

THE AFTERLIVES OF FICTIONAL CHARACTERS: RECHARACTERIZATION,
COPYRIGHT, AND POSTMODERN LITERARY PRACTICE

by

LYNN ELIZABETH PAGE WHITTAKER

(Under the Direction of Richard Menke)

ABSTRACT

In the 1960s and 1970s, a form of novel arose that flourished in the late twentieth century and remains popular today. This literary form results from a reading-to-writing, interpretive-creative process in which writers borrow a character from an earlier text and make her or him the protagonist of their novels, giving those characters an “afterlife” in which they exist anew. Whether these novels change the source text’s character/s only some or a great deal, the fictional personae are thus “recharacterized.” My dissertation claims that this form constitutes a definable genre that I call the “recharacterization novel,” and my aim is to present a theory of its cultural production, circulation, and consumption, focusing on the changing conceptions of authorship, reading, publishing, and fictional characters in the postmodern period. After defining the genre’s poetics, I tell the story of its development as the result of an ongoing confrontation between liberating/motivating forces and limiting forces, in which a postmodernizing momentum forward that seeks to free characters from their source texts is countered by legal and economic restrictions. Chapters address key postmodern theories that articulate an environment in which readers are liberated and motivated to write this type of novel; the interaction between reader and character that generates the recharacterization impulse, a relationship I theorize as the staging of

an ethical encounter defined by Emmanuel Levinas; and selected ontological and analytic philosophy approaches to fictional characters that support the idea that recharacterization novels keep characters “alive.” After exploring how publishing requirements act as both motivating and restricting forces when these novels become material commodities in an economic system, I turn to the major limitations posed by copyright. I first provide a historical overview of intellectual property law and define the tests for protection of fictional characters and fair use exception applied to derivative works. I then explore what happens when these motivating and restricting forces go into battle against one another, presenting three case studies of copyright infringement suits brought against recharacterization novels. The dissertation concludes with my thoughts on the future of the form.

INDEX WORDS: novel, character, fictional characters, cultural production, cultural consumption, authorship, reading, publishing, postmodern theory, ethical encounter, ontological status of fictional characters, intellectual property, copyright, copyright infringement, fair use, derivative works, sequels

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To Eric, with gratitude

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CHAPTER 1

INTRODUCTION: DEFINING THE RECHARACTERIZATION NOVEL

In the 1950s, a Caribbean-born novelist living in England began to construct a challenge to Charlotte Brontë's depiction of Bertha Mason as a raving madwoman in *Jane Eyre*, asking: what if Bertha had been a sensitive island beauty before being locked away in Mr. Rochester's attic? A decade later, a French journalist intrigued with Claude Lévi-Strauss's structural anthropology began to think more deeply about the castaway Robinson Crusoe, asking: what if the lush tropical island and the natural man Friday changed the Englishman more than he changed them? In upstate New York about the same time, a young college professor began using his knowledge of Old English literature and contemporary fiction to ask: if the brutish monster in *Beowulf* had a childhood and feelings and a voice, what would he say? The books that resulted from these writers' speculations—Jean Rhys's *Wide Sargasso Sea* (1966), Michel Tournier's *Friday, Or the Other Island* (1967), and John Gardner's *Grendel* (1971)—launched a new form of novel that flourished in the late twentieth century and remains popular today. In this reading-to-writing, interpretive-creative process, writers borrow a character from an earlier text and make her or him the protagonist of their novels, giving those characters an "afterlife" in which they exist anew.

In some ways, these novelists perform an act similar to what readers from academic critics to college students to book groups do all the time: they read a novel, interpret a character in a certain way, and provide evidence to support their interpretation. With the word "interpretation," I mean to embrace what Steven Connor defines in a recent issue of *New*

Literary History as a “new, expanded form of interpretation” which “does not say what things say, but shows how they work, which is to say, how they might be worked out. It is not the doubling of a locution, but the *realizing of a potential*,” the exploration of “what it makes possible” (184; emphasis added). As Gerard Genette emphasizes in *Palimpsests*, the concept of intertextuality (of which these novels are an explicit form) means that authors always function as both readers and writers. Also like many readers, these novelists find themselves drawn to characters who suffer, have been marginalized, or remain at least, in their eyes, not fully understood, and they speculate beyond the text about what motivated the characters’ actions and behaviors and what happens to them after the story ends. However, while readers act as interpreters of characters, these novelists proceed a significant step further and breathe new life into their subjects, truly “realizing [their] potential” by resuscitating them from their moribund state at the source text’s conclusion. Beneficiaries of literary CPR, the characters are revived within the pages of a book that extends their “lives” beyond the source text and provides an accessible form by which readers can interact with them anew. Whether these novels change the source text’s character/s only some or a great deal, the fictional personae are thus “recharacterized”—using the prefix “re” in the sense it has in “regenerate” or “reborn” as combined backward and forward processes: going back to a previous action and doing it again, with a result that resembles and is intrinsically connected to the prior version but cannot be identical to it.

This dissertation is based on my claim that this type of novel constitutes a definable genre that I am calling the “recharacterization novel,” and my aim is to present a theory of its cultural production, circulation, and consumption. Though smaller in size than such long-lived genres as the historical novel or the detective story, the recharacterization novel merits the sustained

attention I pay to it here because of what it has to suggest about the changing ways authorship, reading, publishing, and fictional characters are understood in the postmodern period. The longevity of this genre is also notable. Franco Moretti's survey of forty-four novelistic genres from 1740 to 1900 discovered an average lifespan of twenty-five to thirty years for such forms as the picaresque novel, the *Bildungsroman*, and the New Woman novel, whereas recharacterization novels will celebrate their fiftieth anniversary in 2016. The fact that so many of these novels remain in print today, long after their initial publication, and that new ones continue to be published suggests that recharacterization has not yet "exhaust[ed] its possibilities," as Moretti says happens when a "form loses its 'artistic usefulness'" (borrowing the Russian formalist Viktor Shklovsky's term) (*Graphs, Maps, Trees* 14-17). Rather, as we shall see in the chapters that follow, the varied possibilities inherent in recharacterization novels have extended the form's cultural resonance and value for authors, readers, and publishers and supported its evolution in multiple directions.

Situating This Study in Previous Scholarship

The centrality of the recharacterization process to this genre is why I prefer my name for it to terms used, mostly in passing, by other critics in discussing examples of the form but without sustained attention to it as a whole. The chapter authors in Budra and Schellenberg's *Part Two: Reflections on the Sequel*, for example (as well as Marjorie Garber in her review of that volume), include recharacterization novels in their discussions of "sequels" as any work that extends a story beyond the source text, whether forward, backward, or parallel in time. Other critics choose terms based on whether the second work's plot takes place before, during, or after the first. Gary Saul Morson, preferring to limit "sequel" to a subsequent time and "prequel" to a

previous time, proposes the term “paraquel” for texts “in which one author continues or fills in the gaps in a well-known classic by another” (12). Still others choose terms based on point of view rather than timing. Because these novels often shift narrative focalization while occupying the same fictional space-time as their source, they could be called “transfocalized homodiegetic transpositions” using Genette’s terms (e.g., 213, 287, 296), albeit his discussion of examples does not give a name to the form. Garber defines as “literary ventriloquism” or “ventriloquacity” those novels in which “a character with a minor or even absent role in the original novel now takes center stage and speaks” (qtd. in Vermeule 50). A rare in-depth treatment appears in a recent article by Jeremy M. Rosen, but I find his approach centered on what he calls the “minor-character elaboration” genre too limiting to explain what I see as the distinctive nature of this type of fiction that borrows both major and minor characters.

Previous critics also locate this type of novel within broader categories. Genette includes it in what he calls “hypertexts”: “a text in the second degree” that is “derived from another preexistent text,” which he calls the “hypotext” (5). Though Genette emphasizes that all literature is in a sense palimpsests, related intertextually to other texts, his book *Palimpsests* focuses on explicit forms of such borrowings, a practice he calls “hypertextuality” (5, 9). Patricia Waugh includes *Grendel* in her book on “metafiction,” while Julie Sanders categorizes *Wide Sargasso Sea* and J. M. Coetzee’s *Foe* (1986) as “appropriations” rather than adaptations because they comment on the source text and do not change media (as in adaptations from prose to film). In their discussions of examples, Suzanne Keen calls this type of novel “revisionist fiction” (*Empathy* 76), and Christian Moraru includes them in his exploration of “intensive-extensive rewriting,” which “reworks in detail one or a few narratives and . . . puts forth a critical commentary on the sociohistorical ambience . . . within which rewriting is undertaken” (xii). As

I will show in the next chapter, recharacterization novels make use of all the literary practices captured in these critics' terms, so referring to them exclusively in any of these ways is not precise enough to serve as a definitional principle. Those terms also fail to capture the notion of character, which I view as essential to the genre.

For the novel or other text the recharacterization novel borrows from, I have chosen to use the phrase "source text." Translators use this term for a work in its original language which they are translating into a second language, but I am reframing that definition for my purposes, dispensing with the notion that the second work is intended to replicate the first, while retaining the implication that both first and second texts have value and validity. Literary critics often refer to the first work in such pairings as the "original," but I want to avoid that term since I accept Genette's notion of the intertextual nature of all literature so am reluctant to label any one work as "original"—a term that also carries uncomfortable associations with the concept of a Romantic Author-God. Instead, the term "source *text*" clearly designates it as a "text" not a "work," based on Roland Barthes's distinction between a "work" as a closed product, with an ultimate, secret meaning inserted by the author, and a "text" as an open, networked space with many potential meanings to be disentangled in an endless process by multiple readers ("From Work to Text"). Indeed, it is possible, if rare, for a recharacterization novel to become a source text for another recharacterization novel—as happens with D. M. Thomas's *Charlotte* (2000), which builds on both *Jane Eyre* and *Wide Sargasso Sea*—so avoiding a term that prioritizes or valorizes the earlier text over the later one helps me allow for such instances. Also, the concept of "the original" might be associated with Platonic ideal forms in the sense that there is one first and ideal version of a character in the source text and others' versions of that character are

merely inferior copies. That way of thinking is inconsistent with what I will claim about the nature and postmodern context of the recharacterization novel.

