Digital media communication, intellectual property, and the commodification of language: The discursive construction of fansub work

Joseph Sung-Yul Park

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Abstract

Focusing on fansubbing, the production of unauthorized subtitles by fans of audiovisual media content, this paper calls for a more serious sociolinguistic analysis of the political economy of digital media communication. It argues that fansubbing’s contentious position within regimes of intellectual property and copyright makes it a useful context for considering the crucial role of language ideology in global capitalism’s expanding reach over communicative activity. Through a critical analysis of Korean discourses about fansubbing, this paper considers how tensions between competing ideological conceptions of fansub work shed light on the process by which regimes of intellectual property incorporate digital media communication as a site for profit. Based on this analysis, the paper argues for the need to look beyond the affordances of digital media in terms of translingual, hybrid, and creative linguistic form, to extend our investigations towards language ideologies as a constitutive element in the political economy.

Keywords: fansubbing; political economy; intellectual property; copyright; language ideology; South Korea

Introduction

This paper considers how research on language may contribute to the study of the political economy of digital media communication—digitally mediated modes of communication in which participation, interactivity, networking, and convergence become key characteristics (Flew 2014, Jenkins 1992, 2006). Digital media communication has recently become a key site for sociolinguistic and linguistic anthropological research on language and globalization. Researchers have focused on the new forms of linguistic practice that arise from these modes of communication, paying attention to their unique semiotic affordances, potential for facilitating cross-linguistic contact, and their tendency to operate beyond the direct influence of state-centric regimes of standard language. Thus, digital media communication is often approached as a hotbed of innovative translingual practices, a space for new ways of articulating identities, and a productive site for language learning—where participants experiment with multiple linguistic resources at their creative disposal to develop new ways of using language (Barton and Lee 2013, Blommaert 2018, Dailey-O’Cain 2017, Dovchin, Sultana, and Pennycook 2015, Sharma 2012, Thurlow and Mroczek 2011, among others).

Sociolinguistics and linguistic anthropology, however, has so far been slow to address the
political economic dimension of digital media communication. While linguistic research has always been aware of the dimension of power and inequality that pervades digital media communication (Deumert 2014, Herring 2003, Prinsloo and Roswell 2012), much less attention has been paid to how developments in communication technology and media are appropriated by capital as a new way of seeking profit. Critical perspectives in media studies have drawn attention to the fact that digital media communication is not beyond capitalist exploitation and control (Terranova 2000, Mosco 2009). The voluntary and seemingly ‘free’ participation of internet users in social media service platforms such as Facebook, Twitter, Instagram, or YouTube, for instance, serves as the very basis for these media companies’ profits, as active participation and rich user-generated content directly translate into advertising revenue. For this reason, scholars have pointed out how discourses that celebrate digital online communication as a participatory and democratic ‘Web 2.0’ must be understood as an ideological perspective that obscures the way capitalism continues to exploit the creative energy of the masses to generate surplus value (Fuchs 2011). Therefore, the political economy of digital media communication is an important issue for scholars of language to consider, as it constitutes a key site for investigating the way in which language is increasingly treated in the neoliberal economy as a resource to be exploited for economic profit—what is often called the commodification of language (Cameron 2005, Heller 2010).

In this paper, I make this point through the case of fansubbing — the production of fansubs, or fan-made subtitles of audiovisual media content. Fansubbing is greatly facilitated by digital communication technology and has been widely studied as a prime example of highly participatory engagement with digital media (Itō et al 2010), yet it remains a domain that has been largely overlooked by sociolinguistics and linguistic anthropology. I turn to fansubbing because it reveals one important contribution that scholars of language can make to the study of digital media communication from a political economic perspective. I suggest that analysis of language ideologies (Schieffelin, Woolard, and Kroskrity 1998, Errington 2001, Agha 2007) involved in the discursive construction of fansub work can serve as a window for critically evaluating the processes by which digital media communication is incorporated as a site of profit in the capitalist global economy. As situated beliefs about language structure and use, language ideologies concern not only meanings attributed to language varieties, but also the nature of language itself; for instance, the view of language as an autonomous resource for communication of meaning, as opposed to a socially embedded practice that cannot be separated from its context of use, is a foundational language ideology that has not only influenced the formation of western modernity (Bauman and Briggs 2003), but also the way in which language comes to be mobilized for economic profit in contemporary global capitalism (Park and Wee 2012).

The prominence of fansubbing in the global circulation of digital media has made it a subject of much controversy, as fansubs are typically produced in the gray area of copyright and intellectual property law. But because fansub work is also an act of linguistic communication, ideological conceptions of language and communication become a crucial foundation upon which legitimacy of fansubbing may be determined. Can the act of translation and communication involved in fansubbing be seen as production of an isolable text, which in turn disrupts the paid circulation of copyrighted material and thus interferes with the copyright holder’s legal rights? Or is it merely an extension of our everyday communication, where language is inseparable from our very acts of sharing experiences and building social relations,
as in when we excitedly explain the newest episode of our favorite television show we just saw to a friend? In other words, contestation over fansubbing ultimately turns to the question of whether language should be understood as an entity detachable from its context of usage or as socially embedded practice that cannot be severed from its material and embodied foundations. In this paper, I show how such competing ideologies were at the heart of controversies surrounding fansubbing in South Korea, which was made particularly prominent in a debate over legal action taken by a group of global media companies against several South Korean fansubbers in 2014. Based on this example, I suggest that such a focus on language ideology allows us to problematize the legalistic conception of fansub work as the creation of a commodifiable product, and to critique the way the regime of intellectual property erases the embeddedness of language and communication in the material and social flow of human life.

