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Progress against the law

Anime and fandom, with the key to the globalization of culture

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ABSTRACT The medium of Japanese animation is a powerhouse in the world of alternative entertainment. Proselytization by fans ignited the anime movement in America, despite Japanese copyright holders' abandonment of the American market. This historical and cultural analysis demonstrates that fans' continual infringement of copyright between 1976 and 1993 spurred the progress of commerce and the arts. Introducing the concept of cultural sinks, this analysis explains these phenomena in terms of demand formation, the role of commons and the causational links between the fans, artists, rights holders and markets that characterize the globalization of culture.

KEYWORDS commons · copyright · fan cultures · fansub · intellectual property · Japan · Japanese animation · piracy · US

Introduction

Growth in a media industry? While mainstream American industries shut down their domestic animation facilities (FOXNews.com, 2004), complain about lagging sales (*San Francisco Chronicle*, 2003) and propose legal interventions to protect their content (Dean, 2004), interest in and consumption of Japanese animation have increased exponentially across the world in the last 10 years. Total sales of anime and related character goods rose to

¥2 trillion (US$18 billion) (JETRO, 2004), exceeding Japan's steel exports (Ishiguro, 2004). In his speech to open the Diet, Prime Minister Junichiro Koizumi cited *Spirited Away* as an example of the vivacity of the Japanese people, leading to the claim that anime are 'the savior[s] of Japanese culture' (Mainichi Interactive, 2003). How did anime, once regarded as a product produced for and consumed by Japanese children, become such a powerhouse in the global media market?

The answer lies in the international pull, not push, of anime to other nations' shores through the energies of enthusiastic fans. Jenkins refers to such fans as early 'pop cosmopolitans', who seek 'to escape the gravitational pull of their local communities in order to enter a broader sphere of cultural experience' (2004: 117). However, the early pop cosmopolitans in anime fandom did not merely seek escape. Fans used the introduction of the video cassette recorder (VCR) to share raw untranslated anime with others, as a slew of fantastic imagery and incomprehensible language bombarded audiences at the back of science fiction conventions. The birth of fan distribution followed, releasing anime shows upon a vast underground network of fans throughout the country. By 1990, fans started to 'fansub', or to translate and subtitle anime videos. Many fans started anime companies, becoming the industry leaders of today.

Anime fan distribution networks (networks of Japanese animation fans who imported and distributed videos across a vast underground international networks from 1976–93[1]) represented what I deem 'proselytization commons', or spaces where media and ideas could be freely exchanged to advance a directed cause. Through these networks, many spread the knowledge of and enthusiasm for Japanese animation to their American counterparts, years before the widespread adoption of the internet. This dissemination mounts additional evidence against the theories of American cultural and media imperialism (Tomlinson, 1991), which, as Jenkins explains, in their classic forms describe how 'Western economic dominance of global entertainment both expresses and extends America's status as a superpower, [ascribing] almost no agency to the receiving culture' (2004: 118).

Current discourses against cultural imperialism have tended to focus on the decodings of the receiving culture, describing, for example, the style tribes of Harajuku in Tokyo, the subcultures of Indian diasporas or the functions of African American cultural capital among American upper middle-class whites (Roberts, 2001). In the case of anime, Americans from many backgrounds 'pulled' Japanese cultural products to America en masse without official coercion or support by Japanese industry, even as classic theories of cultural imperialism were being articulated from the perspective of the ivory tower. Fan distribution acted as a prerequisite good/service combination to widespread commercial exploitation and, quite against the restrictions of copyright, fan distribution of anime flourished for two decades to catalyze a nascent domestic industry and to impel the progress of the arts.

What is needed, therefore, is a theory that encompasses recent discourses about media convergence while emphasizing the pull of the destination cultures and the corporate and grassroots human agencies that attract or repel media texts towards or away from those cultures. Based on original interviews and primary sources, I determine that fan distribution between 1976 and 1993 functioned economically as a *prerequisite good* to licensed materials and that fan distribution constituted the *demand formation* phase necessary, but ancillary, to capitalist activity. I closely examine the changing nature of anime as a generic cluster in America and their intersection with and resistance against mainstream notions of animation and cartoons. Before concluding, I will demonstrate how the globalization of culture works in the balance between producers and consumers or, rather, between those who produce and those who are destined to transform and produce later.

On animation and the cultural sink

Although animation is a medium, animation in America has served as a site of generic clustering and, thus, has functioned among American audiences like a genre. In his recent book *Genre and Television*, Jason Mittell demonstrates that cultural forces and economic pressures transformed the generic discourse around American animation throughout the middle of the 20th century.

American cartoons, originally conceived as relatively sophisticated narratives for all audiences during the studio system of the 1930s and the 1940s, became cheap television retreads after the collapse of that system in the 1950s. Shows like *Tom and Jerry* were 'sanitized' to remove their politically incorrect content, reducing them to repeated action scenes with fits of unresolved violence. New studios like Hanna-Barbera created new animation to fill the void using limited animation techniques on account of their shoestring budgets. Cartoons became ensconced in what James Snead calls a 'rhetoric of harmlessness' (cited in Mittell, 2004: 70). Networks decided to move the genre to Saturday morning because there were more children in proportion to the total viewership, thus providing food and toy sponsors with more value for their bottom dollar. They filed the whole genre under a 'kid-only' label that alienated adult viewers and prompted a spate of derivative superhero works and strong censorship rulings throughout the late 1960s and 1970s, the latter motivated by parental groups and moral organizations. As I will show, these American developments created what I call a 'cultural sink' that the fan culture would characterize and exploit in the aftermath of its forming.

