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Buying Non-deceptive Luxury Counterfeits: Can We Call It a Misbehaviour?

ABSTRACT

This paper aims at having a broader look at the counterfeiting issue, from the consumer-side perspective and in the specific environment of luxury good, trying to assess whether it is relevant or not to call its non-deceptive consumption as misbehaviour. The specificities of misbehaving are identified from literature, and challenged by the new perspective given by so-called postmodern ethics. Confronting these theoretical developments to insights gained from in-depth interviews with international MBA students in a French business school led to identify the difficulties for consumers to label or not non-deceptive counterfeiting as misbehaviour depending on which out of the four identified 'worlds' related to counterfeiting they referred to. This provides new insights on how to better design anti-counterfeiting communication strategies, taking into account this non-rationale part of consumption.

INTRODUCTION & OBJECTIVES

"Tourists Could Face Criminal Charges for Buying Fake Designer Goods in Europe" (The Times, 08/22/09). "Louis Vuitton Wins Suit Against Counterfeiter" (The Korea Times, 09/10/09). These are only two out of the mainly headlines which showed-up in the news in the past weeks. Here counterfeiting is stigmatized as illegal, and its consumption as illegal. People buying fakes would therefore straight away be considered as misbehaving. However, if selling and buying fake medicines (80% of medicines in Africa are believed to be counterfeited products according the WHO), auto-parts or spare parts for nuclear plants with bad intent in mind is clearly to be condemned, the question is more debatable in the case of the so-called non-deceptive counterfeiting area. In this case, consumers perfectly know that

they are buying a fake product, and act as willing accomplices. This is most of the time the case when people buy fake designer goods or counterfeited luxury products.

Actually, counterfeiting is widely considered as one of the big issues firms from various industrial sectors have to deal with (Source: Global Anti-Counterfeit Summit, 2008). Counterfeited products account for a growing fraction of world trade. According to the OECD, counterfeiting would represent 5 to 7% of worldwide trade (200 to 300 billions of Euros) but also leads to a loss of 200 000 jobs across the world (Source: European Commission). 60 countries are known as counterfeiters, with 70% of counterfeited products being manufactured in Asia and 30% in the Mediterranean Area. Counterfeiting has been proven as holding connexions with terrorist groups, children & women trafficking, drug & arm selling, etc (Phillips, 2005)… The social impact of the issue is thus very important, be it for brands which may lost some part of their brand equity (Source: INPI, 2008), or for legal entities and States. International cooperation is needed to fight against "the world's fastest growing crime wave" (Phillips, 2005). One of the difficulties to achieve this is the perspective taken on the issue, which can be quite different from one country to another one. Research has shown that cultural differences led people consider ethics with different views and criteria (Swinyard et al., 1990). However, these different views of considering counterfeiting, and more specifically non-deceptive counterfeiting (which holds less visible negative immediate consequences), could also exist within Western countries. This paper aims at investigating, from a theoretical perspective, and then confronting it to consumers' perspectives, how valid and acceptable the commonly used label of misbehaviour can be applied to non-deceptive counterfeiting, or not. This could be of great importance for policy makers and people developing anti-counterfeiting communication campaigns, to better frame the message and avoid basic rejection due to misinterpretation of what people really consider non-deceptive counterfeiting is.

The paper is divided in several parts. We will first attempt to take a neutral view towards the non-deceptive consumption of luxury counterfeits, and rely on philosophical, sociological and economics theories to investigate the relevance of labelling this behaviour as misbehaviour. We will more specifically have a look at postmodern ethics, which may act as full justification for this illegal consumption of luxury goods.

The second part of the paper will present results gained from in-depth interviews conducted with MBA students. It will try to get insights on the 'auto-justifications' provided by the respondents who bought luxury counterfeits in a non-deceptive way. Specifically, relying on

projective techniques, we will try to understand why and how these justifications may occur. We will also try to capture the potential reasons leading the respondents who cannot even think about counterfeiting of luxury goods as a 'bad thing' to engage in such reflections.

We will then discuss the results, present the limits of the research as well as its future extensions. We will conclude with managerial/policy making implications.

LITERATURE REVIEW

What is Consumer Misbehaviour?

Consumer misbehaviour has been somewhat investigated by researchers in various disciplines, including sociology (Becker, 1963) and marketing. It has been labelled differently depending on the locus of research and historical development. While Dodge et al. (1996) and Mitchell & Chan (2002) called it consumer unethical behaviour; Harris & Reynolds (2003) preferred the term dysfunctional customer behaviour. Fullerton & Punj (1993, 1997) calls it alternatively misbehaviour or aberrant consumer behaviour. Some researchers even included their definition of the concept in its labelling, referring to it as non-normative consumer behaviour (Grove et al., 1989) or dishonest behaviour (Wilkes, 1978). Becker (1963) got famous for its sociological study of the Outsiders and their deviant behaviour.

Whatever its name, the concept holds constant features across the various research settings and times. Its study is more than ever challenging and of interest, especially when misbehaviours on the Internet are concerned (Freestone & Mitchell, 2004). However, misbehaving is thought of the unavoidable dark side of consumers (Fullerton & Punj, 1997), "inseparable of the consumer experience".

