PIRACY ON THE GROUND: HOW INFORMAL MEDIA DISTRIBUTION AND ACCESS INFLUENCES CULTURES IN CONTEMPORARY HANOI, VIET NAM

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This thesis explores how pirate cultures and “informal” distribution circuits operate on the ground level and integrate global media texts (mainly Hollywood films) into a small section of the local everyday society of Hanoi, Viet Nam. Situating the pirate stores and its components as active and central, this thesis examines the physical flow of media through these store sites. In addition, by exploring the interactions between media texts, store owners and workers, customers, and the store’s design itself, this thesis reveals how media piracy (as a form of distribution and “normal” access) influences and negotiates modernity, cultures, identities, and meanings in Hanoi and Viet Nam.
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CHAPTER 1

INTRODUCTION: PHYSICAL PIRACY IN VIET NAM

In retrospect, I should have known I would end up where I am now, when in 2004 at the age of 18, I returned from a trip to Ho Chi Minh City (Saigon), Viet Nam with over 100 pirated discs and video games. At that point in my life though, I did not realize my actions and interests could translate to anything past consumption. Unfortunately, when I returned to Viet Nam in August of 2010, I still had not connected the dots as I did not plan to particularly study piracy. This work originally started as a project focused on Vietnamese cinema, but I soon learned accessing the film archives in Hanoi was a difficult, expensive, and time-consuming process. Other legal avenues of accessing these films were also limited; due to the lack of funding and unpopularity of its films, the Vietnamese film industry distributed and circulated very few films which I could access. As I was slowly figuring out the system, I eventually ended up where many people (both local and foreign) go to access media in Viet Nam: the piracy shop.¹

While these shops around Hanoi did not have several Vietnamese titles on my research lists, they were more helpful than the official archives as these shops were at least providing me with some films to analyze. Mainly out of curiosity (and perhaps a small desire to keep up to date with new film and television releases), I began to informally visit these stores regularly to explore how they operated. I was not planning

¹ Unless otherwise noted, this thesis uses the term “piracy” to refer to forms of media piracy, mainly film, television, and music texts, with less emphasis on software and video games.
for an in-depth investigation, but I wanted to answer a few innocent questions like “What do people buy here?” and “How did that copy of The Wire (2002-2008) get here?”

Ultimately, my original project came to a halt, at least for now, because I found the notion of studying a national cinema without being able to view the “cinema” quite difficult. As I was regrouping and attempting to salvage something for my thesis research, I began to realize how integral these pirate shops were to media consumption, especially within my own research and personal use. Looking back at my experiences and my original “innocent” questions, it can be seen that these seemingly simple shops play a substantial role in facilitating and organizing media, particularly in the areas of access and global distribution. For me, the pirate shop became a site of access where I could obtain films and television shows that were not available to me through legal avenues. Relatedly, the shop also became a site of global distribution where foreign media texts, like The Wire, were available in Viet Nam for local consumption. Soon, the pirate shop became the focus of my thesis as I found these shops fascinating sites of research that have a significant impact in global flows of media.

Most academic discourses, however, ignore the aspects of access and distribution in piracy and frame it around broad economic numbers, ethical debates, multi-national legal treatises, and enforcement practices. Overall, these discourses narrowly focus on the monetary bottom line of the global media economy without addressing the fact that “the flood of legal media goods available in high-income countries over the past 2 decades has been a trickle in most parts of the world” (Karaganis, 2011, p. i). Distribution in general has also been an area of relatively limited study and theorization in media studies even
though it controls the speed and flow of information, how information is presented, who can access this information, and most of the financial aspects that arise from these controls (Lobato, 2007, p. 114; Wang, 2003, p. 1-2). Of the significant works on the structures and mechanisms of global media flows, many have focused on “official” systems while ignoring “informal” systems like media piracy that dominate much of Asia, Africa, and South America (though this is slowly being addressed) (Mattelart, 2009, p. 311).

I feel not enough works have actually addressed piracy in practical ways that help us understand better the role it plays in shaping and constructing the environment in which audiences receive media, especially in the contexts of increasingly developing and globalizing nations where piracy is rampant, such as Viet Nam. This lack of attention has left a significant gap in media studies and if we are to realistically explore media and its flows on a global scale, we must consider the shadowy and subterranean modes of distribution and access that commonly exist in much of the world. Although “legal” forms of distribution, such as multiplexes, legal DVDs, and television/cable, are becoming more common in Viet Nam, a large number of U.S. television shows and Hollywood films reach audiences’ screens through the illegal circulation of media from piracy shops (International Intellectual Property Alliance, 2011, p. 139). Considering the impact of distribution on media culture, how then does film and media consumption work in a nation such as Viet Nam, where “official” infrastructures are limited, overpriced for

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2 An example to illustrate the power of distribution is when the Hollywood majors’ vertically-integrated monopoly was dissolved, they all seized control of distribution.

the market, barely established, and/or lag behind in terms of speed and popularity to other circulation methods like piracy?

This thesis explores how pirate cultures and “informal” distribution circuits operate on the ground level and integrate global media texts (mainly Hollywood films) into a small section of the local everyday society of Hanoi, Viet Nam. Situating the pirate stores and its components as active and central, this thesis examines the physical flow of media through these store sites. In addition, by exploring the interactions between media texts, store owners and workers, customers, and the store’s design itself, this thesis reveals how media piracy (as a form of distribution and “normal” access) influences and negotiates modernity, cultures, identities, and meanings in Hanoi and Viet Nam.

I have tried to organize this thesis based on how my mind has tackled the subject of piracy, starting with broader contexts, theories, and research and proceeding towards more specific and concrete subjects. Chapter 2 begins by outlining current public and academic conversations surrounding piracy. However, this chapter’s main focus is to discuss the limitations of current debates and start to theorize and establish different frameworks that produce more complex views and research about piracy. As I briefly introduced in this section, I believe piracy should be framed as a mode of distribution and a site of access because it exists in these forms in many areas of the globe and, thusly, these frameworks give us much more vivid pictures of global media. I also argue the study of piracy should be less narrow; instead of focusing on small number who are producing or “remixing” pirated material or how much money is being lost, we should consider other parameters such as how piracy is experienced in the everyday and the
effects that pirate materials have on customers. This chapter also provides some context with a brief history of Viet Nam from 1975 to the present, with an emphasis on its media culture.

Chapter 3 introduces the ethnographic section of this thesis and is based on observational and participatory data I collected during fieldwork in which I “worked” at a pirate DVD shop in Hanoi during the summer of 2011.\(^4\) This chapter introduces the store and key people and provides a basic overview of the operations of a pirate media shop: how the shop is supplied, pricing structures, daily duties of workers, etc. Based on my observations, I then examine the interactions between workers, customers, and media products to provide insight to how Vietnamese people navigate and purchase pirate materials and how these interactions influence identities—in terms such as gender and class—and the text’s meaning in both its aesthetics and as a commodity. This chapter also explores how Vietnamese people physically navigate the store. Drawing on spatial theory and geography, I study how the stores’ layouts construct a class hierarchy based on mobility; while piracy is a form of access, I show that this access is not equal.

Building upon this notion of class, the chapter concludes by analyzing and comparing the actions of Western foreign customers to the local Vietnamese customers. Although piracy may allow Viet Nam to integrate itself into modern media, I argue pirate shops also reinforce colonial images and establish Viet Nam as “Other” for many Western customers.

\(^4\) I elaborate on what I mean by “work” in relation to my research in Hanoi in chapter 2. However, mainly for legal reasons, when I use the term “work” or “employment” with the pronoun of “I” in this thesis, I do not mean them in the Western traditional sense where I am receiving wages or a source where I earn the majority of my livelihood.
Moving closer to the cinematic text, chapter 4 continues my materialistic and “off-screen” approach by considering how paratextual materials (bootleg DVD covers, television box sets, etc.), the merchandise itself, and its technological parameters shape receptions, meanings, and cultural identities well before the media text is absorbed. Elaborating on my observations in chapter 3, I explore how DVD covers (as pirate forms of movie posters) play a significant role in what Vietnamese consumers buy and how these covers establish genres, brandings, and star systems that begin to set up textual meanings. This chapter concludes with a look of how class is constructed in material forms by comparing cheaper Vietnamese-produced pirate materials to more “high-end” Chinese pirate products. Using theories from advertising, I explore how Vietnamese-produced materials are less able to hide their pirate origins compared to their Chinese counterparts, again reinforcing Viet Nam’s low standing in the overall global economy.

Lastly, Chapter 5 focuses on the pirated films and television texts to consider how the textual aesthetics of piracy (subtitles, voiceovers, etc.) play a role in generating a particular sensorial experience of contemporary media in Viet Nam. While most uses of textual analysis center on the “official” version of a text, I attempt in this chapter to establish a different form of textual analysis that focuses on the imperfect copies produced by piracy. Here in these defective forms, texts have layers of visual fuzz and audio static, along with skips in narratives that are not purposely done and which can distract viewers and alter readings of films. In this chapter, I look mainly at a first-edition of *Transformers: Dark of the Moon* (2011) to illustrate these aspects of “pirate aesthetics.” However, readings of films are not the only thing being affected by these
degraded images and failed technologies. As I ultimately argue, these issues with images and technology are linked to global class structures, as these pirate aesthetics highlight and reinforce the lack of the “real” (or imagined) Hollywood experience for the Vietnamese viewer, creating an image and world they cannot yet inhabit.

This thesis is multidisciplinary in its approach, drawing from theories and works in fields such as anthropology, sociology, history, and media studies. While this hopefully becomes clearer after chapter 2, I have done this for two main reasons. First, I feel current approaches ignore several facets of media piracy—such as cultural context and history—and this is my attempt to at least acknowledge and attempt to start filling these gaps. While I realize I cannot fully explore every aspect of piracy, I do hope my work encourages future research to bring in different frameworks and approaches that avoid pitfalls commonly found in academic studies of media piracy.

Second, I feel that studying media piracy in a developing nation is such a diverse and complex topic, it cannot be bound to one discipline. When considering the “text” in the context of a Vietnamese shop, a final (best quality) pirate version of a Hollywood film will be basically the same text as a legal DVD anywhere in the United States. In this case, a straight textual analysis is very limited. However, what make this text unique are the materials that contain it and its journey to the audience. In the context of the Vietnamese piracy store, we are not enclosed in a dark room where immaterial light creates “official” images and sounds in which we are being sutured into. Instead, we arrive at the store on our motorbike, walk in, and with our hands physically sift through tangible patches of films in plastic bags while gazing at DVD covers and box-sets that
contain a hodgepodge of images and languages that we may or may not comprehend. We may wish to ask a store worker what is “new” and even open the plastic bag to look for scratches on the disc. Not wanting to make a return trip, we can even preview the film at store to make sure it meets our standards and check if the film’s ending is present. By the time we leave with a film to be consumed in our living room full of distractions, we may already know the actors, the genre, the language(s), its legal and illegal origins, the film’s ending, and the quality of the film, just by interacting with the disc and store! As this journey indicates, the process of selecting and watching a media text is different in Viet Nam when compared to the “normal” viewing process in the United States that most studies assume. Accordingly, I believe we must augment an analysis of cultural texts with the consideration of the material conditions in which texts exist and are allowed to have meaning.

Ultimately, through this thesis’ multiple examples and multidisciplinary approach, I hope to illustrate the vast production of meanings, media cultures, and identities that piracy helps create. If we limit ourselves to just labeling piracy as “bad” or assuming Hollywood films appear in equal and perfect conditions all over the world, we produce an incomplete picture and ignore immeasurable amounts of information and experiences that can help us better understand the flow and consumption of global media. In more particular terms, this thesis hopes to explore the small role piracy shops play in shaping lives and media consumption in Viet Nam. Thus, although I argue that these stores do have influences on audiences and discourses, these influences do not exist by themselves, nor are they the strongest or most important; while the store is certainly a dynamic and
noteworthy site of study, I understand it is just one minuscule organism in a complex media and cultural ecosystem. Overall, this work’s main purpose is to provide just one perspective of Vietnamese culture, economics, and daily lives through a lens of media studies, a perspective that will hopefully preview new ways of looking at contemporary Viet Nam and update the war-torn image of Viet Nam frequently presented in mainstream Western discourses.
CHAPTER 2

AN OVERVIEW OF PIRACY STUDIES AND CONTEMPORARY VIET NAM

As this introduction indicates, we are unfortunately dealing with two terms that have excessive cultural baggage in Western society, especially within the United States: Viet Nam and piracy. Before I begin discussing the case study of Hanoi, I find it useful to briefly describe the current dialogues revolving around piracy and Viet Nam, though this is in no way a comprehensive overview of these subjects.  Nevertheless, it does provide me an opportunity to unpack these terms and describe how this thesis partly encompasses and converges with, complicates and builds upon, yet also criticizes and re-conceptualizes these terms.

The Debate over Piracy and Intellectual Property: Current Discourses and their Limitations

The analysis of piracy and intellectual property (IP) in academics and mass media discourses tends to fall in two camps of thought: either piracy is considered an illegal act of theft or a valorized act of liberation. “Piracy as theft” is the more commonly understood version and tends to follows conventional political and legal Western concepts, viewing piracy as “a parasitic act of social and economic deviance” and a problem of criminality (Lobato, 2008, p. 20). Equating piracy and copyright infringement with illegality, theft, and in some cases terrorism and murder, these groups view piracy through an economic and legal lens and focus mainly on the (in their view) negative

5 For more comprehensive looks and starting points for these topics, see Lombato (2008), SarDesai (2005), and note 2.
effects of the piracy trade while offering possible enforcement solutions to this “global problem,” such as increasing police strength, expanding judicial punishments, and extending the legal scopes for surveillance.

Academic approaches to piracy under this “piracy as theft” framework include Chaudhry and Zimmerman’s (2010) *The Economics of Counterfeit Trade* and Albanese’s (2007) *Combating Piracy*, which both addressed a larger scope of piracy, including designer products and pharmaceuticals. Chaudhry and Zimmerman (2010) began their study of the counterfeit trade by establishing product counterfeiting and piracy as “a well-known problem” and then, through a statistic-heavy approach, attempted to numerically measure the size of the counterfeiting trade, its negative economic impact on countries, and developing economic models that could explain and address the problem of piracy (p. 7). Taking a more legal approach, Albanese (2007) examined “the problem of piracy of intellectual property from different perspectives,” which are piracy as “a form of fraud, a form of organized crime, a white-collar crime, a criminal activity,…[and] a global problem” (p. viii). It seems to Albanese that piracy is innately attached to the law, as he is unable to remove piracy’s transgressions in his “different perspectives.”

Moving into more public conversations, there are several books by journalists and business analysts accessible to general readers that frame piracy in an analogous manner. Tim Phillips (2007) addressed multiple forms of piracy in his book *Knockoff: The Deadly Trade in Counterfeit Goods*. He bluntly stated his main argument in the last paragraph of his introduction:

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As long as we look the other way, we’re accomplices to a criminal network that costs thousands of jobs, retards developing country economies, kills and maims thousands of people a year, breeds corruption and bribery, has become the cash cow that funds serious crime and violence, and one day might even kill you. (p. 4)

If perhaps the reader missed Phillips’ seriousness, he reiterated his point on the last page:

“Fakes destroy honest companies and kill innocent people. When you buy them, you’re helping it to happen” (p. 222).

Possibly the most influential segment of the “piracy as theft” discourse consists chiefly of Western government and lobbyist groups, particularly from the United States. These groups include, but are not limited to, the Office of the United States Trade Representative (USTR), the union group Department for Professional Employees (DPE), the Institute for Policy Innovation (IPI), and in the realm of film piracy, the Motion Picture Association of America and its international counterpart, the Motion Picture Association (MPAA/MPA). While publicly less known name-wise—with exception of the MPAA—and usually with the backing of large corporations, these groups shape the debate over piracy thorough economics, politics, and policy making and by providing widely-used statistics and figures.