A cultural sink is a void that forms in a culture as a result of intracultural or transcultural flows. Like physical black holes, cultural sinks have a

tendency to attract foreign objects. Furthermore, they are difficult to detect without measuring their relative effects – their pull – on media texts, on the real and virtual sites on which those effects surface and on the discursive clouds surrounding the nuclei of the recentered texts. Cultural sinks are inherently characterized as loci of intense generic debate around the shifting meanings and modalities that they attract to themselves.

Lest one take the gravitational analogy too far, cultural sinks are human phenomena. Humans and human institutions instigate, observe, interact with and fill them. To understand a cultural sink, one must examine the roles and motivations of the human agents involved, in addition to the rhetoric that they eventually employ.

Cultural sinks encapsulate the economics of cultural appeal. If a cultural sink sounds suspiciously like an emerging business opportunity, it is meant to sound like one in capitalist economies. This opportunity can transform a once avant-garde subculture into a mainstream staple industry, like 'alternative' rock or 'extreme' sports.

However, a cultural sink is not an emerging business opportunity, nor does it guarantee amalgamated or homogenized output. Rather, a cultural sink corresponds to the early stages of demand formation before centralized suppliers organize themselves. Indeed, cultural sinks may form in response to deliberate changes in the culture's fabric as directed by larger business interests, who, on account of their interpretive tactics, find themselves woefully unprepared for the taste culture that they helped to establish through their abandonment of it. Alternatively, a sink may form as a result of enterprising individuals who want to 'stir up trouble', transposing objects from another culture or subculture and transforming them through discourse or action into objects of greater value. In the anime case, the cultural sink formed due to a dearth of sophisticated adult animated programing in America after a promulgated rearticulation of the cartoon genre in the 1960s.

The history and the theory: on anime

The Japanese term *anime* is an apocopation of *animēshon*, which is transliterated from English. In Japanese, both terms denote all types of animation. In English, anime refers to Japanese animation; the term is used for both the singular and the plural.

In 1963, famed manga artist and animator Osamu Tezuka released *Tetsuwan Atomu* (*Astro Boy* in the US, also 1963), winning the hearts of millions of youth. To maintain the balance sheet at Mushi Productions, Tezuka pioneered Japanese limited animation of a kind even worse than Hanna-Barbera's. However, as the target of American cartoon programing shifted to 'tasteless moppets' (Mittell, 2004), Tezuka retained his

characteristically sophisticated, heart-wrenching and occasionally erotic narratives (see *Cleopatra*, 1970), inspiring a future generation of artists to enter the field.

Japanese animation entered the US before 1975, but with varying degrees of adaptation. American production companies typically removed un-American speech as well as all but the most scant of references to the original Japanese production teams. Fred Ladd, who produced the American versions of *Astro Boy* (1963; airing primetime on NBC in the same era as *The Flintstones* and *The Jetsons*), *Gigantor* (1965), *Kimba the White Lion* (1965) and *Speed Racer* (1967), was notorious for changing names and editing plotlines.

There is little doubt that Ladd contributed towards the shortlived success of Japanese animation in the 1960s. Nevertheless, pressure to sanitize American children's television in the 1970s paralleled dramatic advances in violence and sexual content in Japanese animation, for example, with Go Nagai's *Devilman* (1972). Noboru Ishiguro, the director of *Space Battleship Yamato*, wrote in 1997: 'There are strict rules against [American animated] violence . . . Japanese television, which does not have (and, in fact, has never had) these sorts of restrictions, has traditionally provided much more room to develop various sorts of expression' (Ledoux and Ranney, 1997: vii). As Ladd points out, 'You couldn't give away a Japanese-made series here [by the 1970s]' (Deneroff, 1996).

A few Japanese cartoons did make it over to the US and are worth noting. *Gatchaman* (as *Battle of the Planets*, later *G-Force*) was brought over in 1978. The former production was significantly sterilized (or 'deodorized'; see Iwabuchi, 2002). Seeing a huge return in the wake of *Star Wars*, game show producer Sandy Frank bought the rights to the sci-fi show and hired Hanna-Barbera veterans Jameson Brewer and Alan Dinehart III to adapt the scripts. They edited out many of the violent parts, added an R2D2-like character named 7-Zark-7, canned 20 original episodes and retooled the narrative so that the five bird-costumed heroes traveled around in their 'spaceship' and landed on distant planets, which happened to look suspiciously like Paris or Moscow (*Gatchaman* originally took place on Earth). Slightly more popular anime include *Space Battleship Yamato/Star Blazers* (1978) and *Voltron* (1981; Ledoux and Ranney, 1997: 176).

First fandom: Japanese enter and abandon the market

Post-*Astro Boy* anime penetration spread through the US within three months of the release of the first VCRs in November 1975. By March 1976, Japanese community TV stations in the US started running subtitled giant robot cartoons, such as *Getter Robo*. These stations had been running

Japanese cartoons beforehand, but their previous broadcasts were aimed at very young children.

Fred Patten, founder of the first anime club in the US, described his experience to me in detail. During one of the weekly meetings at the Los Angeles Science Fiction Society (LASFS) in July 1975 (Ledoux and Ranney, 1997: 176), Patten met an early adopter of Sony's Betamax technology who showed him some Japanese animation that he recorded off the air. In 1977, a small group of fans, Patten included, decided that they liked the Japanese cartoons so much that they should found a separate club so that they could watch them on a regular basis without persecution from SF fans. In May 1977, these 16 fans started the Cartoon/Fantasy Organization (C/FO) (Ledoux and Ranney, 1997: 176).

In November 1977, fans from the C/FO in LA started corresponding with other Japanese animation fans and clubs. In America they found out that Japanese cartoons differed from city to city, so they started trading tapes back and forth. Many LASFS members maintained pen pal relationships with other science fiction fans around the world, including Japan. As a result, fans began to trade videos with Japanese fans who wanted *Star Trek* and *Battlestar Galactica*. By 1979, fans and clubs, who had recently established an independent identity from the science fiction movement, began using the term 'anime'.

