

The

²¹

yes

Men: Parody
in Aesthetics
and Protest

Appropriation as a critical and politically resonant practice has enjoyed something of a revival over the last decade. Much of this recent work has been categorized as “tactical media,” a movement of mostly electronic art and activism that developed out of anti-globalization sentiment in the mid-1990s. The Yes Men have been regarded as among the most prolific of these media tacticians. I will be discussing their recent legal battle with the United States Chamber of Commerce, which erupted in 2009 when the Yes Men appropriated the Chamber’s intellectual property. My analysis will operate from theoretical articulations spanning different disciplines: capitalist critique via scholars Luc Boltanski and Eve Chiapello; the notion of “tactic” as espoused by Michel de Certeau; the legal doctrine of fair use; and scholar Linda Hutcheon’s theory of postmodern parody. Let me begin here by quoting artist and scholar Lucy Soutter. Recently she writes:

Appropriation has become the dominant trend in contemporary art practice...it seems that appropriation is a tool of the new subjectivism, with the artist’s choice of pre-existing images or references representing a bid for authenticity (my record collection, my childhood snaps, my favorite supermodel).¹

Scanning the field of contemporary art indeed reveals “subjectivist” strains of appropriation art that certainly seem to be thriving. Yet we have also been witnessing the resurgence of a critically engaged appropriation that formally recalls works from the late ‘70s and early ‘80s, which is to say many of them appear, like their postmodern predecessors did, to copy blatantly in order to provoke. But they are decidedly different. In several examples, tactical media artists have appropriated various forms of intellectual property but with seemingly less interest in expressing commentary on notions of autonomy or authenticity as creative subjects within late capitalism—what scholars Luc Boltanski and Eve Chiapello refer to as the “artistic critique” of capitalism.² Instead, they rely on a wholesale, unmitigated appropriation deployed in the service of what Boltanski and Chiapello describe as the “social critique” of capitalism, expressed specifically as indignation over the growing inequalities in social and economic life.³ This social critique strives to address these problems by confronting the operation of individual interests. Furthermore, while formally evoking early postmodernist appropriation, tactical media’s emphasis on the social critique resumes a tradition extending from John Heartfield’s collage work in the journal *AIZ*,

to Situationist *détournement*, to Hans Haacke's intervention at the Reichstag in 2000.

Many tactical media practitioners then, as both products of and responders to neoliberal globalization, direct their critical energies against power structures through appropriation as a type of media subterfuge. Such an approach was initially influenced by the writings of French theorist Michel de Certeau and his account of the “practice of everyday life.”⁴ Writing in the aftermath of May ‘68 and the intellectual Left’s disillusionment with the seemingly flawed concept of collective revolution, de Certeau proposed a model of contingent, micropolitics by positioning ordinary acts of consumption as potentially constituting a hidden, secondary form of subversion and consequently resistance to a technocratically administered order.

To counter the insidious strategies of neoliberalism—its coordinated and sustained “manipulation of power relationships” issued from an isolated “base” of operations⁵ (usually the transnational corporation, sometimes conjoined with the state apparatus)—many media practitioners latched onto de Certeau’s notion of the “tactic,” which, as he states, “insinuates itself into the other’s place, fragmentarily, without taking it over entirely... it is always on the watch for opportunities that must be seized... it must constantly manipulate events in order to turn them into opportunities.”⁶ We may take de Certeau’s “base” here literally (e.g., the Chamber of Commerce), or figuratively (e.g., the embedded corporate logic within decentralized global capitalism). Against the strategic advantage afforded by the domination over a geographical, political or economic territory emerged a theory and practice of tactical media, a de-territorialized repurposing of the semiotic regimes that structured and maintained the social inequalities and exploitation within advanced capitalism.

For more than a decade the collective of artists and activists known as the Yes Men has used appropriation tactics to publicly humiliate and thus bring to wider attention the agendas of, as the group states, “leaders and big corporations who put profits ahead of everything else.”⁷ The Yes Men term their particular brand of appropriation “identity correction,” whereby the group copies and repurposes the visual identities of those they target. Identity corrections often initiate from stealthily crafted web sites and press releases, and appear almost identical to their legitimate counterparts. Only their content is altered, which consists of “official” statements that often run directly counter to those agendas the Yes Men seek to critically illuminate.