To define the concept of misbehaviour, scholars have used various strategies. They either defined it from its consequences (Harris & Reynolds, 2003), its potential causes (Albers-Miller, 1999) or the reasons that may conduct people to engage in such a behaviour (Wilkes, 1978; Grove et al., 1989; Vitell & Muncy, 1992; Dodge et al., 1996). Some others focused more on the legal and ethical aspects of the behaviour (Grove et al., 1989; Dodge et al.,1996; Fullerton & Punj, 1997; Freestone & Mitchell, 2004), acting there as real deontologists, and insisting on the deviant nature of the behaviour (Selwyn, 2008).

Becker, in his studies in the sociology of deviance, took the perspective of the outsiders/the deviants and from this proposed a definition of the concept of misbehaviour quite original: "whether a given act is deviant or not depends in part on the nature of the act (that is, whether

or not it violates some rule) and in part on what other people do about it" (1963). His perspective is quite relativistic and in accordance with the polytheism of values displayed by the new postmodern ethics, as presented in the following part of this paper. It would be as well touched upon by Fullerton & Punj (1997), who wondered "who has the power to designate others as deviant?"

Misbehaviour as defined from its consequences

Consumer misbehaviour has adverse psychological, financial and social costs for the victim organization, its employees and/or the other consumers of this company (Harris & Reynolds, 2003). It is "an action by customers who intentionally, overtly or covertly, act in a manner that, in some way disrupts otherwise functional service encounters", as presented by Harris and Reynolds (2003) who focused on consumer misbehaviour in the service industry.
Very close to this definition, Fullerton & Punj (1997) extended the concept to the whole marketing field, stating that the outcome of consumer misbehaviour is material loss or psychological damage to marketers, marketing institutions and to other consumers.

Misbehaviour as defined from its potential causes

According to general theorists, consumers change the way they behave due to changes in the macro-environment (Strauss & Howe, 1997). Therefore, with globalisation and the spread use of the Internet as a tool for business, a set of misbehaviours have appeared quite logically. They range from hacking to identity theft, including pornography or organ sales (Freestone & Mitchell, 2004).
The very reason that may have caused the development of consumer misbehaviour is "the lack of fear of punishment" (Albers-Miller, 1999).

Misbehaviour as defined from the thought consumers' reasons

Why consumers engage in misbehaviour has been under investigation for a while, most of the time from the normative perspective, without investigating consumers' points of views and rationale. Basically, consumers are usually very tolerant of certain types of fraud and business (Wilkes, 1978), advancing reasons such as "business deserves it", or the "non-criminal perception" of their behaviour. Grove et al. (1989) advanced a model to explain how people may justify this, which included three types of denial (of responsibility, of injury and of victim), as well as the condemning of the condemners and the appeal to higher loyalties. The reasons my therefore be really personal and have a strong impact on the consumer's own

value system and "it is easily observable that different groups judge different things to be deviant" (Becker, 1963).

Misbehaviour as defined from the legal & ethical perspectives

Fullerton & Punj (1997) gave the most re-used definition for consumer misbehaviour: a set of "behavioural acts by consumers which violate the generally accepted norms of conduct in consumption situations, and disrupt the order expected in such situations". Therefore two criteria have to be met: the actions should be externally directed and visible.

This definition was built upon the concept of ethical behaviours, presented earlier by Dodge et al. (1996), as the degree of "rightness as opposed to the wrongness of certain actions on the part of the buyer or potential buyer in consumer situations". The very difficulty in these two definitions is to assess "the moral principles and standards that guide behaviour of individuals or groups as they obtain, use and dispose of goods and services" (Grove et al., 1989). This will be even more difficult when taking into account postmodern ethics, as presented in the following part.