Fansubbing and the political economy of digital media communication

According to the filesharing news site TorrentFreak’s 2016 report, the HBO drama Game of Thrones has been the most pirated television show for five years in a row.\(^1\) In 2015, it was downloaded 14,400,000 times per episode worldwide through BitTorrent, the popular peer-to-peer (P2P) file sharing protocol, significantly surpassing the average number of US viewers (8,110,000) who watched the show through paid subscription.\(^2\) But given that the above number only indicates downloads through BitTorrent and does not include those who watched the show through streaming sites, which are increasingly becoming a more popular way of accessing pirated shows, the extent of the show’s unauthorized circulation would be even larger. And it is not just top-rated shows like Game of Thrones that get pirated like this. Almost all audiovisual media content imaginable becomes subject to online piracy, ranging from Hollywood blockbusters to Korean television drama serials, from Japanese anime to American sitcoms. In this sense, online sharing of media is a truly global phenomenon, with endless gigabytes of content constantly zipping around the world in multiple directions and filling the internet. In a 2011 study commissioned by NBC Universal, it was estimated that 23.8% of all internet traffic was infringing copyright.\(^3\)

But this global circulation of digital media is not simply about circulation of media products; it is also about communication. As narrative-based digital media content such as television dramas and films get shared across national and linguistic borders, they must be mediated through acts of translation. People do not necessarily turn to pirated content in order to avoid paying; in many cases, they do so in order to quickly access their favorite content as soon as it is released. For instance, it may take months until a viewer in Asia gets to watch her beloved American TV drama through formal, paid channels, if it becomes available in her country at all; and this might motivate the viewer to turn to a torrent site, where she can download the show within hours of original broadcast in the US. But this by itself does not solve her problem, for if she is not a competent user of English, she would need some form of audiovisual translation to enjoy the show. Fansubbing fills in this gap nicely, as it provides quick, efficient, and high-quality

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translations of fast moving pirated digital content, fueled by enthusiastic work by fans and software that facilitate the production of such subtitles.

Fansubbing, of course, predates the era of digital online file sharing. Back in the days of VHS and Betamax tapes, fans were doing ‘hardsubbing’ using specialized equipment that encode subtitles onto the original video. The process was hard and time-consuming, however, limiting the number of fans who could engage in fansubbing and the number of fansubs they could produce; the analog copies produced in the process also resulted in lower quality videos. The growth of digital video and widespread availability of personal computers fundamentally transformed this picture. In ‘softsubbing’, subtitles are not encoded into the video file, but are generated as a separate text file with timestamps that allow video players to overlay them onto the video. Not only does this make the translation, timing, and typesetting of subtitles much easier through widely available subtitling software, but also allows for efficient circulation, reproduction, and collaboration, as the subtitles can now be quickly shared, copied, and edited without separate processing of the video.

The discussion above shows how fansubbing can be understood squarely within the realm of digital media communication. Even though fansubbing is not among the distinct ‘new media’ typically discussed in terms of digital media communication (such as social networking media or instant messaging), it displays important key characteristics that define such new media (Flew 2014), including high degree of participation and interactivity (active and voluntary engagement of fans with media texts beyond passive consumption) and facilitation by convergence of digital technologies. Moreover, fansubbing’s nature as linguistic mediation (communicating meaning from one linguaculture to another) makes it particularly relevant for scholars of language seeking to understand language in new media contexts.

But fansubbing is also a useful starting point for considering the political economy of digital media communication, because of the complex position it occupies in the global media market and regimes of intellectual property. On the one hand, fansubbing disrupts formal media markets due to the fact that it aids the circulation of unauthorized copies of media products, an issue that becomes particularly prominent in digital media contexts. Even though they are produced and circulated for free, fansubs are deemed to be an infringement of copyright under regimes of intellectual property, which reserves for the author the right to produce “derivative work”, including translations of the artistic text created by the author (Rembert-Lang 2010). Thus, global media companies, as copyright holders, often police the production and circulation of fansubs, claiming that availability of fansubs affects the potential profit they may gain from the sales of their copyrighted work. On the other hand, fansubbing plays a crucial role in the expansion of media markets. Fansubbing flourishes in spaces where the formal media market has not yet fully established its infrastructure. For instance, global media companies typically enter a national market only if the country is considered to have an audience base large enough to make initial investment and licensing agreements profitable. The voluntary and participatory work of fansubbers often leads to growth of the local fanbase, creating favorable market conditions for media companies to start providing their content through official channels (Lee 2011).