In October 2009 the Yes Men set out to lampoon the U.S.

Chamber of Commerce, the largest lobbying group in the United States, whose stance against global warming science has been well publicized. The Yes Men registered a soundalike internet domain name, and built a web site copying verbatim the look and feel of the Chamber's actual web site, including its registered trademarks. They inserted into their site wording that *reversed* the firm's position on climate change, stating that the Chamber would be "throwing its weight behind strong climate legislation."⁸ In conjunction with their web site, the Yes Men also released a similarly worded fictitious press release to a slew of media outlets.⁹

Shortly thereafter, the Yes Men, posing as representatives of the Chamber, called a conference at the National Press Club in Washington, D.C. There they would reiterate the Chamber's newfound stance. A Mr. "Hingo Sembra," supposedly the assistant to the Chamber's President, walked up to a podium bearing the Chamber's logo and began his presentation. Sembra continued on uninterrupted for thirteen minutes, until a legitimate representative of the Chamber stormed into the room, decrying the Yes Men's announcement as "fraudulent press activity and a stunt."¹⁰ At first initiating a brief game of *Who is the real Chamber of Commerce?*, Yes Man Andy Bichlbaum eventually admitted the hoax but maintained he represented "the position the Chamber of Commerce must take."¹¹

News of the Chamber's turnaround position flooded out across multiple media channels. On-air commentators literally caught themselves mid-sentence trying to correct what they had originally reported as the true story of the Chamber's about-face. Meanwhile, the continued online presence of the Yes Men's fake web site insured that the Chamber's denial of climate change science remained under scrutiny.

The Chamber wasted no time in its response to this intervention. The next day it sent the Yes Men's internet provider a cease-and-desist letter, claiming the group was unlawfully exploiting Chamber trademarks.¹² However, the Yes Men's attorneys replied that the group had appropriated them as a form of political parody protected by the First Amendment.¹³ Shortly thereafter, the U.S. Chamber of Commerce filed a lawsuit against the Yes Men, claiming trademark infringement. The decision in the case is still pending.

The Chamber asserts that through copying the entirety of its trademarks without any alteration, the Yes Men engaged in an act of *misappropriation*—effectively becoming the Chamber, and, in bad faith, acting on its behalf. Describing the Yes Men's

actions as “nothing less than commercial identity theft masquerading as social activism,”¹⁴ the Chamber accuses the group of causing it real economic harm as well as damage to its reputation. Moreover, the Chamber claims the Yes Men used the stunt purely for self-promotional purposes. As it happens, the prank dovetailed nicely with the release that week of the group’s new film, *The Yes Men Fix the World*.¹⁵

The gravity of the Yes Men’s alleged wrongdoings is perhaps better understood by reviewing the rationale behind U.S. trademark law in the modern period. Textbook accounts of trademark frame its function in the following manner: a company employing a name, logo or slogan in order to identify itself in the market is essentially sending a message to the public that the product it is buying is of a specific origin. Trademark law recognizes this message as the exclusive property of its producer, which cannot be used by other market competitors. Yet trademarks function not only as legal safeguards for businesses but also as facilitators of consumer protection. In other words, trademarks *help buyers avoid confusion* in the marketplace by providing indicators they can use to differentiate products or services that they may not otherwise be able to perceive without first purchasing them.¹⁶ In this respect, trademarks carry the reputations of their owners; they can be incredibly important symbols of an organization’s values and vision. And since the Chamber of Commerce is in the business of fostering business itself, it appears clear enough why they would want to protect their trademarks so vociferously. “Because the Chamber’s *business* is policy advocacy...” its lawyers state, “it is vital to its financial and reputational interest that the public is *not* confused about the Chamber’s policy positions and advocacy activities.”¹⁷

Though trademark law may purport to look after business and buyer interests alike, it also continues to facilitate the producer/consumer categorization intrinsic to the free enterprise system. Producers are protected in that they are granted certain monopoly use of a semiotic device, while consumers are “protected” insofar as the commercial landscape in which they live is more clearly delineated for them. Far from being critically questioned, the roles of producer and consumer are instead further engrained as seemingly natural categories, with “rules” separating them that are not to be transgressed.

