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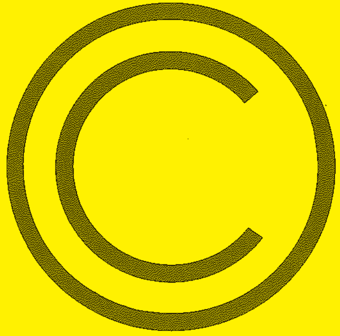
Copying



"Authorship"—in the sense we know it today, individual intellectual effort related to the book as an economic commodity—was practically unknown before the advent of print technology. Medieval scholars were indifferent to the precise identity of the "books" they studied. In turn, they rarely signed even what was clearly their own. They were a humble service organization. Procuring texts was often a very tedious and time-consuming task. Many small texts were transmitted into volumes of miscellaneous content, very much like "jottings" in a scrapbook, and, in this transmission, authorship was often lost.

The invention of printing did away with anonymity, fostering ideas of literary fame and the habit of considering intellectual effort as private property. Mechanical multiples of the same text created a public—a reading public. The rising consumer-oriented culture became concerned with labels of authenticity and protection against theft and piracy. The idea of copyright—"the exclusive right to reproduce, publish, and sell the matter and form of a literary or artistic work"—was born.

Xerography—every man's brain-picker—heralds the times of instant publishing. Anybody can now become both author and publisher. Take any books on any subject and custom-make your own book by simply xeroxing a chapter from this one, a chapter from that one—instant steal!

As new technologies come into play, people are less and less convinced of the importance of self-expression. Teamwork succeeds private effort.

A ditto, ditto device.
" " " "
A ditto, ditto device.
" " " "
A ditto, ditto device.
" " " "

1/What Is a Copy?

IT'S A VUITTON
and you know that Vuitton trunks have been called "the trunks that last a life-time."
A VUITTON WARDROBE TRUNK
not only IS French but it LOOKS French, not only IS the finest but APPEARS to be the finest.
VUITTON TRUNKS ARE GENUINE!

—Advertisement in *Town and Country,* May 15, 1922, quoted in Paul-Gérard Pasols, *Louis Vuitton: La Naissance du luxe moderne* (2005)

Louis Vuitton

Brooklyn, New York, April 2008. A row of street stalls in front of graffiti-covered iron gates. Tables full of merchandise: Louis Vuitton handbags and wallets, with their familiar "LV" monograms; brown and beige; white with multicolor fruit-like designs. You can find them for sale on Canal Street in New York, in the night markets of Hong Kong and Singapore or the covered market in Mexico City, and in many other places around the world where the urban poor go to shop—"LV" articles piled up alongside the Patek Philippe

watches, Chanel perfume, North Face jackets, and Adidas shoes. Copies, fakes, counterfeits; cheap, poorly made reproductions . . . or are they? For you are not in a night market, or on the street. You are standing inside the Brooklyn Museum, surrounded by cameras and elegantly dressed men and women; Kanye West is performing in another room in the building. This is the opening night for Copyright Murakami, a retrospective devoted to the work of Japanese visual artist Takashi Murakami, including his celebrated collaborations with Louis Vuitton, such as the multicolor monogram handbag you just saw. And the bags in the street stalls are the real thing, made by Louis Vuitton, for sale at high prices. According to spokesmen for the company, the fake street stalls selling fake fakes are intended to draw attention to the phenomenon of counterfeiting, the production of illegal copies of Louis Vuitton's products.[1]

Vuitton handbags have been called the most copied objects in the world.[2] This statement, part of the folklore of contemporary global consumer culture, seems immediately open to question. Louis Vuitton, after all, is a manufacturer of luxury goods which are defined, even in this age of global branding, by their scarcity. Internet folklore has it that only 1 percent of Louis Vuitton bags are actually made by the company.[3] The copies, then, would be the 99 percent made by others. The selling of such mass-produced copies—which in its current form can be dated back to the 1970s, when Vuitton bags began to be made en masse in various East Asian locations—is not a new thing. In fact, Vuitton's famous "LV" monogram was developed in 1896 by Louis Vuitton's son Georges, as a trademark that would authenticate the family firm's products, in response to the alleged copying of Vuitton Senior's checkered-cloth design. Although Georges designed the monogram to distinguish his company's products, today it is the distinctive "LV" logo that makes the bags so easy to copy.

The market for such copies has developed in surprising ways. Today in Taiwan, we are told that there are five grades of copy, ranging

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from the highest—which are handmade, almost indistinguishable from the bags made by Vuitton, and costing thousands of dollars—to the cheap plastic fakes available in night markets in cities. Some of these bags, which are sold complete with certificates of authenticity, fake receipts, and logo-stamped wrappings, have been "returned" to stores which sell the real items but which did not detect the replicas. On the other hand, famous movie stars have been spotted carrying Vuitton bags which include designs that are not actually made by the company.[4] Furthermore, because of the difficulty in actually purchasing some of the limited-edition bags made by Vuitton and other companies such as Hermès, with its famous "Birkin" bag, it has become fashionable to celebrate rather than hide the fact that a bag is a copy, and the vogue for certain copies has resulted in their prices exceeding those of the originals that they supposedly imitate. Online, one can find images of Vuitton bags which bear the word "FAKE" in bold letters on the side of the bags.[5]

The fragility of the trademark as an identifier of authenticity is illustrated by the fact that in China destruction of copies is often prohibitively expensive, and so labels from counterfeits are merely removed and the now-generic items sold in the marketplace again.[6] Conversely, in order to circumvent the law on illegal vending of counterfeits in Counterfeit Alley in New York, fakes are often sold as "blanks" in one location, with logos and other trademarks being added at a second location later.[7] The instability of the word "copy" in this situation is also illustrated by the fact that factories that produce "originals" under outsourcing contracts from international businesses may also produce the same goods illegally on the "ghost shift" at night, which are then sold as fakes or counterfeits.[8]

The ironies on the Vuitton side mount, too. The "LV" monogram was designed four years after Louis Vuitton's death. The firm remained a family business for many years, but became a publicly traded company in 1984; the family lost control of the business in

1990, after a hostile takeover bid by Bernard Arnault that resulted in the formation of the "French" luxury conglomerate Louis Vuitton Moët Hennessy (LVMH). This shift was magnified by the hiring in 1997 of New York–based fashion designer Marc Jacobs as the brand's artistic director and the hiring of global talent such as Murakami to develop product designs for the company. Although the company still makes luxury hand-crafted goods, it currently has 390 stores around the world. Unlike many other luxury businesses, Vuitton has resisted the urge to outsource production of its goods, maintaining fifteen factories in France; but the company also recently opened factories in Spain and the United States, and began a joint factory venture in Pondicherry in India. So Vuitton is a mass-producer of luxury, artisanal, unique individual bags, faking the faking of its own products at an art exhibition, while zealously pursuing the prosecution of the actual fakers through police action and courts of law around the world.