A summary of the various key features, as identified from the literature review, which some behaviour should hold to be labelled misbehaviour, is provided in Figure 1.
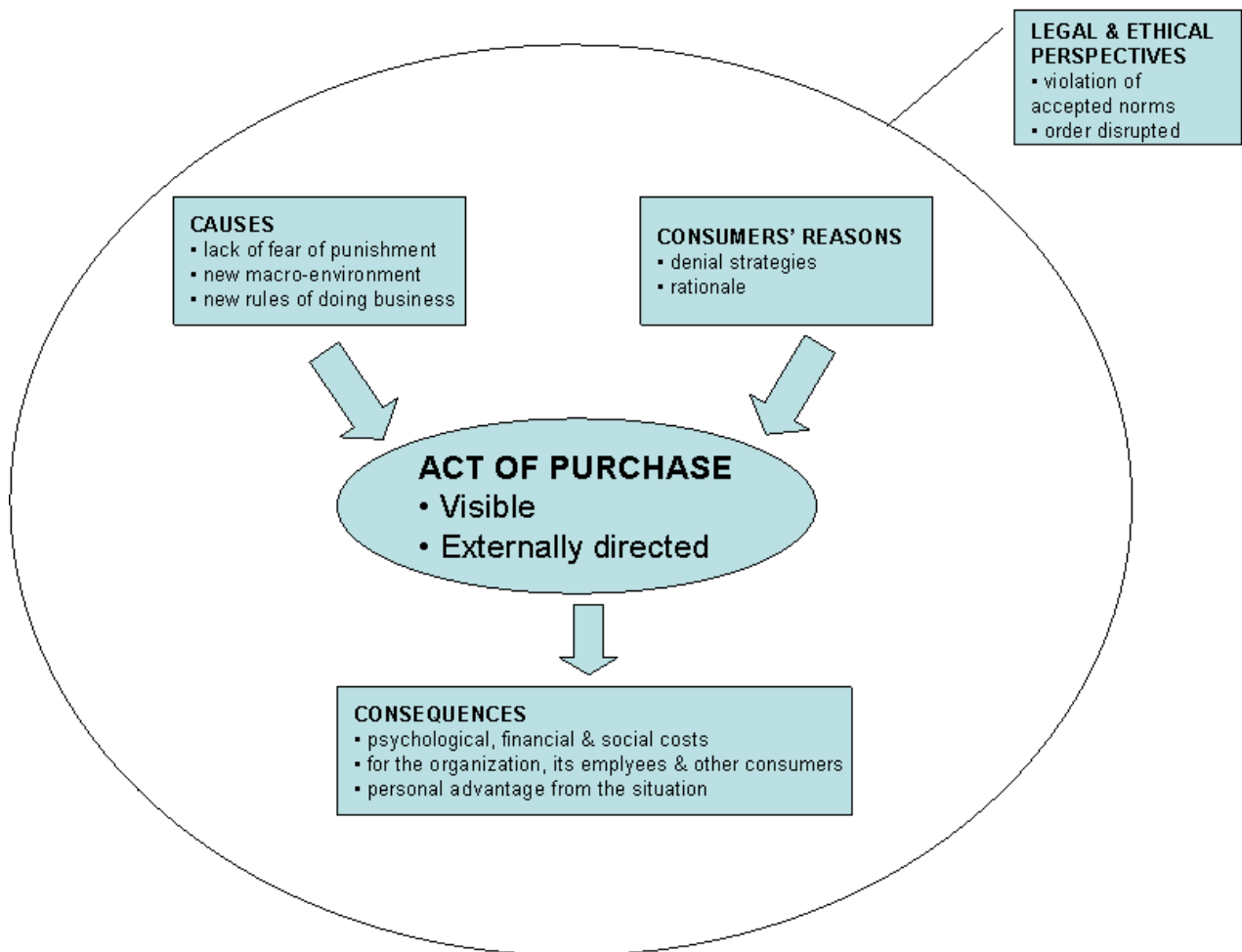
Fig 1: Main Characteristics of Consumer Misbehaviour

Postmodern Ethics & Misbehaving

The Consumer in Postmodernity

XXIst century consumers live in a social environment qualified by researchers as postmodern (Firat, 1991; Holt, 1997; Thompson & Holt, 1996) or even as hypermodern (Lipovetsky, 2004). The postmodern era is characterized by the enlargement of the subjective area of autonomy, the multiplication of individual differences, the ending of classical social principles and the fading of the unity of ways of living and opinions. Conjointly, the postmodern individual is facing a never-ending process of consumption, with various degrees of ethical matters and of what could be considered as ethically acceptable (Baudrillard, 1970; Baudrillard, 2004).

Who is the postmodern consumer?

Zygmunt Bauman (1993) used an interesting metaphor to describe the postmodern individual/consumer, introducing this individual as a tourist. Like the vagabond, the tourist knows that he will not stay long where he just arrived. He is ready to pay to fill his aesthetic needs: curiosity, need of amusement, wish and will to experience new experiences (assumed to be pleasurable and pleasurably novel, as well as exciting). He pays to get the freedom to disregard native concerns and feelings. He wants to redefine the world, or rather his world and his system of values. The tourist likes discovering new and unusual settings: he is looking for encountering foreign populations (without paying any interest to their preoccupations and needs). In the postmodern world, life is supposed to be continuously holiday time. This portrait of the postmodern individual/consumer looks like being far away from any ethical or moral concerns. It allows therefore counterfeiting to be part of consumption habits, sometimes without any feeling of guilt and/or knowledge of or consideration for its negative aspects regarding either people or economics (and brands). The postmodern consumer is living in a world of appearance, strengthened by the individualistic social context and hedonic sought of consumption. Actually, even if people are to be taken within their social environment in the postmodern times (Holt, 1997), which is the interest of this study, postmodern tribalism is more a state of mind (Sitz & Amine, 2004) and a deeply egoistic one: it is a way to find or express one's identity (Lipovetsky, 2004).

Postmodern ethics or the legitimating of counterfeits

Fragmentation of the consumer's life

Fragmentation is a major property of postmodern culture (Baudrillard, 1981; Jameson, 1983; Firat, 1991, 1992). By fragmentation, we mean the fact that all things are disconnected and disjointed in their representation from each other, their origins and history, and contexts. Firat (1992) identified 5 kinds of fragmentations present in contemporary life: fragmentation of the thoughts, desires and behaviours; fragmentation of the signifier from the signified; fragmentation of the product from its function; fragmentation of consumers' life experiences; fragmentation of the self into self-images. Actually, consumption may represent different images when used in different instances and contexts, in each instance producing the consumer's desired image (Firat, 1991). This schizophrenia of consumption is perfectly coherent with the occasional purchase of counterfeited luxury goods.