For example, the USTR (2011) releases a “Special 301” report which provides “an annual review of the global state of intellectual property rights (IPR) protection and enforcement,” updates on the legal developments of IP law in several countries, and a current list of “notorious markets” and countries on their “priority watch list” (p. 5). The

7 There are several other groups with basically the same viewpoint as these groups, such as the International Intellectual Property Group, the Association Against Counterfeiting and Piracy, and the Anti-Counterfeiting Group. Here I focus on the legal and political contexts of the United States since it is the leading proponent of increasing current IP law and regulation at the international level. For similar “piracy is theft” viewpoints in different contexts, see European Commission (2010).
report comprehended IPR infringement as a practice that “causes significant financial losses for rights holders and legitimate businesses around the world” and stressed the acceptance and enforcement of Western IP legal codes (mainly the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)). By doing so, the USTR claimed to be “fostering innovation and creativity [that] is essential to our prosperity and to the support of countless jobs in the United States” (p. 9). Similarly, the DPE publishes annual “Fact Sheets” on IP topics. The 2010 Fact Sheet on IP in the entertainment industries (film, music, television, etc.) stated that the “theft or piracy of copyrighted films, television shows, theatrical productions, and music costs the U.S. entertainment industries billions of dollars in revenue each year” and the people impacted the most from this theft are the creative workers who “rely on copyright protection…to make a living from their artistic creations and performances” (DPE, 2010, p. 1). The IPI conceptualizes IP in a parallel manner. On their website, IPI (n.d.) described IP as a “key engine of economic opportunity for creators and innovators” and through their funded research, declared that the “true cost” of counterfeit films, sound recordings, software, and video games on the United States economy in 2006 came to $58 billion (Intellectual Property, para 6; Siwek, 2007, p. i)

Most vocal is the MPAA (n.d.) which, according to their website, aims to “protect the rights of people who create movies, TV shows, artwork, and other products...[and to] support the livelihoods of the 2.4 million Americans who work as set painters, costume designers, make-up artists, writers, actors, directors, and more” (Copyright Information, para 1). In a famous study funded and released by the association, the MPAA estimated
that Hollywood studios lost $6.1 billion in 2005 due to piracy, though this figure was raised to $20.5 billion after a more “comprehensive estimate” was released (Siwek, 2006, p. i). While the MPAA follows the same path as the above mentioned groups in conceptualizing piracy as theft, it was the MPAA and especially its former president, Jack Valenti, who helped popularize the notion of equating copyright infringement with larger and more deadly criminal organizations. Even though Valenti retired in 2004 and passed away in 2007, his fiery rhetoric and often unfootnoted statistics and accusations about film piracy and terrorism are still widely quoted in books, newspapers, and Congressional hearings to this day.⁸

In the shadow of 9/11, Valenti testified before the U.S House of Representatives in 2003 on “International Copyright Piracy: Links to Organized Crime and Terrorism,” urging the United States to be more aggressive in disrupting piracy structures that were believed to support terrorists (as cited in Miller, Govil, McMurria, Maxwell, & Wang, 2005, p. 229). In the same year in a hearing with the House Piracy Committee, he claimed that “large, violent and highly organized criminal groups are getting rich from the theft of Hollywood’s copyrighted products” (as cited in Miller et al., p. 230). Continuing this tactic in 2004, John Malcolm, the Senior V.P. of the MPA and MPAA, testified before the U.S. House of Representatives, stating:

> With rare exceptions, the people procuring, producing, and distributing this pirated material are affiliated with large and dangerous international criminal syndicates...[Piracy] is being done by business-minded thugs who fund this activity through money raised from other illicit activity such as drug dealing, gun running, and human trafficking...[and] the odds are high that every dollar, pound,

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peso, euro, or rupee spent on them is put into the pockets of bad people who will spend it in a way which is not consonant with our safety and security. (as cited. in McIlwain, 2007, p. 18)

In the MPAA’s viewpoint—and now the adopted view of several anti-piracy groups—piracy is a problem of national security.

The main opposition to the “piracy as theft” ideology are expressed by scholars such as Lawrence Lessig, Shujen Wang, Toby Miller et al., and Michael Strangelove, who on variously different intensities construct piracy as an act of liberation. Lessig’s (2004; 2008) *Free Cultures* and *Remix* saw the “rough divide between the free and the controlled [being] erased” by contemporary application of copyright law (2004, p. 8).

Citing examples of legal threats and lawsuits filed by entertainment and internet corporations, Lessig (2008) argued that current copyright laws are outdated and unable to fully account for the complex conditions created in the age of the internet and digitalization (p. 2). Concentrating on an elite, techno-savvy digital creative class, Lessig (2008) illustrated that what are being classified as piracy and theft by copyright law today—mashup songs, movie remixes, fan fiction, etc.—are actually new forms of creativity and expression. Contrary to discourses that say copyright laws encourage creativity, Lessig (2004; 2008) argued that copyright’s current state *inhibits* creativity and economic development and certain types of piracy, in Lessig’s view, should be considered as forms of creative freedom. It is important, however, to note that he is *not* anti-market, in that he does not believe that copyright and its commercial aspect should be abolished, but rather the laws need to be reworked, simplified, and made less restrictive.
Somewhat more radical in their view, Miller et al. (2005) in their *Global Hollywood* volumes analyze the political economy of Hollywood and its division of film labor and conclude that Hollywood’s use of copyright’s implementation “only highlights the tendency towards monopoly control and privatisation of IP by a shrinking number of multination media conglomerates” (p. 226). Thus, piracy “is a source of the copyright industry’s exasperation” as it challenges the control and hegemony of Hollywood’s “new international division of cultural labor” (p. 226-227). Like Lessig’s (2008) notion of piracy, the writers of *Global Hollywood* also constructed piracy as an act of liberation. However, they expanded the term of piracy beyond Lessig’s digital creative class and also seem to be more critical and aggressive towards capitalism, imbuing, if indirectly, piracy with a sense of active resistance. Shujen Wang’s (2003) *Framing Piracy* followed a similar method by establishing that “monopolistic distribution schemes are in place to ensure Hollywood’s dominance of the world market, while a handful of the major distributors still control the industry” (p. 2). Wang then concluded that due to piracy, “it is increasingly difficult for the [Hollywood] majors to control the distribution of these products” and “piracy consequently becomes a major, if not the major, threat to the copyright industries” (p. 188). Again, media piracy is indirectly theorized as an act and site of resistance to the global monopoly of major corporations.

The most radical of these “piracy as liberation” scholars is Michael Strangelove (2005). While Miller et al. (2005) and Wang (2003) implicitly valorize piracy as acts of resistance, Strangelove boldly stated that piracy represents the “will to resist what are largely American initiatives to control global trade” and that digital piracy provides a
position of “resistance, deviance, and competition [that] may severely frustrate market and state strategies of containment and control” (p. 75; p. 78). Like Lessig (2008), Strangelove also focused on a digital creative class, but instead highlighted producers of tactical media that hijack corporate trademarks, such as McDonalds and Barbie, and use these brands in subversive ways to attempt to disrupt or even destroy capitalism. “In the internet age,” Strangelove concluded, “resistance is not futile” (p. 231).

In their respective definitions of piracy, both sides of the debate tend to suppress, over-simplify, yet also over-exaggerate several aspects of piracy. Within the “piracy as theft” paradigm, this group’s focus on numerical economic figures and legal discussions suffers greatly from its ignorance of market, cultural, and historical contexts. Although the MPAA’s 2006 report estimating Hollywood has lost $6.1 billion is widely quoted, it has also been highly criticized for assuming that one pirated disc of a film represents a loss of one legal purchase at the full retail value (Klinger, 2010, p. 106). This assumption indicates a very naïve view of media markets in many developing countries (often the ones on the U.S. piracy “watch lists”), which lack avenues where consumers can “legally” purchase media and/or the average wage cannot possibly afford media at its current retail price. With their designation of piracy inherently placed in the negative, they miss aspects such as how media piracy can create forms of anticipation and brand recognition that can translate to legal transactions once markets become more developed, an economic positive. As Tristan Mattelart (2009) notes, we should consider “very cautiously the statistics published in the reports from these various bodies whose role is to defend the interests of the major global communication companies. These reports are
aimed…[at] the need to combat [piracy] effectively than on establishing a body of reliable knowledge” (p. 310).

Correspondingly, these empirical-heavy works also disregard cultural contexts by reducing complex human behaviors in these informal markets to numerical figures. While I do believe empirical-based research is very useful, it is only one view of the situation of piracy and needs to be augmented with other forms of research, especially since we are dealing with cultural artifacts such as film, television, and music that provide interactions that occur outside the realm of economic figures. There are some attempts at incorporating at least some recognition of culture, such as Chaudhry and Zimmerman (2010), but they only offer a few paragraphs that gloss over the concept of culture in a 209-page book (p. 70).

The legal components of this paradigm also fall into blind spots by ignoring culture and history. The scholars’ confusion and frustration over the growth of piracy even with the increasing number of countries incorporating IP law often seems comical. Their Euro-centric thinking is unable to comprehend that current IP law, based on relatively recent Western-created notions of property, are being aggressively placed in non-Western areas such as India, China, and Viet Nam which have different views on concepts of ownership (in addition to having very extensive and often bloody histories with Western imperialism).

Many of the legal discussions then become ahistorical in their approach, as they apply contemporary definitions of IP to past copyright issues and debates. Chaudhry and Zimmerman (2010) noted that piracy has been in existence for over 2000 years, but when
they gave examples of “copyright infringements” of beans, coins, and books in the past—which technically would not be labeled as such since “copyright” did not exist yet—they provide no context to what those actions meant at that time period and through their discussion of counterfeiting, imply these examples fall in line with current characterizations of complaints against piracy (p. 7). Adrian Johns (2009) traced the invention of IP piracy back to the seventeenth century during the spread of the printing press and notes that during this time when “authors expressed distaste for misappropriation, it was sometimes on other grounds entirely…they might say it encroached on the freedom of a citizen…The combination of commercial and cultural ingredients that would produce a concept of piracy did not yet exist” (p. 19). Hence, what would be considered piracy in the past referred to misrepresenting an author’s intentions or quality, not necessarily monetary loss, which is heavily emphasized in contemporary discourses.

Framing the discussion around legal parameters also permeates the debate with ethics, creating a very distorting binary of law-abiding citizens versus malicious terrorists. By invoking ethics in their rhetoric, the proponents of the “piracy as theft” paradigm place themselves on a moral high ground, obscuring much of the complexities of piracy as well as their own hypocrisy. American companies deploring piracy often forget their own history. Samuel Slater, often considered the “Father of the American Industrial Revolution,” made his fortune by “memorizing” British textile factory designs and then secretly immigrating to the United States to build his own factories. Other companies have similar stories of innovation such as Compaq’s founding based on the
reverse-engineering of IBM’s computers or Hollywood film studios’ use of reverse-engineering to obtain software code in patented special effects technologies (Miller et al., 2005, p. 234). Apparently, who does the copying is a very important point. Still, this moral judgment is often from developed Western nations looking down at the developing nations and not towards themselves.

The emotional and moral appeal created by the DPE, IPI, and MPAA’s central positioning of the unfortunate “creator’s” rights to innovation additionally conceals the fact that Hollywood operates under the “works for hire” doctrine. Under this doctrine, the studios control the copyrights (and their monetary value) and are considered the “authors,” not the “set painters, costume designers, make-up artists, writers, actors, directors, and more” that the MPAA’s website claims to champion. Paradoxically then, while studios can claim to wage war against piracy in the name of the creative freedoms of its workers, the studios deny the so-called “creators” any legal claim to a film’s copyright; they can also buy scripts or interfere in post-production to make changes they see fit without having to consult any screenwriters, directors, or actors.

Of course the most extreme use of morality in this debate is the connection between piracy and organized crime, terrorism, and potential death. That is not to say that piracy is completely innocent and non-deadly (particularly in the case of counterfeit pharmaceuticals), but the conflation of all forms of piracy with crime and terrorists distracts us from thought-provoking discussions of technology, globalization, cultural capital, and ownership that exist in different types of piracy. Instead, we get

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9 See Linhoff (2004) for more information about reverse engineering and IP law.
uncorroborated allegations from leaders of the MPAA and Phillips (2005) whose language and prose read like a narrator from a horror film trailer. In the post-9/11 era, it has been a common and easy fallback position to invoke terrorism to increase the gravitas of one’s statements, but the dramatic events of 9/11 have made many forgot that “terrorism” is a relative term. The current Vietnamese government, run by the Communist Party of Viet Nam (CPV), categorizes the Government of Free Viet Nam and Viet Tan groups as terrorist organizations, but these “terrorist” groups’ views, however, fall more in line with the policies of the U.S. State Department (Asia/Pacific Group on Money Laundering, 2009, p. 24-25). Considering the United States’ history of funding anti-communist groups—see the histories of Cuba, South America, Afghanistan, and Viet Nam, to name a few—one would expect the United States to support piracy in Viet Nam! Maybe that would be the case if there was a proven link between media piracy and terrorism, but as Jeffrey Scott McIlwain (2007) noted, “an authoritative, independent study validating the actual claims of losses by the motion picture industry to intellectual property theft, let alone the responsibility of organized crime in that theft, has yet to be published” (p. 35).

As long as these discussions are blind to the uneven development of the global economy and the complexities of different forms of piracy, I find their conclusions and recommendations of enforcement practices practically worthless. Due to the uneven levels of development and the misinformed pricing structures of current media companies, piracy will always exist as long as this discrepancy exists. Additionally, even if all of these recommendations are carried out in an imaginary world, I believe piracy is
a rhizomatic structure that has no beginning, middle or end. Piracy is like water as it is constantly in motion and has the ability to flow through official infrastructures, but also seep through cracks in the system. Any state apparatus can try to place a grid upon it and control it, but piracy will submerge itself underground and flow through burrows created by its rhizomatic structure—as Deleuze and Guattari (1987) stated, “a rhizome may be broken, shattered at a given spot, but it will start up again on one of its old lines, or on new lines” (p. 9). In the end, the “piracy as theft” paradigm is a Euro-centric exercise that helps develop one’s skills in fear mongering, developing short-sighted business and academic models, and creating useless solutions.

Nevertheless, just as painting piracy in the negative obscures much of what we can learn from piracy, valorizing all pirates as a political resistance movement brings the “piracy as liberation/resistance” group into equally precarious terrain as it over-exaggerates the intentions of the media pirates and their consumers. Are all media pirates actively plotting the destruction of Hollywood’s “monopolistic distribution schemes,” as Wang (2003) described it, or just looking for a way to support themselves? More broadly, are consumers really attracted to pirated media texts mainly for their “resistive” qualities instead of their pop-cultural newness, as Strangelove (2005) would argue? Even if producers of pirated material are solely resistive, they have no control over their products once a consumer buys it. As mentioned before, piracy can create brand recognition for global corporations that will most likely pay off in the future; in the realm of Hollywood films, pirates are importing ideologies that, as film and media studies have shown, are generally sexist, racist, capitalist, and xenophobic. I do not wish to argue that media
pirates are helping to promote cultural “imperialism” movement, but it seems to me the totalizing idea of media pirates and a consumer being solely subversive agents produces an essentialist and limited viewpoint. In reality, these people’s desires are more likely a fuzzy ambivalence of discursive and non-discursive elements.

Strangelove (2005) avoided that viewpoint by focusing on a creative class of computer users who utilize the internet and digital piracy to create and spread tactical media. For a slightly different purpose, Lessig (2008) also called upon this creative class to showcase his vision of creativity and information sharing in the future. However, by highlighting this class of highly skilled and technologically literate users, both Strangelove and Lessig overlooked the more common forms of piracy that occur on the edges of global society in developing nations and their larger circumstances. Indirectly then, they created an Eurocentric hierarchy of pirates, with the mostly Western-elite creative class on top and the commercial pirates of non-Western and developing nations on the bottom rungs as the “Other” forms of piracy, and ignored how issues of uneven levels of global development and access to technology intersect with piracy outside the sphere of Western-developed nations.

I wish to move away from these morally-deterministic debates that place media pirates either in the dark, lawless abyss or on a Robin Hood-inspired pedestal, and towards more practical discussions. In order to do this, this thesis builds off the works of Lawrence Liang (2005) and Ravi Sundaram (2010) which approached piracy as a form of access and focused on everyday forms of piracy (physical DVDs, clothing, electronics, etc.) that often exist on the fringes of global society instead of the highly-skilled creative
classes in the works of Lessig (2008) and Strangelove (2005). This framework of “piracy as access” is interested in piracy’s transformative properties and how it can distribute knowledge, culture, and capital in areas where “official” infrastructures are lacking.

Deconstructing the concept of “illegality,” Liang (2005) has found that millions of Indians live and operate within a state of illegality everyday of their lives, as their socio-economic conditions force them to break the law just to survive. The act of piracy, Liang argued, is not necessarily just about morals, freedoms, or an act of resistance, but one out of necessity in many developing countries. Piracy, then, is also about “ways through which people ordinarily left out of the imagination of modernity, technology, and the global economy [find] ways of inserting themselves into these networks” (Liang, 2005, p. 6). Sundaram (2010) has also found that piracy is “more pragmatic and viral than the avant-garde or tactical media [and] pirate culture allowed the entry of vast numbers of poor urban residents into media culture” (p. 112). Coining the term “recycled modernity,” Sundaram (2010) explored an informal economy where products are circulated (rather than produced) to be used over and over in different ways. He argued that piracy is not oppositional or countercultural, but rather a strategy for everyday survival and innovation in reality.

By shifting the focus onto piracy as a form of everyday access, I hope to “normalize” piracy to avoid the exaggeration of “high” subject matters that scholars in academia so often champion, along with the over-simplification of human culture in economic data and legal treatises. Simply put, instead of concentrating on (and guessing) the intent of producers or debating over the exact numerical size of piracy, I am more
concerned with the questions of how does a specific form of piracy exist, operate, interact, and influence the everyday life of consumers within Viet Nam? As a form of access and distribution, what can piracy do for society and culture? What kinds of knowledge, information, and capital can it spread and how does this distribution method (like all forms of distribution) organize and control them? What are its potentials and limitations of helping Vietnamese people insert themselves into media culture and modernity?

