorship and the socialist system, in order to achieve the purpose of confusing the masses and subverting the proletarian dictatorship.”

If one looks at Article 2 of the 1988 Pornographic Publication Rules, it becomes slightly more clear what is meant by obscene and indecent. Content identified as obscene includes (in ibid.: 171):

- Obscene and explicit portrayals of sexual behavior, sexual intercourse and their psychological effects;
- Open publicity of pornographic and lewd images;
Obscene portrayals and teaching of sexual skills;
Explicit portraits of incest, rape or the means, or details of other sexual offences, sufficient to induce the commission of crimes;
Explicit portrayals of child sexual behavior;
Obscene and explicit portrayals of homosexual or other abnormal sexual behavior, or explicit portrayal of violent, abusive, and insulting behavior related to abnormal sexuality; and
Any other obscene portrayals of sexual behavior that cannot be tolerated by ordinary people.

An “ordinary” person is defined as an adult who is physically and mentally normal (ibid.).

Indecent, as defined in Article 3, are those publications that (ibid.):

Contain materials of the kind mentioned in Article 2;
May poison the mind and health of ordinary people and especially minors; and
Lack artistic or scientific value.

Most stipulations on obscenity and indecency, like those against child pornography, can also be found in Western law. However, the rules focusing on the political are more alien to the Western jurisdiction. Suffice it to conclude that by now, in China a wide array of regulations and laws have been developed on which officials can fall back when they want to censor cultural expressions. Although during the 1990s these laws were increasingly detailed, the ambiguity remains.

Foreign cultural expressions face stronger scrutiny than those produced on mainland China. One reason for this is the economically informed desire to “preserve” national culture. One can also find such a desire in other countries; for example, 65% of the songs Canadian radio plays must be in the French language (Grenier 1993). Another reason is the fear of “spiritual pollution” from foreign cultures. This fear is also reflected in the earlier mentioned regulations concerning the import of music: Not only is there a limit of 250 titles a year (Laing 1998: 341), but foreign albums face stronger scrutiny as they have to be passed by the Copyright Bureau as well as by other control organs. Publishers planning to release Western bands have to translate the lyrics into Chinese for the censors. Hong Kong and Taiwan are also considered foreign; the return of Hong Kong to Chinese rule in 1997 did not change its status. Thus, regional record companies that produce Chinese rock (such as Magic Stone from Taiwan) face stronger scrutiny compared to their competitors on the mainland (such as Modern Sky). For Red Star, a Hong Kong-based company, this was one of the reasons to set up a local company in Beijing.

The Media — The regulations outlined above are equally applicable to media performances.
Given its rebellious aura, and at times content, rock is considered inappropriate for the Chinese media. In the words of TV producer Li (in: Reitov 1998: 139):

"Rock'n'roll is out, but even softer music finds itself in trouble if the performer doesn't look right. Certain areas of the body are more forbidden than others and nudity is not allowed. We can't show bands with men with long hair or women who have very short hair, earrings and strange make-up. The decision makers think it conveys a bizarre image that is not good for our young people."

Limitations on the broadcasting of rock on either TV or radio is often mentioned by producers as a factor severely affecting their opportunities to market rock music. It also indicates the inconsistency of official policies: Whereas the government allows the release of rock, it does not allow its promotion on TV. Radio DJ Zhang Youdai started his career as a producer for a Beijing radio station. Because of his long hair, the radio officials did not trust him to actually present a program:

"I asked them to let me try to host the program. 'Don't even think about it,' they said. 'Because the radio station is the voice of the government, you should not be doing this'."

This statement underlines the general rule; namely, that rock is not suitable for air play on either national radio or television.

**The Stage** — On October 1, 1997, a new set of regulations concerning artistic performances came into effect in China. The 55 articles elaborate what is and what is not permissible. The organizers of performances need a business license, and are required to obtain a license for each individual performance. In the case of foreign artists, they require special permission. Apart from these basic regulations, some items shed revealing light on what is considered sensitive (published in The Peoples Daily (Renmin Ribao), the major mouthpiece of the CCP, August 27, 1997):

**Article 3**: Performances should be held in order to serve the people and serve socialism; to put the social benefits in the first place, to improve the excellent culture of our nation, and to enrich and improve the people's spiritual life.

**Article 16**: The government forbids the establishment of cultural performance organizations that are run or partly run by foreign capital.