In other words, fansubbing is simultaneously seen as disrupting the formal media market by facilitating illegal consumption of pirated content and as extending the reach of that very market.
by creating potential space for profit that the companies by themselves would not be able to cultivate. And this is precisely the kind of tension—between the market, creativity, and circulation of information—that the legal regime of copyright is meant to address. Studies on the historical development of copyright show how the author’s right to reproduction, circulation, and sales of a text she has produced was not always taken for granted (Boyle 1996, Coombe 1998). While guaranteeing such right would encourage greater production of more texts in the future, it can also restrict others’ rights to use such texts for their own purposes, not only undermining the utility and value of the original text, but also limiting the possibility of creating new texts based on those original texts. Therefore, the original conceptualization of copyright that emerged through debates over this dilemma focused on finding a balance between protecting the author’s rights to a text and ensuring the public’s easy access to that text. For this reason, copyright guarantees certain rights to the author, but in a limited way, so as to maximize the benefit the public may gain from the copyrighted text.

However, the current conditions of the global economy lead to increasing disruptions in the balance that was sought through the original idea of copyright. In the so-called knowledge-based economy, where digital media texts, patented knowledge, and branded products become prominent commodities, the legal apparatus of copyright is being applied in increasingly expansive ways. Intellectual property—including copyright, patents, trademarks—becomes a powerful and stable foundation for capital to seek profit in the volatile global economy. Thus, industries that center on copyright, such as the music, film, broadcasting, and publishing industries, have continuously been pressing for expanded scope and protection for intellectual property rights over the recent years. And state governments and international organizations have been responding to such demands by strengthening the policing of piracy and counterfeiting through increasing criminalization of unauthorized copying. Critics have argued that such aggressive maximization of intellectual property rights goes against the original spirit of copyright (Boyle 2008, Dent 2010, 2012). They point out that, in seeking to enhance their profit through intellectual property rights, capitalist interests are compromising the public benefits that copyright was meant to protect, as they restrict access to knowledge (Kapczynski 2010) and suffocate potential for creativity (Callahan 2017).

The issues that fansubbing brings up thus suggest how aggressive expansion of intellectual property rights shares many commonalities with the commodification of language (Cameron 2005, Heller 2010). Not only are both driven by political economic conditions of current capitalism, but both involve increasing encroachment of a capitalist logic into new domains. The notion of intellectual property seeks to claim exclusive property rights on texts, knowledge, and information that may have been understood to belong to the commons in the past; similarly, commodification of language appropriates socially embedded communicative practices of human beings into the commodifying logic of capitalism, extracting profit from its management as an economic resource. To this extent, it is profitable to consider copyright as another mode of commodification of language, and to approach controversies over fansubbing as sites that represent capital’s efforts to incorporate participatory digital media communication into zones of profit (and resistance towards them)—even though copyright and intellectual property has been an area that has been largely overlooked in the study of commodification of language.

It is also worth noting how regimes of copyright and commodification of language are both
inherently *language ideological* processes, in the sense that both represent situated and interested beliefs about language (Errington 2001:110) which rationalize the extirpation of texts, information, and language from their grounding in shared, embodied social interaction to incorporate them into a capitalist framework centered on property, commodity, and profit. In the realm of copyright, for instance, James Boyle, prominent legal scholar of intellectual property, suggests that the logic of intellectual property is often rationalized through the discursive work of “typing”, in which situations where free circulation of information may benefit the public interest may be re-typed as a private matter where the rights of the intellectual property owner become foregrounded instead (1996:32). Similarly, anthropologist Arjun Appadurai, in accounting for the observation that things that are commodities in one situation or in one phase of its existence are not necessarily commodities in another, argues that different “regimes of value” determine when and how a thing may or may not be seen as a commodity in cultural context (1986:15). Though the two scholars are talking about different things (Boyle about how expansion of copyright is legitimized, Appadurai about how cultures come to see certain things in terms of commodities), their insights point to how a focus on language ideologies provides grounding for analyzing and critiquing tensions in the political economy of digital media communication. For the case of fansubbing, for instance, we can get a better grasp of how the interests of copyright-holding media corporations are rationalized, negotiated, and contested by tracing the competing language ideologies that sustain that process. Is fansubbing presented as “labor of reproduction and repetition” (Inoue 2011:181) that results in a competing linguistic version of the original text and therefore subject to policing by copyright law? Or as socially embedded communicative practice that cannot be understood apart from embodied social relations between the fansubber and the community she serves, thus not something that is subject to claims of property right violations?

It is not necessarily my point to picture fansubbing as a liberating space of free information flow that stands in stark opposition to oppressive regimes of copyright, as the practices of fansubbers themselves often problematize such binary views. For instance, many fansub communities are known to refrain from fansubbing content when it becomes available through local licensing, which dispels the myth of fansubbers as blatant violators of intellectual property rights (Condry 2010, Lee 2011). Also, fansub communities may formalize their efforts and become capitalist ventures themselves—as in the case of the streaming service ViKi, which specializes in Korean, Chinese, and Japanese content that is subtitled by fans’ volunteer and collaborative online work (Dwyer 2012, Lobato and Thomas 2015). Rather, my point is to use fansubbing as a context for demonstrating how language ideology can serve as an analytic perspective for revealing underlying contradictions in the way language comes to be incorporated into the logic of capitalism, particularly in the context of digital media communication. By making this point, I wish to present this study as one response to recent calls that research on commodification of language should more closely attend to the conditions of the political economy and be situated more strongly within critiques of capitalism (Block 2013, Holborow 2015, 2018, Simpson and O’Regan 2018). As I will show below, controversies over fansubbing are rarely about fansubbing itself, but about shifting strategies of global media capital as they seek out new markets and new ways of securing surplus value. A focus on language ideology provides us with a unique vantage point for problematizing that process.