In this case, fragmentation and its medium, the market of counterfeited goods, constitute a new metanarrative we might be able to capture thanks to appropriate poststructuralist methods (Holt, 1997).

Juxtaposition of opposites

There is a wide ranging consensus among postmodernist theoreticians that one of the major characteristics is its paradoxical nature (Firat, 1991; Bauman, 1997; Lipovetsky, 2004). This is the direct consequence of the juxtaposition of contradictory emotions and cognitions regarding perspectives, commitments, ideas and things in general. Therefore, anything is at once acceptable: the postmodern era is the Times of "Polytheism of Values" (Lipovetsky, 2004). With the withdrawal of traditions, it's up to each individual to determine, invent his own moral. There are no more hard-and-fast principles which one can learn, memorize and deploy in order to escape situations without a good outcome and to spare oneself the bitter after-taste (scruples, guilty conscience, sin…). Moral decisions are ambivalent. Therefore, it is by designing his own system of value that the individual, or the reference group, can justify his misbehaviour and persuade him that he is in his own right. "It is the personal morality that makes ethical negotiations and consensus possible, not the other way round" (Bauman, 1997). The final moral is that if a product is in the market and it is being paid for, it must be all right… Here again, counterfeiting luxury goods does not appear as an illegal action but more as a logical one.

Decentring of the subject

In Postmodernity, there is, what is generally called, the "death of the subject" (Jameson, 1983). "The subject is decentred from its position of control, and the subject-object distinctions are confused" (Firat, 1991). This is highly relevant when it comes to the consumption of counterfeited luxury goods: the product purchased sets the new parameters and the rules of the consumption process. In the case of luxuries, consumers are not buying the counterfeit for its functional properties but for its aesthetic properties (the logo) and the symbolism which goes along with it (Kocher et al., 2007). Buying counterfeits is a way to affirm oneself and get recognition from peers: the community belonging goes along with self-definition and self-interrogation processes (Lipovetsky, 2004). Postmodern Tribes in the counterfeit world are just new communitarian ways to give sense to one's life (Maffesoli, 1988). It is the field where individualism, postmodern ethics, collectivism and self-definition

are gathered, building new moral values allowing misbehaviours, relative and specific to this Tribe.

METHOD

In-depth interviews with consumers of non-deceptive counterfeits were conducted, with the objective of getting their view regarding non-deceptive counterfeiting and its potential misbehaving nature. Fifteen in-depth interviews with MBA students were conducted for this study. Students from Western business schools are usually said as having more purchasing power and as being more sensitive to the consumption of conspicuous goods, such as luxury or luxury-looking goods, the counterfeited versions of which have to be purchased in a non-deceptive way. At the same time, since they learn and know about the rules of the market, communication strategies and pricing strategies, they may be more reluctant than other youths to pay the products full-price. The incentive to turn to counterfeits may thus be more important.

In-depth interviews were conducted in a Business School Research Centre. Respondents were recruited via an electronic submission system. As this study was in its exploratory phase, no filter was applied and all profiles were welcome to participate. The participants were granted bonus points to be allocated to the course of their choice for participating to the study. The author conducted all interviews in English. Interviews lasted around 45 minutes.

With the aid of a detailed interview protocol document, the interviews covered various themes related to counterfeiting, from a personal experience and as a judge of others' actions. Past experience about its consumption and various thoughts were under investigation. It also included a projective drawing to elicit deeper feelings of the respondents (Figure 2).

For the analysis, interviews were transcribed and coded, with a goal to characterise and dimensionalise the key themes in the responses (see Spiggle 1994 and Strauss and Corbin 2008 for a discussion of the procedures used in this stage). In the next stage of analysis, findings from each respondent were compared with and contrasted against findings from the other ones. The goal at this stage was to identify the key dimensions on which the respondents differed/were similar as well as to identify the bases for such differences/similarity points. We focused mainly on the values/specificities attributed to non-deceptive counterfeiting, be its consumption or production. Coding schemes were modified as analysis progressed and new

concepts were uncovered, following the general procedures of grounded theory (Strauss & Corbin, 2008).

"We're from the Neighborhood Watch committee.
We've heard you're wearing a fake Rolex."

Fig 2: Projective Drawing

FINDINGS

Coding and analysis of the interviews led to the identification of four themes touched upon by the respondents when asked about non-deceptive counterfeiting. They a) tended to make a clear distinction between the ethics related to consumption and re-selling of non-deceptive counterfeits and the ethics related to their production and dispatching; b) relied on situational ethics to explain considering buying fakes; c) always evocated the legal framework and potential retaliation concerning non-deceptive counterfeiting; and d) presented quite descriptively the very act of purchase of counterfeits, enabling the identification of specific features/consequences.

