

points out, crucial differences between these two projects. Yet the question is unsettling. After all, T-shirts bearing slogans to protect human rights are still T-shirts—and some of them are manufactured in sweatshops.

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*The Politics of Piracy: Intellectual Property in Contemporary China.* By Andrew C. Mertha. Ithaca, NY: Cornell University Press, 2005. Pp. xvii+241. \$32.50 cloth.

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Mertha's book *The Politics of Piracy* maps out the hotly contested debate over intellectual property that has taken place between the United States and China over the past 20 years. Based upon years of fieldwork and hundreds of interviews with trade representatives, policy makers, and business owners in the United States and China, it is perhaps the definitive work on the relationship between the United States and China on issues of intellectual property. The text focuses primarily on how outside pressure impacted the development of Chinese intellectual property law and the evolution of a Chinese bureaucracy to deal with copyrights, patents, and trademarks. However, this text also sheds light on what types of diplomatic pressures successfully make an impact on Chinese policy. Thus, while Mertha focuses exclusively on intellectual property, the lessons learned can be more generally applied. The book offers an exhaustive description of several areas of Chinese bureaucracy that help clarify the decisionmaking structure of Chinese politics.

Mertha begins with a straightforward question: Has external pressure changed China's approach to intellectual property rights (p. 3)? The text is designed to answer this question while also describing the vast and complex bureaucracy in charge of intellectual property in China. The United States sought to change China's approach to intellectual property through negotiation and trade sanctions. Mertha follows the history of these negotiations in the first two chapters, ultimately concluding that intellectual property policy as implemented in China is a result of U.S. pressure. In fact, it is doubtful that China would have enacted intellectual property laws at all without U.S. pressure (p. 76).

The heart of Mertha's text follows the implementation of copyright, patent, and trademark laws through the maze of Chinese bureaucracy. There is a different bureaucratic structure in place for each type of intellectual property. By looking at the

successes and failures of each regime, it is possible to get a sense for what has worked in terms of outside pressure. For example, outside pressure has not been as successful for copyright enforcement because of the politically sensitive nature of cultural materials. The Chinese have an interest in maintaining “social order” through censorship, including censorship of U.S. cultural goods (p. 152). While this may work to U.S. advantage because so-called pirated works will be targeted, it also puts U.S. industries in a touchy position because legitimate products can also be censored. To make matters worse, official limits on U.S. cultural products create the conditions for a black market in pirated cultural goods (p. 152). This catch-22 makes the use of U.S. pressure difficult. If too much is said, negotiators risk increasing Chinese barriers to the importation of legal goods. If too little is said, they risk losing market share to the black market. Either way, defining the appropriate use of outside pressure in the copyright arena has been politically charged and often backfires.

Unlike copyright, which is generally handled from the top down and is subject to political manipulation from higher levels of the bureaucracy, trademark enforcement is most effective because private firms representing foreign companies are able to work with local actors to conduct raids and confiscate goods (p. 200). Trademark enforcement works because local authorities are involved in the process. Mertha suggests that pressuring the Chinese government from above is not the most efficient option, but building coalitions at the local level is a helpful strategy.

While Mertha’s book will soon be considered one of the most important sources on intellectual property in China, it is not without problems. The vast majority of the book outlines the complex nature of the Chinese administrative structure. The creation of the administrative structure is a result of pressure from the United States, so outlining the structure is central to Mertha’s argument regarding the importance of outside influence. However, the complexity of the Chinese system and the layers of organizations involved will lose all but the most dedicated scholars of Chinese organizational structure. While the detail will be helpful for trade negotiators trying to figure out whom to talk to when dealing with intellectual property issues, it is less helpful for intellectual property scholars trying to figure out what the Chinese perspective of intellectual property might be. For those interested in intellectual property, there is perhaps too much attention paid to organizational structure. For those who are interested in organizational structure, there is perhaps too much focus on intellectual property.

However, taken as a whole, there are many lessons to be learned by looking at the three areas of intellectual property as

they have been developed in China. First, top-down U.S. pressure may change the formal law but will not create conditions for the enforcement of the law. Second, while the United States demands immediate results, Mertha's detailed account of bureaucratic evolution suggests that full implementation of the law requires the creation of an appropriate structure that is well funded and has local-level support. Third, while lawyers and law professors tend to focus exclusively on the use of the court system to enforce the law, Mertha argues quite convincingly that understanding the role of the administrative sector is just as essential (p. 224). Fourth, lateral pressure from stakeholders as seen in the area of trademark enforcement can be as effective as top-down enforcement by government officials (p. 225).

In the conclusion, Mertha points out that there are far more pressing problems faced by China than the enforcement of IPRs, despite the urgency felt by U.S. industry. However, no normative statement is made regarding the appropriateness of the last 20 years of adherence to U.S. policy. Mertha's work assumes that protecting intellectual property is in the best interests of all involved—an assumption not held by all intellectual property scholars. China has a long history of resisting the implementation of intellectual property law and has also produced centuries of innovation without the protection of copyrights, patents, or trademarks. Mertha tends to place Chinese resistance within the paradigm of U.S. negotiators who see the Chinese as among the world's worst pirates. It might be worthwhile to further unpack the assumptions behind the U.S. position on IPRs and why the United States so vigorously wants to see them protected in China. Furthermore, given the scope of Chinese resistance, there is not much analysis of what alternative model might have emerged from China had the United States not forced it to take on the concept of IPRs. It is clear that Mertha has only begun to tap into the vast supply of anecdotes and interviews he collected as part of his field research, and hopefully in the future he will use these data to provide insight into how the Chinese view the use of intellectual property when not forced to embrace the concept by their Western counterparts.