At this time, Patten and the C/FO became involved with several Japanese animation studios, Toei Animation, Tokyo Movie Shinsha (TMS) and Tatsunoko Pro, to help them promote their program materials in America. However, the Japanese were unsuccessful in accessing the American market because the barriers to entry through their targeted channels were too high.

In 1978, Toei Animation established its first regular office in North Hollywood. Toei launched its office to try to promote its animation in the West, after nearly a decade of inactivity. Representatives recruited Patten and the C/FO for help at Comic-Con 1980. That same year, Patten received TMS's print of *Lupin III: Castle of Cagliostro* for Noreascon II to gauge fan reactions. Patten recalled that Jun Hirabayashi of TMS said that 'it was highly unusual for a company representative to be dealing so informally with fans on a business level, and that in Japan, company representatives would never associate with fans except for planned publicity events at which the fans would simply be an audience' (Patten, email, 1 October 2004).

Kōki Narushima (2004), a Tatsunoko executive, made frequent business trips to Hollywood during this period. Narushima gave Patten videotapes of Tatsunoko's programing to unofficially show to any Hollywood executives whom Patten might meet, but never as a TMS official (Patten, email, 1 October 2004).

On the topic of licensing fan screenings and tape reproductions, Patten specifically recalls that the representatives explained their position:

> The reasons involved protections of copyrights; the impracticality of studios in Japan giving written permission to informal American fan groups to show their animation; the risk of losing the opportunity to sell their programs to American syndicated TV markets if the American TV representatives felt that there were already too many bootleg video copies in circulation; and other cavils of this nature. (Patten, email, 1 October 2004)

At this point, it was becoming increasingly clear to *some* Japanese creators that there was a growing overlooked market in America. Tezuka, who visited C/FO in 1978 by invitation (Ledoux and Ranney, 1997: 176), made another appearance at Comic-Con 1980 with other cartoonists in tow, urging them to discover how many fans they had in America.

Nevertheless, the Japanese studios finally realized in 1982 that they were not going to succeed in the American market after a failed attempt by Toei to attract attention from American movie studios, using C/FO members as recruiters to a test screening. Disappointed, Toei representatives severed their informal ties with the C/FO, closed their American offices and returned to Japan.

Responses to copyright

When someone wishes to use a copyrighted work in a manner secured by US Copyright Law (2003), a rights holder may take several legal and non-legal courses of action. There are three non-legal options that a copyright holder can pursue; these options are unacknowledged responses. In these responses, the rights holder disavows any knowledge of or contact with the requestor, and the requestor is left with an ambiguous (that is, an un-acknowledged) response. These responses take into account the motivation of the requestor.

The first response is *uninformed ignorance*: the rights holder has no idea what is going on. Perhaps the infringer has not come to the holder's attention or perhaps the holder has no reason to suspect that the property has been released outside of the nation's borders.

The second response is *deliberate* or *strategic ignorance*. In this model, a rights holder does not wish to authorize the use because authorizing that use might jeopardize the holder's position. In contrast, not authorizing the use allows the requestor to bear the risk of the use. If the requestor's actions ultimately benefit the rights holder, then the holder can reap those benefits. If, however, the requestor fails, the holder may disavow any relationship with the user or may sue the user for damages.

The third response, which shall prove critical later in this study, is *dismissive ignorance*. Despite a small flow of information regarding the use, the holder chooses to ignore the use, not because of a hope that 'inertia' will

take its course, but because of the holder's perception that responding to the request would only waste company time. In other words, the requestor is a lost cause.

The Japanese representatives in America responded in strategic ignorance: they did not acknowledge those uses because they were targeting major television syndicates; involvement with fans could have jeopardized their positions. Furthermore, the Japanese head offices frowned upon direct involvement with fandom other than to use it as a gauge of their film's success for their predetermined purposes.

Thus, while the representatives in America responded strategically, the Japanese head offices remained uninformed. I conclude, therefore, that for these reasons and reasons that follow from the next decade, the Japanese saw failure written all over the American market, turning their uninformed ignorance to dismissive ignorance.

Frederick L. Schodt published his seminal work *Manga! Manga! The World of Japanese Comics* in 1983, documenting for the first time in English the vitality and ubiquity of manga in Japan (see Schodt, 2003). In it, Tezuka wrote:

> [Animation has become] Japan's supreme goodwill ambassador, not just in the West but in the Middle East and Africa, in South America, in Southeast Asia, and even in China. The entry port is almost always TV. In France the children love watching *Goldorak*. *Doraemon* is a huge hit in Southeast Asia and Hong Kong. Chinese youngsters all sing the theme to *Astro Boy*. (Schodt, 1983: 10)

As Tezuka wrote 'almost always TV', a very different 'entry port' was emerging in the West: the networks of organized anime fandom.

After the Japanese companies backed out of the American market in 1982, there were no moral or legal forces to discourage fans from copying and distributing tapes among themselves. The visual quality of tapes started deteriorating as more fans developed in America because fans started making multigeneration copies of the videos. Many fans also experienced ideological conflicts as the fandom grew between the early 1980s through the early 1990s. Patten reports, for example:

> I got into some pretty bitter arguments with some fans in the early 80s [within the C/FO] that thought we should not try to promote Japanese anime, that we ought to keep it a small select group, you know – neat stuff that only we were aware of. I have always disputed it. (interview, 25 November 2003)

An overwhelming majority of fans, however, felt that anime should expand to more segments of the American public, even if that meant a radical change in the constitution of the fandom.

Closed from above ground, open from below

Attempts by the fans to convince the 1980s video and movie industries to release Japanese animation were consistently turned down flat, reports Patten. The only exceptions were a small handful of B-grade movie companies that would buy Japanese cartoons with the express intent of carving them up into 'kiddy' cartoon movies.