Interestingly, even the respondents who stated that they should not buy fakes have already engaged in the purchase of some and acknowledged it, sometimes using clumsy sentences:

"I would not say I did not buy a counterfeited product"

They provided more or less rational rationales for their behaviour but did not look like so much disturbed about this dualism between their moral and their contradictory behaviour. The exploration of the categories stated above should help to get why and how this happens. It will

also enable us to assess the relevance of the label 'misbehaviour', from the consumers' perspective.

a) Two world of ethics: consuming & re-selling vs. manufacturing & dispatching

The respondents made distinctions between the various subjects involved in the non-deceptive counterfeiting business. While consumers and re-seller are perceived as victims of the system, manufacturers and dispatchers are presented as the bad guys and directly connected to negative societal consequences (impact on welfare).

According to our respondents, consumers in certain situations cannot avoid buying fakes:

"It was on the market of Aoste. There were fakes everywhere. I needed a wallet and a seller had Louis Vuitton wallets"

"I worked a while in Korea. You've got markets –like where you sell vegetables-, brand markets on the shelves, like that, and counterfeits"

Therefore, it's the wide availability and open offering of the counterfeits that make the respondents buy fakes. They even sometimes mentioned:

"In China, you have to buy counterfeits. If you wan a T-shirt you can't find non-branded ones, so you have to buy the fake Lacoste"

This way of perceiving oneself unable to manage one's consumption is in complete accordance with the decentring postmodern ethics presented in the previous part of this report: the consumer is here completely manipulated by the objects he may purchase and considers himself as a victim of the system.

"I didn't know, like, you know I wanted a bag. I saw a pink bag, cheap and then I realized they had put the Lacoste logo. I needed that bag and it was convenient. Didn't care about the brand but it was there and cheap. So I bought it"

Re-sellers are also considered as victims, not of the system, but of the manufacturers. They are often described as being caricatures:

"Those sellers, you know, they are like stigmatised. Can be sometimes true but not always"

Sometimes, buying the fake product is a way to help the re-seller. Respondents developed some kind of sympathy toward him:

"That guy in the street which sells fakes, he is also in the need, so well…"

Therefore, in this perspective buying counterfeits if in line with morality and is seen as ethically acceptable.

On the opposite, the production side of the business is described as the evil one. To enforce this point of view and support their argument, respondents usually connected production of counterfeits directly to negative societal consequences:

"They [the authorities] should better concentrate on those who produce the fakes. I think it's already done in specific cases, like children work. Money after that funds not clean stuff , so…"

"Some bad guys earn a lot of money"

"They use clandestine people to dispatch the goods in the South of France and in poorer countries"

While producers are perceived as taking advantage of the brands (this is clearly depicted via the usage of a lot of words connected to robbery), consumers are more perceived as displaying a negative attitude, with more debatable consequences. This is clear in the following excerpt:

Interviewer: Do you think it's important to communicate on counterfeiting?

Respondent: Yes, especially if it's to point out those who exploit a brand, who take advantage of a company.

Interviewer: And what about communicating to consumers?

Respondent: Yes, to raise their awareness, to make them be a little bit more honest toward the company.

Producers are also described as people taking advantage of the efforts of some other honest working people, within the original company. They damage the marketing efforts, which would be an argument for labelling non-deceptive counterfeiting as misbehaviour:

"The brand doesn't get any reward for the marketing publicity"

Therefore, while on the production side non-deceptive counterfeiting is clearly seen as misbehaviour by the consumers, it is not that clear for the consumption and re-selling sides. This might be the first explanation of the easiness with which consumers cope with the dual situation of acknowledged illegality and yet consumption of non-deceptive counterfeits. Another explanation might come from the situational aspect of ethics, enabling the development of several and possibly contradictory values within the same subject.

b) Situational Ethics & Polytheism of Values

All fifteen respondents had bought counterfeited products, only one of them deceptively. If excluded from the sample, all purchases had been made abroad, in the context of a touristic

experience. Countries of purchase include Italy, Korea, Russia, Turkey, United Kingdom, China & Portugal. The deceptive purchase had been made on the Internet. It was important for the respondents to be in a foreign country to engage in the purchase of fakes and they state it quite explicitly:

"I would not do this in Germany but as I am considering going to China, I guess there may be the opportunity to buy something"

This foreign perspective sets new rules, according to the respondents, either legal rules or socially accepted norms. Following up the previous statement, the interviewer asked the respondent why he/she would not do it in Germany:

"If you want to buy something which is fake, you need to put an effort on it, then it feels like doing something criminal, while in China, for example, you have always fake products, so give this feeling a more normal reaction"

Actually, respondents do not feel like outsiders when buying fakes in these countries, while not doing it would be the deviant behaviour. One of them even described the purchase experience he had with friends. One of them had bought a fake product and came back to the hotel with it:

"He got comments like 'hey it's a fake man', 'I could buy one as well', 'You go a great idea there man'"

In some situations, it is even impossible to resist the group pressure about buying counterfeited products. This comes from the natural mimetic tendency of human beings (MAMAN, 2009).