Here I am using Panivong Norindr’s (2001) definition of “modernity,” which he defined as “the force of Western cultural expansionism against which individuals have to contend, in order to dwell in this world” (p. 73). I find this definition useful as while it acknowledges the Western origins of the term and Viet Nam’s colonial past, it also situates Viet Nam’s passage into modernity as a negotiation in which Vietnamese people “contend” with Western cultural forces. A possible critique of this work is the fact that I focus on Hollywood films instead of taking a purely “local” approach by studying something like Vietnamese cinema. Considering my project is based on ethnographic and observational data, I found that Vietnamese people tend to mainly consume Hollywood films and this is a simple truth. While those in the academic realm (like myself) may wish or aspire for cultures to take different paths, it would be foolish to ignore reality—unlike some theorists who see piracy as purely resistive to Western culture, my framework of piracy at least recognizes and takes into account, for better or worse, that Western forces like Hollywood influence a large portion of the world, though, as emphasized, this is a process of negotiation.
It is important to note, however, that *how* and *in what forms* media are accessed is key in understanding this negotiation with modernity. Thusly, similar to Liang (2005) and Sundaram (2010), I want to consider the contexts that piracy exists within and recognize the materiality of media piracy that often exists in developing nations. Lessig (2008) and Strangelove’s (2005) focus on digital forms of piracy is most likely influenced by the growth of “new” media studies. I do not want to deny the importance of digital media and the internet—most of the films in Vietnamese shops are digitally encoded onto the DVDs with files from the internet—but the current fetishism with “new” media often forgets the wires, plastic screens, machines, discs and chips that shape how media is presented every day. While this neglect of details could be excused in developed nations (although it should not), it is unfathomable to ignore these material aspects in a nations such as Viet Nam. For example, Viet Nam only has a 31% internet penetration rate and to only discuss digital and online piracy would produce a limited study of media piracy (Cimigo, 2011, p. 9). The term “new” media should also remember to be relative—while not considered “new” in the United States, DVDs have only been widely used in the urban areas of Viet Nam since around 2008. As these examples indicate, piracy in Viet Nam exists dominantly in material forms and this materiality needs to be considered if we wish to explore pirated media culture in Viet Nam.

It is with these notions of materiality and modernity in mind that I focus on the DVD pirate shop. These shops become important focal points because these locations are

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10 This date is a rough estimate due to the lack of data. When I visited in 2004, there were DVDs for sale but it seemed most locals were buying VCDs. My estimate is based on the date Sony Pictures became the first major studio to release DVDs in Viet Nam, in which I assume Sony Pictures saw a viable DVD market (Spidey and Bond, 2008).
where many Vietnamese people first come into contact with transnational cultural texts in their material form. Consequently, these are where meanings start for many media consumers. Not only do consumers interact with the material conditions of the pirated text, they also have to go through filters presented by the store: spatial design, store organization, workers, etc. As I have stressed throughout the introduction and this chapter, the process of accessing media becomes a crucial point of analysis especially in this context, as it sets up (and in some cases limits) how meanings in the cultural text will be established and interpreted.

These shops are not particularly special in either Viet Nam or the world—they practically exist on every other corner in Hanoi and in different but similar forms around the world (e.g. bazaars). Ironically though, being a part of the everyday life is what makes these sites interesting. Here, there are no masked terrorists or computer-literate Marxists, but instead the “boring” act of people supplying people with a desired product. Hence, studying the pirate DVD shop gives us insight into how piracy works for most people on the ground level in all of its ordinary and mundane glory.

My framework, then, attempts to provide a more intricate and intimate look at piracy and counteract some of the issues of current conversations about piracy. I start by not just considering the text of a film or television show, but I also tackle piracy’s material and tactile nature, as well as the broader structures that bring the text to the audience’s screen. Furthermore, I wish to remove some of the hype of piracy, both negative and positive, by situating it as an everyday presence and a normal link to a common leisure activity. Although I may criticize current works on piracy, this is not an
outright rejection of that work, as these discourses have manipulated the environment that
this thesis exists within. While I may object to the binary framing of piracy as theft or
liberation, that does not erase these widely-held beliefs nor the effects they have on
media pirates, consumers, and public conversations. As chapter 3 illustrates, these views
of piracy influence post-colonial images produced by foreigners who visit the store.
Additionally, even though IP laws and the World Trade Organization’s (WTO) TRIPS
agreement are not being enforced in Viet Nam, they still exert some pressure. Thus, I
am not ignoring empirical and economic data, the legal situation, or the potential politics
of piracy. Instead of making a direct link, I wish to explore how aspects of economics,
law, and politics are filtered through channels of bureaucracy and infrastructures as they
travel both down to and up from the pirate shops that dominate the streets of Hanoi.

“Not Just a War, But a Country”: The New “Nam” in the 21st Century

It is within this framework of piracy that I turn to Viet Nam and its capital, Hanoi.

After the fall of Saigon in 1975, Viet Nam as a country dropped off the map for many in
the United States, leaving behind an image of “Nam”—a land of poverty, chaos, jungle
graveyards, executions, Agent Orange, and burning children and monks. A quick search
for “Vietnam” in any university library catalog today most likely carries along “war”
with it in the results. Any interaction with “Nam” after 1975 for the majority of
Americans most likely consisted of war-themed Hollywood films like Apocalypse Now
(1979), Platoon (1986), and Good Morning Vietnam (1987). This notion of “Nam” still

11 See Monlux (2009) for more information about Viet Nam’s accession to the WTO and TRIPS.
12 As a historian, I fully understand the impact of the Viet Nam war and its importance in
history—it is the reason I am who I am now. However, reducing a nation and people into one event is
problematic in many ways, for both historians and Vietnamese (Americans).
exists in contemporary discourses and has expanded to interactive platforms such as the video game *Call of Duty: Black Ops* (2010).

This is not to solely place the blame on western nations, as this notion of “Nam” is not just limited to the West. Across Viet Nam are historic landmarks, museums, and public spaces that “regularly invoke national memories of past wars to commemorate and keep the spirit of the revolution alive,” many of which have been commercialized as tourist attractions by the Vietnamese Communist Party with apparently no sense of irony (Schwenkel, 2011, p. 128-9).\(^\text{13}\) Even among the Vietnamese diaspora, many people still retain images of war or destitution. In his study of international Vietnamese marriages, Hung Cam Thai (2008) noted that many spouses (usually men) who lived in the United States felt more “modern” than their counterparts in Viet Nam, when in fact most of the living conditions of those in Viet Nam were much better than those in the U.S. (p. 20-21).\(^\text{14}\)

While “Nam” has remained static in the United States and much of the Western world, Viet Nam has slowly evolved into an important player in Southeast Asia and the global economy, with almost 50% of the population under the age of 20 never having experienced the hardships of war (Woods, 2002, p. 175; Norindr, 2006, p. 51; Schwenkel, 2011, p. 127). After the Communist victory in 1975, the new government began the implementation of economic and social plans for a new socialist state. It was a failure. By the mid-1980s, there were “large-scale levels of unemployment and miserable living

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\(^{13}\) These include the Ho Chi Minh Trail, the Cu Chi Tunnels, and the Hoa Lo Prison (more commonly known as the Hanoi Hilton).

\(^{14}\) For instance, one case was a Vietnamese American male with a high school degree who worked in an inventory room at a department store and lived with his parents in a small, two-room apartment while his university-educated wife in Viet Nam lived in a new four-story house (Thai, 2008, p. 21).
conditions” and an inflation rate of nearly 700% (SarDesai, 2005, p. 135-7). In December 1986, the Vietnamese Communist Party approved Doi Moi (renovation), which was a succession of steps that would shift the current isolated country and centralized socialist system to a “socialist-oriented” open-market economic system and lift restrictions on private investment and ownership.\(^\text{15}\) Doi Moi led to dramatic improvements, raising the GDP from 3% in 1986 to an average of 8% per year during the period 1990-95 (Kokko 70). In 1994 the U.S. trade embargo was lifted after 30 years, opening the door for U.S. and European investment from companies like Nike, Coca-Cola, and Federal Express. Soon after, Viet Nam joined ASEAN and its Free Trade Agreement and established a bilateral trade agreement with the U.S., all helping to further globalize Viet Nam’s economy. Entering the millennium as one of the new “Asian tigers,” Viet Nam was labeled as one of Asia’s best performing economies and became a World Bank “poster boy” for economic liberalization due to its cutting the level of absolute poverty in half during the 1990s and eventually attaining WTO status in 2007 (SarDesai, 2005, p. 137; Hayton, 2010, p. 3; Pincus & Sender, 2008, p. 110).\(^\text{16}\)

During this period of economic growth, the Party established the slogan “dan giau, nuoc manh, xa hoi cong bang van minh,” which translates to “wealthy people, strong country, equal and civilized society.” Thus, since the inception of Doi Moi, “the power of wealth has been…legitimized, and even glorified [and] by the 1990s, not only had people’s anxieties about getting rich and staying rich been allayed, but also the dream

\(^\text{15}\) For more discussion of the seemingly conflicting term “socialist-oriented” open market, see chapter one in Hayton (2010).

\(^\text{16}\) A few works such as Pincus & Sender (2008) question the validity of these World Bank statistics and other Vietnamese surveys about income and poverty due to politics and the exclusion of large poor groups (p. 108-9).
of getting rich had become a common goal” as well as an act of patriotism (Nguyen, 2004, p. 168-9).

While Viet Nam’s growth has been substantial since the 1970s and the fact that it has improved the standard of living for millions of Vietnamese is undeniable, it should be noted that it is still a developing nation and continues to suffer from issues of corruption, inflation, and economic and monetary instability. Personally, I find it difficult to explain the complexities and contradictions that exist in present-day Viet Nam just through economic statistics. Informally, I would say in terms of poverty, it is as bad as you probably imagine, but in the urban areas, it is very surprising the amount of wealth that exists alongside the poorer citizens. An anecdote I usually share is a jarring image of an elderly Vietnamese woman in dirty clothes standing in front of a (real) Louis Vuitton store and Mercedes automobile.17

This anecdote also illustrates the importance of material items in Viet Nam. The present economic issues (which also existed well before Doi Moi) have created a fear and mistrust of Vietnamese banks and currency. Consequently, instead of giving money to an unstable bank or holding on to cash that declined in value over time, many Vietnamese became fixated on the “new” brands that appeared during the 1990s and invested in physical objects: real estate, housing, electronics, automobiles, etc. The “dream of becoming rich” was now very materialistic and often came in the concrete form of the literal Dream—the Honda Dream motorbike that “emerged as the fetish object of the new

17 Additionally, during my one year stay in Hanoi, I saw more Bentleys and Rolls Royce in that year than all my previous 24 years combined—this is especially incredible since the import tax for cars is around 80%! 
consumer age” and a symbol of mobility and the new “speed culture” of a young

In a study of youths in Hanoi in the early 2000s, Phuong An Nguyen (2004) asked
young university graduates how they defined success, with most emphasizing wealth as a
key factor (170). However, it is important to see the means by which many of them
sought to obtain this wealth—higher education in the subjects of English and global
economics. Like the government in the 1980s, the younger generations realized that to be
successful and in many ways just to survive in a globalizing world, they needed to
acquire knowledge and culture from foreign nations, particularly those that heavily invest
in Viet Nam, such as the U.S., Europe, Australia, Japan, and South Korea.

While this may seem like a straightforward example of cultural imperialism, this
course of action should be thought of more as a dialectical process between
heterogenization and homogenization and, as mentioned before, a negotiation into
modernity. In the context of India, Arjun Appadurai (1990) has noted that “as rapidly as
forces from various metropolises are brought into new societies, they tend to become
indigenized in one or other way” (p. 295; see also Gray, 2007). Within Viet Nam, the
works of Nguyen (2004) and Schwenkel (2011) suggested this more nuanced view,
where the younger generations have used foreign culture as a tool to advance themselves
and Viet Nam more efficiently. Generally, English skills produce more money for their
family and allow for better standards of living, which as mentioned above can be seen an
act of national duty (Nguyen, 2004, 172; Schwenkel, 2011, 139). While there are some

18 Woods (2002) also noted the “primary goal of the younger generation is to become wealthy,
whereas only a quarter of the general population indicated that this was a priority in their lives” (p. 177-8).
aspects of “traditional Vietnamese culture” being lost, these youth’s main goal of improving the family and nation is considered to be a very “traditional” Vietnamese characteristic (Schwenkel, 2011, 133). This act of “modernizing” Viet Nam can also done in cultural terms—by drawing Japanese-style Anime, forming B-boy crews, and hybridizing traditional Vietnamese music with U.S. and Korean pop and hip-hop, Viet Nam today has appropriated foreign cultures, showcasing to the rest of the world that they share some of the same cultural capital as so-called “first world” nations while producing their own products.

I believe this applies to film and television culture as well. As those in the “first-world” nations are gearing up for the next Blockbuster film franchise, many people in Viet Nam want to partake in this global cultural moment. With growing widespread internet access in the main cities of Hanoi and Ho Chi Minh City, many students at the school I worked with in Hanoi enjoyed participating in online (and offline) conversations about films and even those that did not directly engage in these exchanges were still aware of the hype around films. This desire for Hollywood and foreign media is aided by the lack of a viable and popular national film industry, which from 1953 to 2003 had been mostly subsidized by the Vietnamese government (see Ngo, 2007). After a few roller-coaster decades in terms of funding and output, the film industry almost became extinct in the 1990s when funding was heavily cut and few quality films were released.

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19 Since culture is constantly in flux, so the notion of “traditional Vietnamese Culture” does not really exist in theory. However, the perception of “traditional” culture is still important and I believe a strong emphasis on kinship is generally considered a part of traditional Vietnamese culture.

20 I am following the history of the Viet Nam’s cinema history in relation to the Socialist Republic of Viet Nam (the current government). Before the fall of Saigon, South Viet Nam did have a separate film industry.
(Marr, 2003, p. 286). In his overview of Vietnamese cinema during the late 1990s, Panivong Norindr (2006) noted:

> The average run for a domestic film lasts only a week (whereas foreign films like *Shakespeare in Love* (1998) played for weeks on end. As a ticket-booth attendant at Thang Tam, Hanoi’s oldest movie theater, says, “People don’t come to movie theaters to see Vietnamese productions. For that, they’d rather stay home.” (p. 51)

In 2003, the Vietnamese government began to allow films to be privately funded and this has led to a small revival of Vietnamese cinema, with most being funded and directed by and starring foreign-born Vietnamese. However, these films still lag behind Hollywood in terms of audiences and screen time at movie theaters.

In regard to “official” channels, surveys conducted by the Viet Nam National Film Distribution and Screening Company (FAFIM) during the late 1990s and early 2000s indicated a very low attendance of movie theaters, which was attributed to “the income [of viewers]…not being enough to cover the fee paid for the film” as 38% of those surveyed mentioned high ticket prices as the sole reason of why they did not go to movie theaters. In addition, 32% of people replied there were no “good” films at the theaters, as “FAFIM is unable to import good films made within the most recent year” (Hoang, 2007, p. 267-8).

In 2011, the exhibition situation has improved in some aspects, though it is difficult to fully describe as there are few figures available for box office income or attendance. Cinema theater ticket prices in Hanoi range from US $1 to $7 per person, with the $1 tickets belonging to older theaters with outdated equipment and the $7 tickets for modern, stadium seating, 3-D equipped screens. With the average monthly wage of US $60 - $80, visits to the cinema, especially the newer ones, does not occur on a regular
basis for many Vietnamese even with the economic improvements since the 1990s (Schwenkel, 2011, 133; Viet Nam Household Living Standard Survey, 2010, 13). It has only been recently (Spring 2011) that some films began to be released at the same time as in other SE Asian countries, but not all major Hollywood films come to Vietnamese theaters. In the realm of legal DVDs, films from Sony Pictures became available in 2008, with Warner Brothers and 20th Century Fox films arriving in 2009, and Walt Disney films in 2010 (Reuters/Hollywood Reporter, 2008; Tuong, 2010). These official DVDs range from US $2 to $5 in cost, but the films released are a few months to a year behind release dates in the United States. Furthermore, the selection is very limited, seemingly random, and finding newer films is very difficult. These legal DVDs can be found at several bookstores (and even in some of the piracy shops where I worked) but there never seemed to be a steady or organized shipment of them. In the summer of 2011, the “newest” film I saw was The Karate Kid (2010) and other titles included Talladega Nights: The Ballad of Ricky Bobby (2006) and 2012 (2009).

It can now be seen that with most films priced at US 75 cents per disc and a large and constantly updated selection, the pirate DVD store becomes an affordable site of access and distribution for many people, catering to both Vietnamese and foreigners. The next chapter moves into the store and begins to analyze how piracy works on and influences the ground level of everyday life.