Perhaps the most notorious example of rewriting is the revisionist *Warriors of the Wind* (1986), based upon Hayao Miyazaki's *Nausicaä of the Valley of the Wind* (1984). New World Pictures cut half an hour, curtailed expenses wherever possible, changed most character names and retrofitted the post-apocalyptic fantasy into an 'action' flick. Both Hayao Miyazaki and Isao Takahata were appalled. In 1992, Takahata said of the edited version: 'It is absolutely horrible! They did an enormous and aberrant censorship. . . . It was a great error of Studio Ghibli. . . . Censoring them is worse than betraying them' (Littardi, 1992; McCarthy, 1999: 78–9). Despite New World Pictures's poor handling of *Nausicaä*, fans were inspired by Miyazaki's original. Copied videos of the original *Nausicaä* had come over to America and were quickly disseminated throughout the fanbase.

Anime made at least one faithful – and markedly successful – foray into the commercial sector in the mid-1980s: Carl Macek and Harmony Gold's *Robotech* production. Macek created a pivotal 'wave' of anime fans, yet he was no more than a pop cosmopolitan who relied extensively on the fan network that developed for ideas on how to bring more anime to America.

The C/FO reached its zenith between 1985 and 1989, with over three dozen chapters throughout America. The C/FO had established a massive official system for the distribution of untranslated tapes among its member chapters. In 1985, many fans acquired anime for the C/FO through little 'mom and pop' video stores that sold or rented original Japanese videos, much to the bewilderment of the Japanese owners.[2] The C/FO even maintained C/FO Rising Sun, a chapter on a military base in Japan.

James Renault[3] of C/FO Rising Sun became involved with anime growing up overseas, a true pop cosmopolitan and a member of the American military diaspora. Throughout the 1960s and 1970s, his family was stationed at Tachikawa airbase, and later Misawa airbase, in northern Japan. He developed relationships with Japanese pen pals, to whom he would send tapes of American programing after his family became one of the first families to own a Betamax on the airbase. He developed a ritual gift exchange to build his subcultural capital. Later, many of his friends would enter the anime industry. He went to America for high school and college, entered the military in 1986, returned to Misawa and joined C/FO Rising Sun.

Led by Renault, C/FO Rising Sun applied American military distribution

techniques to their operations, allowing them to copy over 40 tapes per week. Tapes sent by military personnel were sent via military carriers, not by international mail. When Renault worked with the fansubbing group Teiboku Fansubs in 1993,[4] he again applied his logistics knowledge to Teiboku's distribution practices.

The tapes were essentially the only unadulterated anime available in America. Reported Renault:

> We weren't all that particularly interested in watching [those dubbed shows], but we wanted to see what the original looked like. . . . Back then, the motivation was just to get anime to the masses, and to that end, we spent a lot of money and postage! (interview, 3 December 2003)

Despite the well-developed network, a dichotomy emerged among the small anime fanbase in the mid-1980s. C/FO controlled distribution and, therefore, access to anime became a matter of who one knew. Martin Roberts points out how participants in subcultures run on subcultural capital as markers of social prestige, yet this 'secret' knowledge quickly devalues as the mainstream devours it (Roberts, 2001).

In terms of the theorist Yochai Benkler (InfoAnarchy, 2003), the physical layer (the postal system) operated as a commons for many types of media, but both US law and the logical layer (towards the late 1980s, the C/FO) restricted access to the physical layer's contents. The logical layer operated under control and the content layer (anime) operated as a commons directed towards a particular cause: to get more anime to the masses. I dub the anime network that existed during the 1980s a 'closed proselytization commons'. Like Lawrence Lessig's characterization of the early internet as an innovation commons (2002a), the proselytization commons offered a world of creativity – a world of difference – to those who had access to it.

This commons of anime distribution, however, existed several years before the widespread adoption of the internet. In practice, the commons of the mid-1980s was closed; it did not embrace the end-to-end principle of provider neutrality (see Lessig, 2002b; Saltzer and Kaashoek, 2004). The C/FO built a model of control into the commons, assuming that it controlled access to the largest flows of anime throughout the US. This arrogance proved to be its downfall, leaving the next generation to the construction of a new open proselytization commons.

Reverse imperialism and proselytization commons

The very first known fansub, or fan-subtitled video, was a third-generation copy of a fourth- or fifth-generation copy of *Lupin III* sent to C/FO Rising Sun by the late Roy Black of C/FO Virginia in Blacksburg. The washed-out tape represented the first faltering steps of a revolutionary leap: for the first

time, a fan could watch an episode and fully understand what was going on. However, the *Lupin III* fansub turned out to be an anomaly. In 1986, the technology to fansub cost over $4000 and the time commitment to produce a fansub stretched over 100 hours.

In 1988, the C/FO began to wane. Established chapters refused to trade or communicate with one another. If a group had a larger membership or an item of value, the group would withhold items from another group to get something else that they wanted. After a while, many of the chapters fell into classic resource deadlock (see Saltzer and Kaashoek, 2004).

In 1989, a power struggle ensued at the very top of the C/FO when Patten felt that he should step down so that the organization and anime could move to the next level. Many accused Patten of disloyalty because he began to write articles for general magazines. Patten reasoned that if the purpose of his fan involvement was to proselytize anime and make them better known in America, it would certainly be advantageous to publish his work in a popular culture magazine instead of a club zine. The high priest of the closed proselytization commons recognized the value of an open one, but the custodians of the closed commons branded him a free-thinking traitor.

Patten stepped down amidst the fury, but he did not set up a clear line of succession. After much infighting, most of the chapters seceded from the C/FO, which ceased to exist as a conglomerate organization in July 1989 (Tatsugawa, 1993b). In 1990, the C/FO would be referred to as 'the Collapsing Fan Organization' in infamy of its tortuous demise (Pinzone, 1990).