"After a trip to Vietnam, I think that everyone came back with counterfeited goods. You had to"

"We know it's completely fake but everybody buys some, so…"

Therefore, being abroad enables the respondents not even justifying their behaviour but accepting it as normal and in accordance with local standards. Even if they know that it would be illegal in their home country to engage in non-deceptive counterfeiting, the local experience let them not consider it as misbehaviour, at least while the journey is taking place. It's becoming part of the touristic experience…

This display of situational ethics is reinforced by the fact that buying non-deceptively counterfeits is often seen as a punctual event, a kind of unexpected opportunity it would be ridiculous not to take advantage of. Therefore, good resolutions and moral norms can be given up owing to this feature:

"I just noticed the products. Hey, it looks like this product. I took advantage of the situation to buy a stuff I didn't have, to do something I could not do if I went for the real brand"

For some respondents, it would even be irrational not to take advantage of the situation by not buying counterfeits:

"We cannot ignore that we may have to lie, or take advantage of the occasions to bypass legal stuff, enhance our image"

The last point related to situational ethics is related to the very definition of what can be considered as ethical or not. For most of the respondents, personal ethics and value systems are more important than any other norm. They actually fully embody the postmodern polytheism of values concept, as previously explained. They feel like they can give their own definition of ethical rules and the freedom of being able to do so is the first value they believe in:

Interviewer (showing the projective cartoon): If you were the guy, what would you reply?

Respondent: I would say: 'Not your f… business'

Later   "Anyone can do whatever he wants"

What is interesting in this verbatim is that this respondent was precisely the one the most adverse to non-deceptive counterfeiting…

Some respondents even felt that it was more normal behaviour to buy counterfeits than real products, making them impossible to see it, at least at this time of the interview, as misbehaviour:

"because I do not see the sense of paying so much money for something which is not worth it"

Interviewer: Did you feel bad or ashamed after admitting it was a fake?

Respondent: Ashamed? Nope. I would have been ashamed the other way round, buying something expensive

Therefore, the respondents would not agree to label their non-deceptive counterfeiting consumption as misbehaviour in most situations, either while being abroad, in taking a advantage of a great opportunity or simply because they are postmodern consumers believing in their personal set of values and enforcing only those.

However, as described below, the illegal nature of the behaviour could advocate for the reverse opinion concerning the misbehaviour labelling…

c) Legal Framework & Fear of Retaliation

All respondents had the feeling that there was something wrong with non-deceptive counterfeiting. Two semantic fields were widely used: the legal framework and its enforcement, and dirtiness.

Dirtiness is usually avoided by people, the norm in Western countries being to be a clean person (physically speaking) living in a clean environment.

"When you buy a fake Burberry stuff, I'm somewhat disgusted. […] Buying a stuff on the pavement to a guy not so, well you know…, I find it a little bit dirty"

Therefore, in using such a semantic field, respondents situate non-deceptive counterfeiting in the non-conventional side of behaving, enabling to label it misbehaviour.

The legal framework can be either acknowledged/known or not. Depending on this, the attitude toward the behaviour will be altered:

"It's risky when you buy it because policemen can check what you have just bought and if they see it is a counterfeited product I can have a fine I think. But when I have the product on me, it's not new anymore, I am wearing it, I think, on legal view point policemen cannot arrest me?"

For this respondent, buying the fake is misbehaviour but using it is not… But non-deceptive counterfeiting includes both…

For other respondents, non-deceptive counterfeiting is clearly illegal:

"There are fines, risks of being put in jail"

"In a country like France where it's legally forbidden"

However, even from this strict legal point of view non-deceptive counterfeiting is misbehaviour; this does not mean that respondents feel disturbed about acting against the law:

"I admit that not being from a luxury company I am not concerned by the counterfeiting issue: the illegal stuff does not bother me at all"

"Many wanted to know what they risked and I think they agreed on how and which sauce if you are caught with counterfeited products. […] It's a question of luck or bad luck"

Therefore, even if the retaliation means are evoked, respondents only saw non-deceptive counterfeiting as a risk to be taken or not. They did not mention any fear of psychological

retaliation, opposing the strictly legal approach to the socially accepted approach to buying and using fakes.

"We can see. I am in a catholic school and so on, and the number of mummies who have Chanel T-shirts, while Chanel has never made any t-shirt…"

Here, non-deceptive counterfeiting is socially accepted, even if illegal and unethical from the catholic perspective…

However, the production & selling sides of non-deceptive counterfeiting are marked as illegal and not socially accepted, enabling the label misbehaviour to be used. This is done via the usage of words such as "thefts", "illegal people", "stealing", "doing something criminal", etc…

The retaliation aspect here clearly puts the non-deceptive counterfeiters in an illegal position:

"They sell those illegally in the streets. […] The police came and they packed everything before they arrived."