Additionally, since the last passage of major trademark legislation in 1946,¹⁸ the United States economy has gone through significant transformation, shifting from a material goods logic, based on needs (where trademarks indicate a product’s quality)

to one based on trans-materiality and desire (where trademarks, now detached from any specific product, exhibit “sign value” in and of themselves). The trademark then, as scholar Rosemary Coombe suggests, is the “quintessential self-referential sign or postmodern cultural good,” in that its worth stems less from its ability to aid in commodity production than the “production of consumers to produce demand.”¹⁹ It is in this condition of global branding and lifestyle, in which names, not goods, whet consumer appetite, that we see the full effect of what U.S. Supreme Court Justice Felix Frankfurter called in 1942 the “psychological function of symbols” within the logic of the trademark.²⁰

However, like the fair use of copyrights, trademarks can be used without the authorization of their owners for purposes of comment, criticism, education or reporting. The law recognizes parody, in particular, as a justified fair use. Implied in a definition of parody is its intent to judge; it can also, like satire, contain a moral component, “ridiculing,” as scholar Linda Hutcheon states, “the vices or follies of humanity, with an eye to their correction.”²¹ Yet unlike satire, which might incorporate forms for use as “weapons” in the critique of general social tendencies, conditions or conventions, parody, at least as far as the law is concerned, must be shown to “target” particular expressions. In this sense it must be *intramural*, making clear a one-to-one relationship between the commenting text and the text upon which the comment is being made.²² Simple examples of intramural parody would include recording artist “Weird Al” Yankovic’s myriad pop tunes poking fun at music celebrities or, from the American neo-avant-garde, Robert Rauschenberg’s 1953 *Erased de Kooning Drawing*.

Applying notions of parody as target and weapon to the Yes Men’s Chamber intervention presents a challenge. On the one hand, the group’s appropriations of the Chamber’s trademarks do not appear intended as comment on them directly and thus are not operating intramurally in the strict sense. On the other hand, they aren’t operating entirely extramurally either; the appropriations do not seem intended as larger statements about some general condition or tendency but rather specifically target the Chamber. For the sake of argument, then, if we concede that the Yes Men did parody the Chamber, theirs is a “satiric parody,” or perhaps, “parodic satire.”²³

That the Yes Men’s appropriations do not fit neatly within a classic definition of parody, that they don’t seem to operate wholly either as targets or weapons, is due to a great extent to the ambiguity of their form. The appropriations do not exhibit

the tropes historically associated with parody: “exaggeration, understatement, or any other comical rhetorical strategy.”²⁴ Nor do they exhibit any “legally safe” mark, such as a disclaimer, that would establish their status. In fact, the appropriated trademarks are exact duplicates of their targeted counterparts. Because they are identical, it is, upon initial inspection, difficult to understand them as parodic. And this is precisely what forms the crux of the Chamber’s complaint:

The Defendant’s “works” went far beyond mere “imitation” of the style of the Chamber to deliberately and deceptively impersonate the Chamber by every possible means. And rather than treat a serious subject in a nonsensical or comedic manner, the Yes Men conducted their activities with utmost seriousness.²⁵

Now, the Chamber’s statement implies two things. First, that parody should always make itself known as such, that it should contain obvious “reveal mechanisms” in order to distinguish itself from what it is targeting. Second, that the parody’s origin should be clear. Each side in this case agrees that the Yes Men’s appropriations were initially read not as having originated from them, but from the Chamber. In this respect, the Yes Men acted as pirates, or counterfeiters, in that they were hoping to pass off as legitimate, something that was not. And this, in short, caused confusion.