The not-by-chance meeting of Murakami and Vuitton in an art museum in Brooklyn embodies many of the contradictions involved in thinking about copies. Murakami is one of the most famous visual artists working today, exhibiting his paintings, the pinnacle of individualistic self-expression, in art museums, the most prestigious archives of the unique and original object. In the 2008 Brooklyn show, there was a Louis Vuitton boutique where the visitor could purchase some of the handbags Murakami designed in collaboration with Vuitton. A number of the paintings in the exhibition featured Vuitton's logo incorporated into their complex "superflat" surfaces.[9] At the entrance to the Copyright Murakami show, visitors were greeted by the statement: "The concept of copyright holds an exalted position within Murakami's practice, rooted in the acknowledgment of his work as simultaneously interweaving deeply personal expression, high art, mass culture and commerce." The title of the show references a long-standing stereotype concerning the illegal and anony-

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mous production of copies in East Asia, and playfully transforms it. Murakami himself runs a company called Kaikai Kiki, which manages artists and produces and sells merchandise. At the same time, his own work is based on an explicit appropriation of materials from a variety of sources, including traditional and contemporary Japanese culture. Furthermore, the idea for the museum installation itself appears to have been copied from previous works, such as an installation by Fred Wilson at the 2003 Venice Biennale in which he hired a black man to stand outside the main pavilion selling fake generic designer bags, and Korean artist Zinwoo Park's 2007 exhibition of real Louis Vuitton "Speedy" bags with the label "FAKE" attached to them.[10]

The everyday saga of intellectual property and its protection is here elaborated to an unusual degree. Marc Jacobs may claim that the Brooklyn Museum's tableau was just a little amusement, but the fact that all the players involved choose to pay close attention to such an apparently trivial matter as copying should indicate the existence of a crisis. Such a crisis might involve: the globalization of commerce and the transport of texts, images, symbols, objects, and products across national boundaries and cultural spaces in a way that calls into question the ownership of such things; the problem of when some "thing" can be called "art" and the ever-expanding role of the museum in legitimating objects as being art or otherwise, even as museums themselves are forced to function as part of a market economy; consequently, the erosion of the gap between financial and aesthetic value and the increasingly open question as to the source of the prestige of particular fabricated objects; the inability of the law to resolve, both intellectually and practically, questions about the identities of objects, about what can be claimed as private property or not, and what the rights of various parties as to the use of things are; last but not least, the apparent indifference of the general public to whether the things that they buy are "real" or "fake," "original" or a

"copy," as evidenced by the expanding market for both originals and copies of many products.[11]

So: what exactly constitutes a "copy" in this situation—or rather, what does not? Writing admiringly of the LV copies available in New York City, for example, fashion journalist Lynn Yaeger struggled to put her finger on the difference between an original LV bag and a well-made copy.[12] The site Basicreplica.com, one of a number of Web-based companies that in 2009 offered high-end copies of Vuitton, along with Dior, Marc Jacobs, and others, proclaimed:

> No tongue in cheek, we can honestly say that our Louis Vuitton replica bags are absolutely indistinguishable from the originals. You can take your Louis Vuitton replica handbag to a Louis Vuitton flagship store and compare, feel the leather, test the handles, check out the lining—not even a Louis Vuitton master craftsman will be able to tell which is the original and which the Louis Vuitton replica handbag from Basicreplica.com. Louis Vuitton replica bags with the same Alcantara lining, quality cowhide leather given a finish that oxidizes to a dark honey just the way the original Louis Vuitton handbags colour as they age, authentically original imitations of the real originals![13]

Aside from being a fabulous rhetorical flourish, what is an "authentically original imitation"? Or more specifically: What is a copy? In everyday parlance, the word "copy" designates an imitation of an original—for example, a copy of a Louis Vuitton bag. But a brief survey of the kinds of objects called "copies" today raises basic questions about this definition. What does it mean to say that something is a copy of something else? How is the claim that object A is a copy of object B established? What do we mean when we say that A is "like" B, that it imitates it? At first, these questions strike one as banal and the answers obvious or self-evident. But when original and copy

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begin to overlap to the extent that they do today (and the struggle to maintain the distinction between these two things, "original" and "copy," is precisely what constitutes the crisis, to my mind); when original and copy are produced together in the same factory, at different moments; when a copy is actually self-consciously preferred to the original, we must ask again: What do we mean when we say "copy"?

The Platonic World of Intellectual Property

What is the origin of the vocabulary—legal, commercial, aesthetic, or otherwise—that is used to describe the complex global situation of the Louis Vuitton bag? To answer the question adequately might require one to tell a history of the world, which is perhaps why no one has attempted it. Nevertheless, it is a situation in which a specific philosophical history is being deployed, knowingly or not, ingenuously or not, by all those involved. In this history, Plato's writings on *mimesis*—a word usually translated as "imitation" but also "copy," "representation," "reproduction," "similarity," or "resemblance"—play a key role.[14] In Plato's *Republic,* Socrates presents the argument that everything in this world is an imitation, because it is an echo or reproduction of an idea that exists beyond the realm of sensible forms. A Louis Vuitton bag is the imitation of an idea, in leather and other materials, while a photograph of such a bag is an imitation of an imitation. In what way is the bag an imitation of an idea, though? In an analysis of the Platonic idea, Martin Heidegger gives an answer to this perplexing question: "Mimesis means copying, that is, presenting and producing something in a manner which is typical of something else. Copying is done in the realm of production, taking it in a very broad sense. Thus the first thing that occurs is that a manifold of produced items somehow comes into view, not as the dizzying confusion of an arbitrary multiplicity, but as the many-sided individual item which we name with one name."[15]

So copying is a matter of "presenting and producing something in

a manner which is typical of something else." All copies are made—they are produced—and the making involves an attempt to turn something into something else, so that that which is produced is now "like" something else. But in what way is it "like" something else? Why is the bag "like" the idea of a bag? Or for that matter, why is the fake Louis Vuitton bag sold on Basicreplica.com like the original object sold in Vuitton's Paris flagship store? Heidegger responds: "Making and manufacturing . . . mean to bring the outward appearance to show itself in something else . . . to 'pro-duce' the outward appearance, not in the sense of manufacturing it but of letting it radiantly appear" (176).

Outward appearance is crucial here, for "in the outward appearance, whatever it is that something which encounters us 'is,' shows itself" (173). It is outward appearance that makes something "like" something else; but more profoundly, it is in outward appearance that the idea, the essence of something, shows itself. The quote from a 1922 Louis Vuitton ad that figures at the head of this chapter articulates this Platonic belief very clearly: the bag not only "looks like" something but "IS"; it not only "IS" but "appears." The famous "LV" logo also makes sure we know that something not only "appears" to be an actual Louis Vuitton bag, but "IS."

The astute reader or shopper will immediately realize that there is a problem: the fact that something appears to be a Louis Vuitton bag does not mean that it is. For, as we know, an "LV" logo, indeed the entire design of a Louis Vuitton bag, can be copied. Plato, too, recognized this problem, and Socrates poses the following riddle to his respondents in order to think it through: There exists a producer who can produce not only chairs or tables, but the sun, mountains, everything in this world. Who is this producer? Answer: Someone holding a mirror. In the mirror, everything in the world is produced and appears. Again, we ask, in what sense does a mirror "produce"? Heidegger explains that if we understand "produce" to mean manufacture, then obviously a mirror cannot be used to manufacture the

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sun. But if we understand "produce" to mean "manifest the outward appearance of," then a mirror does "produce" the sun, even if it clearly does not manufacture a sun.