**Article 22**: The government bans such performances as the following ones:
- those endangering the nation's security;
- those encouraging ethnic segregation, infringing the customs of minorities, or damaging the unity of our nation;
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- those with sexual, superstitious, or violent content;
- those that are cruel and terrible, doing harm to the performer's health;
- those attracting the audience by showing defective or deformed human bodies;
- other contents prohibited by the law and administrative rules.

These regulations - with their focus on the political and the moral, and their element of national protectionism - resemble those dealing with the production of music, as outlined earlier. It is worth noting the limitations of the official discourse. The implementation of regulations like these is far from consistent with the actual text, which in itself is ambiguous. Also, those who wrote them or are supposed to enforce them often do not believe in the regulations. As such, it can partly be considered a discursive masquerade, meant to legitimize the Party, yet not really taken seriously by anyone. According to Fu and Cullen (1996: 274), compared to other countries, it is not so much the law texts that are “problematic”, as their enforcement.

Two overall interpretations of these sets of rules and regulations seem equally plausible. First, despite the lack of belief in the rules among policy makers and enforcers, and despite the inherent ambiguity of the rules, they do allow for selective enforcement. The state has the legal tools to censor anyone at any time for just about anything. Such a reading very much resembles a view in which China is imagined as an overtly politicized space, a view predominant in the West. Moving away from the staticism of such a view, I would say that the ambiguity in the regulations confines and yet offers the space for those involved, including the state-owned publishers, to negotiate their own way through them. This negotiation may take the form of self-censorship, circumvention, intentional disregard, or other tactics that may be as creative as the music itself. To substantiate this claim, I will deal with some of the ways the regulations are being negotiated.

Negotiations

The Product — In Chapter 6, I pointed out the key role played by music publishers in China. Although all publishers in China are state-owned enterprises, and operate under the production regulations outlined above, they are far from identical. Besides establishing and maintaining good relations (guanxi) with the authorities, a good publisher knows the right tactics to employ when negotiating the rules. Dickson Dee from the Sound Factory, an independent record label in Hong Kong, explained how he succeeded in releasing an album by Wang Lei, a Guangzhou-based rock singer:

Tony Saich, an American Sinologist, told me in October 1997 about a talk he had with an Internet censor in China. The official agreed that it is senseless to screen the Net, as new pages will pop up constantly. What counts is that the higher officials believe it is under control.
“The publisher knew that some of the lyrics might lead to problems, but then they also knew how to play the game. They simply did not send anything to the censorship department, they just released it, and so far there has been no problem.”

This is a clear example of how the state is directly involved in circumventing its own rules (as publishers are state-owned companies), and how ambiguous the enforcement of the law is. Such ambiguity is in turn traceable among the publishers themselves: Some are more conservative than others.

An often used tactic employed by record producers and music publishers is “linguistic camouflage”. The release of Wang Yong by Magic Stone is a case in point. Magic Stone’s Beijing manager Niu Jiawei explained how they changed the lyrics on the jacket in order to circumvent censorship:

“We never put restrictions on the singers, in order to give them the freedom to perform the best they can. But we have to use some tricks to evade censorship. Usually we coin some words to replace the prohibited lyrics on the jackets which are similar in pronunciation. For example, Wang Yong’s lyrics wo jiu cao ni made - ‘Fuck your mother’ - was changed to wo jiu qu ni ma? - ‘Shall I marry you soon?’.”

Linguistic camouflage was also applied to the printed lyrics of The Fly’s “Gun or Bullet,” which appeared on a compilation album in 1994. “Sex” (xing) was turned into “heart” (xin), and “making love” (zuo ai) into “loving wrongly” (cuo ai). Through the publishing houses, the state not only increases its control over the market, but also ensures a share of the revenues. The latter function of publishing houses helps explain why the tactics of linguistic camouflage are at times applied with the state’s direct involvement: The urge to make money often outweighs the need to censor. While Niu’s assertion of giving absolute freedom to their singers corresponds with the romantic myth of the individual artist, and as such resonates well with the rock mythology, Louis Chan from Red Star told me:

“We warn them to avoid having any political contents in their lyrics. They are pretty clever in this, they usually don’t write about politics but more about personal issues.”

There are more examples of self-censorship. The jacket of the 1997 release by The Fly depicts scenes that, according to the law texts quoted earlier, should be considered obscene. Two such scenes by Beijing artist Song Yonghong are shown in Figure 7.1.
These images appeared only on the Taiwan and Hong Kong versions of the jacket. In order to get this album released on the mainland market, Modern Sky removed these “obscene” images and replaced them with pictures of the band. Furthermore, linguistic camouflage was used as to cover up the explicit sexual contents of the lyrics.