In addition to providing a more systematic and comprehensive study of this form of novel than the scholars mentioned above, this dissertation extends literary scholarship in several areas. Most important is its contribution to what Rita Felski, in her introduction to a special issue of *New Literary History* on fictional characters, calls “the renaissance of character in an increasingly interdisciplinary intellectual field” (ix). In particular, I challenge the presumption that equates postmodern fiction with, in Felski’s words, the “pulverizing of character” (vii). Postmodernism’s overturning of essentialist notions of identity and the existence of a coherent “self”—resulting from the influence of poststructuralism and deconstruction—has often been seen as precluding readers’ ability to empathize or identify with characters in the way traditionally viewed as central to the novel’s appeal. This claim about postmodern novels is based on such examples as Alain Robbe-Grillet’s supposed lack of characters and Thomas Pynchon’s “reduction of literary character to a cartoonlike two-dimensionality which . . . withholds any sure signs of durable interiority” and thus “the notion of ‘character’ is absent” (Murphet 273). Although I acknowledge that only some recharacterization novels make use of the metafictional devices often viewed as defining the postmodern novel, I view the recharacterization novel as itself a postmodern *form*—one that dissects, deconstructs, and comments on the concept of character, but most assuredly does not demolish it.

In challenging this presumption about postmodern fiction and contributing to the new scholarship on fictional characters, this dissertation also offers a previously unexplored way of answering the question of what happens when readers establish a relationship with fictional characters. As spokesman for a humanistic poetics, Wayne Booth (in *The Company We Keep: An*

Ethics of Fiction) argued that readers make new friends in characters, who then help them engage with moral choices. The results of such interactions are a primary concern of moral philosopher Martha Nussbaum, who (with such books as *Poetic Justice: The Literary Imagination and Public Life*) has been the primary spokesperson for the familiar argument that reader-character interaction helps humans become more empathetic, more inclined towards egalitarianism, and thus better citizens. However, drawing on a wide range of research in psychology and literature as well as the documented experiences of common readers including her students, Suzanne Keen powerfully challenges Nussbaum's and Booth's claims. Granting that, of course, "readers feel empathy with (and sympathy for) fictional characters" (*Empathy* vii), Keen finds no evidence that such experiences lead to moral improvement or altruism. While avoiding the empathy angle, cognitive literary critics like Lisa Zunshine (in *Why We Read Fiction*) and Blakey Vermeule (in *Why Do We Care About Literary Characters?*) have argued that the experience helps readers learn how to interact with real people by giving them practice in reading others' minds, an exercise made particularly valuable by the stakes-free setting of literary discourse in contrast to the real world. Unlike these critics, I am less interested in the impact fictional characters have on readers' attitudes and actions towards other human beings and more interested in their effect on those readers' imaginations—in particular, when it spurs their creativity to the extent of motivating them to write their own stories with the same characters. In another distinction, these critics use as examples eighteenth- and nineteenth-century novels and a few from the early twentieth century, while my study focuses on novels in the late twentieth- and early-twenty-first centuries. By extending this previous work in these ways, I show that recharacterization novels offer a new line of inquiry into thinking about the interaction between readers and fictional characters.¹

My study also builds on previous scholarship showing how fiction and fictional characters are not timeless “natural” phenomena but instead are historically situated and socially constructed. Catherine Gallagher’s and Deidre Lynch’s work, in particular, has been extremely helpful in pushing my thinking forward in this arena. In “The Rise of Fictionality” and *Nobody’s Story: The Vanishing Acts of Women Writers in the Marketplace, 1670-1820*, Gallagher historicizes the notion of fictionality and charts its development in the novel in the eighteenth century. As a result of this transformative process, Gallagher concludes, “In England, between the time when Defoe insisted that Robinson Crusoe was a real individual (1720) and the time when Henry Fielding urged just as strenuously that his characters were not representations of actual specific people (1742), a discourse of fictionality appeared in and around the novel, specifying new rules for its identification and new modes of nonreference” (“Rise” 344). In this process, readers’ assumptions that stories were about “somebody” (i.e., a real person) changed to embrace the idea that fictions were about “nobody” (i.e., no real person in particular), which made them available to any reader. Similarly, in *The Economy of Character: Novels, Market Culture, and the Business of Inner Meaning*, Lynch explains how the very notion of a fictional character developed for authors and readers in the eighteenth-century market economy, as well as “how it came to be that novels, to be good novels, had to be *about* character” (29). Along with this development came the value placed on what came to be known as “round characters” whose many facets make them “accomplices of discourse” because, Lynch notes, “they keep us talking” (221). Just as Gallagher and Lynch historicize the emergence of the concept of fictional characters, I begin to explore in this dissertation the different concept of characters that novel readers have in the late twentieth and early twenty-first centuries by looking at the example of recharacterization novels. Readers and authors in this period accept without question—perhaps

even expect—the idea that fictional characters can appear in multiple works by different authors who provide varying perspectives on the same character, an outcome that I describe in Chapters 3-6 as emerging from a confluence of philosophical and cultural trends in the postmodern period.

My focus on this period means that my study also contributes to scholarship on the postmodern novel. Brian McHale's comprehensive study of postmodernist fiction argues for the dominance in these works of ontological issues in contrast to the epistemological questions that dominated modernist fiction. Postmodern fiction engages questions about the nature and existence of reality, including what world/s we are in, what possible worlds exist, what happens when different worlds collide or boundaries are crossed, and how does a text project a world. McHale briefly addresses the role of characters in such ontological issues, including characters who cross thresholds of worlds, are aware of their own fictionality, and have vexed relationships with their author-creators (121-4). My study focusing on one subset of postmodernist fiction thus fits comfortably into McHale's theoretical framework. It also aligns with another comprehensive study of the postmodern novel: Linda Hutcheon's *A Poetics of Postmodernism: History, Theory, Fiction*, specifically endorsing her definition of the postmodern as a "problematizing force," which "never offers answers that are anything but provisional and contextually determined" (xi). My focus on the recharacterization novel as one form of postmodern expression complements Hutcheon's attention to historiographic metafiction as another form, and many of the issues she addresses—intertextuality, strategies of representation, the role of language, the consequences of seeing as problematic what had been taken for granted—are part of my study as well.

This dissertation contributes as well to studies of individual novelistic genres that take cultural materialist approaches, based on an insistence on the historicity of literary forms. I am thinking particularly of Moretti's study of the *Bildungsroman* (*The Way of the World: The*

Bildungsroman in *European Culture*), which explains how this form concerned with the maturation of restless youths emerged to reflect the social and political preoccupations of the nineteenth century; Janice Radway's *Reading the Romance: Women, Patriarchy, and Popular Literature*, which pairs her close study of a group of romance readers with an overview of romance publishing practices to show how the form reflected social and psychological concerns of 1970s and 1980s American women; and Georg Lukács's *The Historical Novel*, which demonstrates how the emergence of this form in the early nineteenth century, led by Sir Walter Scott, reflects the new understanding of "the individuality of characters from the historical peculiarity of their age" (19). These studies differ from mine in the aspect of the historical context on which they focus: they rely most heavily on social and political history, whereas mine focuses more on the philosophical and legal context. However, both theirs and mine "attempt to articulate" the relationship between aesthetic form and "an emergent new type of consciousness" (1) in a particular period, as Fredric Jameson says about Lukács's study in his introduction to the 1983 edition.

Finally, because recharacterization novels make explicit use of material from previous works, my study also extends scholarship on the history of the book regarding the intersection of law and literature. As Mark Rose, Martha Woodmansee and Peter Jaszi, Aaron Schwabach, and others have pointed out, copyright law—based on protecting authors' rights in their work as a form of property—is often at odds with postmodern emphases on intertextuality and reader response over solitary genius. As Rose wrote in 1993, "Copyright depends on drawing lines between works, on saying where one text ends and another begins. What much current literary thought emphasizes, however, is that texts permeate and enable one another" (3). My study pays detailed attention to the history of copyright and the ways in which it is placing limits on creative

expression in the recharacterization novel, and the final chapter and conclusion propose some promising new ways to negotiate this conflict.

My Object of Study and the Story of Its Emergence

The organization of this dissertation begins with a more detailed definition of my object of study in order to lay the groundwork for the discussion that follows. Chapter 2 therefore outlines the poetics of the recharacterization novel, based on more than sixty examples (their titles, authors, and source texts are listed chronologically in Appendix A). Examples of this genre come in many varieties: literary and commercial; sequels, prequels, and paraquels; many challenge the source text, and others extend the reader's relationship with a beloved character; some employ metafictional devices, while others are written as conventional narratives; many would be called realist novels, and others are oriented toward fantasy, romance, or horror; and a large number make use of devices from other genres like historical novels and detective fiction. To provide a framework supporting my claim that this diverse mix adds up to a coherent genre, however, I describe its two dominant modes and a set of primary criteria that qualify novels for this category. I then map out key literary practices that characterize it, including examples along the way.

With a firmer handle on the nature of the recharacterization novel, I will then tell the story of its development as the result of a negotiation among clashing forces. My framing the story in this way resembles Pierre Bourdieu's conception of "the field of cultural production": "The literary or artistic field," he writes, "is a *field of forces*, but it is also a *field of struggles* tending to transform or conserve this field of forces" (30; emphasis in original). The "field" of the recharacterization novel consists of an ongoing confrontation between liberating/motivating

pressures and limiting pressures, in which a postmodernizing momentum forward that seeks to free characters from their first authors and source texts is countered by legal and economic restricting forces. The next three chapters explore some of the motivating forces. In Chapter 3, I provide a brief overview of key postmodern theories that define this liberating context. The recharacterizing impulse has existed in literature since ancient Greece, and some individual recharacterization fictions, including novels, appeared prior to the post-World War II time frame. However, it is only in the postmodern period that the impulse gelled sufficiently to form the basis of a distinctive genre. This chapter aims to show how such thinkers as Jean-François Lyotard, Roland Barthes, Michel Foucault, Jacques Derrida, Gilles Deleuze, Adrienne Rich, and Judith Fetterley articulated an environment in which readers were both freed and motivated to write this type of novel. These critics' ideas thus help explain why these novels first flourished in the late twentieth century.

Another liberating force is the subject of Chapter 4. A recharacterization novel, like all novels, depends on an individual writer coming up with an idea that keeps her going through the long period of creativity and hard work necessary for its development. But something more is required to convince a writer that she has the right, perhaps even the obligation, to write a novel that challenges a canonical portrayal of another writer's character. To help explain how the reader-character relationship functions for these novels, I theorize the interaction as the staging of an ethical encounter as defined by Emmanuel Levinas. In Levinas's framework, he explains that, in the ethical encounter, the self becomes a self when it enters into proximity with and accepts responsibility for the Other. This chapter shows how *Wide Sargasso Sea*, *Friday*, and *Grendel* enact Levinasian ethical encounters in that each takes an othered, dehumanized secondary character from the source text and provides a fuller portrayal that makes her or him

more sympathetic to the reader. This similar structure for these, the first three postmodern recharacterization novels, underlines the importance of this motivating force for the genre in its historical development.