There are, then, different ways in which an outward appearance can be produced—and different producers, too: the god produces the idea, the craftsman is able to make the idea radiantly appear in an object, and the painter makes it appear in a painting.

What then differentiates these three ways of producing outward appearance? The latter two are diminutions or distortions of the first. Hence Plato's mistrust of mimesis, and of the artist—the mirrored image, and even the craftsman's object, confuse the ignorant as to what is essential. At the same time, it is the Platonic belief that the outward appearance of something indicates its essence which continues to generate much of our confusion about what a copy is. When we say "an original," we usually mean something in which the idea and the outward appearance correspond to each other. There is no distortion in the relation of appearance to essence, to "what a thing is." Copies, then, for Plato and for us, most of the time are distortions of this relationship. The mirror produces the sun, yet it is not the sun. Basicreplica.com produces a Louis Vuitton bag, yet the article is not a real Louis Vuitton bag.

Under "Frequently Asked Questions" on the website, the people at Basicreplica.com deftly exploited the confusions that underlie Platonic thought:

"*1. Are these Authentic Louis Vuitton hand bags?* No, we do not sell Louis Vuitton registered trademark bags. The real Louis Vuitton bags can only be bought from authorized dealers. Our bags are replicas. They have all of the proper labeling in all the correct places, lining, locks, and keys, are of the high quality you should expect, and look authentic."[16]

The bags are not authentic; they are replicas. But they look authentic. What is the difference between something "looking authentic" and "being authentic"? Especially if, taking Basicreplica at their word, we can say that everything in the copy is made with the same materials and is of the same "high quality." If the 1927 Louis Vuitton ad claimed that LV bags not only have essence, but look as though they do—their outer appearance being in accord with their essence—then Basicreplica could claim that although their bags' outward appearance was identical to those made by Louis Vuitton, they were not liable to charges of copyright or trademark infringement, because they were not claiming that the bags were "Authentic Louis Vuitton hand bags."

Intellectual-property law functions through Platonic concepts. IP law's three constituent parts—copyright, trademark, and patent law—are each built around the paradox that you cannot protect an idea itself, but can protect only a fixed, material expression of an idea. One claims an idea as property by materially fixing it through describing a process for realizing it (patent law), by inscribing or figuring it materially in the form of a picture, text, notated music, film sequence (copyright law), or by developing some method of inscription that one uses to mark otherwise generic objects as one's own (trademark law). What is the ontology of intellectual property?[17] Ideas cannot be owned, because they are intangible, but the original expression of an idea can be owned when it is tangible, material, fixed. While the idea itself exists in a realm beyond the human realm, the expression belongs to this world, and to the person who, receiving the idea as author, inventor, or owner, fixes it materially as self-expression through his or her labor and turns it into property. This is called "originality." Others who fix it materially via access to the this-worldly original expression, rather than receiving the idea, are said to be making a copy. The law protects the rights of the former, but not the latter—unless the expression is a fact, a generic term, etc., in which case it belongs in the public domain.

In the age of globalized capital, the commodity itself has adapted

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to the structures of Platonic legal ontology. Manufacturers work to produce products with distinctive outward appearances that fix, mark, the originality with which they claim to express an idea. Thus, the distinct shape of Louis Vuitton's Monogram bag can be copyrighted, the name "Monogram" and the inscription "LV" on a bag can be trademarked, and certain innovations in the otherwise generic product called a "bag" can be patented. And those who wish to make similar products must situate their productions within certain legal spaces: that of the art object, protected by fair-use doctrine (though Vuitton has attempted to prevent artists from making LV bags for this purpose without the company's permission, at the same time legitimizing the productions of others such as Murakami or Stephen Sprouse, with whom the company is collaborating); the parody (for example the "Chewy Vuiton" squeaky toys made by pet toy manufacturer Haute Diggity Dog, which Vuitton unsuccessfully attempted to sue);[18] the generic item called a "bag" which receives no IP protection; or the more spurious, yet also more philosophical arguments offered by Basicreplica.com. At all costs, one should avoid being associated with copies or copying, or face being banned from the republic! It all comes down to what "is," or rather what is legally granted the status of being. Yet paradoxically, since ideas do not or cannot receive legal protection, IP law encourages those who produce commodities to exaggerate the inevitable distortion of the idea as manifest in the actual object. And the result of this is the kitsch version of originality, "thinking outside the box," that prevails in the marketplace today.

Alternatives to Platonic Mimesis

All of this assumes that the Platonic model is true. It is unclear how seriously the producers of the Basicreplica.com website—or the advertising agency that produced the 1927 Louis Vuitton ad—take

their astute deployments of Platonic concepts. Platonism, as new-media theorist McKenzie Wark recently pointed out, is a game, complete with screens, darkened rooms, and headsets. Through the immense historical networks which have resulted in globalization, the game has been installed (to use the word explored by theorist Philippe Lacoue-Labarthe in describing the advent of particular mimetic regimes) almost everywhere today, and in a limited sense this game is functional. But beyond this limited sense, with its official protocols of exchange, law, ownership, and identity, what accounts for the multiplication of Louis Vuitton bags?

The history of the Western philosophical tradition, beginning with Aristotle, consists in good part of a series of responses to—modifications, negations, and reversals of—Platonic mimesis.[19] An in-depth review of this tradition is beyond the scope of this book and I refer the reader to the excellent accounts that are available.[20] Christianity takes up Platonic ideas in a variety of ways, from Augustine's positing of the world as a "region of dissimilarity" separated from God, to Aquinas' *Imitation of Christ*, in which mimesis has a positive valence as a way of participating in the divine.[21] Although, after the Renaissance, mimesis thus named is increasingly downplayed in Western philosophy, the underlying problematic of mimesis remains.

As for contemporary critical theory, we can summarize the situation as follows. Elaborating on Nietzsche's "reverse Platonism," Gilles Deleuze observed that the Platonic Idea is always accompanied by a swarm of simulacra, fakes, and copies that threaten it, distort it, etc.; and he affirms the equal ontological rights of these simulacra. Jacques Derrida, continuing Heidegger's critique of Western metaphysics, tracked down residual traces of Platonic idealism in Husserl and others, proposing the freeplay of the trace as an alternative way of understanding phenomena. Michel Foucault, in "What Is an Author?" argued that authorship and the language of original and copy

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Go away irritated itchy dry skin. Go away in a splash of pure, clear Neutrogena lather. It's the perfect—and natural—antidote to the complexion abuses of urban living. □ Rinses away the grime without drying, irritating, or tightening your skin. Leaves your face fresh, alive, dewy-moist as if you'd been for an early-morning walk in the country. □ Neutrogena is so different from ordinary soaps it's patented. Wash with it and you'll know why. (The feeling alone is worth the $1.)