Confusion, however, is the very hallmark—perhaps even “trademark”—of the Yes Men’s practice. The group has built a reputation on its ability to hoodwink through cleverly designed pranks that leave witnesses wondering what is to be taken as truth, and what should be understood as deception. It is these “parafictions,”²⁶ as scholar Carrie Lambert-Beatty terms them, that have the potential not only to put political pressure on organizations such as the Chamber, but also to spark critical consciousness in a public sphere in which a deluge of scripted and approved messages has left it in a state of atrophy. It is precisely because of its ruse that the Yes Men’s intervention is so effective; more difficult to imagine are more “conventional” forms of protest, in front of the Chamber’s offices, for example, using picket signs bearing exaggerated logos unequivocally mocking the lobbying group, that could have achieved the same results.

What the Yes Men are defending, then, is the creation of confusion by their appropriations as an acceptable consequence of a political speech act. This is a crucial distinction, for although

trademark law is designed precisely to combat confusion, it protects symbols primarily within the context of commercial speech. As the Lanham Act of 1946 states:

Any person who shall, without the consent of the registrant—
(a) use in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive...shall be liable in a civil action by the registrant for the remedies hereinafter provided.²⁷

To be sure, the Yes Men appropriated the Chamber's trademarks with the specific intention of impersonating the organization and creating an atmosphere of confusion. But they were not doing so in the name of unfair competition. The Chamber's claim necessarily hinges upon imagining the Yes Men as a market rival, engaging in bad business through deliberate trademark theft. But as their lawyers make clear, "The Yes Men are not the Chamber's competitor; they are its critic, and the use of the Chamber's mark 'is not in connection with a sale of goods or services—it is in connection with the expression of...opinion *about* [the Chamber's] goods and services."²⁸

Thus, examining the Yes Men's intervention through the prism of trademark law doesn't fully capture its symbolic complexity, for it tends to situate the signifier/signified relationship of parody within material object analysis, at the expense of accounting for a semiotics of the performative. To understand the Yes Men's intervention, we must assess what Hutcheon calls the *énonciation* of parody. When analyzing objects themselves, she suggests, "we also act as decoders of encoded intent...parody involves not just a structural *énoncé* but the entire *énonciation* of discourse [including]...an addresser of the utterance, a receiver of it, a time and a place, discourses that precede and follow - in short, an entire context."²⁹ Following Hutcheon, we can surmise that while the Yes Men certainly appropriated the Chamber's trademarks, that initial gesture comprised but one part of a much more ambitious program. They also rented a conference room; purchased business suits; hired phony news reporters to intermingle with the real journalists covering the press conference; and finally, engaged in a little role playing, knowing that their intervention would transpire in front of cameras capturing their every word. More than appropriating the

Chamber's trademarks, the Yes Men seemingly appropriated its entire symbolic suite, its, so-to-speak, "productive apparatus."

Enlarging the analytical lens to allow for this wider enunciative context, something more akin to parody comes into focus. With the incident finally and widely reported as a hoax, it becomes clear the Yes Men's intervention might have confused initially, but always with the opposite as its goal: making known the Chamber's actual stance on climate change. Ultimately revelation and critique, not confusion, drive the Yes Men's tactical appropriation. Moreover, it is hoped that the target of the parody itself helps to perform this revelation, by having to deny statements attributed to it (and often having to further elucidate its actual position) to audiences around the world—which, much to the Chamber's chagrin, is exactly what happened.

Ultimately, *Chamber v. Yes Men* will be decided not here but in a court of law. Yet there is an economic subtext to this case that might help provide insight about the nature of tactical media practices as they work within the very power vectors they seek to resist or dismantle. In its attempt to link the Yes Men's appropriations with commercial speech, the Chamber has focused its claims on the group's financial operations. The Chamber's lawyers point to the Yes Men's legally registered status as a corporation, as well as their online merchandising as evidence not of political activism but of an ongoing entrepreneurialism. The Chamber charges that the hoax press conference was a deliberate ploy designed "to promote [a] commercial movie venture...[the Yes Men's]...identity theft enterprise [has generated] a substantial cash flow...they['ve] received at least \$500,000 to finance and distribute their recent movie."³⁰