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21 This paper will use the exchange rate of 20,000 Vietnamese Dong for 1 U.S. Dollar, which was roughly the rate during 2010-11, although it fluctuates often. Due to ineffective tax collection system and massive informal cash flows, it is difficult to get a precise number for the average income, though most estimates of monthly income are around the U.S. $60 to $80 range in urban areas. See note 16.
As elaborated in the introduction and chapter 2, there is more to these shops than pirated media. In approaching this specific case of piracy, the pirate store was always a key point of interest. While the products and selection are sometimes peculiar and certainly important (and are elaborated upon in the next chapters), I did not want to be solely focused on the pirated product. Studying the entire store in conjunction with its products would offer an opportunity to provide context for the pirated materials as they are not accessed in a cultural vacuum. In other words, these texts did not just appear in Viet Nam by themselves, but rather were in some way selected or demanded by human agents (customers, workers, owners) in the store.
Taking the store and humans into account was a way for me to avoid a “milkshake mistake.” Clay Shirky (2010) in his discussion of how to study media referenced a case where McDonald’s wanted to improve sales of its milkshakes. Most of the researchers focused mainly on the product (by looking at flavors, consistency, etc.), but one, Gerald Berstell, decided to study the customers by observing who was buying milkshakes and at what time. One of the surprising discoveries Berstell uncovered was that many people were purchasing milkshakes early in the day for morning commutes because the milkshakes were easy to handle in the car and lasted the duration of their commute. While this may seem like a random fact, Shirky astutely pointed out that the other researchers who focused exclusively on the milkshake product were unable to obtain this information and overlooked important ways people incorporate objects into their lives. Besides Berstell, all of the researchers committed what Shirky called a “milkshake mistake” by “concentrat[ing] mainly on the product and assum[ing] that everything important about it was somehow implicit in its attributes, without regard to what role the customers wanted it to play” (p. 9). Extending this to media studies, Shirky stated “when we talk about the effects of the web or text messages, it’s easy to make a milkshake mistake and focus on the tools themselves…with too little regard for the way human desires shaped them” (p. 9). Thus, incorporating the store into this project became an important step because I could explore not just pirated films and television shows (which would eventually look the “same” as official versions around the world), but also the human elements that shape and consume them.
While this gave at least a starting point in where and what to study, I turned to the question of how to study this subject? As a customer in these stores, there was a wealth of information from my own experiences, but my observations of other customers (especially Vietnamese consumers) would be limited if I was only relegated to a role as a customer. The Vietnamese economy is mainly a physically cash-based system with a significant amount of face-to-face interaction and if I wanted access to other people’s experience directly, it would require me to be at the store and close enough to the transaction where I could see and hear these interactions. While not impossible to obtain useful data in this manner, these stores are not large and I would certainly be noticed if I, as a customer, stayed for a lengthy period of time eavesdropping.

However, this issue could be alleviated if I were a person who worked in a store; here, it would make sense to be in a direct position to observe as I, as a worker, would be expected to be part of the face-to-face interaction. In conceptualizing what could be learned about a society from being a worker in a store, this work relied heavily on Christine Williams’ (2006) *Inside Toyland: Working, Shopping, and Social Inequality*, in which she was employed by two toy stores in the United States to study how toy stores and shoppers interacted. For Williams, the “decisions regarding where to buy, how to buy, and what to buy are shaped by a complex of social, cultural, and psychological factors” and by using participant observation, this method allowed her to study these factors by enabling her to “experience firsthand the dynamic interactions of the shopping floor from both sides of the counter” (p. 3; p. 17). As a worker, she was able to document how features like class and gender influenced the interactions between workers,
customers, and toy products, allowing her to explore the social construction of the shopping experience.

Due to the hiring practices of corporate America, Williams was able to work and observe at these stores without the knowledge of the toy stores and her co-workers, which is one reason why she used only participant observation and did not include aspects like interviews.\(^\text{22}\) She was able to limit her method because she could supplement her observational research with a history of shopping and toy stores by drawing from archives, past academic works, and official corporate histories (as well as being part of the culture she was studying). Accordingly then, Williams did not need to unearth much context from the workplace itself.

In Viet Nam, it is close to impossible to get a job and be “undercover” as a researcher without the knowledge of the owner and even the workers, especially as a foreigner in these relatively small, family-run businesses. Additionally, there has not been much work specifically on these kinds of “unofficial” businesses in Viet Nam and considering the illegal and informal nature, there is not a real desire to document any form of history. For these reasons, I felt I needed to incorporate myself deeply into the workplace. In this sense, this thesis combines Williams’ methods of participant observation through employment with the works of Jeffery Himpele (1996), Brian Larkin (2010), and Jonathan Gray (2011), in which they all approached and interviewed pirate vendors. Considering the workers would know I was researching and observing them, I could ask questions regarding the business and their lives through informal and organic

\(^{22}\) Williams also noted workers usually fear management-approved researchers as another reason why she stayed mainly within the framework of participant observation.
interviews. Not only would this develop trust between us, it would give me a chance to obtain business and cultural contexts that only currently exist in fragments in academic works about Viet Nam.

In order to do this, I began a long process of visiting multiple stores over the course of two months. Starting out with two visits a week, I made a list of 12 shops that I found interesting or were recommended by friends. Plotting the locations on a map, I made one large loop to visit these stores as a customer. The key things I wanted to accomplish the first month were to just buy something—usually one film—and see who was a regular worker. By the second month, I was still visiting stores twice a week, but I had narrowed my list to four stores. The main reasons I focused on these stores were based on the personalities of the workers and the numbers of workers. While many stores had interesting business models and operations, I felt their workers were either too cold to me personally or there were too many workers and I would have difficulties establishing a relationship with them to accept me as a worker.

Proceeding with these four shops, I began to make myself recognizable to the staff in multiple ways. First, I began to make larger purchases—this included multiple films but I also expanded by buying television box sets and magazines. Second, I also began to make sure I interacted with them directly, such as engaging into simple conversations and asking about their day or questions about the products, and slowly pushing the relationship a bit deeper with every interaction. I always made sure to smile and be in a good and cheerful mood. After a month, I felt I had established a strong enough relationship to begin the process of negotiating some sort of arrangement.
The most complicated issue for these workers and the store owner was the prospect of having someone they did not know well on a personal level conducting research with all of the uncertainties that it brings. One major aspect I wanted to emphasize to these stores was what I meant by the term “work.” Here I did not expect to get paid any wages (my research grant covered my living expenses) and the only thing I wanted in return was information. I also did not want any free gifts in terms of media products and if I did purchase something, I did not want any discount. While I wanted as close to a full experience of being a worker in terms of duties, I also was willing to let the stores set the limits of my employment: hours of working, daily duties, access to materials and customers, etc. One thing I was sure I did not wish to partake in was any handling and exchanging of money between parties due to possible legal complications.

Eventually I was accepted to work at three of the four stores, but this thesis focuses mainly on observations and notes from World DVD. As I was collecting data from these three stores, the stores were very similar to each other in terms of operations, media selection, and pricing, so discussing all three in detail would be very repetitive. Another reason I focus on World DVD is because it is the largest store, both in terms of media products and customers, and it offers most information to analyze. Though this does produce a limited viewpoint, the basic activities, observations, and conclusions in this thesis about World DVD and its customers can apply to most DVD pirate stores in Hanoi.
World DVD has been open since the late 1990s and is located in the “Old Quarter,” a dense maze of shops, food stalls, and homes. While heavily populated by Vietnamese, it is also a general tourist destination. The owner, who was called one of the most powerful people in the DVD business (by the owner of Music and Movies), boasts that his store is one of the largest in Hanoi and also has the best selection, something he is very proud of as he largely grins and nods his head as he tells me this information. In June of 2011, I began to regularly work at his store, three to four times a week in four hour shifts, alternating between mornings, afternoons, and night/closing hours. As a person of Vietnamese descent, I was mostly able to “pass” as a worker, though to make sure I wore clothes I bought in Viet Nam and spoke very little to the customers, both local and foreign. As I mentioned before, being born in Houston, Texas, both my Vietnamese and English are “accented” in ways that are unusual within this specific context. If I did speak, I limited it to one word answers such as “yes” or “no” in both

*Figure 2. The “older” film section in World DVD.*
Vietnamese and English. With most Vietnamese people, I believed I “passed,” but foreigners were more likely to notice my “very good” U.S. accent (this is further discussed below).

To write down data, I had a paper notepad and pen. While observing other workers with customers, I would pretend to be taking inventory (looking at films and “counting” them) when I needed to write something down. I normally wrote down customers’ genders, estimated ages, questions and/or comments, actions (such as products they picked up and looked at), and purchases. Other possible observations included how they were dressed, where they were from (this was mostly for foreigners), or any abnormal actions in relation to the context of the store. When dealing directly with customers, I would wait until they left before I began to write any information down. With workers and store owners, I was less deceptive in my note taking, considering they were aware of my presence as a researcher. After every shift, I would transfer my notes to my computer and flesh out details, producing a very journal-like log of notes.

A goal of this project is to make piracy mundane and boring—it is not necessarily about a premeditated desire to break or subvert laws, but rather an everyday way to make money to live. In that vein, working at the store was very similar to working retail in the U.S. About every other day, a supplier would drive up to the store and hand a worker a stack of about 50 to 100 paper DVD covers, and the worker would select any covers of films that were new or needed to be restocked.
Figure 3. A selection of unfolded DVD covers.

These discs would then be delivered the next day in separate components: a stack of ten DVDs of the same film and a stack of DVD covers. My main job when there were no customers was to fold the covers, put a disc in a disc sleeve, put everything in a plastic sleeve, seal the entire package, and shelve. For discs of newly released films, we would also test them out on a TV to look at their quality and available subtitles. About once a month, we would also receive a large box shipment from China that would be filled with pre-packaged pirated materials that we would have to organize and shelve. Similar to the discs we packaged, this job was full of repetition. Although I never did a full and accurate count, I would estimate that I packaged on average a minimum of 150 discs per shift, though this exact amount would vary based on the time of the day and the number of customers. However, there were always discs that needed to be packaged or shelved.

If I did finish a batch or wanted to take a break from that task, I helped tidy up the store (sweeping, dusting, etc.) or organize the discs, though due to my lack of knowledge of the “organization system(s),” I was usually of little help. These activities were regularly and frequently done by all of the workers in the store. In some cases, like rainy
days—motorbike is the main mode of transportation—these were the only things we did and the only data I collected as we had very few customers (though this was a good time to ask the workers and owners questions about the store). Other duties where I only observed involved the selecting of films from a supplier as mentioned above, taking “inventory” of the store to see what films or television box-sets needed to be restocked (which I replicated to hide my note taking), and basic cash duties. Many people (mostly foreigners) noted how amazed they were when these workers quickly located a specific film or answered a question about subtitles in a store with such a wide selection. But with a working schedule of about seven hours a day and seven days a week, these repetitive actions made the workers very knowledgeable about their shops. For them, this was a simple job of packaging films, organizing and locating them, and knowing the quality and subtitles.

In terms of films, the store had three main types of discs for sale: a Vietnamese DVD5, a Chinese DVD5, and a Chinese DVD9. The Vietnamese DVD5s, priced at US 75 cents, were produced in Saigon, Viet Nam. They had options of turning on subtitles and/or a mono-dubbed soundtrack in Vietnamese (one person reading the subtitles), and were normally “new” releases. Of course, films would eventually stop being new releases and any leftover Vietnamese DVD5s that were not sold were then shifted to the “older” section towards the back of the store. These DVD5s were mostly films after the late 1990s, but there were some (random) exceptions of popular Hollywood films like *When Harry Met Sally* (1989). The content on these discs were a mixture of “camcordered” images, leaked screener/film festival copies, and eventually final and “perfect” copies of
films (I use the term “perfect” to describe a pirated copy of a film whose visual and audio quality is basically undistinguishable on a standard-definition television from an officially-released DVD). These were the main discs we packaged as they came in separated components.

The Chinese DVD5s, also priced at US 75 cents, were produced in China, had no Vietnamese subtitles or soundtrack, and were similarly limited to newer films. These discs would usually come prepackaged and ready to put on the shelves when they were delivered, though there were some instances where we had to insert discs into DVD covers. The media on these discs were mostly final and perfect copies, but sometimes they contained screener copies that were not perfectly clear. However, they were generally considered watchable by customers and a considerable upgrade from camcordered versions. The Chinese DVD9s, with more data storage and priced between US $1.25 and $1.50, were produced in China and available with almost every film imaginable, including classic and contemporary Hollywood, Bollywood, and European films, silent films, and art cinema in perfect copies. These discs did not have Vietnamese subtitles or mono-dubbed voice-overs, but usually had English subtitles and frequently (though not always) had French, Spanish, Chinese, and Japanese subtitles and/or official dubbed voice-overs. The majority of television shows were box-sets containing DVD9s and were similar to the DVD9 films in terms of quality, languages, and subtitles. As expected, the films and television shows on these discs were better in visual quality as these discs had more data storage, resulting in less compression of the digital files of the films or television show. In relation to audio, the DVD9s generally had options for
surround sound which the DVD5s lack. These DVD9s always came prepackaged and all we had to do was to put them on the shelves around the store.

The store layout is in a shape of a U, with new releases towards the front and as time passed, these older “new releases” would be incorporated towards the back of the store. In the middle of the store was a shelf parallel to the side walls with most of the television selection. The new release section did not have any concrete organization, with the main category simply being “new.” The older section (which is shown in figure 1 and 2) would be organized based on various genre and star categories, such as war, documentary, French, Brad Pitt, Anne Hathaway, and Quentin Tarantino. These categories were created based on popularity and once a genre or star/director was requested enough, they would receive a dedicated space on the shelf, proudly denoted with label of black marker on masking tape.

![Figure 4](image.png)

Figure 4. The store layout of World DVD.

The more interesting aspect of my job was in “sales.” Here, I was mainly trained in a very informal manner by Anh Toi and Chi Sinh and this training continued
throughout my entire time at the store. Both Anh Toi and Chi Sinh have worked at this store for multiple years. Impressively, from this job and having access to a large media library (they can “rent” films for free), both have very good English skills considering the lack of formal training. During the first week of my “employment,” they gave me a very quick run through of what duties needed to be done during the sales process. This included answering questions (which is elaborated later in this chapter), pushing the new releases to customers, quickly locating specific title requests, and testing out media on a DVD player and TV located at the front of the store. I would also need to know the pricing for quick quotes, usually asked by foreigners and tourists—all films and television shows were sold by the disc and priced based on what kind of disc they were (DVD5 or DVD9) as was discussed above, and this called for some quick, but simple math skills with television box-sets.

As I was fairly new to the world of piracy sales, the first week was mostly observations of the workers interacting with customers. Considering the new releases were at the entrance of the store, this was the area most Vietnamese customers went to first. This is also where the workers and store owner wanted the customers because the films in the new release section had the most copies that needed to be sold. In the “older” section, the store generally had about five or less copies of a specific film, but in the new releases, each film had about 40 or more copies. While I cannot determine with accuracy whether the demand for new releases has created this distribution model or this distribution model has created the demand, it can be seen from the store’s business structure that new releases are the primary media product and most available for
circulation. From the viewpoint of the suppliers and store owners, new releases are what customers want to buy and, judging from my data, it is what they do buy.

Another significant observation I noticed was that the workers saw star systems and genres as gendered. Depending on the gender of the customer asking about new films in the store, the worker would point to genres they thought appealed to that gender first and this generally lined up with dominant Western/Hollywood ideologies. For example, when women would ask Anh Toi (a male) what films were new in the store, he would usually start with the newest romantic comedies or films with popular Hollywood women (Nicole Kidman, Sandra Bullock, Natalie Portman, etc.) and work his way towards action films. For men, it would be the opposite direction, starting with action and Hollywood men (Tom Cruise, Will Smith, etc.) and towards more “female-oriented” genres. From my field notes:

After seeing Anh Toi start with the romantic comedy *Friends with Benefits* (2011) for only women and not men, I asked him why he did that for all of the women. He stared at me with a confused expression and then grinned: “Because they’ll buy it.” Pressing him a bit more, he elaborated, “That type of movie is what women want. They always come here for those movies so I just do it for them.”23

Venturing outside local customers, race and ethnicity was also a factor in how workers guided customers. From my field notes:

A Middle Eastern man (I believe from India) in his 30s walked into the store. Chi Sinh said hello and immediately picked up a new release, *Enthiran/Robot* (2010) (a Bollywood film) and handed it to him. He brought it along with some other Hollywood films. After he left, I asked her why she showed him *Enthiran* and she replied, “Because he looked like he would like it.”

I do not wish to argue that the stores and workers are solely controlling customers with

23 Unless noted otherwise, the conversations in the field notes occurred in Vietnamese and have been translated by the author.
the emphasis on new releases and gender and racial-specific media—certainly customers have much say in what to browse and buy—but I do wish to suggest there is some construction of what is popular culture and who should consume it. Here, there is a promotion, if ever so slightly, for new releases that match specific gender stereotypes and racial lines, along with other factors such as age and class.24

Soon, I had enough experience to work directly on the sales floor. For me, selling new releases to Vietnamese people was easy as there were two main questions: “what is new (gi moi)?” referring to any media that just arrived at the store (but not necessarily new in its global existence), and “pretty yet (dep chua)?” referring to the visual and audio quality of the media product. For the question of “what is new,” I would just point at our section and tap all of the “new” films. Usually, customers would quickly glance at the covers and grab a film based on star systems. I knew this from verbal reactions, such as “Oh, his films are good, they fight a lot” as a Vietnamese male points to a Jason Stratham film or “she’s a good actress” as a woman picks up a Kiera Knightly film. They would quickly flip the DVDs to look at the back of the cover, focusing mainly on pictures. Many seemed to fully understand star language systems and their usual role and genre associations and I rarely got any questions of “what is the film about?” Genre was also a popular way to select films, with many questions of “what’s a new [genre] film?” (e.g. drama, action, etc.).