At cosmetic counters in department stores and better drugstores. Regular size, $1. New Imperial size, $1.50.

Chairs by Schnadig Corporation. At fine stores everywhere.

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THE EVERFAST COLOR GUARANTEE: We unreservedly guarantee that should a fabric by EVERFAST fade for any reason during the life of the fabric, we will refund not only the cost of the fabric, but also any reasonable making up cost. EVERFAST FABRICS, INC., 70 W. 40TH ST., N.Y.C. 10018

by a thief who commends a lady's jewelry by making off with it.

In the opinion of some commentators, what has happened so far is only the first phase of a kind of revolution in graphics. "Xerography is bringing a reign of terror into the world of publishing, because it means that every reader can become both author and publisher," the Canadian sage Marshall McLuhan wrote in the spring, 1966, issue of the *American Scholar*. "Authorship and readership alike can become production-oriented under xerography. . . . Xerography is electricity invading the world of typography, and it means a total revolution in this old sphere." Even allowing for McLuhan's erratic ebullience ("I change my opinions daily," he has confessed), he seems to have got his teeth into something here. Various magazine articles have predicted nothing less than the disappearance of the book as it now exists, and pictured the library of the future as a sort of monster computer capable of storing and retrieving the contents of books electronically and xerographically. The "books" in such a library would be tiny chips of computer film—"editions of one." Everyone agrees that such a library is still some time away. (But not so far away as to preclude a wary reaction from at least one forehanded publisher. Beginning late last year, the long-familiar "all rights reserved" rigmarole on the copyright page of all books published by Harcourt, Brace & World was altered to read, a bit spookily, "All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or any information storage and retrieval system . . .") One of the nearest approaches to it today is the Xerox subsidiary University Microfilms, which can, and does, enlarge its microfilms of out-of-print books and print them as attractive and highly legible paperback volumes, at a cost to the customer of four cents a page; in cases where the book is covered by copyright, the firm pays a royalty to the author on each copy produced. But the time when almost anyone can make his own copy of a published book at lower than the market price is not some years away; it is now. All that the amateur publisher needs is access to a Xerox machine and a small offset printing press. One of the lesser but still important attributes of xerography is its ability to make master copies for use on offset presses, and make them much more cheaply and quickly than was

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A LOOK AHEAD

Man depends on communications. His progress hinges on communicating with other men rapidly, cheaply and conveniently.

Xerox is at the heart of this service. Xerography, in which we have pioneered, is a new way of creating permanent images, using light usually, and electricity. Modern Xerox copying and printing devices employ these fundamental sources of energy to help man fill the growing demand for multiplying documents and other graphic records. The versatility of the xerographic process is being proven in thousands of places in education, research, business and government.

But this is only the beginning. Our goal is to be a leader throughout the world in the field of graphic communications, concerned particularly with copying, duplicating, recording and displaying images—by xerography or in some other way. Today our machines work from visible alphanumeric characters. Tomorrow they may work, at great speed, from electronic impulses and invisible signals.

So long as there is need for man to send information and either to copy directly or convert the language of computers or other electronic devices into a form which other men can understand, there will be a great need for making images.

This is our field.

HIGHLIGHTS OF 1961

	1961	1960	% Change
Total Operating Revenues	$ 59,533,105	$ 37,074,374	+ 60.6
Rentals, Service and Royalties	$ 30,908,659	$ 10,841,136	+185.1
Net Sales	$ 28,624,446	$ 26,233,238	+ 9.1
Income Before Taxes	$ 12,604,970	$ 6,016,329	+109.5
Estimated Taxes on Income	$ 7,282,100	$ 3,418,000	+113.1
Net Income	$ 5,322,870	$ 2,598,329	+104.9
Net Income Per Common Share	$ 1.40	$ .67	+109.9
Depreciation of Plant and Equipment	$ 7,628,617	$ 3,358,961	+127.1
Amortization of Patents and Patent Licenses	$ 1,424,581	$ 708,103	+101.2
Cash Flow Per Common Share*	$ 3.80	$ 1.75	+116.5
Working Capital At Year End	$ (220,886)	$ 3,459,441	—
Shareowners' Equity At Year End	$ 32,776,418	$ 28,342,910	+ 15.6
Common Dividends Declared	$ 1,083,840	$ 899,695	+ 20.5
Common Dividends Declared Per Share	$ .28¾	$ .25	+ 15.0
Common Shares Outstanding At Year End	3,776,677	3,740,915	+ 1.0
Shareholders At Year End	12,160	8,998	+ 35.1
Payroll (*Excluding Benefits*)	$ 22,093,668	$ 15,949,696	+ 38.5
Employees At Year End	3,262	2,677	+ 21.9

**Net Income minus Preferred Dividends Declared plus Depreciation of Plant and Equipment and Amortization of Patents and Patent Licenses.*

ANNUAL MEETING

The Annual Meeting of Holders of the Common Stock will be held at 11 A.M. on Tuesday, May 1, 1962, in the Company's new Distribution Center, located at the Webster Plant Site, 800 Phillips Road, Webster, New York, just outside of Rochester. On or about April 3, 1962, all shareholders of record on March 27, 1962 will be sent a proxy and accompanying material. This material will include a map showing the location of the Annual Meeting and a reservation card. Those wishing to attend are urged to return the reservation card promptly.

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Camillo Golgi's technique to reveal paths of nerves in the brain, 1875

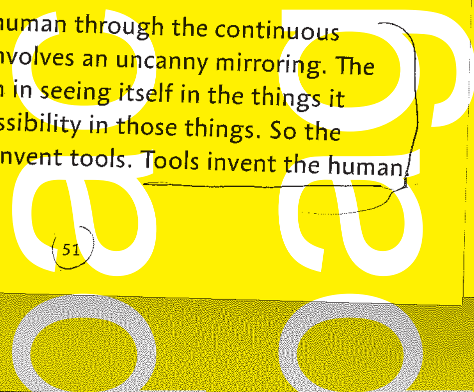
4

THE INVENTION OF THE HUMAN

The question "Are we human?" immediately triggers a chain of parallel questions: What is human? When did we become human? Are we still human? Were we ever human? and Are we human yet?

The human might be the species that asks this kind of question of itself, yet the very act of asking indicates that there is no clear line between human and nonhuman. Despite its massive impact on, under, and above the planet and its apparent domination of other species, the human is never unambiguously distinct from the animal or from the wider systems of the Earth. Which raises an even more fundamental question about this human animal: How was the human invented? In other words, how did a self-questioning species emerge? And what role did design play?

The emergence of the human through the continuous invention of artifacts involves an uncanny mirroring. The human becomes human in seeing itself in the things it makes, or seeing its possibility in those things. So the human doesn't simply invent tools. Tools invent the human.