To make these points, in the rest of this paper I present an analysis of language ideologies about
fansubbing in the context of South Korea. My data come from wide range of media texts, including news reports, opinion pieces, television talk shows, and postings on online fan communities, which give a broad view of how fansub work was ideologically conceptualized among the general Korean populace. The analysis to be presented below focuses on how popular imagination about fansubbers often drew upon a specific figure of personhood (Agha 2007), which emphasized the sense of devotion, service, and commitment involved in fansub work — in other words, its affectivity and morality — thereby constructing fansubbing as inseparable from the communicative action between fansubbers and the community they served. Based on this observation, I consider how this perspective clashed with the regime of copyright, which works precisely by erasing this social embeddedness of communicative action. But first, let us begin with an incident that took place in mid-2014, in which global media companies took legal action against a group of Korean fansubbers, and the subsequent debate that ensued, which will serve as a starting point for our discussion.

The Korean “subtitle crisis” and conditions of market formation

In June 2014, a Korean legal firm, acting on behalf of six major US-based global media companies including Warner Brothers and 20th Century Fox, sued 15 fansubbers in South Korea, who created subtitles for video files of popular US television dramas. It claimed that these fansubbers, by creating and circulating Korean subtitles for popular dramas, infringed their clients’ copyright. This incident was widely reported in the Korean news media. While similar legal action had been often taken against heavy uploaders of pirated videos or webhard service providers that hosted them, it was the first time that fansubbers were sued for copyright infringement. In addition, only one among the 15 fansubbers sued had profited from circulating subtitles; all others, as it is common practice among fansubbers, merely produced and shared subtitles for their own and others’ enjoyment. The incident caused a sudden subduing of fansubbing activity (even though it by no means stopped it); some of the online communities where fansubs were shared closed down temporarily, and many fansubbers put their work on hold to observe how the situation would unfold. The resulting unavailability of fansubs left many Koreans who relied on those subtitles with no means to watch their US dramas—a situation that was referred to in the news media as jamak daelan ‘subtitle crisis’.

The strong impact of the crackdown on fansubs was in part a reflection of the growing popularity of US television drama serials, called mideu in Korean, short for miguk deurama ‘US drama’. Since the mid-2000s, when dramas such as 24 and Prison Break became huge hits, Korean fandom for mideu had been growing significantly. As a result of this popularity, watching US-produced television dramas became a common mainstream media consumption practice (compared to, say, watching Japanese anime, which tended to remain more subcultural). However, formal channels through which such media content could be accessed were limited, and most consumption of mideu took place through the informal market, via P2P sharing or webhard services. By 2014 the market for mideu had become huge, and cable television networks were providing more US drama content and also with shorter time delay after US broadcasts. IPTV (Internet protocol television) services also brought new channels for paid consumption. However, coverage for mideu content was still limited, unable to catch up with the greater number of shows being produced in the US, particularly for fans seeking out new, fresh
shows that might not have become mainstream yet. Because of this, large part of *mideu* consumption was still taking place through illegal downloading. And given the general tendency of Koreans to position themselves as non-English speakers, this meant that obtaining fansubbed subtitles together with the video files was a necessity for most Korean viewers. The characterization of the incident as ‘subtitle crisis’, then, was an apt way of capturing Koreans’ heavy dependence on fansubs and the sense of confusion that struck them when their production and circulation stopped.

From the perspective of political economy of media markets, however, the incident was not so surprising, and perhaps even should have been anticipated. South Korea is one of the countries in the world with greatest degree of high-speed internet penetration, and also with a relatively weak shared conception of copyright protection; and because of this, illegal sharing and downloading of media content is still widespread. But at the same time, South Korea is also one of the countries that are most active in policing copyright infringement (Intellectual Property Office 2015: 67). For instance, crackdown on pirated popular music was so successful that, the sales of bootlegged CDs that was widely popular as late as the 1990s had all but disappeared by the 2000s, and even with the shift towards online digital sales, consumption of musical content was largely incorporated into paid, formal channels. Korea’s regime of copyright enforcement is of course an effect of the global political economy of the media market. The government’s effort to step up its policing of pirated media content, for example, was driven in part by pressures from the US Trade Representative (Intellectual Property Office 2015: 68). Also, given the increasing global popularity of Korean popular culture (including pop music, TV dramas, and films) and the Korean government’s ambition to transform it into a major cultural export, there was also a growing need for the country to present itself as a responsible copyright enforcer. The great power of the country’s intellectual property regime resulted in copyright and intellectual property rights often being applied in highly predatory ways. For instance, according to Open Net, a Korean non-governmental organization advocating for openness and neutrality of the internet, Korea is the country with the highest rate of copyright trolling, the business strategy of using aggressive litigation to extract settlement money from copyright violators.4