In 1999, Modern Sky released the second album by NO. The lyrics of four of the nine songs are not given on the jacket. One of these four songs ("Injustice") contains the following words:

You have taken action to feel easy, feeling easy is freedom
Freedom is human rights
But human rights is politics!
Comrade, you have foolishly entered the stage of politics

Audiences are aware of the tactics employed by the industry, Zhang Weiyun complained in his letter to The Fly that the lyrics on the jacket had been censored:

"Was the publisher too careless, or was it because of the strict censorship system? Whatever the reason, when releasing this album officially, I believe it should have been done in a responsible way vis-à-vis us rock fans."

Other fans were more understandable, and simply asked for the correct version of the lyrics, or expressed their admiration that the band had managed to pass through the censorship system. In any case, audiences, at least some of them, are aware of the restrictions and are able to read between the lines of the sung and the written (or non-written) version.

The case of Zi Yue's shows how record companies, in this case Jingwen, simply drag their feet in order to pass the censors. Their album was released almost a year after the recording of the master tape was finished. This tape did not pass the scrutiny of the censorship department of the Ministry of Culture. Finally, one song had to be skipped. The reason for these problems is less political than it seems. The mother of Zi Yue's drummer, who is a director of a Beijing TV station, accused lead vocalist Qiu Ye of being a counter-revolutionary after she discovered that her son smokes marijuana. She forced the Ministry of Culture to pay extra attention to their master tape. This is why the censors got involved in the first place, since Jingwen is a local company, whose releases would normally only face the scrutiny of a publisher. In the end, her complaints were proven to be incorrect, but the release was deliberately delayed in order to avoid further problems. In the words of manager Song Xiaoming from Jingwen:

"We have changed one song, not because of political contents, but because of sexual contents. (...) Now the government pays more attention to this one, we have to use all kinds of methods. One of the methods is to wait, to drag things out."

This case shows how much the censorship procedure depends upon personal factors. Zi Yue's problems were caused by his enraged mother. The lyrics of Zi Yue's song "Traffic Accident" (the one omitted due to this mother's anger) run:

My ass keeps on moving up and down
Accompanying you into yet another orgasm
You boast of the unique odor on your body
Suggesting me to come, and laugh like you
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A song that undoubtedly would have had a parental warning attached to it in the United States, has never been released in China. The same happened to Cobra’s “1966”, a song with the Cultural Revolution as its theme. Record company Red Star tried their utmost to get the full CD accepted. The first publisher they went to rejected four songs, so they searched for another one. They finally found one who wanted to omit “only” this song.

As mentioned, pop music from Taiwan and Hong Kong also faces censorship. It is even more thoroughly scrutinized, since it has to be licensed, but given its less controversial contents, most pop can enter the Chinese market without much difficulty. Some artists are confronted with censorship, for example the Taiwanese pop icon Ah Mei. During the inauguration of the Taiwanese president Chen Shuibian on May 20, 2000, she performed the Taiwanese national anthem. After that, all advertisements in which she either featured or sang were banned from the mainland market, as were her CDs (Meijdam 2000: 15). But to ban CDs by such popular artists as Ah Mei has relatively little impact, given the huge piracy market in China - which shows that, at times, piracy provides an opportunity to release music that did not pass the censors. It would be beyond the scope of this chapter to elaborate further on cases of censorship of foreign music (which includes regionally produced pop music), or to explore the tactics employed by the producers of pop to circumvent the censor regulations. Suffice it to note that censorship of music is not restricted to rock music alone. But, given the often more explicit political and/or sexual contents of its lyrics, it can be assumed that rock faces stronger restrictions than other music genres. Equally important is the observation that the unofficial market plays an important role in circumventing official regulations.

The media — In a media landscape that seems not to favor rock, the genre continues to grow. At first radio DJ Zhang Youdai was not allowed airtime, given his image as a rocker. Eventually, in 1993, he had the opportunity to work for a new station, Beijing Music Radio, with a program of his own, and is now presenting both Chinese and non-Chinese rock music to his audience. Satellite technology poses another challenge to the authorities: An estimated 20% of the population can receive Star TV, including Channel V (an Asian equivalent of MTV) which frequently shows clips of Chinese rock (Chan 1994: 73). Furthermore, many magazines, such as Music Heaven and Modern Sky Magazine, present Chinese rock to the public. The magazines normally include a CD of the latest Western music and, in the case of Modern Sky Magazine, of recent Chinese rock. These magazine can be bought all over China.