24 Race in this sense mainly applies to foreigners and tourists. 85% of Viet Nam is what the U.S. would consider “Vietnamese” (nguoi Kinh), with the other 15% a mixture of tribal groups, Chinese, Thai, Cambodian, and other SE Asian countries. During my time there, the local customers were overwhelming Vietnamese (nguoi Kinh).
After a film was selected off the shelf, the next question was “pretty yet?” (“dep chua”) and we were always honest in describing the visual quality of the film. This question indicates a couple of things. First, its casual nature of how it was usually asked and the widespread use of “dep chua” show piracy is a very common aspect of Vietnamese life and has incorporated itself so much into the everyday that it has developed an almost slang-like phrase to refer to its qualities. Second, it shows customers are at least somewhat aware of piracy’s limitations that not all films come directly to the shelf in great quality. In fact, the frequent use illustrates that the Vietnamese to some extent are always expecting some form of breakdown or error in this model of distribution. Because of this expectation of errors, a significant part of my work was operating the TV/DVD player at the front of the store. Some wanted to just check the quality of the film, even if we said it was pretty, to make sure they did not have to return to the store for an exchange or refund. Others would use this time to judge films that were “not pretty” according to us to see if the film met their minimum standard of visual and audio quality—depending on the combination of several factors such as the film and the customers’ patience and desires, some Vietnamese customers would buy visually subpar versions of films.

I think that because Viet Nam is still developing, Vietnamese people are more accepting to the failure and decay of technology and infrastructures. The reality is that roads are filled with potholes, buildings crack and erode constantly, and power is lost around the city indiscriminately. I believe events like these happen in greater intensities and in much more visible ways that Vietnamese people have built a larger tolerance to these failures. As Larkin (2008) and Sundaram (2010) have noted in different contexts,
the majority of the world’s experiences with technology and time are filled with breakdowns and interruptions, and not the clarity and speed of the “real-time” information era. The store (including me) was not perfect with distributing “pretty” versions as customers sometimes received a flawed disc with the ending missing or one that was scratched and unplayable—I did drop my share of discs during packaging—but, I found that even though people would return for a free exchange, they were never mad at a bad quality disc and in many ways, it was a very relaxed and nonchalant exchange/refund experience.

This reaction, or lack thereof, to these failures in relation to the question of “what’s new?” highlights the importance of the speed of the “new” in contemporary Vietnamese society. It seemed that “newness” always trumped the possible failures that come with piracy and even the actual film itself. There never seemed to be much consideration of what the film was about or any contemplation about a text’s artistic traits. I had many occasions when I pointed to film like Meteor Storm (2010), a made-for-cable movie on the SyFy channel, or some other straight-to-DVD release and it was usually taken just by the fact that is was new. I do not mean to start a low-art versus high-art debate, but I want to suggest that “taste” and “pleasure” in this context emphasize speed and time over the actual aesthetic properties of a media text (though I believe this is slowly changing as living standards improve and there are less disruptions and delays).

This emphasis of speed and newness is perhaps created by the pirated films themselves. Discussing the concept of piracy and time in India, Liang & Sundaram (2011) argued:
The social life of piracy occurs at this intersection of anticipation—now often measured in days or weeks—and aspiration to belong to the modern, to inhabit the space of global time represented by and through the movies, where things are not perpetually breaking down or delayed. (p. 351)

While the quality or breaking down of a media text may be a deemphasized component in customer satisfaction in Hanoi, this creates a focus on the aspect of the “delayed” as an obstacle to both the fantasy world of films and the literal technological future in reality. In this sense, the piracy shop becomes one large waiting room for media—and to an extent, the modern—and this room is often filled with impatient customers. In fact, the only times I saw customers “mad” were when they were complaining about how long a film was taking to arrive at the store (or become “pretty”) or the lack of new films, often expressed with disappointed sighs, tsks and in a few cases, loud grumbling. From my field notes:

An hour before the store closed, a Vietnamese male in his late 20s came into the store and browsed the new release section. The store owner pointed out some new films. The customer said in an angry tone, “I already have that.” He then proceeded to rant about how Vietnamese people never have anything new and he had been waiting for two weeks for sometime new. The store owner just smiled and went out for a cigarette. Afterwards, I asked the owner about the rant and he said, “If we don’t get anything new, we don’t get anything new. I don’t know why it happens but I can’t do anything about it.”

There were also several times when people got angry when we did not have films that were not even released in the United States yet, like Captain America: The First Avenger (2011), as the perceived wait signaled another sign of being left behind. When I asked Chi Sinh about these request for films that were not even in release in the United States, she said, “Oh people just read about these films on the internet and they don’t know or care that nobody has it. They just want it now.”
While time is an important function of the “waiting room,” the material and spatial dimensions of the room are also critical in understanding wider discourses of society. Studying the design and layouts of actual waiting rooms and their placements of televisions and chairs, Anna McCarthy’s (2001) *Ambient Television* showed how these rooms that were the “unmarked universality of everyday experience” were actually, in fact, imbued with site-specific politics and social discourses (p. 198). In the waiting rooms of car dealerships and hospitals, elements like televisions, advertisements, and informational brochures all come together to form structures based on gender and class; for example, the advertisements and their placements in waiting rooms of pediatricians are more likely to target female customers, implying and spatially confining the act of taking a child for a checkup as primarily a role for women and mothers (p. 207).

Considering the pirate store as a waiting room is mostly a metaphor, the direct application of McCarthy’s work is limited. However, what is useful is her notion of exploring “everyday” space to uncover its site-specific politics and her methodology of doing so. In her work, McCarthy drew on the geographical concept of “scale,” which primary concerns space and “addresses the differences that range from global to local” (p. 10). According to McCarthy then, “scale is thus an inherently political concept in cultural studies…[as] determinations of what counts as “local” are imbued with power” (p. 10). Furthering her point, McCarthy cited Neil Smith (1992), who stated “geographical scale…defines the boundaries and bonds the identities around which control is exerted and contested” (Smith, 1992, p. 62). Using the state of homelessness to illustrate the politics of scale, Smith stated that homeless people are powerless because they are
limited to their local environment (the street) and unable to access further up the chain of power to the institutional level (e.g. government systems), which requires classed aspects such as money, home ownership, and employment.

The concepts of scale and its relationship to power and politics can certainly be applied in the context of the piracy shop. Considering the piracy DVD shop has media from around the globe (and labeled sections like French, German, Japanese and Korean), we can see the shop as a scaled model of world, with the media products as a representation of global cultures and power; thus, Hollywood films dominate the store, while Vietnamese cinema is literally hidden in the margins under the waste of the West (e.g. *Beverley Hills, 90120*). What is important here is the issue of *language* (usually in the form of subtitles) because language controls the boundary between the local and global and the ability to access global cultural capital. At World DVD (and practically all of the stores in Hanoi), the majority of films with Vietnamese subtitles were limited to the front of the store in the form of new releases, forming the “local” area of the shop. This could be seen as a positive from the point of view of a Vietnamese person, as the “local” included the newest and biggest blockbuster films and all the cultural capital these films carry. However, for many Vietnamese people, they are confined only to the “local” space of the new releases and unable to navigate and access the other “global” sections of media, which make up a considerable percentage of the available media for sale.

Although Vietnamese customers can enjoy “new” films, once a certain time has passed for a film, the odds of accessing the film with Vietnamese subtitles decreases
dramatically. For non-English speaking customers, film and media exists mainly in the present and lacks a coherent past—as time passes, the history of media in Viet Nam becomes increasingly fragmented, delayed, or lost. The Vietnamese customers who wanted “older” films took greater risks as it was based on luck if we had a version with Vietnamese subtitles, and there were multiple instances where customers were told we did not have any subtitled copies left and maybe a copy would show up in the next shipment, leaving them in a state of limbo. In some sections, like documentary or European cinema, the odds were very small if we had a subtitled version to begin with, and in terms of television, the selection was sparser as almost all of the television selection had no Vietnamese subtitles.

Even though this thesis’ framework has placed the piracy shop as a site of “access,” I want to stress the shop is not a neutral conduit of media and, like any form of distribution, it imposes particular conditions and ultimately is an unequal site of access and power distribution. If we visualize the boundaries and space in which Vietnamese customers are able to move within (mainly the new release section) and connect that spatial area of accessible media with politics and power, it can be seen that Vietnamese customers who only speak Vietnamese are limited in their cultural and economic power as they are unable to escape the “local” (subtitled) media and link up on the “global” level of (unsubtitled) media.

In the case of the homeless person, the classed objects needed to access the higher institutions are money and home ownership. In the case of the pirate store, language is the key classed object; as I mentioned in chapter 2, language is certainly a classed
commodity as the Vietnamese people who spoke English were usually better educated (often studying abroad) and thus wealthier than most Vietnamese who did not have knowledge of the English language. A manifestation of this class division between Vietnamese people appeared physically in the store, as English-speaking Vietnamese were able to access and navigate throughout the store without the obstacles of language.

From my field notes:

A Vietnamese woman, in her mid 30s, drove up in a silver Mercedes-Benz and entered the store. Speaking Vietnamese, she requested *Jaws* (1975). After I located it (with the help of Anh Toi), I gave her a Chinese-produced DVD9 and told her it did not have Vietnamese. She shrugged off my comment and said, “No problem” in Vietnamese. She eventually brought *Jaws 2* (1978) and *Jaws 3* (1983) (both without subtitles) and a few DVD9 new releases, which also do not have subtitles. She then left in her Mercedes-Benz.

Just focusing outside the realm of the shop’s pirate world, it can easily be concluded that this woman was wealthy—especially considering the import tax for cars in Viet Nam hovers around 80%! However, her position in the upper-class and the power that arises from it is transferred into the store as she was able to browse and access texts from around the globe effortlessly and without delay, calmly shrugging off my comment about language. The ability to transverse the store with ease often translated to material wealth outside the store. From my field notes:

A Vietnamese male in his 30s enters the stores and starts browsing in the “older” section. Asking for a specific film, Anh Toi locates the film and gives him a Chinese DVD9 version, even when there were other versions (DVD5) available. The customer looks at the new release section and picks up *How to Train a Dragon* (2011). He asks if this is a DVD9 and I tell him it is a Chinese DVD5. He asks if we have this in DVD9 and I look over at Anh Toi and he tells the customer we do not. The customer pauses for a minute and lets out some sighs. He

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25 Of course this is not a universal fact. Chi Sinh and Anh Toi both had a relatively good grasp of English, but they were self-taught and not part of upper-class.
eventually buys it for his son. After he left, I asked Anh Toi why the customer requested only DVD9s. Anh Toi tells me that customer is a frequent customer and has a very nice sound system (which he brags about all the time, by the way) and he only wants films with surround sound.

Viet Nam according to the World: Piracy from Foreign Eyes

The capability of effortlessly navigating the store and its relation to the power and politics of space of course applies to everyone who enters the store. Similar to English-speaking Vietnamese people, tourists and foreigners (like myself) were also able to access the entire store and this most likely translated to material and cultural capital back in their home countries, such as Great Britain, France, Canada, Australia, and Japan. I do not wish to essentialize by arguing that there is no poverty or that wealth is universal in these so-called “First-World” countries, but I have a feeling that many of the tourists who were able to vacation and/or backpack around SE Asia had more funds than the average Vietnamese person. Therefore, while the piracy store does still provide a site of access for these tourists in Viet Nam, the store has different dimensions and politics in this context. For many foreigners, they do have the financial means to consume media through official and legal structures their home countries, though perhaps not fully in the time frame or mode of ownership (i.e. renting via Netflix versus a full purchase of a DVD) they desire.

Instead of being one of the few economically feasible paths to accessing media (like it is for most Vietnamese), the piracy shop for foreigners becomes an additional method to acquire and consume media. For foreigners, the materials in Viet Nam are not limited or priced according to their local conditions, but instead, the store is seemingly unlimited and excessive—my notepad is littered with the quote, “Holy Shit!” from tourists walking by and through the store. Additionally for the foreigner, the shop is full
of cheap and pirated media materials. From my observations, the notions of “cheap” and “pirated” and their negative connotations extended not only to the media texts, but also to Viet Nam and its citizens.

For many tourists, Viet Nam and the DVD store both became a site where their money has more purchasing power and where they can finally afford aspects of “luxury” unavailable to them in their home country. Economically, this can be done because products and services in Viet Nam are not expensive in comparison to many Western nations and thusly, “cheap.” But from my limited viewpoint as a “Vietnamese” worker (which I could escape after my shift), the ability to purchase a lot of materials for a relatively low price in such a lavish manner made some foreign customers into egotistical braggarts, and this elevated sense of worth made some look down on the workers. From my field notes:

A group of college students from the United States came into the shop today: three males (White, Black, and Korean) and one female (Asian-mixed race). Looking at all the films and television shows, they went insane. Apparently they were leaving next week when they finished their study abroad program and needed to get rid of all of their Vietnamese currency. After an extended amount of time, they spent 7 million dong (US $350) on TV shows [such as Friends (1994-2004), House (2004-2011), etc.] and films [mainly new releases]. As they were checking out, one of the males asked me in English (I spoke English as I helped them) if this was the most everyone had spent at this store. I shrugged as I really did not know the answer. Another male then said, “C’mon, that is a shitload of money. Have you even ever seen that much?” The other two males agreed verbally. I just stared at them because I really was not impressed (and honestly a bit angry). Then the male who asked the original question remarked how they “cleared out the store…[and they] could buy the entire store!”

In this situation where the customers did not know my particular circumstances, the question of “Have you even ever seen that much [money]?” being directed towards what they thought was a lowly Vietnamese worker indicated a very condensing attitude
towards Viet Nam and the Vietnamese people. I do not deny that Viet Nam is not as economically developed as the United States, nor that seven million dong is a large amount of money for most Vietnamese, but it is the almost colonial manner in which these information and viewpoints are expressed—as if I would be overwhelmed by the presence of a large amount of money. The “threat” to “buy the entire store” also slightly felt like threat to buy me (as I am a component of the store) in an attempt to verbally flex one’s economic and cultural muscles. These college students do not just have economic superiority over the pirated materials, but they also believe they have it over many Vietnamese people. Again, from an economic standpoint this may be “true,” but for them, Viet Nam is only filled with cheap material and labor.

Another definition of “cheap” may refer to the instability of quality in a pirated-produced media product. This “cheapness” of the material product also intersected with the widely held perception of the “piracy as theft” framework. Consequently then, Viet Nam is not just a poorly-produced cheap product, it is also littered with illegal activity that leeches off the products of the “First-World.” The comments of “Holy Shit!” are a reaction to the vast selection of media products, but also to the vast selection of illegal media products and the extent in which these “illegal” sites operate within the everyday. For many foreigners, beliefs about the illegality and unreliability of the media product were transmitted to Viet Nam and its citizens. From my field notes:

Two British women in their 40s were browsing the store. They asked me if The King’s Speech (2010) was a good copy. I said “Yes” in English.26 One of the

26 I did consider hiding my American accent by faking a “Vietnamese-English” accent (somebody’s whose native tongue is Vietnamese). However, I concluded this could be taken as really offensive, especially to Anh Toi and Chi Sinh.
women responded with “Wow, your English is very good! You seem to have an American accent…did you study in the States?” Not wanting to lie, I said “Yeah.” From that moment on, any question they had they went through me, even though I am totally incompetent as I don’t know the quality level of many films. It went like this: they asked a question, I would clearly look over to Anh Toi who was listening and he would give me the answer in head nods. I then looked over to the women and just repeated what Anh Toi said. Even when Anh Toi or Chi Sinh would answer a question directly to the women, they kept looking at me for confirmation (e.g. “Is she [Chi Sinh] telling the truth?”). When heading towards the cash register, one of the women said to the other, “I trust him, he studied in the States.”

Ironically and unbeknownst to these two customers, while I was technically the most “educated” of the workers, I (as mentioned in my notes) was also the most useless in the store. Nevertheless, my educational background in the “States,” along with my accent, gave me a credibility that was not awarded to more “local” workers like Anh Toi and Chi Sinh; it seemed nothing could erode this credibility, even my unconcealed reliance on Anh Toi and Chi Sinh for answers. This act of trust based solely on my accent occurred several times and seems to indicate a mistrust for “local” Vietnamese people, with perhaps the idea of piracy as an illegal activity playing a role in this mistrust. Yet, I was still a worker in the piracy shop and it is crucial to note that in all of these instances, the question was always if I “studied” in the United States, implying that I was originally from Viet Nam, and not if I was “from” the United States. Even though I was initially an equal to the other workers (at least in the eyes of foreign customers), the trust that customers gave me illustrates their belief that the unreliability of “local” Vietnamese people (and their products) could be removed with an association with the “Western” world. As somebody educated in the United States, I apparently understood the “values”
and cultures of the West and this somehow made me much more trustworthy and knowledgeable.

Overall, I do not believe these foreign customers’ actions are necessarily malicious, nor are these actions confined to foreigners as I feel aspects of their behavior can be seen among English-speaking Vietnamese people. I also realize this thesis contains some of these beliefs. While I have a lot of respect for these workers and stores, the piracy store is not exactly a prestigious institution or, in my opinion, a long-term progressive solution to uneven levels of development around the globe.