In this context, discussion in the media generally identified the subtitle crisis as part of the global media companies’ attempt to incorporate the informal market for US drama products into the formal domain. While representatives of the global media companies and law enforcement cited the excessive growth of fansub activities as the reason for legal action taken, many commentators argued that the companies were targeting fansubbers not because of the actual loss in revenue they caused, but rather as a step for transforming the wide fanbase for *mideu*, which had reached critical mass through fansubbers’ work, into paid consumers of their products. Sin Hanseong, director in charge of illegal reproduction prevention at Warner Brothers Korea, for instance, argued in a news report that “fansubs are inevitably linked with illegally reproduced content, leading them to be used commercially, beyond personal use,” and that “while we recognize fansubs contributed to the emergence of fandom and allowed many people to enjoy the shows, we are taking action because [fansubbing activity] has gone too far”.5 However, an

unnamed media industry insider cited in another report suggests that “the US broadcasters so far have been implicitly condoning fansubbing of US dramas as they believed they contributed to the expansion of their market base. But now that they are actively trying to expand their market share, they are taking legal action because they have decided that there is a need to impose sanctions on these illegal practices.” In this context, fansubbers may have been seen as an easy target, as stopping their activities was as an effective way of breaking the chain of consumption of pirated video content.

Public opinion on the media companies’ action was thus overwhelmingly critical. Media reports and commentaries on online forums frequently highlighted the fact that fansubbers did not profit from the creation of the subtitles and did it purely as a service for others, and expressed bafflement at the idea that legal action was taken against such people. Moreover, many comments charged the media companies of duplicity, demonstrating widespread awareness of the political economic implications of the companies’ actions. Comments posted on mideu fan community websites harshly criticized the media companies, portraying them as greedy betrayers of fans. It was argued that the corporations tolerated fansubbers when they were aiding the expansion of mideu fandom, but now that the market was ripe for profit, they were suddenly turning against them.

Commentators on mainstream media were also vocal about their criticism of the global media companies, following the arguments of fan communities. The popular television talk show Sseoljeon, for instance, devoted one of its segments to the subtitle crisis, with the hosts and guests presenting the incident with a sense of shock and bewilderment. Film critic Heo Jiung, a regular guest on the show, angrily rebuked the companies for suing the fansubbers after they had contributed so much to the growing popularity of US dramas:

These [media companies that sued the fansubbers] are really stupid [...] Now we can watch entire seasons of mideu through cable television or IPTV. Compared to the past, many more people are viewing them and the market has grown. Was it to the credit of the distributors like Warner Brothers that such a market was formed? Hell no. They didn’t do anything. On the contrary, it was these people [fansubbers] who created this market for them. They really should be thanking them; this is so absurd.

Even commentaries that were more neutral in tone also problematized the excessiveness of the media companies’ legal action. For example, an article published by the Korea Information Society Development Institute, a government policy research institute for information, communication, and broadcasting, faulted the media companies by stating:

The US production companies’ position and arguments regarding the litigation incident is understandable, but personally this is unfortunate and regrettable. [...] Seen from the perspective of promotion of cultural development, the companies in this case could have moved beyond focusing on violation of copyright to consider the significance of

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from Korean by the author.


7 JTBC. 24 July 2014. Sseoljeon, episode 73.
derivative work and the position of its creators. We might carefully speculate that, if they
did, they could have avoided a worst situation like this, in which communities of US
drama fandom are suddenly enervated, and users’ backlash is sending a cold stare
towards the production companies.⁸

These examples show that the incident was generally recognized as the media companies’
exploitation of copyright laws to expand their reach over Korea’s media market. It was clearly
not the case that people were upset merely because they could no longer watch US dramas for
free; instead, their strong reactions pointed to a shared awareness of the contradictions of the
regime of intellectual property and how it is rooted in political economic relations with deep
moral implications. But what can we say about the tensions highlighted through the debate when
we look at it from the perspective of language ideology? Let us now turn to that analysis in the
next section.

Affectivity, morality, and the figure of the devoted fansubber

As we have seen above, the global media companies’ legal action against the Korean fansubbers
was articulated through the logic of intellectual property rights. Author’s right to translation is
protected in both the Korean Copyright Act and international conventions such as The Berne
Convention and the Agreement on Trade-Related Aspects of Intellectual Property Rights
(TRIPS) among WTO member states. Article 22 of the Korean Copyright Act, for instance,
specifies that “the author shall have the right to produce and use a derivative work based on
his/her original work”. A translation of an original text is an instance of derivative work, and as
such, can be done only with the copyright holder’s permission according to this law. And while
the Korean Copyright Act allows for cases of “fair use” which are not seen as infringement of
derivative rights, they are subject to consideration of the “influence of the use of works, etc. over
the current market or value, or potential market or value of such works, etc.” (Article 35-3), i.e.
consideration of their impact on the profit that the copyright holder can make. Through an
invocation of these legal provisions, then, the global media companies ideologically framed the
linguistic and aural aspect of films and dramas in terms of exclusive ownership and property
rights. With respect to fansubs, the notion of ownership and property rights essentially boils
down to the right of control over the future production of linguistically re-mediated versions of
the copyrighted original audiovisual text, which in turn serves as a basis upon which the
copyright holder may seek future profit as a reward for investment.