Therefore, here again we can identify a polytheism of values due to the fragmented approach that people take toward non-deceptive counterfeiting: from a strict legal perspective non-deceptive counterfeiting is misbehaviour (production, selling & consumption sides), while from a social norm, even if illegal, it can be much more in the norm and therefore not considered as misbehaviour. Respondents just pick up the definition they favour at the time they need it… As we will see in next part, this double-sided value system is fed with the very characteristics of the behaviour, which fully belongs to the world of illusion.

d) Characterising Non-deceptive Counterfeiting

Respondents gave quite a lot of precise facts and features related to non-deceptive counterfeiting. When confronted to the theoretical characteristics mentioned in the first part of this paper, it is not that clear whether the word misbehaviour can be used to describe the concept…

First of all, non-deceptive counterfeiting belongs to a world of illusion: items are designed to deceive people ("it's a little bit of a lie"), are sold in a specific environment, sometimes surrealistic, they are produced with a strong mimetic approach to the real products but yet show unreal features, etc…

For instance, it is possible to buy quite strange products in various places:

"I saw Air Nike branded by Louis Vuitton, stuff that do not exist"

"My brother had a pull-over, with this logo; it was not written Adidas but Abidas, or something like that"

Even the reasons behind the purchase of non-deceptive counterfeits can be faked:

"They want to buy the same thing but clearly can't afford it, so it's a good way to buy the same thing without the budget to do so"

How could anybody possibly consider fake products as the 'same' ones as the original ones? In the above quotation, it looks like the very rational reason provided by the respondent cannot be reasonably considered as valid. It should probably include more immaterial arguments. The question is: who is faking who: is the respondent also faking himself?

The point is that being in this unrealistic state is quite comfortable, even if some respondents find it quite "hypocrite" behaviour:

"You don't want to tell, like it's always better to make people believe, not even say that it's the brand –for example that it's a fake Burberry scarf-, let the people see. You should not tell anything, let things go by themselves…"

The second important feature of non-deceptive counterfeiting is related to the purchase experience, which is described as humoristic and as a sort of game, enhanced by the bargaining dimension related to the payment.

Some respondents admitted engaging in non-deceptive counterfeiting for the challenge it represented:

"If you buy it knowing it's a fake, it you've got a nerve, at least at the beginning"

"It's risky game to play but that's what makes it great"

Actually, to catch the meaning of this playful situation, we have to take into consideration the large usage of humour displayed by the respondent. They considered the situation alternatively as "fun", "comic", "making people laugh" or such. Actually, the more the social part of it was put in the picture, the funnier it became:

"People always say, while laughing, 'that's so real stuff!'"

"We went there with friends, just to have a fun time"

"My dad, he knows it's fake stuff, but he likes going there and showing us how he bargains the price. So weird"

Actually, the counterfeited products are sometimes considered as fun, and having them is "cool" according to some respondents:

"A wallet, that's something you can have in more than one copy, then it can be fun to have one from a fake brand"

In the specific case when the original version of the product does not even exist (such as the Abidas t-shirt), it can be great to make fun out of those who pay so much for unnecessary stuff:

"I think it's funny if I see someone running around with this Abidas, maybe he's making fun of people who are wearing Adidas because they consider it necessary for their personal environment?"

Therefore, non-deceptive counterfeiting is fun, either for the purpose it serves, by its features or simply because of the nature of the counterfeited products. This seeking for experiential, humoristic and pleasant purchase experience is in full accordance with the postmodern consumer seen as a tourist, as described in the first part of the paper. From this strict perspective, it might then be inappropriate to label it misbehaviour, at least in consumers' words…

However, when it came to consequences of non-deceptive counterfeiting, the characteristics of misbehaviour stand there and it is highly appropriate to label it this way.

First of all, the direct consequence for the consumer of non-deceptive counterfeits is to get some kind of personal advantage over the other consumers, making this behaviour externally directed and visible:

"I took advantage of the situation because I did not have such scarf, while others pay so much for it and expect me to have one"

Respondents usually do not hesitate wearing their fake acquisitions, sometimes even mixing it with real branded goods:

Interviewer: You would have no problem to put in a fake Guess bag a real Guess wallet?

Respondent: No. No problem

This does not mean than they did not acknowledged the damages due to non-deceptive counterfeiting. For instance, economic consequences, direct or via brand image damage, for the company were mentioned by all but one respondent:

"Brands are loosing money"

"There's huge risk for the company's brand image. […] can be dangerous for brands"

But psychological consequences for non-consumers of non-deceptive counterfeits were also pointed out by some respondents, especially those who purchased the original product:

"Low-quality counterfeit is ugly. The myth is destroyed just like that. The LV bag, I hate it, I saw so many people with it. It's the Horror this bag"

"The risk is communalisation. The Louis Vuitton logo, if less people had it, you would not see it that often, then if you see it less you won't dislike it that much and maybe more people would not be ashamed of buying the real version"

But in the respondents' minds, psychological risk also exists for buyers of non-deceptive counterfeits: they can be uncovered or they can be cheated by the quality of the product (here, there is also a potential physical risk):

"It is not good for consumers if the product has low quality"

"There can be people discover you buy counterfeits and then they do not want to contact you anymore because of that in away"

This last quotation clearly shows that the respondent knows that there is some kind of risk associated with his behaviour which is clearly out of the norm. It has psychologically negative consequences and is deviant, so why not calling it misbehaviour?