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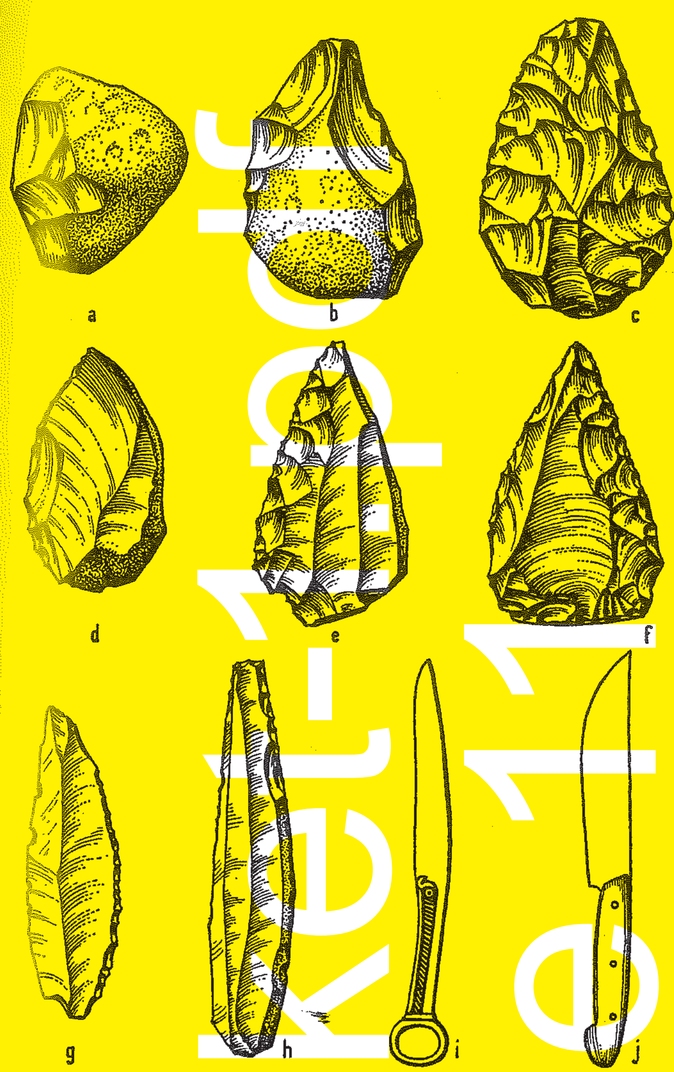
More precisely, tool and human produce each other. The artifacts that prosthetically expand thought and reach are what make the human human. As Bernard Stiegler, reading the work of the influential paleoanthropologist André Leroi-Gourhan, puts it: "The prosthesis is not the mere extension of the human body; it is the constitution of this body qua 'human.'"[1] Leroi-Gourhan echoed the nineteenth-century idea that the human species was unique in evolving organically through its technological extensions: "The whole of our evolution has been oriented toward placing outside ourselves what in the rest of the animal world is achieved inside by species adaption."[2] The body itself is only human by virtue of technology: "the human hand is human because of what it makes, not of what it is."[3] What is human is the gesture of externalization, which is not from some preexisting interior, like thoughts in the brain, but is a gesture that constitutes a new sense of interior. The human is always being invented as such by the gestures that transform it. Brain, body, and artifact cannot be separated. Thinking only occurs in the intermingling between them. Artifacts themselves are thoughts that potentially also trigger new modes of thought.

The human brain is therefore an effect of new tools rather than the generator of new tools. Tools are an opportunity for it rather than an accomplishment of it. The intentionality and anticipation of effects that is distinctly human arises from the activity of making itself. Human intentions are provoked by making tools rather than executed by them.[4] And what makes a tool a tool? Strictly speaking, a tool is not produced to carry out a defined utilitarian task. Tools are born as challenges to existing concepts of utility. They open up new understandings of what could be useful. Utility is not a given unambiguous need. Ambiguity about utility is what drives new forms of utility.



Leroi-Gourhan's illustration of evolution of the knife

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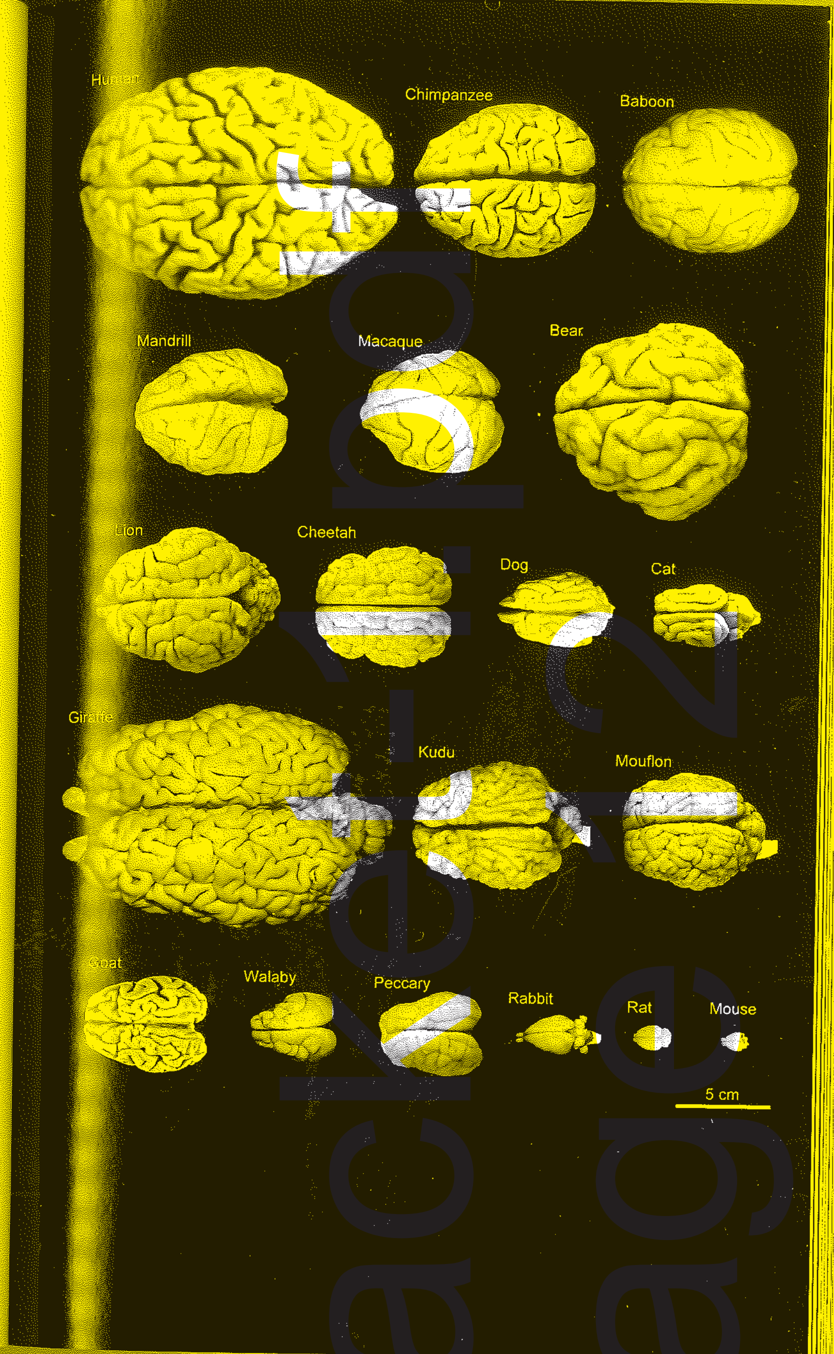
Some paleoanthropologists argue that the main driver of human accomplishment is simply a uniquely human capacity for variability, an impulse to generate a multiplicity of ways to do things in reaction to different circumstances.[5] This variability itself can be understood as design capacity. When other species have figured out a way to do something, they keep repeating it forever until changes in the context reinforce a different direction. Humans continuously imagine different ways even in the same context, to the point of malfunction. The human is the only species that has tools that don't work, which is paradoxically the origin of its intelligence.