An important point we can make about this from the perspective of language ideology is that,
here, the audiovisual text for which copyright is claimed comes to be imagined as a distinct,
isolable product. Indeed, the concept of copyright offers authors rights over the specific
expression contained in their creations (as opposed to the ideas contained therein: Boyle 1996),
and in this sense, copyright derives from the author’s original, creative work of entextualization
(Silverstein and Urban 1996, Park and Bucholtz 2009). Within this framework, then, the work
that fansubbers do—or indeed, any act of translating a copyrighted work, authorized or

⁸ Yi Sojeong. 8 July 2014. 2cha jeojakmul changjakja saenggakhagi: ‘jamakdaelan’eul jikyeobomyeo.
unauthorized—is imagined as a work of pure transposition of the original entextualization into another language, in addition to inscription into some medium (in the case of fansubbing, a digital text file). That is, creating a fansub extrapolates the original text, resulting in a new text which becomes another potential source of profit. This is an important ideological step that allows the unauthorized translation to be seen as a violation of the copyright holder’s property rights. Just as the original text is understood as property, i.e. a fixed and bounded expression for which the copyright holder makes claims of exclusivity, fansubbing also gives rise to another product with the potential to function as property, and this is precisely what enforcement of copyright intends to prevent—the fansubber’s acquisition of such property without the permission of the original’s copyright holder.

We can see that this perspective relies on the modernist ideology of language as a transparent medium of communication detached from its context of use (Bauman and Briggs 2003). What makes the fansub illegitimate is its potential to function as another equivalent copy of the original in another language, and therefore a competing product. In order for this to be possible, distinct languages must be imagined as equal, parallel varieties each co-existing in a self-sufficient manner and identical in their capacity to represent the world, so that translation between languages becomes a mere question of finding appropriate semantic equivalences between the two languages (Gramling 2016, Park to appear). Such a view ignores the incommensurabilities which must exist between languages due to the varying historical, material, and social conditions that give rise to linguistic difference in the first place, but in exchange allows us to conceptualize a modern world where commodities can circulate with ease across ethnolinguistic boundaries with minimal effort. In this perspective, then, fansubbers are imagined to be much like many other modern agents of translation and reproduction whose work was supposed to produce a transparent record of an original discourse without interference from cultural or social conditions—for instance, Japanese stenographers of the late 19th and early 20th century, whose work was meant to carry out, through the new technology of stenography, the modern labor of “reproduction and repetition” (Inoue 2011:181): that is, transposition of legislators’ speech in the Diet to writing, without modulation of meaning due to interference from the stenographer’s materially embodied realities.

However, it is also important to note that such ideology of language erases the fact that “translations, like other forms of reported speech, are never simply repetitions” (Gal 2015:231), always leaving traces of the bodies that produced them. Inoue notes, for instance, since stenography is always carried out through the hands, ears, and eyes of the stenographer, contrary to the expectation that stenography would enable a transparent record of political process, the material body of the stenographer still mattered, and translating the stenographic record into ordinary writing heavily depended on the stenographer’s own memory and interpretation of the speech event (2011:188-189). In this case, such materially and socially grounded nature of stenographic work shows how the ideology of language as transparent medium works to obscure such bodily traces of the stenographer so as to construct the technological institution of stenography, and the political discourse it represented, as autonomous, thus objective and authoritative.

Similarly, copyright’s presupposition that fansubbers are engaged in the production of an isolable product is constantly challenged by popular imaginations of fansub work that circulate
in Korean society. For instance, one recurrent aspect of how fansubbers are depicted in the data is an emphasis on affectivity. The notion of affectivity has been used in previous research to capture how non-professional subtitlers may move beyond the representational functions of subtitles to adopt creative styling of subtitles that performatively engage with viewers’ subjectivity (Pérez-González 2012). But here I use the term to refer not so much to the forms of subtitles but to the way in which fansub work itself comes to be imbued with affective meaning. For instance, media reports on fansubbers in the wake of the incident often spent much space depicting the huge amount of time and effort that fansubbers invest in their work without any financial reward. Such descriptions do not function merely as factual accounts about fansubbing, but as a way of indexicalizing the strong sense of devotion, commitment, and service with which fansubbers engage in their work, thereby establishing a particular figure of personhood (Agha 2007) that the reader is invited to affectively align with. And this serves as a powerful way for shaping people’s understanding of fansubbers and fansubbing, given the role of affect in the constitution of subjects (Ahmed 2014, McElhinney 2010, Richard and Rudnyckyj 2009).

For example, one news report covering the subtitle crisis by *Hanguk Gyeongje*, a major Korean daily financial newspaper, published on 5 July 2014, is titled ‘Office worker by day, subtitler by night (*najeneun jikjangin ... bameneun jamakleo*)’, which foregrounds the fact that fansubbers devote their precious time after a full day of work to create the subtitles. The article opens with a depiction of the speed at which new fansubs appear: within 1-2 hours of the US broadcast of a new episode of 24, the video file for the show starts to circulate on P2P sites, and within 24 hours, a Korean subtitle becomes available—for which the fansubber apologizes for “being late”. The article then describes how fansubbers “work on their main profession during the day as office workers or students, and make subtitles at night or over the weekend”, introducing as an example a 21-year old subtitler named Yoon, who works as a government employee during the day, and creates subtitles after work or on weekends. “For a drama series or difficult translations, 2-4 people might form a ‘subtitling team’ to share the work,” the article continues, “but most people work by themselves, as it is not easy to find another subtitler with shared interest”. The amount of work involved in subtitling is emphasized by noting that “it takes 4-6 hours to create a subtitle for a 60 minute video. For content that is difficult or requires special editing, it can even take about 20 hours.”