As this illustrates, I believe piracy and the DVD shops form complex discourses that shape not just how Vietnamese people see themselves, but also how foreigners view Viet Nam in multifaceted and often conflicting ways with no easy answers. From the actions of workers to the shop’s organization, it has hopefully been shown that these discourses also work on a smaller scale, as the parameters of the shop influence and limit early formations of feelings about films. A key aspect of this formation is the selection of a film. The next chapter elaborates further the action of selecting a film by focusing on the first images a viewer sees of a film in this context: the DVD cover.
CHAPTER 4

THE MATERIALITY OF PIRACY: THE IMPACT OF PHYSICAL PIRATE PARATEXTS

Today in the United States, audiences rarely consume films without first passing through barriers that give information about films. With the internet, there are several dynamic marketing methods like websites devoted to specific films or the ability to access movie trailers on the internet at any time. Nevertheless, movie posters and their close relative, the DVD cover, still play a role as one of the first filters an audience must pass before watching a media text—a search for movie times on Google still brings up movie posters to inform potential movie-goers about films and before audiences select a trailer to watch on Apple.com/trailers, they must click on a movie poster. A similar process occurs when renting or buying a film. Walking through Blockbuster is very much like taking a tour of miniature movie posters; perhaps more relevant to contemporary times is the browsing interface of Netflix, which is mainly flipping through DVD covers.

Even with the abundance of film promotion in multiple forms and platforms, the visibility and presence of movie posters and DVD covers are still prominent in U.S. media culture. From this, it can be seen that the role of the DVD cover then becomes especially important in the context of Viet Nam and the pirate shop due to the lack of “official” Hollywood and television promotions in Viet Nam. This is not to say there is a complete lack or that these promotions do not leak through to Viet Nam. As mentioned in the last chapter, people did request films that were not released yet in the United States,
showing some knowledge of global media hype and promotion and local movie theaters are slowly expanding their advertising Hollywood Blockbusters. Still, these promotions are limited as they are not widespread throughout Hanoi.

With the speed of the pirate infrastructure and a wider available selection, several film “introductions” largely occur in the pirate DVD store. From my observations, while customers did request some films (mostly the newest releases), many local customers came into the store without any specific film title and would make decisions on what to watch directly on the sales floor and even the customers who had requests followed this process for purchasing other films. I believe this happens because they understand the model of the piracy store; due to the seemingly randomness of quality and selection, it was best to make this decision directly at the store, where they could accurately determine the availability and quality level of a film, as well as avoid the disappointment of being unable to access a film. Thus, the DVD cover plays a crucial task in the film selection process as it is one of the first engaged encounters with the film. After the initial questions of “what’s new?” and “pretty yet?,” customers would physically take hold of the DVDs and “read” the covers, varying from a quick glance to quite a few seconds and often flipping to look at the back. For these customers, the images on the cover would act as a movie poster and initiate the beginning of the film-watching experience. Here, meanings are beginning to be produced from information about genres,

27 Theoretically, it is impossible for everyone to enter the store with “zero” knowledge of a media text, especially with the variability of media experiences, increasing access to the internet, and Hollywood’s habit for remakes, adaptations, and sequels. However, for the sake of simplicity, this thesis assumes the store is one of the first engaged encounters with a specific film.
star systems, and storyworlds they receive from these images, similar to the experience of looking at posters while at the movie theaters or on Google or Netflix.

![Image](image.png)

*Figure 5.* The “new release” board outside Music and Movies.

Aside from describing these cinematic elements, the visual qualities of the covers also contain other information that can illuminate the understanding of broader discourses within Viet Nam. In many ways, these covers could be more simplistic: they could just be printed in black and white; they could just state the name of the film; and they could just be one-sided DVD covers. Instead, the pirate store receives full-colored DVD covers printed on sheets of glossy paper that need to be folded (producing a front and back), and are covered in brands, ranging from “official” seals of production companies and film production notes to Vietnamese “pirate” brands. Judging by the fact that there is a considerable attempt to mimic “real” versions of these films and television programs, it seems that these covers go beyond just influencing the reading of a text, but reflect and
affect the identities and desires of the customers and the producers of pirated materials, particularly in terms of global class structures.

Additionally, this “first encounter” with a media text is not just constrained to the mental realm, as it is also the period when audiences first physically touch the film. Here in the sales floor of the pirate shop, media is tactile and tangible, possibly consisting of plastic, paper, adhesives, and cardboard, and extends beyond DVD covers to the actual DVD itself. While this materialism does not reveal much about the plot or genre of a text, it can reveal and exhibit much about the quality of the media text. Furthermore, as the term “materialism” suggests, the physical aspects of the DVD and its packaging are imbued with notions of class, which any commodifiable material object can be.

This chapter explores the complicated terrain of the physical paratexts—which are the variety of materials that surround a text—that exist within the pirate shop (pirate DVD covers, DVD box-sets, and DVDs) and how they play a critical role in setting up how customers browse and buy media and begin to comprehend not just media texts, but also larger issues of globalization, class, and identities in Viet Nam. After a brief introduction to the theory of media paratexts, the first section of this chapter focuses mainly on Vietnamese-produced DVDs and their cover art to study how aspects such as genre and star systems are constructed in the visuals of the DVD covers. Considering the English-reading abilities of locals is varied and limited, this chapter focuses mainly on the visuals. I also investigate how other information is being expressed in these covers, such as the quality of the film and the establishment of what I call “pirate branding,” or the association of “quality” pirate texts with Vietnamese “companies.” This chapter then
concludes with an analysis of the intersection of the material packaging with class. Comparing Vietnamese-produced pirate media with Chinese-produced pirate media, I explore how the materiality of piracy creates and shapes class hierarchies in Hanoi.

One quick note I would like to make is the restrictions of this chapter. Unfortunately, most of the visual designs of these DVD covers are not created by the Vietnamese media pirates themselves, but are downloaded from websites with fan-produced DVD covers (such as CoversHut.com and FreeCovers.net). As this implies, there is no single “official” DVD cover, so the variability is large throughout the city of Hanoi and Viet Nam. Nevertheless, I feel there are general trends in paratext experiences and while the insights on the “creative” aspect of piracy are limited, there is still plenty of information worth studying as the pirates do place Vietnamese texts, brands, and advertising on the covers, as well as choose and select them. However, since none of these products are produced in Hanoi, these creative decisions are out of the range of my study and I mainly focus on the consumers’ experiences with these paratexts (though I recognize this is not a “singular” experience within the city).

**Pirate Paratexts: Genres, Stars, and Brands**

This chapter employs the term “paratext” used in Jonathan Gray’s (2010) *Show Sold Separately: Promos, Spoilers, and other Media Paratexts*, in which he explored “spinoff” products of media (trailers, movie posters, videogames, etc.) and the extended

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28 These DVD covers were collected from several shops around Hanoi. Sometimes many stores would have the same “copy,” but like most aspects of piracy, the specific film and DVD cover available were seemingly random in their appearance around the city.
presence these products create for the “original” text. In his introduction, Gray explained that:

Given their extended presence, any filmic or televisual text and its cultural impact, value, and meaning cannot be adequately analyzed without taking into account the film or program’s many proliferations...[and] rarely if ever can a film or program serve as the only source of information about the text. And rather than simply serve as extensions of a text, many of these [outside] items are filters through which we must pass on our way to the film or program, our first and formative encounters with the text. (p. 2-3)

Building off the works of Gerard Genette, Gray used the terms “paratexts” and “paratextuality” to describe these products that surrounded the “original” text and formed the “threshold” between the outside and inside of the text (p. 25). For this chapter, I focus on specifically “entryway paratexts,” which “control and determine our entrance to a text” (as opposed to “in media res paratexts”); these specific entryway or “thresholds” paratexts, Gray argued, would prepare the audience in a multitude of ways to read the text by giving them hints about the text’s features and allowing them to condition ourselves for the entrance into the text (p. 35; p. 25). For example, a viewer would approach a film marketed through its ads as an “art film” much differently than a film marketed as a “teen comedy,” even if it is the same film.

As the example indicates, genre is one of the easier aspects of paratexts to recognize and analyze and, as illustrated in chapter 3, this is also true within the pirate store as it is a well-versed method of categorization among the workers and customers. A simple glance at a DVD cover easily shows why genre plays a factor in the selection process.
In the example of the DVD cover of *Battle: Los Angeles* (2011), the visuals succinctly establish the film as a sci-fi military action film. Even with this very specific sub-genre, the cover accomplishes this task by reducing the genre into its most basic iconography. In the case of *Battle: Los Angeles*, the images include: military personnel, military equipment and weapons, explosions, spaceships, and attacks from space. Characters within the film are also established; judging by the size and placement of Aaron Eckhart’s face, it is easily assumed he plays a main role within the film. If the cover is one of the first experiences with the film, audiences are then encouraged to react to the film as one filled with military warfare between humans and unknown alien beings in technologically advanced spacecrafts. From their assumptions based on the characters they see on the cover, spectators then react to the first time they see Eckhart and expect him to eventually lead the humans to victory.

For the most part, the film covers did accurately convey specific genres, though they were not always as successful as the example of *Battle: Los Angeles* due to the...
“nuances” of some films. For instance, the cover of *MacGruber* (2010) treads much of the same terrain as *Battle: Los Angeles*: military weapons, explosions, gun-play, and an action-centered narrative. However in a very ironic twist, *MacGruber* becomes a very “complicated” text within the context of Hanoi—the film is a parody of *MacGyver* (1985-1992) and the action film, yet based on its DVD cover could pass as a film similar to *Battle: Los Angeles*. Here, Vietnamese viewers unable to read the English film reviews on the cover could possibly be prepared to engage with a dramatic and “serious” action film, but actually encounter a parody and a possible source of confusion.

![Figure 7](image.jpg)

*Figure 7.* The pirate DVD cover of *MacGruber* (2010).
Other genres had less visually aggressive DVD cover iconography, but were still very effective in communicating key information about the film. For example, the cover of *Love and Other Drugs* (2010) sets up the film as part of the “romance” genre, with the front cover showing the two main stars naked and snuggling together in bed. The back of the cover shows more complexity with a large image of Jake Gyllenhaal leaning over a smiling Anne Hathaway; along with this image are four smaller images of the pair together throughout the film. The audience is now prepared with certain interpretative strategies and expect specific genre elements to appear within the film because these images on the DVD cover combine together to suggest a narrative centered on romance, chemistry, and sex.

It should be no surprise that movie stars play a dominate role in DVD cover images and this certainly helps establish Hollywood star systems in Hanoi and Viet Nam. From my experiences of selling *Love and Other Drugs*, many Vietnamese customers (mainly female) recognized Anne Hathaway. Occasionally, this recognition was
expressed directly with her name; however, the majority of “Anne Hathaway” references occurred indirectly by referencing her past works, including *The Princess Diaries* (2001) and *The Devil Wears Prada* (2006). As this implies, the pirate DVD covers (and the eventual consumption of the text) also begin the process of associating film actors and genres. In the particular example of Anne Hathaway, there is a common thread of films dealing with themes of romance and love, as well as hints of female-oriented narratives. Another example is Ryan Gosling, whose presence on the DVD cover of *Blue Valentine* (2010) invoked many romantic memories from *The Notebook* (2004) for several female Vietnamese customers. While I cannot confirm this to be absolute for all customers, what is most interesting about these reactions to movie stars and their previous roles is that *piracy* most likely performed some function in creating and encouraging these language systems based on celebrity and genres. Even with the variability of media experiences in Hanoi, these language systems based on Hollywood stars would not be as coherent if these pirate shops were not distributing pirate texts in these specific physical formats.

Nevertheless, not all media follow the rules of the Hollywood film. In terms of television programs, genre is less likely to be directly established in the DVD cover art when compared to Hollywood films. In the example of the season four box-set of *Mad Men* (2007-Present), it would be hard to describe the concept of the show based just on the visuals.
Figure 9. The Chinese-produced box-set of television program Mad Men (2007-Present). Here, there are small clues about the show, including the main characters and a corporate setting; other details, however, would be more difficult to discern. There could be a rough determination of the time period, though a relatively good knowledge of the history of U.S. culture and fashion would be needed (this is not impossible for Vietnamese customers as this could be learned through watching films set in the 1960s). Still, there is little information about the aspect of the advertising agency in which the show takes place, the particular roles of the characters, or the relationship structures between characters, which were more clearly defined in Love and Other Drugs and Battle: Los Angeles.

In the end though, this lack of clarity in terms of genre (and to an extent, star systems) may not matter. It seems in terms of genre, star systems and box-set visuals, there are not as many dynamic discourses occurring in the television realm for Vietnamese customers. From the start, the presentation of the box-sets limited audience’s interactions with the paratexts as only the spines of the box-sets were exposed to the
customers; thus, browsing was mainly centered on the name of the particular program (but of course a customer could grab and look at the covers).

Figure 10. The television section of World DVD.

The lack of establishing firm genres in the box-set artwork and the positioning of the boxes could be due to several reasons. On the textual level, television programs can be much more complex in terms of genre(s) when compared to films. Considering the scope of a television program could spans several seasons, this allows for more creative flexibility than a 90 minute film and makes the process of reducing the program’s genre into a box-set image much more difficult. In addition, over the process of several seasons, characters may leave or die, producing more inconsistent objects.

However, at the same time there is much more stability in the television section. Every week, new films would flow into the store that needed explanation because they were mostly not connected to the “new” films of the previous week. In television, this must occur with “new” television shows, but the shop’s television selection consisted mainly of shows with multiple seasons (most likely due to economic reasons, as more
seasons indicated popularity) and the rate of incoming new TV series was relatively low compared to Hollywood films. While a new season may arrive, it is an addition to an already established storyworld and not an entirely separate entity like most films. Therefore, the visuals of the box-set do not need to establish a new, fictional world for every season, but rather elaborate and build upon familiar media texts.

The reasons of the differences between film and television paratexts may also be found in the intended audiences. As mentioned in the previous chapter, many of these television programs were not subtitled in Vietnamese and, consequently, many of the customers who brought these box-sets were foreigners. For many foreigners, the process of purchasing television shows was either to directly request a program or by browsing the titles of the shows and pick programs they had either already seen or had heard about. From these observations, it can be seen that knowledge of these texts (including aspects of genre, star systems, etc.) were already possessed by the customer, removing the need for any introduction to the text as they were coming from a media-saturated environment in their homeland. Considering many Vietnamese could not access this section, these television-entryway paratexts could be much simpler than their cinema counterparts, as the paratexts did not have to convey as much information as a film cover.

Another complexity films have to deal with is the unpredictability of the visual quality of the media text, which is generally not an issue with television paratexts as most programs arrive at the store in “perfect” visual condition. The timeline for a film to arrive at the store “pretty” is unsystematic and I could not detect if there was a pattern based on genre, stars, or economics (e.g. global Blockbuster films). In other words, the visual
condition of films arriving at the store was random. Though rare, some films appeared on our shelves in crystal-clear clarity the first week the film was released in the United States. Normally there was a three-phase process: first, the store would receive a very poor-quality pirated text (which I term as “first-editions”); next (though this phase is sometimes skipped), the store would receive a leaked screener version given to film critics and film festivals, which would be a significant upgrade visually and brought by many customers; and finally, the store would receive the “final-edition”, which would be “perfect” visually (the topic of the image is discussed in the next chapter). As mentioned, the time between these phases varied—*X-Men: First Class* (2011) took about two weeks to go through all the phases, while *Harry Potter and The Deathly Hallows: Part I* (2010) took several months (and all questions about this discrepancy were answered with a “who knows?”).

In relationship to the visual quality of the Hollywood film, the paratexts contain multiple dimensions of branding, cultural capital, and class, which can be revealed when tracing the evolution of the paratext as it goes through all three stages. At the simplest levels, the visual condition of the film is directly related to the visual quality of the DVD cover.
Figure 11. The lineage of *I am Number Four*’s (2011) pirate paratext with detailed close-ups. This figure illustrates the “camcorded” version (top row), the screener version (middle row), and the “official” and perfect version (bottom row).

In the example of *I am Number Four* (2011), the first-edition’s DVD cover seems to be of lower quality when compared to its later two editions: the face of Alex Pettyfer is grainy and pixilated; some of the written text is a little blurred (even though Vietnamese customers cannot read the English text, the text is still visual); and the colors are less vibrant and appear washed out. The use of blurry and unclear images was very common
with many first-editions of films and one of several ways to help indicate the visual quality of the film.

More subtle are the issues of branding and commodification. One important detail is the appearance of brands and logos; these may include well-known “legal” brands (such as Disney and Blu-Ray), but there is also the paradoxical creation of some “pirate” brands (which brings up the question of if these brands would or could sue for IP and trademark infringement). Within Hanoi, there are three major pirate brands—Simba, Mega, and DVD Painted (in order of popularity)—and their logos appear on the front of the DVD covers, either at the bottom or sometimes integrated into the title of the film.29 Important to note, however, is when these pirate brands appear during the three-phase process. On the covers of all first-editions, there is no sight of any pirate branding, which is interesting as it shows these brands only want to associate their logos with “quality” films, or at minimal, screener quality films (Simba’s taglines are either “The Best Quality Trust” or “High Definition Films”). Aiding this association is the term “Ban Chinh Thuc,” which is used by all three brands for the final-editions and literally translates to “the official one” (“Thuyet Minh – Phu De” translates to “Voiceover – Subtitles” and is stated on all films that have them, even first-editions).