Chapter 5 delves more deeply into my statement that recharacterization novels extend the “lives” of fictional characters. Intuitively, we may say that these novels help keep characters “alive” or make them “more real” and that achieving this objective is a significant part of their motivation and *raison d’être*, but is it possible to support that idea in philosophical terms? To answer that question, this chapter explores some of the ways philosophers have sought to explain the nature and existence of fictional characters and the ways we think and speak about them. After surveying a number of approaches from the philosophy of language and metaphysics, I focus particularly on Amie Thomasson’s proposed theory of the ontology of fictional characters, which brings together analytic and metaphysical approaches and seems to provide the most promising fully developed conceptual framework for explaining, in philosophical terms, what happens in recharacterization novels.

After ontology, I turn to the material world. It is no coincidence that recharacterization novels and fan fiction have emerged in roughly the same historical period because fan fiction is driven by a similar impulse: a reader becoming a writer to challenge or extend the story and/or portrayal of character/s in a source text. However, fan fiction is written by amateur writers who self-publish their stories almost exclusively on the Internet to be read for free by other fans, whereas an author who wants the public sanction and other benefits that come with formal publication must enter her work into the marketplace. In exploring what happens when recharacterization novels become material commodities in an economic system, Chapter 6 serves as a bridge chapter in the dissertation because it shows how publishing requirements act as both

motivating and restricting forces for the form. In the competitive publishing environment of this period, a familiar marketing “hook” such as a relationship to a canonical work may increase a new novel’s sales potential and thus its appeal to a publisher; but the competition for being acquired by an established publisher (small or large) has been especially fierce since the 1980s, and entering that environment makes an author’s work subject to legal and economic constraints. After surveying the landscape in which recharacterization novels have been published and tracking some of its implications in ways based on Moretti’s quantitative studies of novelistic genres, this chapter presents a case study of Sherlock Holmes recharacterization novels, the most prolific example of the form.

With Chapter 7, we move fully into the camp of restricting forces. The vast majority of recharacterization novels are based on source texts in the public domain—either never under copyright protection or for which the copyright has expired—and this chapter explains why this major limitation on the genre exists. I begin with a historical overview of copyright as based on socially constructed notions of authorship and of a work as intellectual property. I then review, in some detail, the history and purpose of U.S. copyright based on language in the U.S. Constitution, codified through acts of Congress, and further developed in case law, including key decisions of U.S. Courts of Appeals and the U.S. Supreme Court. This review pays particular attention to copyright law and tests for exemption applied to derivative works and protection of fictional characters.

Finally, Chapter 8 explores what happens when these motivating and restricting forces go into battle against each other. I present three case studies of copyright infringement involving recharacterization novels based on a source text still under copyright: Pia Pera’s *Lo’s Diary* (1999), borrowing from Vladimir Nabokov’s *Lolita* (1955); Alice Randall’s *The Wind Done*

Gone (2001), borrowing from Margaret Mitchell's *Gone with the Wind* (1936); and *60 Years Later: Coming Through the Rye* (2009) by J. D. California (a pseudonym for Fredrik Colting), borrowing from J. D. Salinger's *The Catcher in the Rye* (1951). In each of these cases, the source text author or the estate's executors sued the authors of the recharacterization novels for copyright infringement. The chapter describes how and why the suits against the first two were eventually settled under negotiated terms and the novels published, but the third was enjoined from U.S. publication until the source text's copyright expires. In discussing these cases, I not only track the three different outcomes, but also consider aesthetic, political, and other extra-legal factors that influenced their resolution.

The dissertation concludes with my thoughts on the future of the recharacterization novel. I suggest directions in which I would like see the form develop further and propose possible pathways to negotiate resolutions to the creativity vs. copyright conflict, calling in particular for the involvement of literary scholars in addressing legal issues. These suggestions take us back to another source text: the Founders' language in the U.S. Constitution that forms the basis for copyright law. What recharacterization novels ultimately demonstrate is the need for an extended definition of "fair use" that will redress the current imbalance privileging authors' rights over cultural progress and allow fictional characters to have the rich and continuing afterlives they deserve.

Note

1. James Phelan, in such works as *Living to Tell About It: A Rhetoric and Ethics of Character Narration* and *Experiencing Fiction: Judgments, Progressions, and the Rhetorical Theory of Narrative*, has also written persuasively about fictional characters, although his approach is grounded in narrative theory rather than reader response.

CHAPTER 2

THE POETICS OF RECHARACTERIZATION NOVELS

At first glance, the many recharacterization novels based on *Jane Eyre* differ so greatly from each other as to seem hardly the same form. In literary examples, Rhys's *Wide Sargasso Sea* envisions a backstory for Edward Rochester's first wife, Bertha Mason, rendering the madwoman more understandable, while Thomas's *Charlotte: The Final Journey of Jane Eyre* replaces Brontë's cheerful domestic conclusion with a sequel in which Edward's impotence leads to depression and suicide, after which Jane finds his and Bertha's abandoned son in the West Indies and lives with him there until her death soon thereafter. In the literary/commercial range are Hilary Bailey's *Mrs. Rochester: A Sequel to Jane Eyre* (1997) and Emma Tennant's *Adèle: Jane Eyre's Hidden Story* (2002), both foregrounding Adèle, Edward's ward and biological daughter. Bailey's novel retains Jane's first person point of view but refigures Adèle as a troubled antagonist who killed Bertha and attempts to kill Jane in hopes of reuniting Edward with her mother. Tennant's version positions Adèle as first-person protagonist in a sort of *Bildungsroman*, evolving from childhood with her mother in Paris and residence at Edward's house where she befriends Bertha to finally finding in Jane a long-sought mother-figure. More recently, popular versions have flourished: in addition to Joanna Campbell Slan's mystery series (2012-13) with Jane as sleuth, many amateur writers since 2000 have utilized e-publishing to release romance-oriented fan fiction, told from both Jane's and Edward's perspectives.

Despite such variations in plot, point of view, and means of publication, I contend that these novels along with those that borrow characters from other source texts constitute a

definable genre that I am calling the recharacterization novel (see Appendix A for a chronological list of examples). My objective in this chapter is to provide a definition of the genre, based on empirical study of representative samples. Toward that end, I begin by outlining the genre's two dominant modes and a set of primary criteria that qualify novels to fit into this category. I will then describe key literary practices that characterize it, some of them drawn from Genette's extensive study of rewriting, *Palimpsests*. This chapter thus proposes a poetics of the recharacterization novel, in the sense McHale explains in his book on the postmodern novel: as an attempt "to construct the repertory of motifs and devices, and the system of relations and differences, shared by a particular class of texts" (xi).

Two Modes, Four Criteria

While some other texts with the combined canonical and popular status of *Jane Eyre* have stimulated multiple recharacterization novels, most examples of the genre stand so far as sole recharacterizations of the texts that inspired them. In either case, I see these novels taking two primary stances vis-à-vis their source texts, resulting in two dominant modes. The "writing back" mode is largely critical, challenging an aspect of the source text and providing a different interpretation of its character/s. By contrast, the "extending" mode is largely complementary, motivated by the author's affection for a character or characters and desire to extend them beyond the boundaries of the source text. These two modes should be seen not as mutually exclusive categories but as the poles of a continuum. A novel demonstrating the pure form of the "writing back" mode (i.e., at that pole of the continuum) would so thoroughly challenge key parts of the source text that the two could not be seen as coexisting but only as opposing alternatives. At the other pole, a novel demonstrating the pure form of the "extending" mode

questions nothing about the source text but simply wants to prolong the relationship with beloved characters, using the author's imagination to logically extend the story. Randall's *The Wind Done Gone*, in its reversal of the characters of Scarlett, Ellen, and Gerald O'Hara and others from Mitchell's *Gone With the Wind*, constitutes an almost pure example of the "writing back" mode: a reader cannot accept Randall's portrayal of Scarlett, for example, without rejecting Mitchell's. By contrast, in an almost pure example of the extending mode, Laurie R. King's *The Beekeeper's Apprentice* (1994) imagines Sherlock Holmes later in life than in the Sir Arthur Conan Doyle stories, but retains all the familiar elements of Holmes's personality and interests, as well as his companions Dr. Watson and Mrs. Hudson. Nothing in King's novel or her characterization of Holmes is so inconsistent with Conan Doyle's that a reader of the two cannot read them comfortably side by side.

Most recharacterization novels, however, exhibit a combination of the two modes—though typically with one predominating over the other. From the *Jane Eyre* list above, *Wide Sargasso Sea* and *Charlotte* are primarily in the "writing back" mode and the others are primarily in the "extending" mode, but all accept most of the essential aspects of the source text. The "writing back" novels tend to be more literary, while the "extending" novels tend to be more commercial, but this alignment does not always hold. For example, Gregory Maguire's *Wicked* (1995; which borrows from L. Frank Baum's *The Wonderful Wizard of Oz*) and Christopher Moore's *Fool* (2009; which borrows from Shakespeare's *King Lear*) are very well-done commercial novels. However, both challenge key aspects of their source texts to the extent that Maguire's interpretation of the Wicked Witch of the West (aided by the Broadway musical based on the novel) has probably superseded Baum's in the popular imagination and it is impossible for anyone who has read the hilarious *Fool* to feel the same way about the tragedy in *King Lear*.

While these two dominant modes provide one way to organize the body of recharacterization novels, other types of novels that utilize explicit forms of intertextuality may be organized into those modes as well; therefore, this rubric does not serve to define which novels may be called recharacterization novels and which may not. Building on my point in the introduction of this dissertation about the centrality of character to this genre, I have therefore isolated four criteria for the recharacterization novel—which are beyond the obvious requirement that it be a novel, which thus excludes Tom Stoppard’s play *Rosencrantz and Guildenstern Are Dead* (1966), a key text in establishing the practice of recharacterization and one that, except for its genre, satisfies all the criteria I identify here.