Right after the C/FO cratered, technology changed and subtitled anime became accessible to the public. While new anime companies also started around this time, these companies were equally dependent upon the fanbase and fansubs as they were on the rapidly declining price of technology.

The earliest subtitled widely distributed release seems to be the first two episodes of *Ranma 1/2*, fansubbed under the Ranma Project which started at BayCon in San Jose, California in May 1989 (rec.arts.anime, 1990).[5] The Ranma Project consisted of three ethnically diverse members: one was responsible for translation, one was responsible for English composition, and one, a broadcasting graduate, was responsible for the actual subtitling and character generation.[6] The project lasted through January 1992, at which point the subtitler and chief ended operations for personal reasons (rec.arts.anime, 1992).

I found additional evidence of Japanese inaction in the Ranma Project's charter post as well as a kernel of thought developed throughout the fansubbing movement:

> Also, are the subtitled episodes mentioned available anywhere???
>
> No. This is where the problems [come] in.

> Since we do not have the official rights to do any of these, we really cannot 'sell' these on the open market. I have given a number of copies away, with my blessing to the [recipients] to copy the hell out of it, but this is a *very* gray area. I fully expect to either be told to stop by Kitty Films (which I would) or be sued the s$!t out of, which would only make potential audiences over here [very] mad.
>
> The reality just may be that they just don't care, period. A well-known comic book writer who's spent a lot of time in Japan (come on . . . you should know who this is . . .) said that when he met with some executives in a couple of studios and let them know the 'piracy' situation [that's] going on here, they said they didn't care what went on over here. (rec.arts.anime, 1990)

The rise of fansubbing and the rise of the anime industry paralleled the shift of the fandom to large college-age and graduate student populations. New college anime clubs supported their anime interest. Owing in part to the demographic shift and the rise of many anime-related activities in the San Francisco Bay area, internet (particularly usenet) usage rose dramatically among anime fans. These activities also paralleled post-Cold War globalization. There were many important world events happening all at one time and few realized exactly what was going on in the world, let alone what was going on with this fandom: the pull of culture into a politically dominant America, 'reverse imperialism', in the absence of mature animated programing.

US entertainment executives, and increasingly Japanese anime industry analysts, enjoy saying, 'trade follows the films' (Animation World Network, 2004). But what do the films follow? I argue that media texts follow demand for the texts and that demand comes from a public fervent to watch them. As anime fans resisted those assumptions, they formed the method and mouthpiece of their new movement. They formed an *open* proselytization commons into which anyone was welcome.

Conventions and fansubbing

The rise of clubs, industry and fansubbing gave rise to anime conventions, gatherings where fans and newcomers alike could revel in Japanese animation and its related offerings. AnimeCon '91 (San Jose) was well attended by fans old and new, acting as a catalyst for an open anime fandom and its nascent modalities. Mike Tatsugawa, AnimeCon vice-chairman and Cal-Animage club founder, captures this moment in history:

> What fandom is witnessing is truly a rare sight and one that we should all stop and appreciate – the transformation of a medium. . . . Our job several years ago was to expand the Japanese animation fandom base through any

> means possible. Now, our task has changed. There is still a need to get more fans involved in anime, but there are more ways to do it now than at any other point in our short history. Subbing videos was great a few years ago, and in my opinion is still great today, but now we must work with the companies willing to expand into the American market. . . . It's time for animation fans to leave the cradle and start pushing harder than ever before to bring anime into the mainstream. The anime explosion is about to happen. The only question is whether we are willing to accept the results. (Tatsugawa et al., 1991)

There were only a handful of subtitled anime at AnimeCon '91, including the *Ranma 1/2* and *Maison Ikkoku* fansubs (rec.arts.anime, 1991). While evidence suggests that a substantial amount of support came from Toshio Okada, the first president of Gainax and renowned 'Otaking' or 'king of fans' (Ledoux and Ranney, 1997; Takashi, 1991), Japanese companies remained reluctant to support American industry and fandom. The appearance of certain creative figures suggests what Matt Hills has deemed a semiotic solidarity (2002) between fans and professionals who happened to be fans, but a split between the fans and the business interests of the day.

Many fans enjoyed AnimeCon '91, but many more left bewildered because they could not understand the raw Japanese that they were watching. Therefore, Anime Expo '92 staff secured permissions to create and screen subtitles. When Harvey Jackson[7] ran programing for Anime Expo '92, Anime America '93 (San Francisco) and Anime Expo '93 (Los Angeles), he contacted all of the companies and obtained permission to screen subtitled materials.

When convention attendees discovered that local fansub groups had translated many of the convention materials, they all wanted copies. Anime Expo was not in a position to offer copies, but the various fansub groups made it known through word of mouth that they would be more than happy to provide copies to members of anime clubs. Many people subsequently formed clubs just to get access. By 1993, distribution demands 'exploded'.

To understand the repercussions of fansubbing on fandom and the industry, consider the following cases. For Anime Expo '93, Kiotsukete Studios[8] subtitled all six episodes of *Tenchi Muyo!*, all three currently existing episodes of *Ah! My Goddess*, *Ranma 1/2 Movie 2*, two of the *Gundam* movies, *Koko wa Greenwood* and *All-purpose Cultural Cat Girl Nuku Nuku*. American companies licensed many of these titles soon after Anime Expo '93. Every single showing at the convention was well attended and people wanted to see the titles professionally released. Some of these titles were already in discussion, but there were other shows that no one in the industry had any interest in whatsoever that got picked up later.

Whether or not these fansubs actually prompted American companies to license these titles is a matter of hot debate. However, anime companies

during this period plainly licensed titles circulating in the fansub community with far greater frequency than non-fansubbed titles. Given the universe of potential Japanese to choose to license and the still-limited appeal of anime in the American public, I conclude that early anime companies had to rely on the existing fanbase and had to grow that fanbase if they were to turn a profit. That fanbase relied on the circulation of fansubs. The proselytization commons shaped the commercial enterprise, not the other way around.