A relatively new form of branding/advertising that appeared during the last two weeks of my time at the store were colorful ads on the lower back of the DVD covers. These were advertisements for ringtones, mobile phone games, and pictures of “hot”

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29 From my interviews, I believe most of them are headquartered in HCMC/Saigon. Aside from learning that they run massive DVD production factories (that are only suppose to produce blank DVDs), I did not learn much about them specifically as they were out of my geographical area of study.
girls. As this was a late development, I did not have time to fully investigate these ads, though the workers in Hanoi had little knowledge about them as the decision to place them on the DVD covers was made in HCMC/Saigon. I suspect, however, that the business owners of the ringtone, game, and/or soft-core pornography websites are either closely linked to the DVD pirate producers in Saigon or are under the same ownership; in either case, this is a particularly interesting example of pirate cross-promotion or synergy, which needs to be further studied.

While pirate brandings are very interesting because they are so unique, it is also important to consider how “official” brands, like Sony’s Blu-Ray, and “normal” cover-art design templates are being used in these pirated products. Even first-editions had elements of a “real” DVD cover, such as the production credits; some credits, however, did not even match the film, but were just there for the appearance of a real DVD cover. This mimesis of the real DVD cover—which was sometimes done very well—would even go beyond the contents of the material on the disc. For example, these discs were not Blu-Rays (which was a hassle to explain to customers) and the special features, like director commentaries, that were advertised on these covers were not present on the disc. The question that arises from this is why do the pirate DVD covers mimic every detail of a “real” DVD cover, even including the FBI anti-piracy logo? Why spend the extra money and time to print these out when in theory a simple hand-written piece of paper would probably suffice?
The answer to these questions may lie within the paratext if we recognize it for what it really is at the most basic level—an advertisement. The DVD cover is fundamentally advertising the film by revealing its best parts: movie stars, action sequences, and romantic embraces. Framing the paratext as an advertisement then sheds some light on why possibly DVD covers attempt to imitate “real” versions so closely. In his study of advertisements, Sut Jhally (1987) argued that a key purpose of ads is to remove or erase the physical origins of the product and “once the real meaning has been systematically emptied out of commodities…advertising then refills this void with its own symbols” (p. 51).

In the context of the pirate shop, the true physical origins of these Hollywood films many Vietnamese people buy are mass factories that are located in a developing nation and illegally producing these discs. It now makes some sense why these pirate paratexts make some attempt at erasing this history, as one of my Vietnamese friends once told me, “nobody likes to be reminded they are from a Third-World country.” In the case of the cover of *Rio*, the production credits were not there for informative purposes,
but rather to help hide the fact (in a somewhat arbitrary manner) that this is a pirated text. As this example indicates, this erasure was rarely enacted perfectly—there are numerous examples of errors that could be listed. Nevertheless, what is important is that the attempt to achieve a perfect copy indicates some desire to empty the pirated text of its physical dimensions (which is just cheap paper and plastic) and replace those with a sense of something similar to the cultural capital of owning a “real” Hollywood film. From a Vietnamese consumer standpoint, if a customer is going to buy a pirated film, it may as well be a brand name.

The Paratexts of China and Viet Nam: The Physical Properties of Class

With the Vietnamese-produced paratexts, there may be some success in the erasure of its past in its basic visuals at the level of the DVD cover, but this attempt to conceal its pirate origins is ultimately thwarted at the level of the disc in both visual and physical terms. The DVDs are pressed with a monochromatic image with usually the same image of the DVD cover, but this can vary as the example of Rio below illustrates. Although the pressing is of higher quality than “home-made” DVDs, a close inspection reveals thin plastic layers being held together by irregular layers of adhesive that has usually spilt over the edges of the DVD. Compared to colorful and detailed covers, the actual discs fail in comparison.
While the covers are visually similar to their “official” counterparts, the physicality of the covers, similar to the discs, subverts any attempt to completely expunge its history as a pirated text. As mentioned in this chapter, the covers are printed on a glossy paper giving it some value, but, overall, this flimsy paper is eventually stuffed into an equally flimsy plastic bag. The cover is then prone to tears, folding, and wrinkling due to its malleability and the lack of any protection.

*Figure 13. A Vietnamese-produced (DVD5) pirate copy of Rio.*

*Figure 14. Chinese-produced pirate copies of a DVD5 Rio and a DVD9 The Cove (2009).*
This lower-quality materiality is further noticeable when the Vietnamese-produced products are compared to Chinese-produced products. These Chinese-produced paratexts are equally as ripe with errors and the Chinese characters obviously give away their origins; from a materialistic standpoint, however, the Chinese versions seem much more “professional” with sleek DVD covers and discs compared to the Vietnamese pirate versions. The Chinese covers for the DVD5s were made of durable cardboard paper which was much sturdier than the flimsy paper covers of the Vietnamese-produced covers. For the DVD9s, the materials were of even better quality, with covers that could be opened with even more images on the inside of the cover. Additionally, instead of a thin, clear plastic sleeve, the DVD9s were placed in a durable, thick, and colored plastic sleeve. At the level of the discs, the Chinese versions were extremely precise in their details and honestly could “pass” under an undiscerning eye as an official DVD in some cases.

Pirated television texts were also very similar in this regard of physical difference, but perhaps in more stark terms.

*Figure 15. A Chinese-produced pirate copy of *Mad Men* (2007-Present) and a Vietnamese-produced pirate copy of *Nikita* (2010-Present).*
First, the television selection with Vietnamese subtitles was extremely small—the only recent program during my time in Viet Nam with subtitles was *Nikita* (2010-Present) (which only existed due to the presence of the lead actress, Maggie Q, who is part Vietnamese).30 Within this very limited selection, the Vietnamese-produced discs were packaged in a similar manner to the films, except with multiple discs shoved in one plastic sleeve. Chinese-produced discs, however, were packaged in very visually and physically nice box-sets made up of hard cardboard and fabric lining. When set next to each other, there is clearly one version that is physically superior to the other.

I do not wish to argue that the difference of thickness of a plastic sleeve is necessarily a *major* factor in people’s lives, but the difference of materiality does play at least some minor role in how Vietnamese people give value to cultural objects. As covered in chapter 2, the unreliability of the Vietnamese economy and currency has produced a society based on materialism and Vietnamese customers *do* notice this material difference. From my field notes:

A male Vietnamese customer in his 30s comes into the store and tests a Vietnamese DVD5 version of *Rio*. He hands me the film and I remove it from the plastic bag and test it out. It is a “perfect” version and he is fine with it. As I take out the DVD from the player, he asks if he could take the cover of a Chinese-produced DVD5 of the same film. I look over at Anh Toi and point to him (Anh Toi). The customer re-shouts his question and Anh Toi just nods. So I swap the discs and put the Vietnamese DVD5 in the thicker, Chinese cover of *Rio*. I assumed this was because of the quality difference between the covers, but for a second opinion, I asked Anh Toi why he thought the customer wanted to do that and he replies, “Because it looks better.”

Here, the visuals of the DVD covers basically look the same, with the only major

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30 Also available with Vietnamese subtitles (though in fragmented seasons) were *Lost* (2004-2010), *Prison Break* (2005-2009), and *24* (2001-2010).
difference being the language of some of the written text. But this action of swapping
covers seems to suggest that there is some valuing of the physical properties of media
materials. Thus, the look and feel of media texts are permeated with dimensions of class
and cultural capital. Drawing on the notion of local and global space again, in this
example a customer is trying to link up with the more global selection, but he is unable to
do so because of language barriers. However, he negotiates and attempts to fulfill this
action of upward mobility by imitating the “global” disc’s physical appearance as much
as possible, even if the cover has no effect on the actual media text.

This action of upward mobility was more difficult within the realm of television
programs because of the physical packaging as these box sets came pre-sealed to the store
from China (as well as the lack of TV programs with Vietnamese subtitles to “swap”
with). More directly related towards notions of class, though, was the issue that the
packaging limited who could buy the program based on financial circumstances, adding
another layer on top of the obstacle of language. These box-sets often contained several
seasons and considering the store charged by the disc, the box sets were usually out of the
price range of many Vietnamese people and aimed more towards tourists. From my
fieldnotes:

Today a Vietnamese woman in her 20s wanted to buy a box-set of The X-Files,
which had nine seasons and 20 discs, coming out to about US $25. When I told
her the price, she almost screamed. “Why so much?” she asked. I shrugged. She
then asked if she could get a discount and I pointed to Anh Toi. She walked over
and asked for a discount. He said no. She said “please” a few times, throwing in a
cute (I assumed) pout and some whiny noises. Anh Toi seemed to just ignore her
and say no. She asked if she could buy just one season but he told her it doesn’t
work that way. She left without buying anything.
As this example illustrates, the pirate store is not an equal source of access and, in fact, establishes many class-based hierarchies. This issue of class, however, is not just limited to the physical store and products. In the next chapter, I explore how visual qualities of a film during the early stages of pirate distribution carry on these class structures and how they possibly influence the film consumption process of Vietnamese audiences.
CHAPTER 5

THE PIRATE FILM EXPERIENCE: THE AUDIO-VISUAL AESTHETICS OF PIRACY

A quick glance at paratexts anywhere in the world likely includes written comments describing the film as an “edge-of-your-seat,” “heart-pounding” or “breath-taking” experience. These now cliché comments help illustrate the visceral phenomenon that often occurs in the movie theater—horror films make us scream or physically jump; thrillers make us hold our breaths; and comedies make our sides ache with laughter. This sensorial connection with cinema is partly why people have been attracted to the medium since its invention.

Many film theorists have explored this relationship between early cinema and the senses, most notably Miriam Hansen. Focusing on the “mass production of the senses” in 1920s Hollywood and Russian cinema, Hansen (2000) observed:

Hollywood did not just circulate images and sounds; it produced and globalized a new sensorium…It was not just what these films showed, what they brought into the optical consciousness, as it were, but the way they opened up hitherto unperceived modes of sensory perception and experience, their ability to suggest a different organization of the daily world. (p. 334)

Beyond early cinema, scholars such as Vivian Sobchack have also explored how to describe the film experience in terms of the human senses. Using the framework of phenomenology, Sobchack (1992) literally embodied film theory by constructing the event of watching a film as a direct experience with the human body; as Sobchack described:
When we sit in a movie theater and perceive a film as sensible, as making sense, we (and the film before us) are immersed in a world and in an activity of visual being. The experience is as familiar as it is intense, and it is marked by the way in which significance and the act of signifying are directly felt, sensuously available to the viewer. (p. 8)

For Sobchack, the meanings and significance of film is not just created by the processing of images and sounds through mental schemata based on formal cinematic elements, but are also directly felt by the viewer immersed in the film’s world, sometimes before mental comprehension occurs (see Sobchack 2004).

These works have been important in understanding the effects of film and its technological aspects from film’s introduction to society to contemporary times. However, while they are very useful and valid, most of these works on the relationship between the human senses and cinema have assumed films are being presented in their optimal working mode: clear images, crisp sounds, and uninterrupted exhibition. This is not necessarily a criticism of the scholars above—every work must have theoretical boundaries and, as it is shown, this chapter is indebted to these scholars as their works provide a site of contrast for the film experiences I explore later in this chapter. Still, as Brian Larkin (2008) has astutely pointed out:

What is less discussed is how technology influences through its failure as much as its success. The inability of technologies to perform the functions they were assigned must be subject to the same critical scrutiny as their achievements. Breakdown and failure are, of course, inherent in all technologies, but in societies…where collapse is a common state of technological existence, they take on a far greater material and political presence. (p. 219)

As the last two chapters have shown, though piracy is in many ways very inventive and more efficient than “legal” business infrastructures, it is also inconsistent
and prone to errors and failures: discs may have scratches; DVD covers may have misspellings; and/or the subtitles may lag or be translated incorrectly.

![Figure 16](Image)

*Figure 16.* The three stages of *Rio* (2011). This shows a “camcorded” first-edition (top), a screener version (middle), and the final edition (bottom).

Films that move through the piracy shop are not equal, and, like their paratexts, go through phases of quality that can alter the film experience and the sensorial effects that “normally” occur.

Thus following the lead of Larkin, this chapter provides a textual analysis of Hollywood films within the first stage—where images and sounds are in their most degraded form—to explore how piracy creates a particular film-watching event in the
context of Hanoi. As this implies, this is not a “normal” textual analysis, but one that also consider how the failures of film technologies influence the narrative and visual structure of films. Instead of conscious creative inclusions of narrative gaps or visual grittiness to convey certain themes or artistic aesthetics, films in this phase have random and unintentional gaps, skips, stops, storylines, and visual filters of fuzz. As this chapter illustrates with the main example of Michael Bay’s *Transformers: Dark of the Moon* (2011), these random breakdowns of technology and piracy affect how Vietnamese audiences could possibly read the flawed text. In this case, I do not see these as straightforward “misreadings,” because I believe most Vietnamese people who see these films are reading what is given to them “correctly”; rather, it is the text that transmits defective messages that creates misunderstandings, and not the lack of knowledge of Vietnamese audiences.

Nevertheless, as this chapter’s introduction has hinted, these issues of misunderstandings and misreadings go beyond narrative comprehension by also influencing the larger sensorial and identity-forming experience of watching films. Instead of the sometimes overwhelming experience of visual and audio spectacle (especially in the case of any *Transformers* film), the viewers of these first-edition films are presented with underwhelming images of grainy pixels and audio static and, more importantly, they know this difference is occurring. Thus, this chapter concludes with a discussion of how this action of watching first-edition films influences Vietnamese identities by being a form of media “othering,” as these films constantly remind the

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31 Unless otherwise noted, any mention of *Transformers* refers to the third installment of the franchise, *Transformers: Dark of the Moon*. 
viewer of the film’s pirate origins and the viewer’s status in the global economy through the pirate films’ unintentional and self-reflexive textual properties.

One note with this chapter is that these experiences with first-edition films are limited in terms of scope. Similar to the paratexts, there are different versions of first-edition films around the stores in Hanoi, so there is great variability in these texts: some have English subtitles, some have audio in Spanish, and some have both Russian audio and subtitles. However, the examples I have selected demonstrate some of the common “pirate aesthetics” I have seen in several first-edition films; while the narrative contexts may differ, I feel many of my observations are part of the overall experience of consuming first-edition films. In addition, with the shift to VCDs and DVDs, transferring films without degrading images is much easier and faster than it was with analog technologies. Thus, these first-editions were not popular in terms of overall sales number, as most customers would wait for a “pretty” version (which has a different set of politics as seen in chapter 3). Nonetheless, the stores would usually sell all of the twenty first-edition discs within the first week of being available and sometimes they would order additional copies (as in the case Transformers). Instead of viewing this encounter with first-edition films as universal or widespread, it can be seen as an alternative to the “waiting room” of the piracy store that is experienced by a niche audience (those who do not want to wait) and ignoring this audience would overlook one of the most complicated and unique aspects of piracy.  

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32 This niche audience is made up of only Vietnamese customers. Foreigners never brought these films as they could always afford to see them in the movie theaters if they could not wait.
The Narrative of *Transformers* according to Media Pirates

Before this chapter can discuss how piracy alters the plot and narrative, the “official” storyline must be established. After the title sequence introducing Paramount Studios and Dreamworks Pictures, *Transformers* opens on Cybertron, the home planet of both Autobots and Decepticons. During this opening sequence, the camera floats in space and slowly approaches the CGI-machine world, while Optimus Prime (voiced by Peter Cullin), the leader of the Autobots, provides a voiceover explaining the civil war between the Autobots and Decepticons. Soon, the camera begins to follow a large airship—the Ark—being pursued by several other airships. Optimus Prime explains that the Autobots were being overmatched, but on the Ark was another Autobot with a secret weapon that would turn the tide of the war. However, as the Ark attempts to escape the planet, it is disabled by enemy airships and drifts off into space, eventually crashing into the dark side of the Earth’s moon. The film then shifts to Earth in the 1960s (and outside the knowledge of Optimus Prime) where NASA has detected the crash, which in turn begins the space race under the Kennedy administration. Eventually, the United States reaches the moon to explore the wreckage and determines that while there is nothing alive on the ship, there is life beyond planet Earth. The astronauts Neil Armstrong and Buzz Aldrin return to Earth and the data collected is filed in a “top secret” case unbeknownst to the general public. As the opening sequence comes to a conclusion, the camera returns to the wreckage on the moon where it shows an Autobot with flickering eyes, implying that he is still alive and active.
The film then cuts to a close-up of Carly Spencer’s (Rosie Huntington-Whiteley) backside in underwear as she walks up the stairs. It is then established that she is the current girlfriend of Sam Witwicky (Shia LaBeouf), the main protagonist of the film franchise, and they are living together. A flashback describes their first meeting: Sam was receiving the Presidential Medal of Freedom from President Obama at the White House when he saw Carly, who was at that time working at the British Embassy (which also explains her British accent). Currently, Sam is unemployed and looking for a job, while Carly is a successful curator for a wealthy CEO, Dylan Gould (Patrick Dempsey). This section ends with Carly going to work, while Sam leaves the apartment to interview at several places.