The first criterion is that the novel’s character/s must be “the same” character/s as in the source text. I put “the same” in quotation marks to acknowledge the problematic nature of this concept (to be explored in Chapter 5). By using it here, I simply mean that the fictional being in the recharacterization novel shares at least some core characteristics with her manifestation in the source text, lives within the same life span, and inhabits the same fictional world or diegesis, which Genette defines as “the spatiotemporal world designated by the narrative” (295). Crossing genres is not an exclusionary factor, so that a novel with characters borrowed from a Shakespeare play or Homeric epic may qualify, as long as their treatment meets the other requirements. Furthermore, the characters from the source text may be major or minor, may be changed in ways large or small, and may be portrayed at the same or different periods of their lives. While *Wide Sargasso Sea* is primarily a prequel, *Adèle* is primarily a paraquel, and *Charlotte* is primarily a sequel, their main characters (Bertha, Adèle, Jane, and Edward) are the same as their corresponding versions in *Jane Eyre* and thus satisfy this requirement.

By contrast, contemporary characters based on precursors in earlier texts but transposed into a different historical period—in, for example, James Joyce’s *Ulysses* (1922; borrowing from Homer’s *The Odyssey*) and Jane Smiley’s *A Thousand Acres* (1991; borrowing from *King Lear*)—are not the same characters, even if they have similar names, experiences, and characteristics; therefore, those works are not recharacterization novels. Likewise, novels whose authors or publishers use a relationship with a prior, well-known novel in such paratextual elements as the title or promotional copy cannot be defined as recharacterization novels solely on that basis, even if one or more characters resemble those in the source text. John Updike’s *S.* (1988), for instance, features an epigraph from Nathaniel Hawthorne’s *The Scarlet Letter* and claims on its cover to show “Hester Prynne’s side of the triangle,” implying it is a recharacterization. *S.*’s occasional allusions to *The Scarlet Letter* novel highlight their intertextual relationship and enrich the reading experience, as is the case with *Ulysses* and *A Thousand Acres*; in addition, *S.*’s plot about a twentieth-century Massachusetts woman’s humorous search for meaning in an Arizona ashram structurally parallels Hester’s story since Updike’s Sarah has an affair with the resident guru while her husband, via letters from his lawyer, seeks revenge for her abandonment. But, despite the publisher’s claim, Sarah is not Hester, so *S.* is not a recharacterization novel.¹

The second criterion is that the character/s borrowed from the source text cannot simply make a cameo appearance but must be among the recharacterization novel’s main characters and play a significant role in the plot. In Jasper Fforde’s *The Eyre Affair* (2001), Edward Rochester leaves *Jane Eyre* on several occasions to assist protagonist Thursday Next in her literary detective work in a futuristic literature-obsessed world. This novel involves a sort of transdiegetic space-time travel that raises interesting questions about the ontology of fictional

characters and in which Rochester and Jane are indeed the same characters as in the source text. However, their limited role in the plot excludes Fforde's novel from being a recharacterization novel. By contrast, the opposite move—taking characters who have a small or even minuscule role in the source text and making them primary characters in the succeeding novel—is a frequent practice in the recharacterization novel, as seen in Tennant's *Adèle*, Jon Clinch's *Finn* (2007; about Huck's father from Mark Twain's *Huckleberry Finn*), and Geraldine Brooks's *March* (2005; about the father of the March family in Louisa May Alcott's *Little Women*).

The third criterion is that the novel must be written by a different author from that of the source text. Authors, of course, are always able (legally and otherwise) to reuse their own characters in subsequent works, whether for commercial or literary purposes, in major or minor roles, and in sequels, series, or stand-alone novels. Elizabeth Costello, for instance, appears in several of Coetzee's novels, as do Kilgore Trout and Eliot Rosewater in Kurt Vonnegut's and Yunion in Junot Díaz's. This is the case even if the character differs so greatly in separate works that one might question whether it is the same character at all (as in some late-twentieth-century criticism regarding Quentin Compson in William Faulkner's *The Sound and the Fury* and *Absalom, Absalom!*). Granting those situations raise provocative questions about both individual characters and characters per se, I want to exclude such uses from my definition of the recharacterization novel because I see one author's use of another author's characters as different in kind from self-use. This distinction is an essential part of copyright protection of texts and fictional characters as well as being addressed in some philosophers' definitions of the ontological status of characters (issues to be discussed in Chapters 5 and 7).

In an extension of this criterion, I am also excluding sequels commissioned by deceased authors' estates since the writer of such works is controlled by the wishes of the executors,

serving as proxies for the source text author. In those cases, the writer accepts limitations regarding the characters to be used and how they may be portrayed, having relinquished a large part of her creative license in exchange for financial compensation. The extreme degree of control imposed on writers of the commissioned sequels to *Gone With the Wind*, for example, became public during the copyright infringement suit brought against Randall's *The Wind Done Gone* (described in Chapter 8) and demonstrates why a writer in those situations must be defined as an extension of the source text author rather than a creative writer free to follow her own imagination where it takes her. I refer here specifically to those instances in which the estate, wishing to extend a profitable franchise, finds a writer who signs a "work for hire" agreement in which she is paid a set fee (sometimes supplemented with a percentage of royalties), but the estate holds the copyright in the new work. These arrangements with commissioned authors of sequels to, for instance, *Gone With the Wind* and *The Wizard of Oz* thus exclude those works from being recharacterization novels; but the novels by Randall and Maguire were not written under such arrangements and therefore qualify.

A more complicated situation exists regarding novels about Sherlock Holmes since Conan Doyle's late stories are still under copyright in England and the U.S. In the decades following Conan Doyle's death, his estate commissioned several authors to write new Holmes and Watson stories, which would therefore not be considered recharacterization novels. However, more recent Holmes novels by King, Nicholas Meyer, Sena Jeter Naslund, Anthony Horowitz, and others meet this criterion because those novelists undertook the projects on their own initiative, received no compensation from the estate, and hold the copyrights in their names. Nevertheless, Meyer and Horowitz acknowledge that the estate granted them permission to use the characters, for which they may have paid a fee. The complexity of this situation received

widespread media attention in 2014 when Leslie Klinger, an American writer of Holmes short stories, refused to pay the estate's permission fee, and the U.S. Supreme Court decision to not take the case on appeal left standing the lower court's ruling in favor of Klinger (Schaub; for court documents, see *Free Sherlock!*). According to that court's decision, the mixed copyright situation means authors are free to borrow elements from the older stories (now in the public domain) but not the later ones still under copyright without the permission of the estate.

The fourth and final criterion is that the character/s in question must be both fictional and *created* in some sense by the source text author even if characteristics are based on a historical personage or individual of the author's acquaintance. Catherine Gallagher's study of Napoleon as both historical and fictional character ("What Would Napoleon Do?") demonstrates the intriguing theoretical questions raised by such characters; but those issues, while related, are not the same for characters with no historical progenitor. Thus, although Philip Roth's *The Ghost Writer* (1979) explicitly explores issues of character ontology because a key personage may be an Anne Frank who survived the Holocaust and escaped to America, this criterion means it is not what I would call a recharacterization novel. For similar reasons, I am excluding novels based on biblical characters, such as Colm Tóibín's *The Testament of Mary* (2013) and Anita Diamant's *The Red Tent* (1998), due to the impossibility of knowing whether their subjects are historical or fictional beings. Furthermore, despite their importance in the early postmodern canon and their critical role in building interest in the recharacterization process, I am also excluding fiction that rewrites folk or fairy tales like Donald Barthelme's *Snow White* (1965),² Angela Carter's *The Bloody Chamber* (1979), and John Barth's *Chimera* (1972) since the origins of such legendary figures as Snow White, Little Red Riding Hood, and Perseus cannot be attributed to a single author.

A “Repertory of Motifs and Devices”

Having met these four criteria, recharacterization novels make use of varied literary practices that constitute the poetics of the genre. I have selected the seven most distinctive practices to discuss here—**transfocalization**, **backstory**, **interpolation**, **sequel**, **spinoff**, introduction of **author as character**, and **character’s awareness of own fictional status**—followed by a note on style. Although no single recharacterization novel utilizes all these practices, as a group they share what McHale calls a “repertory of motifs and devices” (xi).

The first—a practice frequently used in recharacterization novels—involves Genette’s concept of “**transfocalization**” as “operations that modify the narrative ‘point of view’” (287). Genette delineates possible types of this operation as follows: an omniscient point of view in the source text “could be focalized . . . on one of its characters”; “a focalized narrative . . . could be defocalized,” i.e., changed to an omniscient point of view; or “a focalized narrative” told from the point of view of one character could be changed to that of a different character (287). Such transfocalizations open up the opportunity for the practice I will call “interpolation” below, similar to what Genette describes as “opportunities of responding to questions left unanswered by the gaps in the hypotext, such as ‘While this is happening to X, what is becoming of Y?’” (287). Narration parallel to the source text’s plot may also extend into the past (what I will call “backstory”) or into the future (as a sequel), or the transfocalized narrative may consist entirely or almost entirely of a backstory or sequel. Transfocalizing the story not only provides for the development of a thin or minor character into a more fully developed (and usually more sympathetic) one, but may suggest what motivated that character’s actions in the source text and/or allow readers to follow the character beyond the ending of the source text.

The first three postmodern recharacterization novels exemplify Genette's three possible types of transfocalization. *Grendel* refocalizes the omniscient point of view of *Beowulf* into Grendel's first person voice, providing a backstory for the monster that culminates in his battle with Beowulf and resulting death, narrated from his point of view. In contrast, *Friday* refocalizes *Robinson Crusoe* from Crusoe's first person narrative to an omniscient point of view (with some excerpts from the castaway's diary). Lifting the story out of Crusoe's limited perspective allows Tournier to alter Defoe's characterizations of both Crusoe and Friday, valorizing Friday and giving him agency, so that Crusoe learns from and becomes like Friday as a result of their time together rather than vice versa. *Wide Sargasso Sea*, an example of the third type, refocalizes *Jane Eyre* from Jane's first person perspective to that of Bertha (in Parts I and III) and Edward (in Part II), with a brief section spoken by the pugnacious Grace Poole—making all three of those characters more fully developed and sympathetic than in the source text. Whether refocalized from an omniscient or a different first person point of view, many first-person recharacterization novels not only develop disparaged and inarticulate characters from the source text, giving them voice and agency, with control over their own stories; but these novels also give the character a distinctive means of expression, as happens in *Grendel* and *Wide Sargasso Sea*.