Such descriptions conjure a particular figure of personhood attributed to the fansubber, which is constituted through various indexicals of affect and morality: fansubbers are full-time working adults with respectable jobs (as opposed to jobless, idling youths), spending their limited free time without any financial reward to create subtitles for the enjoyment of others; they work long hours and frequently in a rush, and often all by themselves, alone without help from others; and they do all this with a strong sense of responsibility to the fan community they serve (to the extent that they are compelled to apologize when they are “late” in their delivery). In other words, the figure of personhood foregrounds the affectivity of fansub work — the emotional struggle of isolating oneself in lonely, long, difficult work of audiovisual translation, the moral rectitude of not caring for economic benefits, and the sense of devotion and commitment to others. Through this figure, readers are expected to sympathize with the fansubber, as they are let in on the inner feelings and moral motivations of the fansubber, seeing fansub work as deeply

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entangled in the fansubber’s desire and effort to communicate with others in the fan community.

This figure of personhood emerged not only in reports on fansubbing that appeared in the wake of the subtitle crisis, but was common in depictions of fansubbers prior to the incident as well, which suggests that this is an important element of the imagination of fansub work in Korean society. For instance, an independent documentary titled ‘Protect the Dark Knight (dakeu naiteujeul jikyeojyo)’, released in 2008, interviews several fansubbers working on various genres including Japanese anime and Indian film, presenting them as hard-working heros who struggle between the desire to share their love of the genre with others and the supposed illegality of their work that forces them to stay in the shadows — a precarious position the producers of the film liken to that of the titular ‘Dark Knight’. A more striking example might be a post on the online fan community site Cineast on 2 January 2007, which announced the death of a fansubber. The fansubber, who succumbed to a chronic illness, was a man in his late 40s, an employee of a foreign company who had worked in many different countries, and the post revealed that until the very moment of his death, he was working on subtitles for foreign films such as Babel and Beyond Silence. The post received nearly 300 replies, all mourning the fansubber’s death, and many of them highlighting the long, lonely struggle that he must have endured as he continued to work on subtitles during his final battle with illness. The following are some examples:

He must have fought to complete his work, to keep his promise, even as he was struggling with his illness. A promise to those he has never met, a struggle with his own self… How many of us can be sure that we would do the same in the same situation? (username: gangadin)

I have always enjoyed good, hard-to-find movies with subtitles thanks to such people who work hard in the shadows. It is so beautiful that he worked so hard until the very end with his illness. (username: ijonghun)

Like a beautiful flower that blooms at a place where no one comes to appreciate it, he lived a quiet, but beautiful life. (username: jeonimaen)

While the quasi-religious tone of some of these comments by fan community members is unsurprising given the context of mourning a person’s death, the point I wish to make with these examples is the extent to which people’s imagination of fansub work is shaped by the figure of the lone, devoted, hard-working fansubber. To be sure, it is probably not the case that this figure of personhood fully represents the varying realities of fansubbing in Korea. For instance, while many fansubbers do work alone, there are also many fansubbers well known for working in teams; also, the more lively, geeky image of youthful fans playfully engaging in participation online and offline, an image that is widely discussed in research on fansubbing (Itō et al 2010), is not irrelevant to Korean fansub culture, either. But I argue such ideological imaginations of fansub work are important because they foreground the material, embodied, and socially embedded nature of communicative action—which is what that the ideology of language as transparent medium endorsed by the logic of copyright attempts to erase.

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10 http://cineaste.co.kr/bbs/board.php?bo_table=m_notice&wr_id=2445
It is important to note that, despite their criticism of the media companies’ copyright claims, those voices of criticism did not reject the notion of ownership itself. For instance, I found no claims in the data that argued that the media companies did not have ownership of the mideu texts and that the texts should be shared by anyone freely as a public good. In fact, fansubbers themselves do not renounce claims of ownership over subtitles they create, even though they distribute their subtitles for free. For example, it is common practice for fansubbers to insert their online IDs in the subtitles they made, clearly asserting themselves as the creator; and despite the fact that many fansubbers allow their subtitles to be further modified or edited by others, they may respond strongly when someone uses the subtitles for commercial purposes. It would indeed be reasonable to argue that the gift-like characteristics of fansubs does not mean they are free from the logic of exchange (Appadurai 1986), as fansubbers who give away high-quality subtitles for free may in return gather significant fame and respect within the fan community, making this, in a sense, an instance of “keeping-while-giving” (Weiner 1992). But the notion of ownership implied by the figure of the devoted fansubber can be seen as fundamentally different from that dictated by the regime of copyright. In this understanding, the fansubber does not simply “own” the subtitle she created in a much more concrete sense (through the vivid image of strenuous work that is indexed by the figure of personhood)—more importantly, the sense of devotion and commitment foregrounded through the affectivity and morality of the fansubber figure posits a notion of ownership that is understood not in terms of exclusivity (like that presumed by intellectual property), but in terms of embodied social relations between the fansubber and her audience, which takes sharing as its very premise.