TV producer Li, quoted earlier, relies on self-censorship and cuts parts out of video clips, and replaces them with other, less sensitive, shots. But she also recalled the unpredictability of the system. A ballad she thought was permissible was rejected by her colleague, as the contents were not “healthy”; the song is about confusion, and asks questions, which was considered sensitive. After airing a performance by Chinese folk singer Ai Jing, Li’s TV show was banned for a month. She explains (in: Reitov 1998: 141):
"She normally sits down quietly and plays gentle songs. This time she just jumped about on stage a bit, very gently, and my bosses said this was rock. It wasn't and we were all depressed."

Her statement reveals the power of genre distinctions that are informed by the rock mythology. By reclassifying a folk singer as a rock singer - a reclassification based on the appropriation by the singer of a part of the rock idiom; that is, jumping about on stage - the bosses construct the act as something politically sensitive.

Before folk-rock singer Zheng Jun appeared on TV, the police asked him not to say a word between the songs. He agreed, in order to be able to perform. Indeed, this can be considered a moment of compliance through self-censorship, just as the critique on modern life in his songs created potential moments of subversion during the show. When He Yong made fun of model worker Li Xuli on TV in late 1996, he was forbidden to perform for three years - so he went to Kunming in south-west China and performed there, which shows not only the ambiguity of the system but also the importance of locality. In general, regulations are less rigidly enforced the farther one is away from the political center, Beijing.

The stage — When I attended a performance by Tang Dynasty in July 1997, the evening was cut short by the police. A week earlier, the same venue - a bar owned by rock musician Wang Yong - had had to close for a few days, after organizing a "rave party" to celebrate the Hong Kong handover. The party was considered an illegal gathering. Wang Yong was vague when I asked him what went wrong with the Tang Dynasty concert. He had not got official permission, he said, so afterward he had to spend quite some time improving his relations with the local police. He apparently did that rather well, because until the bar closed in 1999 for personal reasons, it hosted a rock concert every Friday and Saturday night. Tang Dynasty had become one of its regular shows. The case again points to the importance of locality. Beijing - let alone China as a whole - is not one uniform space; on the contrary, it is divided into many police districts. When a bar owner has established good relations with the local authorities, the regulations are rapidly loosened up.

Thus, the basic way to avoid problems is to establish good relations with the police, but even then one must be careful. Drug use should at all times be avoided in bars, and, conforming to the idea of the velvet prison, bar owners close their bars during sensitive periods (such as around June 4th) or do not stage any live performance when a Party congress is being held. Former bar owner Fei Fei clearly had not established good relations with the police:

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18. The police are also directly involved in the entertainment industry. One of Beijing's more controversial discotheques "Hot Spot" (Re Dian) is owned by policemen. The place is not only controversial for being a cruising place for homosexuals, but it is also notorious for the gun fights that have taken place there. However, to date, it remains one of the better places in Beijing to dance.
"The police come unexpectedly to the bar to make sure no one is dancing and that the audience is not too large. If you have 15 seats in the bar, then you can only have 15 guests. If you have more than that, you might get into trouble. But you can never tell: Sometimes they do not allow, sometimes they do."

His last remark is characteristic: The only thing everyone knows is that one never knows, and the only thing one is sure of, is that no one is sure of anything. The strategy crucial to organizing performances is to establish good relations with the local authorities, yet even this does not guarantee an untroubled future. But care is needed, and one should not single out the political reasons when explaining the limited number of performances in Beijing. Yun Yin, keyboard player for Cobra, has a different explanation as to why there are now fewer concerts than in the early 1990s:

"It's not that the government has become more strict, it's always controlled rock music. I think there are now fewer organizers. In 1992 and 1993 people were very interested. (...) Later they found out they really can't make so much money from this, so now fewer people organize rock concerts."

Thus, not only the censorship policies of the government, but also the disappointing opportunities to make money with rock performances have affected the number of performances.

The regulations introduced earlier are particularly valid for large-scale concerts for which official licenses are needed, and less so for semi-underground performances in bars. Of course, when necessary, they do provide the tools for the police to ban even small performances. When I attended a major concert organized by record company Magic Stone in November 1997, the police who lined up in front of the concert hall made me wonder whether I was going to a concert of five renowned bands, or to some secret Party committee meeting. My ticket was checked three times. The record company was not allowed to sell tickets or to do promotion for the concert. It was sponsored by a foreign brewery and mainly organized for marketing purposes; Channel V broadcast the concert in Asia. Organizer Niu Jiawei could not resist the temptation to give away 700 rather than the 500 tickets he was allowed to distribute.