DISCUSSION

Confronting the results gained from the interviews with the theoretical definition of consumer misbehaviour clearly shows that consumers hold a double-view toward non-deceptive counterfeiting. According to the situational elements they evolve in, they will not behave according to the same principles. For instance, we have found that in the context of holidays, consumers were ready to let their value system go, and focused only on the experiential aspect of consumption. This is in direct accordance with the new postmodern ethics, as described by Bauman (1997).

Another important take-away from this study is how the world of non-deceptive counterfeiting is organised in really separate (almost hermetic) clusters in consumers' minds: one can find the production side opposed to the consumption side. Both evolve in an environment with specific legal rules and socially defined norms. While producers are clearly misbehaving in consumers mind, the debate is quite open as regards their own behaviour, as well as their counterparts' ones. However, based on the third conceptual cluster of non-deceptive counterfeiting, namely its consequences, consumers clearly point out the negative aspects of the behaviour, allowing calling it misbehaviour.

Last but not least, the main obstacle to a universal view of non-deceptive counterfeiting as misbehaviour would be the situational nature of ethical judgments and definitions. Theoretically speaking, it is understandable, especially when referring to the so-called Labelling theory. Introduced by Becker (1963), who by the way does not agree on the name

given to his theoretical developments and prefers referring to his 'interactionist theory of deviance', the theory recognizes that "deviance is created by the responses of people to particular kinds of behaviour, by the labelling of that behaviour as deviant", keeping in mind that "the rules created and maintained by such labelling are not universally agreed to" (Becker, 1963). Therefore, the labelling theory allows individuals not to consider themselves as deviants in some situations, while blaming themselves for misbehaving in others, depending on which fragment of their polytheistic set of values they believe in at the moment they think about it... The simplistic Manichean view of black/white, bad/good, ethical/unethical characteristics of their behaviour seems obsolete and outreached by the postmodern individualistic perspective of an individual, yet active member of several tribes of consumption. Conceiving misbehaving from a consumer perspective seems quite an uncomfortable situation that may lead to ethical dilemmas (Maman, 2009). This might be the very reason why people prefer not reflecting about their behaviour and only advance the very pragmatic financial rationale for their behaviour. As one respondents mentioned, "do you really want to know you give your money for that? Well…"

LIMITATIONS

The main limits to the current research are both the nature of the sample as well as its size. MBA students may represent an interesting part of the consumers of non-deceptive counterfeits, but not the sole and largest one. They are taught about the concepts of luxury and know about the symbolic and status features that go along with it. Therefore, they can be more ready to make fun out of their consumption of non-deceptive counterfeits than other consumers. Besides, the size of the group of respondents could be enlarged, within the same population and outside of it, to make sure that the recurring features outlined in this report are still present until a saturation point in the data collection process.

FURTHER RESEARCH

This research was only thought of as a starting point to many different studies. First of all, it would be interesting to confront once again the theoretical definition of consumer misbehaviour with hard facts, to get if the label still holds from a pure factual perspective. We would expect to get different results according to different sectors of activity and rules in activity in the various geographical sectors.

Then, it would be interesting to still extend the questioning of the justification behind calling non-deceptive counterfeiting as misbehaviour or not. For instance, different types of populations involved in the activity could be interviewed. Viewpoints from custom officers, lawyers or employees from the genuine brands could lead to different 'faces' of this behaviour.

Lastly, as often in consumer behaviour research, cross-cultural analysis of the concept would provide a fresh view on the issue and might lead once again to new and original developments.

MANAGERIAL IMPLICATIONS

Managerially speaking, this research provides a fresh look at how people consider an issue of great importance to policy makers and communication agencies in charge of designing anti-counterfeiting communication campaigns. As John Spink, Director of the IoPP, stated, "anti-counterfeiting strategies need interdisciplinary approach", "consumer behaviour [helping] to understand the demand". So, even if large luxury brands or conglomerates such as LVMH have set up special entities to tackle the issue of counterfeiting, a lot has still to be done to not only better understand the process and fight against it with legal tools, but also to capture the consumers' ways of seeing it and develop more efficient discourses towards them. Academic research can help achieving this and this paper was a first step in this direction.

Basically, consumers need to be informed about the various consequences of consuming non-deceptive counterfeits, as we have seen that when they took this perspective, they would automatically label their behaviour as misbehaviour. This is a necessary but non-sufficient condition to let the message reach consumers: since people do seek for the experiential aspect of their consumption, forgetting then their values, moral and ethical rules, stigmatizing the points of sales and struggling against open and pleasant places of purchasing the goods might be another interesting option.

Lastly, as one of the underlined negative psychological consequences of buying fakes is the fear of being uncovered, open seizing of the goods, when worn by any kind of person, could be a good way to socially embarrass consumers of non-deceptive counterfeits and maybe deter others from buying or displaying any such items. A good way as well to make people be afraid of being caught at the customs, minimizing the number of purchases abroad: what's the point in buying a fake luxury counterfeits in China if you can't wear it back home?

Retaliation and making people feel responsible for their behaviour are still good arguments to convince people, at least in our Western countries.

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