Regardless of political persuasion, there is nothing illegal per se about raising money in order to continue struggle for causes that are believed to be just. Thus it is difficult to interpret the claim that, in effect, the Yes Men are "laughing all the way to the bank" at the Chamber's expense, as anything other than cynical. Rather, it would seem the Chamber is using infringement as a foil to silence a voice that is in particular exposing the firm's position on climate change, and in general criticizing neoliberal ideology. Yet the Chamber's illumination of the Yes Men's corporate status and commercial activities do render two things apparent: first, that there are often business realities involved in activist expression; and second, that insofar as tactical media practices such as the Yes Men's generate what Pierre Bourdieu terms "symbolic capital"—as their interventions build cachet that can be parlayed into economic gain—there can be no simple

separation between political and commercial speech in them. For the Yes Men, every prank pulled is at once an act of protest and future film material.³¹

By their own account, the Yes Men are anything but profiteers. And if sales figures are an indication, they lost money on their last movie.³² But the significant point here is less the Yes Men's financial ethics than the observation that they wage their battles deploying the very same instrumental structures, procedures and protocols characteristic of the entities they seek to "correct." Put bluntly if reductively, the Yes Men are a (granted, minuscule) corporation combating other (usually behemoth) corporations. They advocate for a certain politics, just as their targets, such as the Chamber, do. And they do so, ironically, through deception, exactly the ideological strategy corporations are often accused of perpetuating. Using deception, the Yes Men not only fund new "missions" but also build infrastructure for—continuing military metaphors—an "extended campaign." As Lambert-Beatty cogently points out, this introduces a conundrum not easily reconciled. For if in criticizing the Yes Men and their employment of essentially the same methods, and likewise calling for an end to all ideological fictions and a return to some measure of honesty, "just what social trust," Lambert-Beatty asks, "do we imagine we would preserve?"³³

With their wide range of tools and techniques, the Yes Men's approach to critical cultural production is very much in keeping with tactical media's mantra, *by any media necessary*—a clever variation of Malcom X's famous "By Any Means Necessary" series of speeches. The Yes Men's appropriations and interventions are means to an end, and likewise raise once again the specter of art's use value within society. As critic Stephen Wright states, this is precisely what differentiates tactical media from many neo-avant-garde predecessors; whereas the latter appropriated from the realm of the "real" into that of the autonomous and "useless" symbolic space of the institution of art, the former reverses this process—making political use once again of symbols in the everyday inner workings of neoliberal capitalism, at the expense perhaps of not being recognized as artistic expression per se.³⁴

We see in the Chamber's desire to silence the Yes Men precisely its disapproval of the way the group has managed to challenge the dominant order of signs through a recoding of the sign system itself. This newfound capacity to recode may be the Achilles heel of advanced capitalism's representational schema as its forms become all the easier to digitally duplicate and distrib-

ute. To conclude, perhaps we may now, as far as political agency is concerned, have to finally admit the “death of the author” embraced by much of postmodernist appropriation art. For now the political resonance of critical cultural practice, if the Yes Men are an example, is being subsumed within that anonymous and slippery collective entity rarely posited as such—the corporate entity. Dialectically, it is precisely as a “critical corporation,” both in the performative and literal legal sense, that the Yes Men assume the mantle of the social critique bequeathed to them.

Notes

- 1 Lucy Soutter, “The Collapsed Archive: Idris Khan,” in David Evans, ed., *Appropriation* (London; Cambridge, Mass.: Whitechapel; MIT Press, 2009), 166. While I cannot account for all of appropriation art in the 1990s, certain American artists do come to mind when theorizing what I would consider more “subjectivist” approaches to appropriation: Christian Marclay, Paul Pfeiffer, Jason Salavon and Tom Friedman are just some examples of artists who employ appropriation towards a “phenomenology” of materials and media.
- 2 Luc Boltanski and Eve Chiapello, *The New Spirit of Capitalism* (London; New York: Verso, 2005). It should be noted that Boltanski’s and Chiapello’s extensive research is specifically French in context, focusing on conditions in the after-