Although the place remained half-full, the police noticed and assured him that the “mistake” would be noted in his personal file. The half-empty space, the ban on alcohol, and the large proportion of policemen in the hall successfully turned the concert into a boring affair. Large-scale concerts are deemed problematic, particularly in Beijing, mainly because the Chinese

19 From mid-August till mid-October 1997, there were hardly any concerts in Beijing due to the 15th Party congress; afterward, however, the scene quickly recovered.
authorities are scared of large gatherings, and particularly those of young people. Such a fear is not specifically Chinese or communist: A whole body of literature has discussed the "problems" of large gatherings of youths (Cohen 1980, Hebdige 1988).

Shortly after He Yong was forbidden to perform due to his provocative act on TV, a large-scale concert by pop-rock singer Zang Tianshuo was cancelled. Neither his music nor his lyrics, which reflect on such issues as friendship and love, are particularly sensitive. It was simply bad timing, as the authorities had been alarmed by He Yong's provocative act. Zang Tianshuo complained to me that artists like He Yong frustrate the development of Chinese rock. Here, the idea of the velvet prison is rather accurate: Those who transgress the boundaries of the velvet prison and do not comply with the authorities (in the case of He Yong, by making fun of a model worker), are criticized by those musicians who opt for compliance. He Yong's rebelliousness is held responsible for frustrating future chances of performing. In the words of Zang Tianshuo:

"The most important thing is that the bands and the government should cooperate with each other. For example, both I and Cui Jian got the government's cooperation and then we became successful, but many new bands are not famous; if they cooperated more, people would get to know them."

A certain level of compliance is expected in order not to upset the system, and Zang Tianshuo considers this crucial for the further development of the rock scene. He was able to perform six months later in a fully-booked Workers Stadium; after all, He Yong's act only stirred up the political waters for a brief time. The success of this performance, in turn, annoyed Niu Jiawei who faced so many problems while organizing the Magic Stone concert. He told me:

"Zang Tianshuo applied for one year for this concert. Furthermore, he keeps on saying in public that he is not making rock'n'roll and that he only wants to do something for the government and the common people."

Thus, people within the rock scene deal in different ways with the velvet prison. Zang Tianshuo argues in favor of it, whereas He Yong chooses to transgress its boundaries. All are involved in exploring the limits of the permissible in China. At times, transgressions of boundaries occur, after which the state becomes more strict for a while. The velvet prison is there, and though it is omnipresent, it would be wrong to assume its omnipotence.
Proliferations

Finally, I will move beyond the two restrictions that have so far limited my discussion of censorship; that is, a bias toward singling out its restrictive silencing force at the cost of discussing its productive power, and the reification of the state by presenting censorship as basically a legal issue, whereas it can also be seen as the ways in which language is constrained. Censorship is also a productive cultural force. According to Butler (1997: 128), “censorship precedes the text (...) and is in some sense responsible for its production.” Censorship precedes the text because it first has to define what is and what is not acceptable speech, which in itself is a speech act. “Censorship is implicated in its own repudiated material in ways that produce paradoxical consequences” (Butler 1997: 130).

By pointing out that sex and politics are sensitive issues, the law draws attention to sex and politics; it produces them as dangerous discursive zones. Censorship is very much a constitutive force for the subject; to move outside the domain of speakability implies risking one’s subjectivity (p. 133). Such a view on censorship broadens the issue toward what can and what cannot be said; it rests on a Foucauldian idea in which power is considered productive, and guides Butler to the observation that “censorship is at once the condition for agency and its necessary limit, [(..) such] agency is implicated in power” (p. 141).

By censoring rock, the Party is at the same time part and parcel of the production of rock as a distinct music world, because it not only focuses attention on a specific music genre, but it also corresponds well with the marketable image of rock as a suppressed and therefore rebellious sound. The zone of unspeakability becomes a site of subjectivation for those who aim to perform in line with the rock mythology. The case of punk band 69 is illustrative. Together with three other hard-core punk bands, they released their first album in 1999. When I asked vocalist Peter about censorship problems, he told me:

“Before we released it we expected problems, we hoped we’d get problems. You know why? Because if we had problems we’d get famous, everybody’d know it: ‘Oh, this band had problems. What’s the problem, let’s buy it!’ You know what I mean? We hoped, but nothing happened and we were disappointed.”