Other recharacterization novels that make effective use of transfocalization are Robin Lippincott's *Mr. Dalloway* (1999; presenting the husband's first-person point of view in counterpoint to the omniscient perspective in Virginia Woolf's *Mrs. Dalloway*); Clinch's *Finn* (providing a backstory for Huck's destructive father from an omniscient point of view, with access to scenes and attitudes different from those narrated by Huck); and Moore's *Fool* (making Lear's Fool both first-person narrator and hero). Some recharacterization novels—some of the best examples of the form—make effective use of this transfocalization process to present a

contrasting worldview ignored or silenced in the source text. Valerie Martin's *Mary Reilly* (1990), for instance, brings an anonymous housemaid out of the shadows of Dr. Jekyll's house to which Robert Louis Stevenson's *The Strange Case of Dr. Jekyll and Mr. Hyde* consigns her and, through her diary, demonstrates the powerlessness of Victorian household servants who must obey and accommodate themselves to their masters, whether they are a Jekyll or a Hyde. Similarly, Nancy Rawles's *My Jim* (2005), in which Sadie, the wife of Jim from Twain's *Huckleberry Finn*, tells of her husband's life beyond his role as Huck's companion, manifests not only the daily challenges and humiliations faced by slaves, but points to subtle nuances of slave-master, slave-slave, and slave-free black relations. A variation on this practice, not mentioned by Genette, involves introducing as first-person narrator a new character not present in the source text. This variation is used successfully in Coetzee's *Foe* (in the character of a woman who was on the island with Crusoe and Friday) and less so in Randall's *The Wind Done Gone* (in the character of a slave who is Scarlett O'Hara's mulatto half-sister).

The next practices to be discussed (second through fifth on the list above) all involve actions taken by the recharacterization novel vis-à-vis the source text's plot: backstory, interpolation, sequel, and spinoff. These practices usually entail what Genette calls "narrative amplification": providing the "how" in a "dramatic amplification of the 'what' handed down" but also "the 'why,' the psychological motivation" (264, 267). These practices seldom appear in pure form—e.g., as purely a sequel with no action occurring at the same time as the source text; rather, these novels usually make use primarily of one practice, with the others in a lesser way. In their attitudes toward the prior plot, most recharacterization novels accept it and provide an amplification or differing interpretation; however, some make minor changes, and a few even make major changes, usually explained by the flawed perspective of a source text character.

The second practice, then, involves the extension of the plot back in time and is often called a prequel though, for my purposes, I prefer the term “**backstory**” to emphasize that, with recharacterization novels, the amplification generally consists of *stories* about one or more characters that take the reader *back* in time. The backstory is often used by recharacterization novelists to tell what happened to malevolent characters at earlier stage/s of their lives, sometimes including one or both parents and the circumstances of their birth and childhood, in order to explain how they came to be the way they are as adults—a version I like to think of as the Darth Vader motif, based on the explanation of that famously nefarious character’s troubled past in the *Star Wars* prequels. This practice seeks to satisfy modern readers’ curiosity about the psychological makeup of destructive individuals and desire to understand the forces that shaped and damaged them—a desire often driven by readers’ reluctance to believe anyone is purely and inherently evil. *Finn*, for example, proposes that Huck’s father become the nasty Pap we see in *Huckleberry Finn* because of social abuse he suffered as a poor white man in the late-nineteenth-century American Midwest who fell in love with a black woman, and Ronald Frame’s *Havisham* (2012) shows the sad woman who cruelly manipulates Pip’s and Estella’s lives in Dickens’s *Great Expectations* at earlier times in her life when she was a shy motherless girl whose father’s wealth caused many more problems for her than it ever solved. Other recharacterization novels make effective use of backstory to explore the background of disempowered characters who are thinly portrayed but not malevolent. Examples are Rawles’s *My Jim*, extending *Huckleberry Finn*’s Jim back to his birth, adolescence as the property of Miss Watson and her father, and later marriage to Sadie and the birth of their children, and Moore’s *Fool*, which takes Pocket from being left on the steps of a nunnery as an infant foundling so small he could fit into a pocket through his education by the abbess to ultimately becoming the king’s fool.

The opposite of the backstory is the third practice, the **sequel**, which extends the plot of the source text forward in time. The fact that sequels are often motivated by their authors' affection for the source text and desire to continue a relationship with the character/s means that most of the more romance- and fan fiction-oriented recharacterization novels make use of this practice. As Janice Radway explains regarding the romance and Andrew Schwabach regarding fan fiction, these readers are especially likely to see their favorite characters as real people with whom the reader has a personal relationship (see, for example, Radway 77, 93 and Schwabach 5-8). Examples of recharacterization novels that extend a relationship with a beloved character beyond the source text in an uncritical manner include Bailey's *Mrs. Rochester*, Lin Haire-Sargeant's *H: The Return to Wuthering Heights* (1992; based on Emily Bronte's *Wuthering Heights*), and Joan Aiken's sequels to Jane Austen novels (*Mansfield Revisited* [1984], *Jane Fairfax* [1991], and *Eliza's Daughter: A Sequel to Sense and Sensibility* [1994]), as well as the many romance novels based on *Jane Eyre* that are published as e-books. An especially successful commercial example of a sequel is P. D. James's *Death Comes to Pemberley* (2011), in which the renowned mystery novelist extends Austen's *Pride and Prejudice* into the married years of Elizabeth Bennet and Fitzwilliam Darcy, whose estate becomes a crime scene when the still-annoying George Wickham is accused of murdering his best friend.

A variation on this sequel motivation involving a character who is compelling and mysterious rather than beloved occurs in Marie Kiraly's *Madeline: After the Fall of Usher* (1996). This well-done horror novel resuscitates Madeline Usher from her tomb in Edgar Allen Poe's "The Fall of the House of Usher," claiming she was not really dead but lived on to attempt, with use of her mystical powers, to re-establish the Usher family through incestuous relationships among her descendants. Sequels are not limited to commercial novels, however.

Two literary recharacterization novels, Thomas's *Charlotte* and Colting's *60 Years Later* are almost entirely sequels, taking Jane Eyre and Holden Caulfield into their later years, while also raising provocative questions about the relationships between those characters and their first authors.

Rather than taking the reader backward or forward in time as in the backstory and sequel, the fourth practice involves operations parallel to the source text's plot, filling in gaps within the timeline of its narrative. I am labelling this practice "**interpolation**," borrowing a term from mathematics that physicist Carl Haber explains as a procedure in which "you connect the ends of the gap [in a mathematical equation] with a smooth curve" (qtd. in Wilkinson 55). More generally, Merriam-Webster.com defines "interpolate" as "to alter or corrupt (as a text) by inserting new or foreign matter" and "to insert (words) into a text or into a conversation," and the term also refers to medieval scribes' insertion of material into manuscripts they were copying—i.e., by those other than the initial author. In recharacterization novels, interpolation is used to explain what happened during an ellipsis in the source text, often involving a secondary character whose actions are nevertheless key to the plot. The plot of Dickens's *Great Expectations*, for example, remains focalized on Pip between his early encounter with the mysterious runaway convict Magwitch and the time, much later, when Pip learns he has been the beneficiary of the convict's wealth. Peter Carey's recharacterization novel, *Jack Maggs* (1997), fills in that gap for Magwitch, explaining how he became wealthy during his sojourn in Australia. Likewise, Margaret Atwood's *The Penelopiad* (2005) answers the question "What was Penelope doing all that time Odysseus was fighting in the Trojan War and during his long return home?"—filling in the gaps between the bare details of her weaving her father-in-law's shroud and fending off suitors given in *The Odyssey*, as well as providing her perspective on the

couple's eventual reunion. In its focalization on another undeveloped character in a source text, Brooks's *March* takes as its subject the father of the March family in Louisa May Alcott's *Little Women*. In the source text, Mr. March appears only through his letters to the family since he is serving as a chaplain with Union troops during the Civil War until returning home late in the novel after being injured. Brooks's recharacterization novel follows him during his wartime service, but also traces his long off-and-on relationship with a young slave woman with whom he first became acquainted in his prewar travels through the South as an itinerant bookseller. *March*, in fact, goes so far beyond its source text that it almost becomes a spinoff (to be discussed in the next paragraph); but its claims about Mr. March's troubled relationship with his wife, the beloved Marmee in Alcott's novel, problematize our reading of the idyllic family setting of *Little Women* in a way that ties the recharacterization novel to its source text.

By contrast, the **spinoff**, the fifth practice, travels so far away from its source text that the earlier work becomes little more than a pretext (in both senses) for the subsequent story. Like the television series from which this term takes its name, the spinoff takes a minor character from the source text and creates a new, independent work whose connection with its predecessor is merely that of genesis, with little or no continuing relationship between the two. Sena Jeter Naslund's *Ahab's Wife, Or, The Star-Gazer* (1999) exemplifies this practice. Naslund's acclaimed 666-page novel, inspired by three passing references to Captain Ahab's unnamed "girl-wife" in Herman Melville's *Moby-Dick* (79, 405, 406), presents her full life-story as an imaginative, politically engaged nineteenth-century New England proto-feminist. Since Ahab's complex psychology is a key part of Melville's novel but is never completely explained, it could perhaps be said that Naslund's portrayal of his marital background along with the character development provided in his brief appearances in her novel's pages helps explain that aspect of

the source text. However, Naslund has said that she wanted her novel “to stand alone, intact and vital for any reader who had not read *Moby-Dick*” (“About the Book” 9), and the many glowing reviews of *Ahab’s Wife* suggest that has been the case (see, for example, Naslund, *Ahab’s Wife* i, ii)—a valuable quality for a recharacterization novel based on a source text like *Moby-Dick* that is little read outside the classroom. Tennant’s *Adèle* is also a spinoff: though it retains more ties to its source text than does *Ahab’s Wife*, its focalization on Adèle and inclusion of significant portions of the novel situated away from the settings of *Jane Eyre* cause it to be read as a separate story that periodically intersects with Brontë’s, rather than amplifying it.

