

## 知識經濟時代的身體政治學： 大陸網路媒體對知識產權建構的論述分析

### 摘 要

本研究的目的是探討大陸網路媒體如何建構知識產權，而此一建構又對人構成什麼樣的張力，並由此進一步反思知識經濟時代下的身體政治學。研究途徑是文化研究，並利用論述理論進行分析。

著作權、專利權、商標權是知識產權三大主要內涵，本研究選擇了王同億現象作為著作權的案例；漢芯晶片造假事件作為專利權的案例；爽歪歪爭議事件作為商標權的案例，經由解構上述案例的網路文本，以見建構它們、評價它們價值的論述立場為何。

而這些論述立場，可分為由黨國體制主導的主流立場與作為他者的非主流立場。主流立場是由黨國主導，包括了追求黨國為公、民族先進、經濟規範、知識創新等論述，它是一套中國知識經濟追趕戰略；非主流立場則是相對於主流立場的黨國貪腐、民族落後、經濟無序、知識造假等論述。在國家介入，以及知識經濟與網路媒體促使資訊快速流通、議題快速汰換等因素作用下，這兩個立場是討論知識產權事件的限制性框架。

知識產權與網路審查是國家機器為適應知識經濟潮流的自我調適，並利用它們將知識創意活動侷限在以經濟發展、民族主義為目標等無關黨國體制的範疇上，以免創意活動危及黨國。國家機器利用掌握知識產權的法律力量與網路媒體的宣傳力量，吸引與主導了主流立場的結盟。在威權政治透過法律與宣傳加緊催化下，主流立場加緊活動，同時也就激發了非主流立場的反作用力，正反勢力互相拉抬、互相證成以致知識經濟時代下大陸的文化圖像呈現出威權政治引導下的眾聲喧嘩之景。

在此眾聲喧嘩下產生的知識產權生產活動，或相應而生的偽劣假冒活動，均會被收編，以有助國家主導的主流價值再生產。基於民族國家和公民身體的辯證統一的現代國家權力形態，以及知識經濟代表意識為身體服務的邏輯，主流價值的再生產亦即身體得到照顧與伸展。雖然威權體制致國家較身體享有更大能動

性，但在威權體制集中施力的情況下，也將驅動主流、非主流雙方互動更形熱烈，提高了人遊走在從屬性、能動性、與解放性的機會與速率。因此，知識經濟的環境，創造了一個國家與身體在知識產權論述中介下，緊密鑲嵌，相依並存的關係。而知識經濟下的身體政治學，是國家提取身體力量之學，也是國家滿足身體須要之學，也是身體在從屬中取得能動性與解放之學。

**關鍵詞：**中國大陸、知識經濟、知識產權、網路媒體、文化研究、論述理論、身體政治學

# Body Politics of Knowledge Economy: Discourse Theory of Intellectual Property Construction of China Online Media

## Abstract

The aim of the dissertation is to discuss how online media of Mainland China construct intellectual property, and what kind of tension does the construction set up to human being. Furthermore, I can introspect body politics in time of knowledge economy. I use cultural studies as methodology and analyses by discourse theory.

Copyrights, patent rights and trademark rights are three mainly components of intellectual property. The dissertation selected the phenomena of tong-yi wang as case of copyrights, hanxin fake event as case of patent rights, and shuang wai wai as case of trademark rights. I construct and evaluate their value of discourse position by way of deconstruct cybertext of the three cases.

The discourse positions can be divided mainstream position dominated by party-state system and the position of non-mainstream as the other. Mainstream position means dominated by party-state. The discourses contain pursuit of whole interests of party-state, advancement of nation, norms of economy and innovation of knowledge. It's a catch-up strategy of knowledge economy of Mainland China. The discourses of non-mainstream position, as opposite of mainstream, contain party-state corruption, failure of nation, disorder of economy and fake of knowledge. The two positions are limited frameworks in discussing events of intellectual property because of the interactions of factors such as state intervention, rapid flow information by knowledge economy and online media, rapid issue update, etc.

Intellectual property and cyber examination is self adjustment of state mechanism for the purpose of adaptation of knowledge economy. Activities of knowledge innovation should be limited in economic development and nationalism that without any connection of category of party-state system. So the activities of innovation won't be hazardous to party-state. State mechanism used the legal power of

controlling intellectual property and propaganda of cyber media and attracted and dominated the alliance of mainstream position. Mainstream position accelerated activities under catalysis of law and propaganda in authoritarian regime. And it stimulated the power of counter-operation of non-mainstream position. The mutual promotion and mutual confirm lead to phenomena of heteroglossia that constructing cultural image of time of knowledge economy in Mainland China.

The production activities of intellectual property under heteroglossia, or the fake and copy activities accompany with them will be all recruited and helpful reproduction of main value that dominated by state. Based on the form of state power of dialection and unification of nation state and civil body, and the logic of consciousness served for body, the reproduction of main value means the body can be took after and extension. Although state owns greater autonomous than body under authoritarian regime, but under the condition of concentration of power of authoritarian regime, the interaction of mainstream and non-mainstream will be more frequent. This will promote the opportunity and rapidity of belonging, autonomous and emancipation of human being. So it will create a relationship of mutually embedded and existence under discourse of intellectual property of state and body. Body politics under knowledge economy is a discipline of state's extracting body strength, a discipline of state's satisfaction of body requirement, a discipline of body's acquiring autonomy and emancipation under subordination also.

Key words: China, knowledge economy, intellectual property, online media, cultural studies, discourse theory, body politics