Design might simply be a name for this impulse to do things differently. Earlier attempts to explain the apparent exponential acceleration of human invention in the last 40,000 years presupposed some sudden increase in the cognitive capacity of the human brain as the enabling trigger. Recent accounts see this acceleration of invention occurring more gradually throughout the last 200,000 years, finding no evidence in fossils of change in the cognitive capacity to design. The ever-increasing size of groups in proximity to one another and the connectivity between these groups through migration formed a collective brain more likely to invent alternative ways to do things.[6] As more and more people shared knowledge and the accuracy of the knowledge being passed between groups and generations increased, the frequency of invention increased and continuously reinvented the brain in a kind of chain reaction of design.

The human brain itself is a malleable artifact whose circuits are continually rearranged through engagement with material culture. It is an unfinished project with a forever uncertain future and an equally uncertain beginning. The idea of a sudden flourishing of design gives way to the thought, as Patrick Roberts puts it, that "there is no single evolutionary event or moment where the brain becomes definitively 'human.'"[7]



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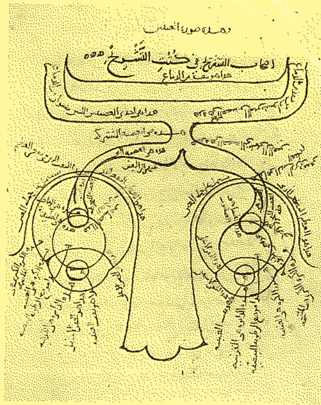
The archaeology of design is not about gradual shifts or revolutionary leaps. Design is by definition unevenly distributed in space and time, often flickering as some innovations disappear for a very long time only to be reinvented again. There is wide technological variability at any one time with the specific tools and ornamental sets reflecting behaviors in response to specific contexts. This variability itself ultimately contributes to the inventiveness of the species. The human invented by its artifacts is nowhere the same.

The incalculable diversity and interdependency of species on the planet that results from incremental adaptions to changing environments, including adaptions to the adaptions of others, finds its echo within the human species and is accelerated through the technological extensions that are an intimate part of its biology. Nothing could be more natural. The invention of artifacts that reinvent the inventor is precisely not controlled by the human in the sense of a singular animal imposing itself on the surrounding living world. The human is permanently suspended between



Ibn al-Haytham, ca. 1027

Khalifa ibn Abi al-Mahasin al-Halabi, 13th c.

being the cause and the effect, between designing living systems and being designed by them.

What is human in the end is neither the designer nor the artifacts but their interdependency. It is precisely the fully organic condition of technological life, the fact that it is alive, that raises the urgent questions about design. In particular, it raises the question of how, where, and when invention itself was invented. How did that impulse to do things differently arise?

Cerebellum, Santiago Ramón y Cajal, 1904

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practices, which in turn generate further fakes. Murakami does not try to distinguish himself from either Louis Vuitton or the proliferation of copies around him, yet he protects the copyright on his work. He wants it both ways: the right to participate in the flow of interdependent, empty, groundless nonduality, and the right to claim this participation as exclusively belonging to himself. In the current legal, economic, and political regime, and in particular with intellectual-property laws which channel production into certain heavily over-determined categories such as "art" and "branded product," we are all forced to engage this impossible ideological double bind. But no matter how "superflat" Murakami claims his paintings to be, they are in fact . . . *empty.*

2/Copia, or, The Abundant Style

Interviewer: How do you define folk music?
Bob Dylan: As a constitutional replay of mass production.

—Dylan interview, December 3, 1965, San Francisco, at 25′15″, *Classic Interviews, Volume 1,* www.dylannl.nl

All Praise to the Goddess Copia

The word "copy" comes to us from the Latin word "copia," meaning "abundance, plenty, multitude."[1] Copia was also the Roman goddess associated with abundance. Very little is known about this goddess, but she is mentioned in Ovid's *Metamorphoses* at the point where Achelous transforms himself into a bull in order to overcome Hercules, who responds by breaking off one of his horns. "But the naiads filled it with fruits and fragrant flowers, and sanctified it, and now my horn enriches the Goddess of Plenty."[2] Copia is depicted on a Roman coin with this horn of plenty, overflowing with the bounty of the earth, from which we get the word "cornucopia."

When we talk about copying today, when controversy around

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copying occurs, these meanings of "copia"—coming to us from before the age of print, the age of mechanical reproduction, or the age of the computer—reassert themselves. Although we no longer associate copying with abundance, but link it rather with the theft or deterioration of an original, and thus a decrease, the phenomena we label "copies" and the activities we call "copying" still manifest this abundance and this increase. Copia as abundance continues to speak to us as a trace reverberating through the shifting historical meanings of the word "copy," and various practices of copying that are prevalent today still evoke the goddess, even if the practitioners no longer know the meaning of her name.

In his recent book *Free Culture*, Lawrence Lessig writes a manifesto for a free culture that seems strangely divergent from the practice of freedom as we know it on the Internet today. This divergence occurs because, when we use the term "free culture," we are doing more than merely trying to define a space in which certain creative uses of intellectual property are legitimated. The free culture that really interests us is the one described by a character in the remarkable science-fiction novel *Roadside Picnic*, by the Russian Communist-era writers Arkady and Boris Strugatsky: "Happiness for everybody! . . . Free! As much as you want! . . . Everybody come here! . . . There's enough for everybody! . . . Nobody will leave unsatisfied! . . . Free! . . . Happiness! . . . Free!"[3] What appears to be on offer on the Internet, what fuels its imaginal space, is the utopia of an infinite amount of stuff, material or not, all to be had for the sharing, downloading, and enjoying. For free. And this too is Copia's domain, which can still be accessed today through "copying."

In the Western imagination, such moments of being overwhelmed with an infinite amount of desirable stuff are epitomized by feasts, with tables stacked to the rafters with tasty foods—by festivals in which diverse kinds of sensual pleasures come together in a mass of bodies and sensory stimuli. We think of treasure caves where gold,

jewels, precious objects are hoarded in vast mounds, of genies who grant wishes. We think of marketplaces in which the goods of the world are spread out; of department stores like Harrods in London, Bloomingdale's in New York, or Galeries Lafayette in Paris, and shopping malls like the Eaton Center in Toronto, where every imaginable consumer item is on display.