Although the final two practices to be discussed are seldom used in recharacterization novels, the introduction of the **author as character** and **characters’ awareness of their own fictional status** deserve mention because of their status as metafictional motifs that characterize the self-consciousness of the postmodern novel. The first of these practices, known in fan fiction as the “Mary Sue” motif, “places the author, or a character closely based on the author, into a fictional world” (Schwabach 120). McHale defines this transdiegetic practice as quintessentially postmodern: in contrast with modernist writers’ attempt “to remove the traces of their presence from the surface of their writing,” many postmodern authors bring “the author back to the surface,” making her “free . . . to break into the fictional world” and “to confront us with the image of himself or herself in the act of producing the text” (199). Two recharacterization novels that make use of this practice are Kiraly’s *Madeline*, whose character of Poe took the idea for his story from a newspaper article about an Usher-like family and who then aids Madeline’s descendent in resisting her grandmother, and Carey’s *Jack Maggs*, which posits the character of Dickens as having had an extended relationship with the man he transforms into the character of Magwitch. Another interesting aspect of these two novels is that both also invent an explanation

for obscure parts of the source text authors' lives: Kiraly's explores what happened to Poe in the last months of his life, while Carey's addresses Dickens's relationship with his young sister-in-law that ends with her death. Two other recharacterization novels use the source text author not merely as fictional characters but to interrogate the author's relationship to his book and characters. Coetzee's *Foe* depicts Defoe's struggles in writing *Robinson Crusoe* that result from his characters' aims being at cross-purposes with his own, so that he becomes their "foe" as well as their creator. Similarly, the elderly Holden Caulfield in Colting's *60 Years Later* struggles to free himself from the character Salinger's attempts to control and eventually kill him.

In these ways, *Foe* and *60 Years Later* also provide examples of the final practice I want to address: characters' awareness of their own fictional status. *Foe*'s Susan Barton gives Defoe most of his information about Crusoe and Friday, but then sees herself being written out of the story even as she participates in the creation of the men as fictional characters distinct from those she knew. In *60 Years Later*, when Caulfield "awakes" in a California nursing home six decades after disappearing into the streets of New York at the end of *The Catcher in the Rye*, he struggles to piece together what happened in the interim, all the while trying to ignore the tap-tapping of the author's typewriter keys in the background. Near the end of the novel, Caulfield's encounter with the Salinger character, in the small Vermont town where he lives as a recluse, reveals that the author's obsession with control over his characters has evolved into a determination to kill Caulfield off. Caulfield's recognition of his fictional status becomes poignant as he attempts (finally successfully) to become, instead, the author of his own story. In this crossing of ontological thresholds between diegeses, McHale sees the "connection between awareness of fictionality and awareness of death," so that "a character's knowledge of his own fictionality often functions as a kind of master-trope for determinism—cultural, historical, psychological

determinism, but especially the inevitability of death” (123). The echoes of such questions underlying *Foe* and *60 Years Later* carry them to a higher level of aesthetic and philosophical sophistication and demonstrate the literary heights the recharacterization novel can reach.

Finally, a word about style. In one sense, many recharacterization novels can be considered to function as a “travesty” of their predecessors’ style according to Genette’s definition based on the Neoclassical sense of the word. He explains this practice as movement from a noble or elevated style to a familiar or “vulgar” one, largely in generic terms—for instance, the rewriting of epic poetry into seventeenth-century verse (56-58). This process can be seen in recharacterization novels based on epic poetry, such as Atwood’s *The Penelopiad* (borrowing from Homer’s *The Odyssey*) and Ursula K. LeGuin’s *Lavinia* (2008; borrowing from Virgil’s *The Aeneid*), as well as those based on Shakespeare’s plays (for example, Moore’s *Fool*, as well as Updike’s *Gertrude and Claudius* [2000], borrowing from *Hamlet*). Not only does the classical genre hierarchy locate the novel “lower” than epic and drama, but these novels’ prose style is more colloquial than the formal language of their source texts.

More generally, recharacterization novelists make use of four possibilities vis-à-vis style: they can self-consciously attempt to copy the style of the source text; they can create a style that alludes to that of the source text and its historical period yet is accessible to a contemporary reader; they can parody the style of the source text; or they can ignore the source text’s style altogether and write as they find most effective for their story. Examples of the first possibility tend to be the least successful since those novels’ language ends up feeling stilted and artificial to most readers in a way that is off-putting; Bailey’s *Mrs. Rochester* and Aiken’s *Jane Fairfax*, based on Jane Austen’s *Emma*, in their attempts to mimic their predecessors’ diction and sentence structures, fall into this category. By contrast, in successful examples of the second

possibility, Coetzee's *Foe* and Martin's *Mary Reilly* make use of the source texts' and their periods' language to convey the impression of having been written in those earlier times, but both are grounded in easily understandable late twentieth-century English. Moore's *Fool* does the same, although its frequent parody of Shakespearean language complements the novel's reversal of the play's plot (with Lear's Fool as hero and instigator of its happy ending) and results in much of its humor. Some more commercially oriented writers tend to take the fourth path, as in Kiraly's *Madeline*, which draws characters and plot elements from Poe's story but is written as a popular horror/mystery page-turner. Also effective in an entirely different way is Rawles's *My Jim*, whose first-person narrator, Jim's wife, tells his and her stories in slave dialect that is related to but distinct from Huck's colloquial style in Twain's novel.

In spite of the diversity of practices seen in examples like these, recharacterization novels constitute a coherent genre because of the core qualities they share and the common literary functions they serve. The poetics of the recharacterization novel I have outlined here is meant to help draw boundaries around the genre, while not defining it so narrowly as to preclude future instances of this still-evolving form. With a clearer picture of exactly what the recharacterization novel is, we turn in the following chapters to exploring the various forces that contributed to its emergence as a distinct aesthetic form.

Notes

1. Interestingly, *S.* suggests at least as many comparisons with the Utopian community in Hawthorne's *The Blithedale Romance* as it does with *The Scarlet Letter*, but a connection to that lesser known work would be less helpful for marketing purposes and is not mentioned. See Chapter 6 for discussion of the role of publishers' marketing strategies in the growth of this genre.
2. Despite its failing to satisfy this criterion, I admit to some discomfort with excluding Barthelme's *Snow White*, which unlike the Carter and Barth works (which are collections of short stories and novellas) is a novel and explicitly raises ontological questions about its characters similar to what happens in the best recharacterization novels. Although the folk tale characters appear in Barthelme's novel as Americans in the second half of the twentieth century and thus have many surface differences from their earlier manifestations, they are in another sense the same characters transplanted into a different setting, and in fact, their becoming cognizant of the limitations of their former points of view in the modern world is part of the plot. Snow White, for instance, realizes that she has missed the opportunity to find love because she turned down one suitor for not having princely blood and now the prince figure she was promised is dead.

CHAPTER 3

POSTMODERN THOUGHT: SETTING TEXTS AND READERS FREE

Recharacterization novels are not an exclusively postmodern form: isolated instances appeared in earlier periods, building on an impulse perhaps first seen in Virgil's borrowing of the minor character Aeneas from Homer's *The Iliad* for his post-Trojan War epic, *The Aeneid*. Early examples in English include Henry Fielding's eighteenth-century novels *Shamela* and *Joseph Andrews*—the first written as a parody of Samuel Richardson's *Pamela* and the second extending the story of Pamela's younger brother, Joseph—and Julian Hawthorne's *Gwendolyn: Sequel to George Eliot's Daniel Deronda*, published anonymously in 1878. In the mid-twentieth-century, two of Thomas Mann's novels stem from the recharacterization impulse: *Joseph and His Brothers* is based on the Old Testament stories, while *Lotte in Weimar* imagines a relationship between Goethe and the woman on whom he modeled the character of Charlotte in *The Sorrows of Young Werther*. Genette discusses a number of early examples in French literature, ranging from several sequels by anonymous authors to Pierre de Marivaux's *La Vie de Marianne* and *Le Paysan parvenu* in the eighteenth century (which led to the interesting situation of dueling sequels since Marivaux was writing his own at the same time) to Jean Giraudoux's 1919 *Elpénor*, which tells the story of *The Odyssey* through the eyes of one of Odysseus's sailors, using a motif similar to that often used in his plays reinterpreting characters from Classical Greek tragedy and the Bible.

In spite of these early prototypes, I want to argue that a confluence of theories and literary attitudes in the postmodern era created a liberating environment that supported the

emergence and establishment of the recharacterization novel as a distinct genre. I am not suggesting that these theorists had a *direct* influence on authors, readers, or publishers of recharacterization novels, based on whether those individuals read the theorists' work (although it is known that many did). Rather, I am saying that these theorists both shaped and reflected the changing ways of thinking that characterize the postmodern *zeitgeist* and it is thus no coincidence that those ideas share a context with the valorization and expansion of the recharacterization novel. As Foucault writes about Marx, "Marxism exists in 19th-century thought like a fish in water: it is unable to breathe anywhere else" (*Order of Things* 262). While the recharacterization *impulse* is seen in many writers across literary history and even motivated some earlier novels, the recharacterization *novel* was a "fish out of water" in earlier periods: it needed the environment of postmodernism in which to "breathe" and to flourish as an established form. Seeing the association between specific theories and attitudes and this type of novel can therefore help explain why I view it as a postmodern genre.

Postmodernism's "Problematizing Force"

This overview of postmodern theories begins with Jean-François Lyotard's *The Postmodern Condition: A Report on Knowledge*. In this quintessential postmodern text, Lyotard describes postmodern thought as defined by skepticism toward totalizing metanarratives. Such universalizing explanations result in the imposition of unitary standards as a form of "terror" and the erasure of difference, such as the Enlightenment narrative that equates "truth-value" with "unanimity between rational minds," consequently devaluing and excluding any considered irrational (xxiii). By contrast, postmodern knowledge "refines our sensitivity to differences and reinforces our ability to tolerate the incommensurable" (xxv). Lyotard borrows Wittgenstein's

concept of “language games” to characterize the postmodern way of viewing legitimation not as imposed by some universal, external force, but as emerging within communication networks. Players engage in these games or contests in ways comparable to a jousting match, and the rules—rather than being imposed from outside and with limits set once and for all—are the result of a contract between players, with mobile not fixed terms that the players may later redefine. In place of the previous grand narratives, he says we can now have only “little narratives,” with a consensus that is always provisional since someone inevitably comes along to disturb any temporary stability, leading to new rules and new norms (9-10).