Anime Expo '93 was also the first instance in which American industry representatives started talking about pre-existing copies eating into profits. Table 1 summarizes the differences between the modalities of fansubs and bootlegs. Fansubbers' stated intent was to spread awareness of Japanese animation. Although they have been accused of merely 'preaching to the converted' (for example, by Carl Macek and Jerry Beck, cited in Chan, 1990), evidence throughout this section suggests that fansubbers successfully introduced the post-*Akira* generation to the diversity that the medium offered. From their earliest days, fansubbers would remove their titles from circulation once they were licensed in the US (Yang, 1992). In all but the earliest fansubs, fansubbers would add subtitles like 'not for sale or rent' and 'stop distribution when licensed' in addition to their fansub group names. They would also encourage fansub viewers to purchase the licensed product once it was made available. William Chow's tapes (1991) went so far as to include these warnings during character dialogue, which some fans reported as annoying.

Bootleggers, however, were only interested in profiting at the industry's expense. Some anime bootleggers existed, under names such as S. Baldric

Table 1 Categories and distinctions between fansubs and bootlegs

	Fansubs	*Bootlegs*
Starting date	1986/1989	1600 (printing presses outside London)
Quality	Medium-to-high	Low-to-perfect
Profit?	Non-profit: Self-sddressed Stamped envelope (SASE); enough money to pay for tapes	Profit
Identifying marks	'Not for sale or rent'	None
Economic intent	Complementary or prerequisite good	Substitute good
Stated intent	'Spread Japanese animation'	'Make a buck'
Distribution	Decoupled	Integrated/only
Licensed?	No	No
'Law-compliance method'	Cease distribution after licensing	Disappear if threatened

and E. Monsoon (rec.arts.anime, 1995), who would bootleg material – even fansubs – in order to sell them at conventions.

Neither fansubbers nor bootleggers, however, had a license for the anime works with which they were dealing. Furthermore, whereas fansubbers always stopped sharing after a title was licensed, distributors acted inconsistently. Certain histories have lumped fansubbers and distributors together as 'tape-traders', a term that simplifies the complexities of the period ('Fans, Fansubs, and JAILED', 2002). Unlike fansubbers, some distributors continued distributing tapes (rec.arts.anime, 1993).

Despite these copyright-infringing activities, it is important to draw a distinction between fansubbers, distributors and clubs with respect to the preparation, propagation and exhibition of tapes. Nevertheless, certain sensibilities prevailed throughout the fansubbing movement. No fansubber made a profit from his/her work, although some fansubbers joined the industry. For others, fansubbing showed the broader industrial and cultural establishments that anime worked. Harvey Jackson summarized his motivation: 'I did it because I wanted to see more people enjoy Japanese animation' (interview, 3 December 2003).

Dismissive ignorance, cultural resistance, fragmented existence

As the earliest evidence from the Ranma Project suggests, many Japanese corporate representatives were peripherally aware of fan subtitling, just as some had been peripherally aware of fan distribution in 1978. They were not aware, however, of the extent that fan distribution played in developing a sustainable growing interest in anime consumption.

Despite the early efforts of the Japanese, Hollywood entertainment establishments like Warner Bros and Disney continually denied them entrance, rewrote and deodorized their scripts or, in one case, plagiarized them (Andersen, 2003). These signals prompted Japanese licensors to summarily reject any notion that the American market would be cracked. Therefore, whenever an American brought the 'piracy' situation to a representative's attention, Japanese licensors responded with dismissive ignorance: they dismissed any possibility that authorizing or prohibiting their use could affect their businesses. They failed to imagine that a growing fan movement would actually constitute a viable market or that such a market would form through the massive circulation of underground tapes.

Dismissive ignorance alone cannot account for the peculiarities of Japanese business practices. As Koki Narushima explained to Fred Patten, Japanese companies would never associate so closely with fans, let alone enter into legal contracts with them. Furthermore, embedded in the logic of Japanese business is an avoidance of venture enterprises or business

transactions on account of their inherent risk, potential for failure and exposure to public scorn. When AnimEigo began operations in 1989 and co-founder Robert Woodhead traveled to Japan to seek licenses, he received a culturally enlightening response from Okada: 'Robert, everyone wants to be the second person to do business with you' (AnimEigo, 2004).

Patricia Gercik, consultant to multinational corporations doing business with Japan, agrees with this analysis:

> We saw the influx of Japanese car manufacturers in the 1980s with their suppliers in tow. Once Honda and Toyota had done it, everyone seemed to follow in the same order and using the same formula. It is always hard to be the first person on the block [but] a personal relationship would make all the difference. (Gercik, 1996; email, 4 October 2004)

Given the difficulty of a fledgling professional anime company in obtaining permissions, the level of ridicule levied against *otaku* fandom in late 1980s Japan and the reserve of the representatives in dealing with Patten a decade prior, anime companies were in no position to consider relations with a foreign underground fandom.

To understand the nature of the economic structure of the animation industry, it is instructive to peer briefly through the lens of Japanese copyright law (JCL), which provides inalienable moral rights for original authors, transferable copyright for owners and neighboring rights for 'makers'. Neighboring rights, such as rights to 'make available', are granted to entities who communicate works to the public, even though these groups do not create works per se.

In practice, JCL motivates several classes of companies to become joint copyright holders: production companies, distribution houses, derivative works companies (such as toymakers) and broadcasters. Production companies take charge of authoring the work. However, subcontractors handle many of the laborious details.