If you want any part of these last fantasies, you're going to have to pay for them. You can enjoy them as spectacle, going window shopping, as my mother and father used to do in suburban London when I was growing up. But if you want more intimate enjoyment, you need money. Or a strange twist of fate, like the one that occurred on July 13, 1977, when the power grid went out in New York City, leading to widespread looting in poorer neighborhoods such as Harlem and the Bronx. It is that day which is credited in *Yes Yes Y'All*, a recent oral history of hip-hop, as being the moment of hip-hop's tipping point, where the technologies required for MC-ing and DJ-ing (turntables, microphones, and speakers), formerly available only to a small number of crews, were suddenly in the hands of just about anyone who wanted them. This free access facilitated hip-hop's full emergence as a culture. Or one might consider the day in fall 1999 when Shawn Fanning released the first version of Napster, facilitating an explosion of filesharing which peaked in February 2001, when 1.6 million users had access to free digital copies of millions of audio recordings.

We have a word for such activities: "stealing." And stealing is punishable by law. Don't the store owners, musicians, writers, and software programmers whose work is suddenly made available in these free-for-alls deserve to be compensated? How would you like it if someone came and stole your stuff, or—to return to the theme of my previous chapter—made copies of all your work and sold them or distributed them for free without your permission? In terms of the current legal, economic, and social regime, these questions are

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all valid. But below the surface of contemporary consumer culture, there is a collective dream of free access to an infinity of things. It is one of the principal themes which advertising manipulates, except that "free access" has been replaced by the promise of access via the purchase of a product—say, a soda or a pair of sneakers. The crises around property that are marked by the blackout riots in New York, or by digital filesharing, tell us that radical shifts are taking place in these different regimes. And the word "copy," a ubiquitous but poorly understood word, is playing an active role in these shifts. This word cannot be restricted to the particular set of definitions that we currently give it—any more than the appropriations of the 1977 blackout or of digital filesharing, so productive for the cultures and communities they helped to mobilize, can simply be dismissed as a crime.

The Origins of Copia

Who was Copia? Aside from the lines by Ovid quoted above, she appears to be a thoroughly obscure figure, usually explained away as a product of the Roman predilection for turning abstract principles, particularly those associated with personal gain, into deities. She barely appears in even the most comprehensive resources on the classical world. But the word "copia" was in common use, meaning "abundant power," "wealth," "riches," "abundance," "fullness," "multitude."[4] If these senses of the word are still familiar to us in the word "copious," others are more unusual: "copia" had a military meaning as "a body of men," and a general meaning of "storehouse," "a set of resources at one's disposal," "the means, possibility, or opportunity of doing something."[5] The word "copia" is derived from "cops" ("abundance"), and "cops" is derived from "ops" and either "con" or "co." This is a matter of some significance, since it links "copia" to a rather more well-known goddess Ops, who was also a goddess of

abundance, associated with the harvest, and with another harvest deity, Consus, who was the protector of grains and of the storehouses in which the harvest was kept.[6]

We pass further into the labyrinth of Roman mythological etymologies at our peril; but in tracing the origins of "copia," we find a god/goddess pairing relating both to the overflowing bounty of the harvest and to its storage for use. And copia itself contains this dual sense: abundance, but also the deployment of abundance. And in this double meaning, one can already discern some of the qualities that will come to the fore in the word "copying"—the copy as an object that is inherently multiple, that is more than one, that is a copy of something, and thus part of an excess or abundance, of a *more.* And at the same time, the copy is part of a storehouse, an object created or appropriated in order to be an object of use, made part of a store that is available; and as a part of a store, something that is counted or measured, named and/or labeled, owned, and no longer freely existing for itself.

The word "copia" appears to have emerged in Rome when Ops, the harvest goddess, and therefore a goddess of the countryside, was transplanted to the city, where she was honored with a temple on the Capitoline Hill, one of a series of deities who functioned as personifications of virtues or abstract qualities and whom Cicero talks about. Thus, Ops became a more general goddess of prosperity, associated with the protection of the city. She became associated with copia (abundance in general) as well as with *auxilium* (a unit of troops). At the origin of copying, then, we find . . . a copy! For Copia was already a copy of a goddess, an appropriation of Ops made in the transplanting of the nature goddess to the city, manifested in a culture where phenomena that were easily related to what we today call "copying" abounded—from the appropriation of Greek and other cultural models by Roman culture, to the invention of substances such as concrete which are so useful in producing repli-

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cas, duplicates, multiples, "copies"; to the mass production and circulation of multiples of various products such as oil and wine in generic amphorae (vessels); and, more broadly, to the imperial implementation of a generic "Roman culture" across the empire.[7]

Copia was clearly a goddess of economy in ancient Rome; and according to Jacques Derrida, mimesis will in every case be a matter of economy.[8] Every copy, every act of exchange, presupposes the establishing of an equivalence between *a* and *b*, the assumption that they are like or equal to each other in some way. There are different kinds of economies, all of which manage or appropriate mimetic energies. There's the *sacrificial economy*, which Girard sees as being the predominant one: Copia, as a goddess of abundance to whom sacrifices were made, would be part of such an economy. There's the *capitalist economy*, where everything is made equivalent through exchange value and money—thus the Louis Vuitton bag, whose identity is established by being bought in an official Louis Vuitton store at the price set by the company. There's the *gift economy*, where things are exchanged and given meaning through complex systems of reciprocity in which an excess is always part of the process of gift giving and taking, so that the copy is never "the same" and always part of a dynamic, shifting abundance.

The sacrificial economy, crucial to Rome and to the emergence of Christianity within the Roman Empire, today takes the form of the legally encoded economy in which certain people are scapegoated and punished for making and exchanging the same copies that everyone else is making and exchanging. The word "copy" appears today at all those locations where the dominant capitalist economic structure stutters and stumbles. Copying and the crises that surround it today are the sign of an economic hesitation, the manifestation of traces of some other economy, future, present, or past. New technologies such as the computer or the Internet open up issues of economization ("monetization" being only one particular kind of

economization), and a variety of economic trajectories that are not easily assimilated to the current structure. "Copies" appear and are labeled as such out of the vast plenitude of mimetically appearing objects, at moments when those objects cannot be fit into the social/political/economic system as it evolves. Thus, they appear as the markers of the danger of an excess or abundance that needs to be controlled.

The Abundant Style

The word "copia" was also associated in ancient Rome with rhetoric. *Copia verborum* ("abundance of words") referred to the copiousness of language, the storehouse of words and rhetorical techniques at the disposal of one skilled in the art of rhetoric. From classical times to the Renaissance, there existed manuals of rhetoric that advised people how to speak and write. These manuals were the basis of scholarship and public discourse. They were also concerned with imitation, since their subject matter was considered to be not something original, but the continuation and repetition of a tradition that had begun with the ancient Greeks. These manuals were not designed to instruct people to imitate or copy per se—although Erasmus, author of *In Praise of Folly*, a book whose title I cite, copy, or steal in my own book here, wrote a celebrated rhetoric manual called *On Copia of Words and Ideas* (1512).