In a sense, the recharacterization novel as a genre embodies such “little narratives” because it challenges the metanarrative that canonical texts are to be approached with reverence and interpreted only with methods that demonstrate their artfulness (as in, for instance, the New Criticism). Instead, in their very form, these novels express skepticism toward that approach and instantiate the possibility of multiple interpretations by pushing the boundaries of the “game” of reading the source text into new areas. This insistence on changing, local interpretations that appreciate difference can be seen as well in individual recharacterization novels that challenge the source text’s universalizing assumptions that denounced the different and subjected them to what Lyotard calls a realm of terror. Just as *Wide Sargasso Sea* liberates Bertha from *Jane Eyre*’s portrayal of her as a madwoman functioning merely as an obstacle to Jane’s happiness, *Grendel* redefines the monster as more cultured and thoughtful (and interesting) than the supposedly advanced tribes in *Beowulf* who saw him as a threat to civilized society. Lyotard’s ideas can also help explain the evolution of individual recharacterization novels over time as they are presented to the public and either accepted by readers and go on to affect future readings of the source text—as with *Wide Sargasso Sea* and *Grendel*—or appear briefly and then fade from

view with no lasting effect—as with *Adèle* and *Lo's Diary*. Lyotard explains that standards in postmodern knowledge are determined by functional criteria (whether it works or not) rather than by appeal to some universal value (51), so that in the reading game, readers as players can accept or reject alternative interpretations.

Building on Lyotard's theories about skepticism toward metanarratives, Linda Hutcheon, in her major study of postmodern fiction, *A Poetics of Postmodernism*, defines postmodernism as a “problematizing force” and describes its characteristic move as the raising of questions about what has been considered “common-sensical” or “natural” (xi). “The challenging of certainty,” she writes, “the asking of questions, the revealing of fiction-making where we might once have accepted the existence of some absolute ‘truth’—this is the project of postmodernism” (48). This process of rendering problematic that which was once taken for granted, what Jacques Derrida calls “to make enigmatic what one thinks one understands” (*Of Grammatology* 70), covers a range of ideas that I see underlying the recharacterization novel.

The first group of theories problematizes definitions of “the author,” “the reader,” and “the work,” as expressed succinctly in three well-known essays from the 1960s and early 1970s: Barthes's “The Death of the Author” and “From Work to Text” and Foucault's “What Is an Author?” These essays articulated, in Barthes's infamous formulation, the “death of” the notion of the Romantic Author-God, which viewed the author as sole creator of her work, an individual with feelings, ideas, etc. that she expresses in a solitary act of original creation, an outpouring of her subjectivity. In the gendered terms of the 1960s, the author is seen as father of his book and all its parts (Barthes, “Death” 145; “Work to Text” 160-61), just as God is father of his creation. The “work” created by this author is therefore a closed entity, with a single “theological” purpose, a secret, ultimate meaning put there by the Author-God, which may be discovered in an

act of interpretation by the critic (Barthes, “Death” 146, 147). Those who “correctly” discern the secret are privileged and may, as critics and teachers, communicate this meaning to others, but should acknowledge it as the author’s intent—an aspect of the father-author’s perpetual ownership of and control over the work. In this model, the author is infinitely superior, with the reader an inferior, passive consumer.

The new model, on the other hand, turns the Author-God framework on its head, resulting in the “birth of the reader” as an active being who interacts with an open text (Barthes, “Death” 148). As a signifying field with many potential meanings, what Barthes calls a “multidimensional space in which a variety of writings, none of them original, blend and clash,” the text provides a space for play rather than closure (“Death” 146). In the process of reading the text, the distance between writer and reader is diminished and the hierarchy erased, enabling the two to join in a “single signifying practice” in which the reader enjoys a form of co-authorship, of “practical collaboration” (Barthes, “Work to Text” 162, 163). This process in which readers disentangle the threads of the fabric of the text is an endless process, always open. Among other influences, these ideas formed the basis for the many, still-evolving forms of reader response criticism. The growing acceptance of this new model in the academy, expressed in the way literature is taught, was also influenced by important new thinking in developmental and educational psychology, especially social constructivist learning theory, which was built on Jean Piaget’s cognitive theories and developed by Lev Vygotsky, a Russian psychologist whose works began to be translated into English in the 1960s.¹ Vygotsky’s social constructivism is based on the idea that learners actively build their knowledge within social networks that include interaction with the material, other learners, and the instructor as guide, rather than learning through the passive reception of information delivered in lectures by instructors.

Like Barthes, who also began his intellectual journey as a poststructuralist, both reacting against and building on structuralism, Derrida views works not as closed objects, but as texts that are open, with meanings that are mobile and can only be provisional. However, Derrida extends (or perhaps “explodes” is a better word) these initial insights, shared by many theorists of the time, into an enormous body of work that introduces a radically new way of thinking about language, reading, and the text.

For Derrida, any word, as an arbitrary sign, carries both present and absent meanings: its current meaning and how that has developed over time, as well as its relationship to a host of other words within a synchronic system. The use of any one sign implicates all those other signs, so that each holds *in itself* an infinitely large number of meanings, none of which can be privileged as *the* meaning. Because of this, writers (or speakers for that matter) cannot hope to ever capture that multiplicity of meanings because a choice of one necessarily suppresses the others. Since it is impossible for meaning to be nailed down so narrowly, words cannot be just what the writer/speaker wants them to be. Because this situation exists in the nature of language itself, there can be nothing for human beings outside signs—an idea Derrida captured in his famous statement “il n’y a pas de hors-texte” (“*there is nothing outside of the text*” or “there is no outside-text”) (*Of Grammatology* 158; emphasis in original): that is, there is nothing we experience that is not part of language, that exists outside that context. In his work, Derrida applies these insights about language to numerous written texts, especially though not exclusively in philosophy, a form of writing characterized by an attempt to fix meaning in texts—an attempt Derrida intends to show cannot be successful. What distinguishes writing is that it exists without the presence of the author: this means not only that the writer cannot control the way readers interpret it, but that the writer is necessarily limited in her ability to control what

she is saying or meaning. As he says of Rousseau, an author must always be understood to be saying “more, less, or something other than what he *would mean*” (*Of Grammatology* 158; emphasis in original).

In his process of deconstruction, Derrida operates as a supremely active reader: he reads another’s text and, by taking it apart, demonstrates how its basic distinctions—which have sought to suppress the play of signs—are unstable. A deconstructive reading is not so much what one *does* to a text, but a process of showing how the text deconstructs itself, with the reader isolating the elements that give the text an appearance of unity, but in fact articulate conflict and tensions within it. His deconstruction of Rousseau’s *Confessions*, for example, focuses on the word “supplément,” which in French means both “substitute” and “addition” (*Of Grammatology* 141-64). At times, he shows, Rousseau uses the word to suggest one meaning and sometimes the other; but both meanings are “always already” present, demonstrating the author’s inability to control the language he uses. Another frequent aspect of texts is their balancing between what speech act theory calls language’s constative and performative functions. Derrida’s deconstruction of the Declaration of Independence, for instance, centers on that document’s dual role of calling the United States into being (performative function) and describing it (constative function)—both of which remain “undecidable” because one presupposes the other so the tension in the text remains unresolved (“Declarations of Independence”). As Derrida explains in *Of Grammatology*, “the reading must always aim at a certain relationship, unperceived by the writer, between what he commands and what he does not command of the patterns of the language that he uses. This relationship is . . . a signifying structure that critical reading should *produce*” (158; emphasis in original).

In a sense, through the process of deconstruction, Derrida operationalizes the idea of texts as woven textures with strands identifiable only over time (perhaps over centuries) through the active, *productive* efforts of readers, so that a complete and final reading is never possible and there is no point at which truth has been ultimately established. This emphatically does not imply that we should throw up our hands in frustration. Rather, it means, as Derrida emphasized regarding one of his favorite philosophers, Plato is still “to be read, and read constantly. Plato’s signature is not yet finished” (qtd. in Royle 73); “to be true to Plato, and this is a sign of love and respect for Plato, I have to analyse the functioning and disfunctioning of his work” (qtd. in Deutscher 6). In these ways, Derridean deconstruction is a positive, affirmative act that both respects and critiques a text.²

Overturning Discourses of Dominance

Derrida’s and Barthes’s problematizing of the traditional concepts of author, text, reader, writing, and reading are related to other cultural analyses that are part of postmodern thought and have contributed to an environment that nurtured development of the recharacterization novel, particularly those in what I described in Chapter 2 as the “writing back” mode. An important influence came from the new attention to women’s distinctive ways of reading and writing that emerged during this period, so that feminist thinkers had a direct effect on the rise of a large subset of recharacterization novels—giving them an expressly political purpose. Among many examples of these thinkers, women academics like Elaine Showalter challenged the reliance on teaching works by near-exclusively male authors and began introducing more women authors into the curriculum, supported by publishing practices bringing earlier women’s works back into print; Sandra Gilbert and Susan Gubar published their landmark study, *The Madwoman in the*

Attic: The Woman Writer and the Nineteenth-Century Literary Imagination, showing how women writers participate in a different—and supportive—subculture from that of male writers, even while needing to repress aspects of themselves to meet male standards; and Judith Fetterley showed (in *The Resisting Reader: A Feminist Approach to American Fiction*) how canonical American male authors constructed their narratives in ways to force women readers to align themselves with male characters against the women characters and thus against themselves.

The need to go back to prior texts and revise them in ways to challenge their patriarchal hegemony thus became part of the feminist agenda. Poet Adrienne Rich, in her well-known essay “When We Dead Awaken: Writing as Re-Vision,” posited that, for women, the act of “entering an old text from a new critical direction” is “more than a chapter in cultural history: it is an act of survival” (18). Among its results, “Rich’s notion of re-vision became the rallying cry for a broad variety of women rewriting the classics of Western literature” (Plate 391). Angela Carter, Jeanette Winterson, and other women authors rewrote myths from women’s perspectives. Regarding her recharacterization novel *Cassandra* (1984), Christa Wolf tells of reading Aeschylus’s *Oresteia* and, when Cassandra appears, “I saw her at once. She, the captive, took me captive; herself made an object by others, she took possession of me. . . . Three thousand years—melted away” (144-45).³ As the narrative progresses, however, Wolf increasingly resents the way Cassandra is portrayed, noting, for instance: “Never would she have said this: ‘Indoors as well as outdoors I can/Mourn Agamemnon’s fate.’ Agamemnon—the last in the series of men who have done her violence. . . . Mourn for him? Not if I knew her as well as I thought” (150). Other women novelists who have been explicit about their motivation to recharacterize classic texts to provide fuller and/or more sympathetic portrayals of women characters include Margaret Atwood, Valerie Martin, Carole Nelson Douglas, Maryse Condé, and Marina Warner.⁴

Michel Foucault is another theorist and historian essential for thinking about the recharacterization novel. Foucault developed the idea of the social construction of the subject, especially in his studies of the power discourses underlying definitions of (and control of) mental illness, crime and punishment, and sexuality. He challenged the notion that social and political discourses and institutions, along with the concepts and values on which they are based, are natural and universal—and therefore merit serving a controlling, normalizing function in society. Instead, Foucault (like other poststructuralists) rejected absolutes, arguing that subjects are constituted by discourses that regulate what can be said. These discourses are always situated within particular historical and cultural settings, expressed in texts whose interconnections can be studied using both synchronic (archaeological) and diachronic (genealogical) methodologies. The effect of this line of thought was not merely theoretical but practical: if all those attitudes, institutions, etc. that have been thought to be natural, necessary, and inevitable are in fact contingent, that means they can be changed. In Foucault's words, "history serves to show how that-which-is has not always been" and "since these things have been made, they can be unmade" (qtd. in Oksala 7-8). Among other influences, Foucault's work formed the basis for studies by theorists of the social construction of gender and sexuality (e.g., Judith Butler), race (e.g., Kwame Anthony Appiah), and postcolonialism (e.g., Edward Said, Gayatri Spivak), which explore the process by which norms are defined by a dominant group in ways that exclude and devalue those seen as different/Other—approaches with significance for many of the "writing back" recharacterization novels.