- math of Paris, May 1968. However, the authors surmise (and I believe) that much of their analysis can translate to other geographical and social settings.
- 3 Ibid.
 - 4 Michel de Certeau, *The Practice of Everyday Life* (Berkeley: University of California Press, 1984). Reference to de Certeau and the application of his theories is peppered throughout tactical media literature. Two texts that depart from de Certeau and may also serve as theoretical bookends to tactical media are: Garcia and Lovink, "ABC of Tactical Media," <http://www.ljudmila.org/nettime/zkp4/74.html>, and Critical Art Ensemble, "Tactical Media at Dusk?," *Third Text* Vol. 22, Issue 5 (2008), 535-548.
 - 5 de Certeau, *The Practice of Everyday Life*, 35-36.
 - 6 Ibid., xix.
 - 7 See <http://theyesmen.org/> (accessed January 8, 2011). As the they describe on their Hijinks page, "The Yes Men agree their way into the fortified compounds of commerce, ask questions, and then smuggle out the stories of their hijinks to provide a public glimpse at the behind-the-scenes world of business. In other words, the Yes Men are team players...but they play for the opposing team." The actual number of Yes Men isn't known; the group's two primary public faces are Jacques Servin, who goes by the fictitious name Andy Bichlbaum, and Igor Vamos, otherwise known as Mike Bonnano.
 - 8 The Chamber's official web domain is <http://uschamber.com/> (accessed July 12, 2010). The Yes Men's prank site, <http://www.chamber-of-commerce.us/>, has since been taken down.
 - 9 Copies of the counterfeit pages in question, as well as the fake press release, have been introduced as evidence in the case. See the document "Defendants' Motion To Dismiss plaintiff's First Amended Complaint," <http://www.eff.org/files/file-node/yesmen/YesMenMTDwithExA.pdf> (accessed July 13, 2010).
 - 10 Video of the entire event is available, of course, on YouTube: http://www.youtube.com/watch?v=7QHKcrAfjFw&playnext_from=TL&videos=TVjX2eOE-U (accessed July 13, 2010).
 - 11 See http://www.youtube.com/watch?v=2HYJZYTT_Oc (accessed July 18, 2010).
 - 12 See "Re: Infringement of U.S. Chamber of Commerce's Intellectual Property Rights," <http://www.eff.org/files/filenode/yesmen/chamber-dmca-notice.pdf> (accessed July 14, 2010).
 - 13 See "Re: DMCA takedown notice for www.chamber-of-commerce.us," <http://www.eff.org/files/filenode/yesmen/yesmenletter.pdf> (accessed July 14, 2010).
 - 14 See "Complaint," <http://www.eff.org/files/filenode/yesmen/chambercomplaint.pdf> (accessed July 18, 2010).
 - 15 The Yes Men released a peer-to-peer (P2P) version of its latest film, which now contains added footage of the Chamber prank, on bit torrent sites across the internet. This is in response to the Chamber's lawsuit and its demand to stop the further circulation of the original version of the film. See <http://torrentfreak.com/yes-men-use-bittorrent-to-avoid-censorship-100723/> (accessed July 27, 2010).
 - 16 For a textbook explanation of trademarks, see Jane C. Ginsburg, Jessica Litman and Mary L. Kevlin, *Trademark and Unfair Competition Law: Cases and Materials* (New York: Foundation Press, 2007). On the ways in which trademarks make consumer "research" easier, see Mark A. Lemley, "The Modern Lanham Act and the Death of Common Sense," *The Yale Law Journal*, Vol. 108, No. 7 (May, 1999): 1690.
 - 17 See "Plaintiff's Opposition to Defendant's Motion to Dismiss First Amended Complaint," http://www.eff.org/files/filenode/yesmen/chamber-opposition-brief_0.pdf (accessed July 14, 2010). Original emphasis.
 - 18 On the passage of the Lanham Act of 1946, see Ginsburg, Litman and Kevlin, *Trademark and Unfair Competition Law*.
 - 19 Rosemary J. Coombe, *The Cultural Life of Intellectual Properties: Authorship, Appropriation, and the Law* (Durham: Duke University Press, 1998), 56. On trademark law in relation to a shifting U.S. economy, see also Lemley, "The Modern Lanham Act and the Death of Common Sense." On a socio-economic condition based on sign value, see generally Jean Baudrillard and Mark Poster, *Jean Baudrillard: Selected Writings* (Stanford, Calif.: Stanford University Press, 2001).