Figure 1 represents the structure of the anime industry, in simplified form, according to a recent report by the Japan External Trade Organization

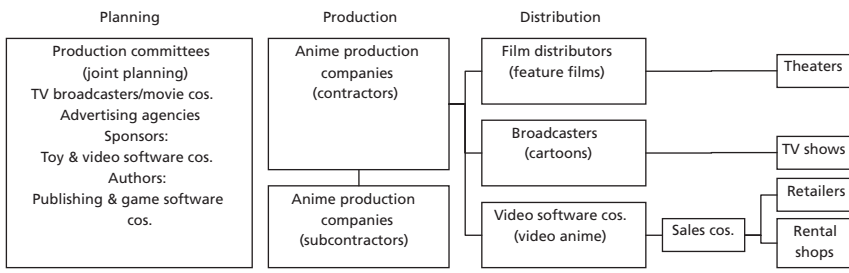

Figure 1 Structure of Japanese anime industry.
Source: JETRO, 2004.

(JETRO). The figure shows the many different companies involved in the value-add chain from planning through distribution. Investors in most cases minimize risk by choosing proven and tested hits. When an original manga or videogame succeeds, the powers that be create a holding company and order an anime for television broadcast and video distribution, then set up an elaborate cross-media campaign to cater to the burgeoning market for character goods.

When I say 'order an anime', I wish to suggest a socioeconomic relation that does not immediately follow from the diagram in Figure 1. Broadcasters and toy manufacturers already have their own established domestic channels through which they distribute content. While an anime company may be a member of the holding committee, it is not the only entity and frequently it is one of the least powerful. The extreme expense of producing anime makes them ipso facto an unprofitable independent venture. With certain exceptions, anime are a cost center, not a profit center. Furthermore, JCL distinctly privileges the *gensaku*, or original author, with the right to control any or all adaptations of his/her work. Broadcasters and videomakers inherently get the rights to 'making available'. A non-originating production company, therefore, is a gear in the media apparatus, acting as a worker-for-hire more than a privileged creator or distributor.

What should broadcasters or videomakers care if the anime production company spies a new venue for their animated product? Think about it: the copyright holders and controllers have no vested interest in understanding external markets if their channel assets are within Japan, much less in developing those external markets in the presence of Japan's policy of *mukokuseki*, or Iwabuchi's deodorization, in the postwar era (Allison, 2002). I do not wish to suggest a conspiracy on the part of Japanese copyright holders or the government, but I do wish to draw attention to the structural factors that hindered acceptance and exploitation of foreign markets.

My discussion of structure should not obscure one fact: anime is the amplifier of the Japanese media-industrial apparatus, the key to the success of subsequent character goods and the most appropriate ambassador, as Tezuka put it, to foreign lands. Yet an amplifier is just a device. What matters is who drives that amplifier and how they craft their message through it.

During 1993, the buck stopped in Japan both literally and metaphorically. AnimEigo's first licensor, for example, was shocked when AnimEigo wrote them a check for additional royalties: the licensor did not expect additional royalties! Noboru Ishiguro had more to say about the acceptance of anime in America:

> Years before *Maison Ikkoku* was on TV in Italy, however, it was being avidly watched and promoted by English-speaking anime fans in [the] US. For that reason alone, I must acknowledge a sense of gratitude, and renew my respect

> for everyone who helped pave the way for the popularity anime enjoys today in America. (Ledoux and Ranney, 1997: vi–vii)

Fans had become activists. *Fans helped pave the way for the popularity anime enjoy today*. Without the fan network, and specifically without fan distribution, anime's success could have never happened.

Growth of American industry

Although fan involvement can be shown in virtually all early industry efforts, I specifically consider the development of two major American importers: AD Vision (now ADV Films) and Pioneer LDC.

John Ledford and Matt Greenfield met while both were working for businesses that rented and sold anime laserdiscs (Anime News Network, 2002). Ledford and Greenfield also ran a Houston-based animation club in 1992, during which, through the fan network, they met with several artists working in the manga industry in Japan, who pointed out that nothing forbade Ledford and Greenfield from going to Japan, licensing titles and bringing them back to America. John Ledford had accumulated some savings and Greenfield had been going to film school. They decided to form AD Vision, after which they went to Japan, talked to studio representatives and convinced them to license AD Vision's first anime, *Devil Hunter Yohko*. AD Vision got its start in the fan network and depended upon it for its initial sales.

Pioneer Animation was the first company with Japanese parentage to enter the American anime industry, announcing its entrance on 21 April 1993 (Tatsugawa, 1993a) with *Tenchi Muyo!* and *Moldiver*. It remains unclear whether the presence and success of *Tenchi Muyo!* fansubs directly motivated Pioneer to enter the market, but Pioneer saw enough profit in the field to justify entering in 1993, thanks, in part, to the fanbase ('Pioneer's Animation Division', 2002). In his second letter to anime fans, David Wallace, marketing manager at Pioneer, wrote:

> Is Pioneer creating this product for the fans or for a larger audience? We are trying to reach the broadest audience for this product. Maybe we are trying too much, but we think we can succeed and satisfy the [anime fans (lit. *hotaku* (*sic*))] and also reach a more general audience. (cited in Stude, 1993)

Wallace's response matches part and parcel with the package of the proselytization commons. Pioneer entered the American anime industry with intent to grow the market, relying on the existing fanbase and its established gospel.

Evaluations: difference and convergence

While producers in the US were capable of producing sophisticated adult animation (*Fritz the Cat*, *Heavy Metal* – well, adult, anyway), other economic, political and social forces suppressed them, resigning animation to a fate similar to that of American comics. Anime 'took their place': anime happened to be more available for viewing than animation in America that was never produced in the first place because the above-ground market and its generic trappings did not support such a formation. If Japan was an unlikely filter, its artists and directors filtered nonetheless, taking some of Japan's culture here, some of America's culture there, with a pinch or two of influence from other countries.[9] They constructed fantastically, originally and hopelessly intertwined messes of global culture in the form of Japanese animation, which is composed of many cultures, even though it appears to be stateless (*mukokuseki*).