"Copia," according to a contemporary of Erasmus, meant the "faculty of varying the same expression or thought in many ways by means of different forms of speech and a variety of figures and argument."[9] The three components of rhetoric, *inventio* (the selection of matter or elements), *dispositio* (the arrangement of those elements), and *elocutio* (the style of presentation), did not include imitation per se, but it was understood that the practice of imitation was fundamental to rhetoric. This was a matter of some concern—the Ro-

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man rhetorician Quintilian, for example, stressed that good rhetoric could not *just* be imitation.[10] Thus, we can see a gap opening up between mimesis and copia, between copying understood as a crude act of thoughtless repetition (Quintilian's main objection to a speech that is solely imitation is that it does not charm the listener) and copying as the many possibilities for variation within the act of repetition.

The translators of Erasmus, perhaps squeamish about using such a degraded word, refuse to translate the Latin word "copia" as "copy," but in medieval and Renaissance England, "copy" (or "copie") was the standard translation of "copia," and had the meanings of abundance, multiplicity, which are still contained in the word "copious" today. While "copy" was used to denote a duplicate of a text as early as the fourteenth century, the more general meaning of "something made or formed, or regarded as made or formed, in imitation of something else" did not emerge until the end of the sixteenth century.[11] It was also around this time that "copia," which has an affirmative sense of resources, power, or plenty, started to take on a pejorative meaning: the copy as a degraded version of an original.

The reasons for this shift are connected with the emergence of the printing press, the book, and other technologies of mass production, and the process by which sets of legal controls and guarantees concerning the right to make and sell copies came into being. While copyright law itself did not emerge until 1709 in England with the Statute of Anne, patents were granted in Italy and England as early as the fifteenth century, and patents controlling the "rights in copies" of books can be dated to 1563 in England.[12] "Copye," in the sixteenth and seventeenth centuries, had an ambiguous meaning when used by publishers, since it referred both to the text which the publisher had the right to publish (the "original"), and to those copies of the original "copy" that were made by authorized publishers as well as by unauthorized parties. It appears that the concept of the original or

authentic text, as something separate from the copies made from this original, was absent at this time, and only emerged in the eighteenth century with the evolution of Romantic aesthetics.[13] Thus, English poet Edward Young wrote in 1759 that "An *Original* may be said to be of a *vegetable* nature; it rises spontaneously from the vital root of Genius; it *grows*, it is not *made: Imitations* are often a sort of *Manufacture* wrought up by those *Mechanics, Art,* and *Labour,* out of pre-existent materials not their own."[14] After describing the Museums of Copies that existed in Paris in the mid-nineteenth century, Rosalind Krauss notes that in nineteenth-century France "the copy served as the ground for the development of an increasingly organized and codified sign or seme of spontaneity." In other words, the concept of an original could not exist without that of a copy, and, in practice, "originality" was not an objective fact but a historically specific style of presentation—a recognizable roughness, spontaneity, or naturalness, for example.[15] And these words would undergo a further shift of meaning after World War II in the work of John Cage and the Fluxus group; William S. Burroughs, Brion Gysin, and others associated with the Beats; and Andy Warhol and various Pop artists—all of whom argued that the copy was more original than the original, precisely because it made explicit its own dependence on other things, signs, or matters.[16]

Folk Cultures and the Death of Copia?

In his study of copia in the Renaissance, Terence Cave observes that although writers such as Erasmus and the gloriously copious Rabelais were fascinated by copia, they actually believed that they were living in an age in which abundance itself was dying, declining into mere verbal profuseness.[17] In the seventeenth century, rhetoric as a self-conscious practice built on classical models faded in the face of the new Cartesian emphasis on method and the growing importance

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stead of laboriously typing up a receipt for the property removed from people who spend the night in the lockup, now place the property itself—wallet, watch, keys, and such—on the scanning glass of a 914, and in a few seconds have a sort of pictographic receipt. Hospitals use xerography to copy electrocardiograms and laboratory reports, and brokerage firms to get hot tips to customers more quickly. In fact, anybody with any sort of idea that might be advanced by copying can go to one of the many cigar or stationery stores that have a coin-operated copier and indulge himself. (It is interesting to note that Xerox produces coin-operated 914s in two configurations—one that works for a dime and one that works for a quarter; the buyer or leaser of the machine decides which he wants to charge.)

Copying has its abuses, too, and they are clearly serious. The most obvious one is overcopying. A tendency formerly identified with bureaucrats is spreading—the urge to make two or more copies when one would do, and to make one when none would do; the phrase "in triplicate," once used to denote bureaucratic waste, has become a gross understatement. The button waiting to be pushed, the whir of action, the neat reproduction dropping into the tray—all this adds up to a heady experience, and the neophyte operator of a copier feels an impulse to copy all the papers in his pockets. And once one has used a copier, one tends to be hooked. Perhaps the chief danger of this addiction is not so much the cluttering up of files and loss of important material through submersion as it is the insidious growth of a negative attitude toward originals—a feeling that nothing can be of importance *unless* it is copied, or is a copy itself.

A more immediate problem of xerography is the overwhelming temptation it offers to violate the copyright laws. Almost all large public and college libraries—and many high-school libraries as well—are now equipped with copying machines, and teachers and students in need of a few copies of a group of poems from a published book, a certain short story from an anthology, or a certain article from a scholarly journal have developed the habit of simply plucking it from the library's shelves, taking it to the library's reproduction department, and having the required number of Xerox copies made. The effect, of course, is to deprive the author and the publisher of income. There are no legal records of such infringements of copyright, since publishers and authors almost never

There's a

Moment of Truth

when you serve your Sherry...

...that moment when your guests taste it. If it's imported Spanish Sherry, it tells them so much about you and your judgment. There is a difference! Because if it isn't Spanish, it isn't true Sherry. If it isn't Duff Gordon, it isn't the best.

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Meanwhile, those who have been locked out are not standing idly by. You have been sneaking through holes and climbing over fences, liberating the information locked up by the publishers and sharing them with your friends.

But all of this action goes on in the dark, hidden underground. It's called stealing or piracy, as if sharing a wealth of knowledge were the moral equivalent of plundering a ship and murdering its crew. But sharing isn't immoral — it's a moral imperative. Only those blinded by greed would refuse to let a friend make a copy.

Large corporations, of course, are blinded by greed. The laws under which they operate require it — their shareholders would revolt at anything less. And the politicians they have bought off back them, passing laws giving them the exclusive power to decide who can make copies.

There is no justice in following unjust laws. It's time to come into the light and, in the grand tradition of civil disobedience, declare our opposition to this private theft of public culture.

We need to take information, wherever it is stored, make our copies and share them with the world. We need to take stuff that's out of copyright and add it to the archive. We need to buy secret databases and put them on the Web. We need to download scientific journals and upload them to file sharing networks. We need to fight for Guerilla Open Access.

With enough of us, around the world, we'll not just send a strong message opposing the privatization of knowledge — we'll make it a thing of the past. Will you join us?

Aaron Swartz
July 2008, Eremo, Italy

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