Here, censorship ties in neatly with the rock mythology, a mythology that has proven to be so powerful for hardcore punk. The importance of government restrictions for the proliferation of the Chinese rock culture cannot be ignored. The censorship of rock in China can be interpreted as both restrictive and productive: It confines the space of rock, yet simultaneously creates space for it. The title of this section -Silencing Culture - is therefore misleading. Censorship both silences and produces culture.
It is equally important to note that censorship is not solely defined and imposed upon citizens by the state. Regulations that govern the domain of sexuality are neither typically Chinese nor confined to the state. On the contrary, parents, educators, and official censors are involved in governing the boundaries of the sexually permissible. By singling out the official laws, one runs the danger of reifying the state and thereby covering up the other sites of censorship. Furthermore, it is at times futile to retain the dichotomy censor-censored as though these were two different entities. As discussed above, censorship is implicated in all discursive domains; it produces zones of unspeakability that not only operate at an explicit, and often juridical, level, but are also very much implicit: They are etched into the discourses that constitute everyday life. In other words, the forces of censorship reside as much inside us as they operate outside us.

*The Illusion of Confusion*

Both piracy and censorship result in the containment of representation (cf. Stewart 1994). Copyright protects specific cultural works and prevents them from being duplicated and appropriated in ways considered undesirable by those in power - the moral majority - while censorship serves similar goals. But such a containment of representations is far from unproblematic, as I have shown in this chapter. The answer to the question whether culture ought to be copied or copyrighted can never be straightforwardly given. Piracy is disadvantageous for rock musicians and for the small independent record companies that produce rock. The Chinese government is, in its desire to establish a firm position on the global market, eager to impose strict copyright regulations, albeit in a performative, campaign-like style that has limited impact on reducing piracy.

Time and again, the crucial question needs to be asked: Whose interests are safeguarded, and at whose expense? I have pointed out two critiques on the current copyright regime: The imperialistic and the ceremonial critique. Piracy can be considered a vital informal economy that potentially challenges the ideology of copyright as imposed on "developing" countries by transnational industries and Western governments, and its underlying myth of the individual creative artist. It challenges the shadowy roles played by such intermediaries as music publishers, who merely function as ceremonial institutions that depend largely on copyright revenues. Both critiques are of limited value in the case of China, where the ranks are closed when it comes to denouncing piracy. I consider it more important to acknowledge how piracy produces culture. It increases the opportunities for Chinese audiences to buy music at an affordable price, and even serves as a source of income for some rock musicians. It produces an attractive domain of illegality around which youth gather, as is shown for example by the *dakou* culture. Thus, for the Chinese rock culture, it can be considered both conducive and destructive.
Chinese censorship might best be interpreted as a playground where cats and mice play a game in which the former do not care to seriously enforce the rules, while the latter want to avoid them as much as possible. Self-censorship - the main bars of the velvet prison - proves to be only one of the ways for artists and producers to deal with censorship regulations in China. These regulations are, as I have shown in this chapter, ambiguous, in both content and their enforcement.

I have argued against a top-down, hegemonic model of power in which the state suppresses culture. I have presented the tactics used by both musicians and the industry, such as linguistic camouflage and delaying the datum of release, to negotiate their way through the regulations. Also, government regulations are circumvented by a thriving unofficial music industry. Piracy constitutes a market outside the domain of official regulations; it is a market driven by the rules of supply and demand. I therefore find it more appropriate to think of censorship as a contested domain. Its boundaries are constantly being challenged and negotiated by musicians, producers, state-owned publishers, and audiences, as well as by the unofficial music industry. The impossibility of clearly defining the boundaries, let alone imposing them, on the side of the government, produces a creative space for the rock scene to manifest itself. Censorship produces zones of unspeakability, and such zones are fertile grounds for those who want to perform in line with the rock mythology. Censorship both silences and produces culture.

As a concluding remark, I would like to argue for a departure from the concept of censorship. In order to move beyond the political in the strict, hegemonic sense of the word, it might be useful to broaden the issue to *strategies of exclusion*. Apart from strategies that are based on either political or social considerations (the protection of the state, the protection of the people), we can also distinguish those based on economic considerations. After all, most music is excluded from the market not because of the censorship, but simply because the music industry is not convinced of its market potential. Especially after its admission to the World Trade Organization in the near future, economic forces will increasingly define the sound of popular music in China. I would therefore like to propose to include economic factors in debates over censorship - or rather, over exclusion of certain music genres - in China, as the music industry must be seen as one of the actors that silence potential critical voices even before they can be heard.