Culture 'tried' to re-establish or rebalance itself in the period between the 1970s and 1990s with a net importation, in the underground, of Japanese animation. The cultural sink produced a vacuum and pulled media from another source to fill its void. However, receivers do not have to accept anime 'as a package deal' with the rest of Japanese customs and culture (see Hannerz, 1990: 240); they must only accept the texts themselves.

Cultural sinks, when left unfulfilled by media producers, cause pop cosmopolitans to form proselytization commons. The open proselytization commons resists traditional constructions of subcultural capital: one's capital in a commons is defined by what you share. A 1992 post with the lyrics for 'OTAKUZ4LIFE', based on NWA's 'Niggaz4Life', documents:

> Back when I was young, dubbing meant it stank
> Fuck Sandy Frank – 'cause I deserve a
> Adaptation I can be proud of, and I can speak loud of
> And help anime get out of, yo, the cartoon playground. (Horn, 1992)

Fandom imaged itself as a site of convergence and mediation between Japanese animation and the American public. Fans intended to remix American culture rather than abandon it.

Rewriting McLuhan, the mediator is the message or, rather, the mediators appropriate the amplifier of one industrial apparatus to transform a message: that sophisticated adult-oriented animated programing exists and that it can be for Americans too, even if the amplifier was made in Japan.

Not to overgeneralize, America developed a few cartoons 'beyond children'. *The Simpsons* successfully combined sitcom, animation and parody in the late 1980s, provoking great controversy and critical acclaim for the show. Yet the paradox of what Mittell calls *The Simpsons*' animated realism is that it was an experiment too late: animators in Japan had been practicing their own animated realism for decades, free of any voluntary

ratings system and any expectation that animation was the exclusive province of children.

Responding in dismissive ignorance, Japanese companies abandoned their rights established by US copyright law en masse for over two decades until fans created their own market through systematic violation of Japan's unexploited copyrights. This risk-taking by fans tells much about the pivotal role of a proselytization commons and the power of a cultural sink in the progress of the arts.

International copyright recognition has been instrumental to anime's commercial success for Japan as well as for America. One American anime executive said, 'the most effective argument starts, "pay to the order of"' (Woodhead, interview, 23 November 2003). But as valuable as copyrights have been in the commercialization of anime, they also proved an insurmountable barrier to entry. Without the very real risk that fans took in their love for the medium, anime would be far less popular and profitable today.

Charge

One determines the presence and operation of a cultural sink through its relative effects. Examining cultural phenomena through the lens of a sink privileges an investigation of the pull of the destination culture or population and how that pull interacts with the formation of demand for particular texts, discourses and interpretations. A proselytization commons may be a solution to the sink problem, especially in the presence of pop cosmopolitans who strive not merely to escape from their own culture (Jenkins, 2004), but seek to transform media and communities through deliberate cultural collision.

However, a proselytization commons is not the only solution to the sink problem. Sinks are complex systems that must be analyzed at sufficient granularity. One characterizes a sink through the human agents that construct, operate, transform and broaden it. I encourage other scholars to apply the theory of the cultural sink to their own respective fields of study, starting from a suspicion – not an assumption – that human agents in the 'receiving culture' may have had some hand in the initial presence, transformation and retransmission of foreign texts or manifestations of culture.

What might a sink analysis conclude, for instance, about the effect of agents on promoting an understanding of 'authentic' Bollywood outside the desis, considering that 'mom and pop' stores sold videos to serve the desis and that European and North American dance clubs mixed the traditions from India with other musical styles to serve the desis? Can a cultural sink explain the success of Nintendo three years after the collapse of Atari in America? On the topic of media imperialism, *who* promoted American film in other nations in the early 1900s and what were their objectives before the US government realized that 'trade follows the films'? If we reach back

in time, how might a cultural sink account for the practices of artists and antique dealers in 1860s Paris repurposing Katsushika Hokusai's *manga* (the original manga, i.e. *ukiyo-e*), which originally traveled to Europe as wrapping paper for porcelain, as articles of high value? On the output of that sink, what kind of promotional gospel would benefit those same antique dealers if they started a Japonisme craze?

The argument of this analysis is not against copyright or the configuration of media industries.[10] I argue instead against an incorrect inference, that the appearance of an international market implies that media producers and distributors from above directed its creation. In fact, that creation, and that growth, may be mitigated from below. Films follow demand for films; demand for films creates, and responds to, popular pull. Noticing the ebb and flow of that pull, therefore, need only be a matter of perspective.

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Notes

1 Since 1998, most fansubbers have adopted the practice of 'digisubbing', or releasing their fansubs as encoded video files for internet distribution. While digisubbing deserves its own analysis, the key features of the fansubbing removement remain present in this modern distribution form.
2 Unlike the South Asian desis, American fans would purchase or rent these tapes, copy them and circulate them in the anime fan community.
3 Pseudonym.
4 Pseudonym.
5 The earliest known fansubbed video was a 1986 copy of *Lupin III*.
6 I have not mentioned the names of the members out of respect for their wishes, as stated in their correspondences. The translator had a Korean surname, the English compositor had a Japanese surname and the subtitler had an Hispanic surname.
7 Pseudonym.
8 Pseudonym.
9 For example, the influence of the Hans Christian Andersen-inspired Soviet

animation *Snezhnaya Koroleva* (*The Snow Queen*, 1957) on Hayao Miyazaki's cinema.

10 In another article, targeted at a legal audience, I consider the implications of fan distribution and proselytization commons for copyright. Briefly, copyright is meant to stimulate or reward creativity or dissemination (in some combination thereof) according to differing schools of legal thought. However, anime's international development suggests that there exist clearly definable times when copyright has the exact opposite effects. The article considers whether fans infringed US and Japanese copyright laws and posits a new legal doctrine that may reconcile the interests of copyright holders and participatory audiences (Leonard, 2005).

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