- 20 As U.S. Supreme Court Justice Felix Frankfurter remarked in 1942, “The protection of trade-marks is the law’s recognition of the psychological function of symbols.” See Rogers, “The Lanham Act and the Social Function of Trade-Marks,” 181.
- 21 Linda Hutcheon, *A Theory of Parody: The Teachings of Twentieth-Century Art Forms* (Urbana and Chicago: University of Illinois Press, 2000), 54.
- 22 On parody, satire, target and weapon, see Hutcheon, *A Theory of Parody*, 52. For a critique of parody as weapon and target from an economic perspective, see Richard A. Posner, “When is Parody Fair Use?,” *The Journal of Legal Studies*, Vol. 21 No. 1, (Jan. 1992), 67-78.
- 23 Hutcheon, *A Theory of Parody*, 47. The relation between parody and satire is complex; a deeper analysis of the two genres lies outside the scope of this study. Suffice to say that satire itself can use parody to target a specific text in the service of criticizing conditions outside of the text. Hutcheon provides the example of Andy Warhol’s 1963 silkscreen on canvas *Thirty Are Better Than One*, in which the artist appropriates the Mona Lisa, repeating it thirty times. The target in the work is da Vinci’s *Mona Lisa*, which Warhol diminishes from unique Renaissance masterpiece to cheap knockoff through multiplying its form in haphazard fashion. But the parody can be further interpreted as a weapon in the criticism of a modern consumer culture that values quantity over quality, and reduces even auratic art into banal commodity.
- 24 *Ibid.*, 24.
- 25 See “Plaintiff’s Opposition to Defendant’s Motion to Dismiss First Amended Complaint,” http://www.eff.org/files/filenode/yesmen/chamber-opposition-brief_0.pdf (accessed January 13, 2011).
- 26 See Carrie Lambert-Beatty, “Make-Believe: Parafiction and Plausibility,” *October* 129, Summer (2009): 51–84.
- 27 U.S. Code Title 15, Chapter 22, Subchapter III, Section 1114, http://www.law.cornell.edu/uscode/html/uscode15/usc_sec_15_00001114----000-.html (accessed January 16, 2011). My emphasis.
- 28 See “Reply in Support of Defendant’s Motion to Dismiss Plaintiff’s First Amended Complaint,” <http://www.eff.org/files/filenode/yesmen/yesmen-mtd-reply.pdf> (accessed July 21, 2010, original emphasis).
- 29 Hutcheon, *A Theory of Parody*, 23.
- 30 “Complaint,” <http://www.eff.org/files/filenode/yesmen/chambercomplaint.pdf> (accessed July 18, 2010). Criticism of the Yes Men’s strategies are not exclusive to right-wing voices. For example, “RustyR1” writes in his review of the Yes Men’s self-titled 2003 film, “I would...like to know how their fake WTO lectures shed any light on the real evil being done by the WTO to the global community...This movie is a thinly disguised vehicle for these guys to collect donation money to travel the world doing nothing and rid[ing] out their 15 minutes of fame for a horrible hour and a half...After watching the film and reading the reviews it looks to me like the lecture audiences in the film are not the only ones being faked out by The Yes Men.” http://www.netflix.com/WiMovie/The_Yes_Men/70000103trackid=4808499adbc23792_0_srl&strkid=1768122723_0_0&trkid=438381 (accessed July 18, 2010).
- 31 On symbolic capital and its conversion into economic capital see Pierre Bourdieu, *The Field of Cultural Production: Essays on Art and Literature* (New York: Columbia University Press, 1993).
- 32 According to the Yes Men, with the realization that *The Yes Men Fix The World* (2009) would be financially unsuccessful came the decision to release the film for free online, rather than spend money trying to secure additional theatrical screenings. For them the important thing was to get their message out. This decision, made after the Chamber filed its lawsuit, no doubt helps the Yes Men demonstrate that they did not use the Chamber intervention solely in order to drive audiences to their film.
- 33 Lambert-Beatty, “Make-Believe,” 67-8.
- 34 On “stealth” art, see Stephen Wright, “The Future of the Reciprocal Readymade: An Essay on Use-Value and Art-Related Practice,” <http://www.16beavergroup.org/monday/archives/001496.php> (accessed November 3, 2009).