This introductory section—the first twelve minutes of the film—has some critical moments that connect this film to the previous installments of the Transformers film franchise and also sets up key narratives and plot points for the first half of the film (though not always effectively). For instance, the absence of Mikaela Banes (Megan Fox)—Sam’s girlfriend in the past two installments—is somewhat explained and there is some attempt to provide background on the new relationship between Sam and Carly. There is also the establishment of Sam’s jealousy of Carly’s boss, Dylan Gould, which drives some scenes later in the film. In terms of the Transformer characters, the main plot points formed at the beginning of the film that eventually drive the entire plot are the existence of a crash site on the moon and the possibility of a secret weapon and new Autobot being recovered and changing the tide of the war between Autobots and Decepticons on Earth.
To activate these plot points, *Transformers* uses the common concept of narrative gaps. In his work on narration in films, David Bordwell (1985) argued “gaps are among the clearest cues for the viewer to act upon, since they evoke the entire process of schema formation” and could be easily used for several tactics in constructing a narrative—they may imply nothing important has occurred, but they also may be used to conceal events to prolong a mystery that drives the characters (and the audience) to solve it (p. 55). In the introduction of *Transformers*, a narrative gap is used when the film cuts from the Autobot’s flickering eyes in the late 1960s to Sam’s apartment in the contemporary times (reinforced by the mention of President Obama). This jump in time has created several questions for the audience: Who is that Autobot? What is the weapon? When will this weapon and Autobot be active in the film? And what has happened during this gap in time? The audience is now actively seeking to answer these questions as they realize this is the major “mystery” of the film, and, thus, will be looking for clues that fill in and progress this narrative, such as any mention of spaceships, missing Autobots, or weapons.

While this may be a severe over-analysis of the narrative structure of *Transformers*, the point I wish to make is that the structuring of the film’s introduction with narrative gaps plays a significant function in setting up the film in terms of plot, conflicts, and characters. However, in the realm of the pirate version of *Transformers*, gaps are not attempts at avant-garde editing or “improving” the film, but rather are a result of errors from humans at the movie theater or corruption within the digital code. In this specific case of *Transformers*, over 20 Vietnamese customers went home and
watched the film without the first 12 minutes (the entire sequence described above).\textsuperscript{33} This structuring of sequences is not done based on creative aspects (such as constructing a storyline), but what is determined by what is technologically available through pirate supply networks.

What is intriguing is that this pirate version has the opening titles of Paramount and Dreamworks Pictures, but then jumps to the end of the introductory sequence where Sam is leaving for job interviews. This is important because this “edit” is not overtly abrupt or noticeable, especially if one has not seen the “official” version (This was the first version of \textit{Transformers} I viewed and I did not notice this pirate edit until I saw the “complete” version). Even in cases of an audience being aware of an unofficial gap that is ultimately unable to be filled because of technological failure (such as a disc skip), the audience at least can attempt to fix the narrative during the first viewing of the film because they realize the gap exits. But this pirate version of \textit{Transformers} is an extremely complicated text as it does not inform the audience that there is a gap to “act upon”; instead of engaging with this gap (or attempting to counteract it), audiences simply miss it while the narrative effects of the gap \textit{still} occur.

With this large narrative pirate gap, the film does not become entirely unreadable, but there are areas of confusion. Without the introduction, viewers who saw the previous two films will not understand where Carly came from and where Mikaela went. It is also possible that the next time Carly and Sam meet on screen (or in the case of the pirate version, the \textit{first} time), it might be assumed they are meeting for the \textit{first} time and their

\textsuperscript{33} Considering most Vietnamese people watched films in groups (it was cheaper this way), the exact number may be higher.
relationship is unclear. The DVD cover and the conventions of the genre imply there will be romance between them, but due to the gap, there is uncertainty in their exact relationship status at this “first” meeting in the pirate version. After the viewers see they are in a relationship, they might be perplexed at how the relationship got to this point without any setup.

The Transformer storyline also suffers due to this large gap. After the introductory sequence, the Autobots go to Chernobyl and discover a fuel cell from the Ark next to Soviet space technology (there is a reference to Sputnik). Optimus Prime then reveals the Autobot on the Ark is Sentinel Prime, the former leader of the Autobots and Optimus’ predecessor, and Optimus determines the Autobots must go to the moon to retrieve both Sentinel Prime and the weapon. The viewers of the “official” version would connect this to what they saw in the introduction and see a progression of the narrative as questions are being answered and new tasks are occurring that will help solve the mystery of the film. However, for the viewers of the pirate version, this is the first mention of any spaceship or Autobot outside the ones on Earth. Here, multiple questions arise that would have been answered by the introduction sequence: What spaceship and why is it important? What is the Ark? Where did it come from? There is a weapon? Eventually in this specific case, I feel the audience can catch up to the narrative by the middle of the film, but not without first encountering some confusion over the film, such as why characters are doing certain actions.

Navigating the Static: The Production of Senses and Class in Pirated Texts

Perhaps it is a mistake to use the example of Transformers to illustrate an
argument about narrative cohesiveness because the films of Michael Bay generally do not focus on aspects like plot structures or character-driven narratives. However, in the area of discussing the effects of image and audio quality, Bay becomes an excellent choice because if any credit can be given to him, it is that he can produce very polished works of pure and extreme audio-visual spectacle. The films of Bay, in terms of their audio-visual elements, fit into the quotes of Hansen (2000) and Sobchack (1992) noted at the beginning of the chapter: his films have produced a new sensorium of excessiveness and resultantlly are intense experiences that are directly felt by the human body.

But, as mentioned in the Larkin (2008) quote, this intense and sometime nausea and headache-inducing experience is only fully lived through when the technologies surrounding film are performing at their optimum levels. Failure, of course, exists everywhere, but does so in larger quantities within Viet Nam, especially through the piracy store.

![Figure 17. The first-edition of Transformers (left) and the “official” version of Transformers (right).](image)

In the case of the first-edition of Transformers, the difference between the pirate film experience and the “official” Hollywood experience is severely noticeable.

As an audio-visual product, part of the “shock” of the Hollywood film experience is closely associated with images and sound. Watching Transformers in a movie theater is
sometimes overwhelming: the body seems to move backwards in the seat to have a better position to see the image; eyes seem to become wider and more active in order to absorb the mass amount of images; the head seems to adjust to hear the chaotic surround sound. In figure 17, the “official” film is a highly detailed CGI image that shows the texture of a Decepticon’s skin as it devours a sky scraper. The audience is able to see and hear the building’s glass windows disintegrate into small pieces and its steel skeleton bend and break. Throughout the film, Bay uses slow motion shots to emphasize the mechanical morphing of the Transformers and the clash of metal and robot in action sequences; from a technological standpoint, these scenes are visually spectacular in their details, which are aided by the fact that these computer graphics have developed over three films.

The piracy experience, however, is quite the opposite: bodies move toward the screen in order to discern hazy details; eyes squint to make out where one robot ends and another starts; heads turn to the speaker to search for sound effects. The clear image of a Decepticon eviscerating a building is now a massive blob of gray, while sound is roughly ejected from speakers surrounded by static. The countless hours of designing and rendering (as well the millions of dollars) are now useless for the Vietnamese audience—the Transformers piracy experience is one filled with either disappointment or disregard. The “shocking” experience of these first-edition films are displaced and often appear after the initial encounter with the film. In my own experience, I was “shocked” and confused when I saw the complete introduction of Transformers. Here, the pirate film experience is fragmented and disjointed, both in visual and narrative terms.
The quality of images and sound, however, go beyond influencing just the sensorial experience of film as these sounds and images (or lack thereof) are linked to formations of identities. Speaking about negative representations of minority groups on screens, Pratibha Parmar (1992) has stated that:

Images play a crucial role in defining and controlling the political and social power to which both individuals and marginalized groups have access. The deeply ideological nature of imagery determines not only how other people think about us but how we think about ourselves. (cited in hooks, p. 5)

While Parmar is speaking in a different contexts, I feel her argument of how imagery affects how people see others and themselves can be applied to the images of the pirated text and their level of quality; instead of just degrading representations in Hollywood films, pirate texts also contain degraded images, which can be seen as a reflection of viewers’ own identities and economic statuses in a developing nation such as Viet Nam.

Relatedly, it can be seen that these images and sounds are also closely associated with notions of class (which are aspects of one’s construction of identity). How these images and sound are presented is intrinsically linked to technology, which is certainly a classed object. As mentioned in chapter 3, the possession of superior technologies outside the store—in these cases a Mercedes and a sound system—allowed for the access to products with superior quality and presentation. Thus, those who are limited to first-edition films are most likely from a lower financial and cultural class because they cannot experience Hollywood cinema in the same “authentic” manner and timeframe as those above them in the class hierarchy (including people in “First-World” nations).

This lack of the “First-World” Hollywood experience is rarely forgotten during a viewing of a first-edition film because the pirate aesthetics are constant indicators of the
film’s existence as an illegal and informal product, which in turn reinforces the spectator’s own situation. While Hollywood films like *Transformers* are able to conceal their production, first-edition pirate films are self-reflexive in that they bring attention to their status as a constructed media product through their aesthetics. Most first-edition films began with clicks and static caused by the setting up of the camera in the movie theater. Sometimes the hand of the “cameraman” can be seen as he adjusts the camera’s framing of the screen that is playing the film that he is filming.

As the last sentence implies, the action of filming a film within a movie theater is somewhat disorienting because the camera’s (or cameras?) exact subject and subjectivity is thrown into doubt and confusion; this is not a direct experience with film, but rather a mediated event. I do not believe, however, that spectators of these first-edition films fully mistake the pirate image for the “real” film’s image because the pirate camera generates an imperfect replication of a “real” Hollywood experience that brings attention to its own means of production. Thus from the start of a first-edition film, the presence of confusion allows audiences to recognize and confirm that this experience is not a Hollywood film, but a *film* of a Hollywood film. There is never any doubt that this disc is not an official copy, but a cheap knockoff that the viewers have to buy because of their current economic situation. In other words, there is recognition of difference by the Vietnamese audience.

As this illustrates, the redundancy of pirate filming—such as filming a film—creates multiple layers of subjectivity and space. Besides confusion, these layers also produce a sense of emotional detachment and distance, which prevent viewers from fully
immersing themselves into the fantasy world of the film. In fact, first-editions films create this distance by literally inserting another world between the audience and the “authentic” image, that of the movie theater in which the filming is taking place. This insertion of another space forms a sense of double “othering.” Not only are the images of the “original” film presenting a space that Vietnamese audiences can rarely inhabit (the fantasy storyworld of the film), but the addition of the movie theater is another space that is out of reach for many Vietnamese people. Similar to seeing a person having the ability to navigate the entire space of the pirate store, viewing a person in the movie theater—presented mainly in shadows—puts the spectator of the pirate film on the outside of this world physically, economically, and culturally.

Figure 18. An audience member puts on a jacket during the filming of a screening of Rio (2011).

This also makes the aspect of “difference” personal, in that difference is emphasized by a “real” physical human body.

These layers can also exist in other forms, such as subtitles and voice-overs that are added after the “filming” process. In the extreme case of one version of X-Men: First Class (2011), the screen has Russian subtitles, English subtitles, Vietnamese subtitles, and the filter of the camera that was illegally filming the film, pushing the viewer farther
away from the “original” and official image (with the option of a mono-dubbed Vietnamese narrator providing an additional layer). Here, the Russian subtitles are technically part of the “real” image, but the English subtitles are added after the fact and cannot be turned off, while the Vietnamese subtitles and voice-over can be turned on and off. Nevertheless, these layers act as barriers that separate the viewer from the “real” image, and in order to reach the image to consume the film, viewers must traverse the complex terrain that pirate aesthetics create.

*Figure 19. A first-edition of *X-Men: First Class* (2011).*

In many cases, by the time viewers reach the image, the sensorial experience of watching a Hollywood film (and its resulting cultural capital) has largely eroded and has turned into a second-hand experience. In this instance, it is literally a second-hand media product as the original film has already been “used” in a previous time and space, making this film-within-a-film a media hand-me-down that has been passed down to a younger and less-developed nation. In a sense, piracy produces a paradox as it allows the Vietnamese people to be modern and participate in a global cultural event, but it does this while reaffirming their status and position in the global hierarchy as it constantly reminds
spectators through skips and fuzz that this is not how the Hollywood film experience is suppose to be.

I do not want argue that viewing a first-edition film is an excruciating experience where the spectator instantly recognizes their economic status and is overwhelmed by these aspects of pirate aesthetics. There are some forms of pleasure that can exist—such as being the first to “see” a new film—as many of the same customers repeatedly brought these first- edition films. However, like most of my arguments in this thesis, I believe these are small effects of media that compliment larger discourses which help shape media cultures and identities in contemporary Viet Nam. While these media effects are not the most driving force that they must face, it is important to analyze the complex mediascapes that exist in which Vietnamese people must experience, contend with, and negotiate.
CHAPTER 6

CONCLUSION: THE FUTURE OF PHYSICAL PIRACY IN VIET NAM

During my last week in Hanoi, I began to question the owners of World DVD and Music and Movies over what their future plans were. The owner of Music and Movies complained how sales have been slowly falling and she does not see a bright future for her business. She is not sure of the exact reason of this decline, but she thinks it is probably due to people starting to download films from the internet. She tells me that after the store sells most of its products, she is eventually going to invest in a bar and music club because it seems more stable. When I ask her about the legal future of the pirate store and if it will last much longer, she just shrugs and says she does not worry about that and that the police only want money. For her, leaving the piracy business is not about legality or ethics, it is purely business. I believe she sees the digital shift in the future and that shift is what motives her to move towards a more “legitimate” business, not a desire to escape the “illegal” lifestyle.

The owner of World DVD seems less aware of this digital tide, but he appears calm about the future of his business and projects several more years. His actions outside the store, however, suggest he also does not see a future in physical piracy, at least not in his family business. His children, both in their lower teens, attend International schools in Hanoi, where they learn and study English, and he has told me he hopes they get a “high-level” jobs either in Viet Nam or “nice” SE Asian countries like Singapore when they graduate from college (his oldest child had plans to start high school in Great Britain in
the fall of 2011). For him, the pirate shop is a means to support his children’s education and though he is ambivalent about his feelings toward piracy, it seems he would consider his highly educated children taking over the “family business” as a step backwards. This does not necessarily mean he considers his own actions as illegitimate, but it is not respectable as a career in technologies or international business. For now, he seems content running the store, though he does not see World DVD as the future for his children.

Currently, these two stores are in a state of limbo just like physical media piracy in general, at both at the level of Viet Nam and the global economy. As noted in the interviews above, the shift from physical media to digital media will occur and eventually affect all methods of distribution (legal and illegal). From the viewpoint of legal enforcement, there is increasing attention on physical media piracy as more laws are being passed and raids increase in Viet Nam. In other words, physical piracy is being squeezed from several directions.

Still, piracy in general will remain important and evolve and adapt much like the owners of the stores. While the current physical materials of media may become rarer as time moves on or shift to different modes of storage (e.g. microchips, external hard drives, etc.), the pirate products and infrastructures created by these pirate networks will modify themselves for the future. These infrastructures do not have to stay within the pirate realm because they are so malleable; as Brian Larkin (2008) has noted, pirate infrastructures in Nigeria now distribute legal copies of film. Besides thinking about the potentials of the future, these pirate pathways are interesting because they are layers of
history and unearthing these pathways can reveal much about how materials and cultures have moved in the past and present. In the context of Viet Nam, Hollywood stars, narratives, and cinematic styles traveling through pirate networks have helped shape film and media culture in Hanoi.

In a broader sense, while there is much insight at the store in Hanoi and its materials, there are also many limits as my chapters have noted. As I briefly mentioned, none of the pirated discs from Viet Nam are produced in Hanoi, but rather in Saigon at massive factories. To fully understand the role piracy plays in Viet Nam, the actual “producers” of the discs need to be studied to see how they control the flow of information further up the distribution chain, as this is where most of the power is situated in this context. This also gives us a chance to explore the more “creative” side of piracy; although there is much literal repetition, studying piracy at this level can reveal the decisions that are being made about media and the motivations behind then, as well as how distribution networks are being formed and evolving as technology and enforcement change over time. Likewise, the role of China and other large producers of pirate materials (Brazil, Russia, and India) still need to be considered as they are major players in the informal global movement of cultures, materials, and information and these need to be addressed in more practical approaches.

Piracy studies also needs to travel in the other direction, straight to the screen of the spectator. I believe following media to its destination (whether physical or digital) can reveal much about how film really moves throughout the world. Also, I feel the audiences of pirate films are ripe with data and, in conjunction with a textual analysis (like in
chapter 5), media studies can analyze how audiences negotiate and navigate degraded forms of media that often exist throughout the world.

Hopefully this thesis and its invitation for future research have illustrated not just the depth of culture and information that move through pirate networks, but the complexities and impact of the networks themselves. Piracy does not exist in clear binaries based on morals as some believe, but intersects and converges with discourses of race/ethnicity, class, gender, and colonialism. In the end, like the fuzzy image on the screen, piracy is an ambivalent object; it is a source of freedom and limitations, as well as an intricate system of conflicting desires and hopes that both allows and denies access to global information. Nevertheless, piracy is a fascinating object of study because of its global connections to media and everyday life, but as a fluid and constantly changing entity, it is hard to determine what the future holds for piracy.
REFERENCES LIST