For this reason, I suggest that the figure of the devoted fansubber does more than humanize fansubbers. By drawing Koreans’ attention to the bodily, materially, and socially embedded nature of the communicative work that fansubbers do, the figure of personhood works to reinstate what is ideologically erased by the logic of intellectual property. The ideology of language as transparent medium of communication, as endorsed by the regime of copyright, obscures traces of the fansubber’s embodied social relations with others, which is, as highlighted by the figure of the devoted fansubber, the very essence of the communicative work of translation that the fansubber carries out. And as we noted above, it is imperative that such traces be wiped out, so that fansubs may be understood instead as decontextualized, competing products that disrupt exchange in the market due to their free, unauthorized nature. But Koreans’ talk and imagination of fansubbers keep bringing back the affectivity and morality inherent in the fansubbers’ communicative work, implicitly problematizing the ideological work that strives to deny the nature of language as socially embedded communicative practice. And we may suggest that this is why, despite their general acknowledgement of the media companies’ legal ownership of the audiovisual texts, it was difficult for many commentators to accept that fansubbers should be seen as engaged in a competing economic act that interfered with the media companies’ profit. This shows that the key point of contention in the Korean subtitle crisis—or more precisely, why the incident was so controversial to begin with—had to do with competing ideological conceptions of fansub work. At stake in the Korean subtitle crisis was not simply the fate of the 15 fansubbers and inconveniences of fans who were deprived of subtitles, but fundamental ideologies about language as social action and the hegemonic discourses of intellectual property, locked in the struggle over the Korean digital media market.

Once more, I wish to state that we should be careful to not automatically romanticize fansub
work as a pure form of resistance, an alternative imagination of a copyright free world where true communal sharing of knowledge and creativity prevails. Ideologies of fansub work occur in complex tension with other ideologies; for instance, as noted above, defenders of fansubbers did not necessarily contest the notion of copyright itself, even though it was the legal basis upon which the fansubbers were being sued. Also, the figure of the devoted fansubber, in as much as it shares much affinity with the romantic image of the creative author that serves as the foundation for the notion of copyright (Boyle 1996), probably does not inherently contradict regimes of intellectual property. And more obviously, fansubbing for mideu ultimately centers on consumption of drama serials produced by global media capital and contributes to its market expansion, so we should be wary of depicting it in overly exultant terms.

What I wish to highlight here, instead, is how tensions surrounding fansubbing point to ideologies of language that serve as the foundation for regimes of copyright. Tracing the voices of contestation raised in the course of the Korean subtitle crisis and their underlying ideologies leads us to see how the violence of copyright works by extirpating language from its social embedding, by erasing how language and communication do not exist apart from the material and embodied conditions of our everyday flow of life, including the devotion, desire, and excitement of fansubbers as they engage in their work. The case of fansubbing, then, shows how analysis of competing language ideologies can serve as a basis for our critical understanding of the way regimes of copyright incorporate digital media communication as a new site for profit.

**Conclusion**

Through my discussion of the uneasy place that fansubbing occupies within the regime of intellectual property, I have tried to show how a focus on language ideology offers a useful perspective for approaching digital media communication from a political economic perspective. The prominence of technologically mediated modes of communication not only gives rise to new forms of language use, but also brings new significance to language in the political economy, because of the ways in which they both facilitate and disrupt ongoing shifts in the global economy. The popularity of fansubbing is simultaneously nurtured by and contributes to the growth of global media markets, but also introduces new contradictions into the regime of intellectual property, which serves as the ideological and legal basis for global media capital’s extraction of profit from markets around the world. In this context, ideologies of language become a key site of tension, and identifying the ideologies that underlie contesting claims about and against copyright can allow us to track how language is mobilized in the formation of new markets and rationalization of profits.

The discussion above shows that the political economy of digital media communication is a site where deep, fundamental questions about the ontology of language play a surprisingly crucial role. When, and how, does a communicative act come to be reframed as an isolable product, a text, a thing, so that it may be claimed as a property, and rights to sell it as a commodity can be declared? This question ultimately ties back to age-old problems raised by political economic critiques of capitalism—e.g. Can humans, nature, and social relations be treated as if they are commodities? What dire consequences would this lead to? (Polanyi 1944)—but the context of digital media communication makes this question particularly prominent for linguistics. New
technologies that accelerate textual production, reproduction, and circulation; deep penetration of social media into our everyday lives; and the consolidation of daily communicative activities into “big data”—as all of these phenomena receive increasingly intense attention as powerful sites for profit, they ultimately ask us to confront the question, “What is language?” I therefore argue that the political economy of digital media communication is not a site that should be overlooked by scholars of the sociolinguistics of globalization.

A focus on the political economy of digital media through the lens of language ideology can also provide us with an opportunity to step back from the tendency in sociolinguistic research where digital media communication is approached with a celebratory stance. As noted above, previous research has overwhelmingly centered on new, creative, hybrid, and transgressive forms of linguistic expression, and therefore tended to consider online digital spaces as a site of freedom and liberation that transcend the hegemonic restrictions of standard language and the nation-state. While fansubbing itself has been widely viewed as an example of such participatory and subversive practice, the discussion presented above shows a more complex picture, where digital media communication exists in uneasy tension with the capitalist market, simultaneously facilitating its expansion and disrupting its order. Precisely because of this tension between the underlying ideologies of language that buttresses regimes of intellectual property, it becomes important for us to look beyond the affordances of digital media in terms of translingual, hybrid, and creative linguistic form, to extend our investigations towards language ideologies as a constitutive element in the political economy.

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