Another key thinker influenced by Foucault is Gilles Deleuze, who in *Difference and Repetition* critiques the history of Western thought which, since Plato, has privileged the Ideal (the model, the One) over the copy and consequently subordinated (marginalized, demonized,

etc.) difference to the requirements of representation. Deleuze, by contrast, calls for a framework that celebrates multiplicities as “*affirmations of differences*, as a consequence of the multiplicity which belongs to each Idea” (267; emphasis in original), in which “crowned [i.e., valorized] anarchies are substituted for the hierarchies of representation” (278), as he and Felix Guattari would further develop in *A Thousand Plateaus* in the concepts of “deterritorialized flow” and “nomadic distributions.” Another way to describe recharacterization novels in the “writing back” mode could be “affirmations of differences” and the mobility of interpretations these novels support can be seen as part of a “deterritorialized flow.”

Two final postmodern critics to be mentioned here developed ways of thinking about copies but moved in directions very different from that of Deleuze. Jean Baudrillard defined as a “simulacrum” the ultimate form of the image which has moved from reflecting reality to having no relationship to any reality whatsoever, i.e., a simulation that no longer has a referent: “the generation by models of a real without origin or reality: a hyperreal” (1). Baudrillard analyzed many forms of simulacra in politics, culture, and international relations, defining the Cold War’s nuclear deterrence as “the apotheosis of simulation” (32) since it is a security system based on the *risk* of nuclear annihilation—a threat of something that does not exist in reality. In a somewhat similar way, Fredric Jameson, in one aspect of his large and varied body of work, sees postmodern works of art as dehistoricized and depthless: since the past has been transformed into a series of images, the actual past recedes further and further away, denying us any access to it. Jameson thus views art as having descended into pastiche with artists reduced to “the imitation of dead styles” (*Postmodernism* 18) and interpretation of texts as ““metacommentary””: since “we never really confront a text immediately, in all its freshness as a thing-in-itself” but only “as the always-already-read,” “our object of study is less the text itself than the interpretations

through which we attempt to confront and to appropriate it” (“From *The Political Unconscious*” 1823). I mention Baudrillard and Jameson here because of their contributions to this line of thought, but it is important to acknowledge that their analyses were presented as negative critiques of postmodernism, the result of the dominance of consumer culture in late capitalism, which Jameson contrasted unfavorably with what he saw as the richly original creativity of modernism. Although I am unaware if either of these writers ever addressed recharacterization novels, their type of critique would be consistent with any who see this type of writing as lacking in creativity and originality. As I hope is clear, my understanding of this literary form rejects that type of critique and embraces instead the approaches of Deleuze, Derrida, and Barthes.

Deconstructing Source Texts

The liberating effect of these new understandings of author, text, and reader, along with the problematizing of prior conceptions of the subject, the female subject, ideal/copy, the real/the simulation, and history/representations of history, was truly monumental—enabling and supporting the transition of the recharacterization novel from an interesting curiosity, a blip on the screen, in earlier periods to an established genre beginning in the 1960s. Part of this shift also has to do with changing attitudes toward the novel as a whole. As discussed by such early historians of the novel as Ian Watt and George Lukács and later by Michael McKeon, the rise of this genre to popularity in the eighteenth century and beyond coincided with a new focus on individualism and has traditionally placed the portrayal of an individual in society at the center of the novel’s value as a source of pleasure, identification, and edification. In time, as theorized by E. M. Forster in the early twentieth century, higher value was placed on characters who changed and “grew” over the course of the novel, especially those who surprised their readers.

However, not only the ways to read characters but interpretations of individual characters over time came to be established as canonical practices whose hegemony was perpetuated by the academy. Simply stated, there was an authorized way of reading characters, ideally based on what was known of the author's intent, and the role of English teachers was to communicate that to students and rein in any perceived aberrant readings. With the influence of poststructuralism in the 1960s, however, attitudes opened up—making it possible to disagree with canonical interpretations and think about characters in ways that challenged the author's intent and the constraints imposed by the source text. As Gerald Graff explains in his history of the institutionalization of literary study, the earlier attitude about textual analysis that “when one encounters an apparent anomaly in a literary work—especially if it is a canonized work—one can be fairly sure it will not be a real anomaly” (231) changed to “considerable agreement on at least one point: that meaning is not an autonomous essence within the words of a text but something dependent for its comprehension on prior texts and situations” (256)—though I would argue that Graff's description pays insufficient attention to the new role of the reader.

Other aspects of the influence of these ideas relate more specifically to the creation of recharacterization novels. The recharacterization framework presupposes the notion of the source text as a system of play with many potential meanings and an active, creative reader who is essential to the process of revealing those multiple meanings. In addition, since fictional characters are made up of words, they have the same properties of words/texts as explained by Derrida, carrying both present and absent meanings. Whereas the Romantic Author-God says, “These are my characters over whom I have complete control,” the recharacterization novelist can say, “Perhaps the author is wrong about that character, and I have a right to put my view out there, for readers to accept or not, and I can extend her story into the past, present, or future

based on what *I* imagine.” Since, furthermore, interpretations are always *situated*—historically and culturally—in a Foucauldian sense, the recharacterization novelist can provide new information (i.e., from her imagination) that complicates a simplistic or incomplete view of a character in the source text and shows that what is presented as “natural” in it has, in fact, been socially constructed. A vivid example of this occurs in Maguire’s *Wicked*, which takes the young Elphaba from her parents’ horror at their green-skinned infant through her childhood and friendship with the lovely Galinda to explain how social intolerance and a totalitarian state’s punishment of nonconformity led to the emergence of the Wicked Witch of the West as she appears in Baum’s *The Wonderful Wizard of Oz*. Other recharacterization novels that demonstrate how a stigmatized or marginalized character in the source text came to be that way, through a combination of social, institutional, and discursive factors, include *I, Tituba*, *Havisham*, *Wide Sargasso Sea*, *Grendel*, *Finn*, *The Penelopiad*, and *Gertrude and Claudius*.

Indeed, it can almost be said that recharacterization novels *deconstruct* their source texts, especially considering Derrida’s insistence that a deconstructive reading shows how the text deconstructs itself, with the reader articulating the tensions that underlie the text’s appearance of unity. Not only do recharacterization novels mix literature and criticism, a move Derrida favored, but they embody Derridean notions about the instability of the text, its sense of undecidability, its multiplicity of meanings that emerge over time only through active, productive readings. Furthermore, while recharacterization novels always incorporate critique and/or extension, they are born out of their authors’ initial engagement with and some type of affection for a canonical text. As Derrida says, “I feel best when my sense of emancipation preserves the memory of what it emancipates from. I hope this mingling of respect and disrespect for the academic heritage and tradition in general is legible in everything I do” (qtd. in Royle 32); and “I love very much

everything that I deconstruct . . . the texts I want to read from a deconstructive point of view are texts I love” (qtd. in Royle 97). What Royle calls the “double gesture” of deconstruction (25) thus nicely captures the combination of affection for and dissatisfaction with a source text that motivates recharacterization novels.

Pushing on this idea a bit, I want to further suggest that recharacterization novels’ handling of this “double gesture” helps explain what makes some of them aesthetically stronger and more effective than others. Namely, although all recharacterization novels propose some kind of alternative to their source texts and thus exhibit this deconstructive gesture, the best ones more fully capture a Derridean sense of “limitless context” and “incessant movement of recontextualization” (Royle 65).

Thomas’s *Charlotte* is one example. This novel interweaves two levels of first-person narrative: one featuring Jane Eyre after her marriage to Edward Rochester; the other featuring a British literary scholar named Miranda who specializes in the work of Charlotte Brontë. Jane’s narrative overwrites the ending of Brontë’s novel, beginning at the famous “Reader, I married him,” and continuing through Jane’s discovery of Edward’s impotence, his apparent suicide, and revelation of his financial problems, which displace Jane from her comfortable lifestyle. Attempting to settle his estate, she travels to the West Indies (with a newly agreeable Grace Poole as companion) in search of Edward and Bertha’s abandoned son, Robert. In the process (helping to explain why Edward hid both wife and son), she learns that Bertha was a dark-skinned Creole, and Robert, when she finds him, is black. Jane enters into a romantic relationship with Robert in which she finds the satisfaction missing with Edward, but sadly it ends when she falls suddenly ill with an island fever and dies. Robert narrates the novel’s last section as a letter to Mrs. Ashford, the former Miss Temple, Jane’s teacher at the Lowood

School, in which—among other revelations—he mentions that Jane, in her final days, “confessed to great guilt that she had not regarded my mother with more pity” (192).

Had Thomas’s novel consisted solely of this alternative story for Jane, it would have been a provocative, literary recharacterization novel, especially since it reflects not only an extension of *Jane Eyre* but a reading of Brontë’s novel that incorporates knowledge of *Wide Sargasso Sea* as well. However, Thomas’s introduction of the second narrative level ratchets up the textual complexity and makes explicit the Derridean notion of “limitless context.” In this narrative, Miranda attends a conference in the West Indies to deliver a paper on Brontë, but things quickly get complicated when a student at the registration table confuses the scholar with her subject and welcomes Miranda as “Charlotte Brontë.” Admitting that “I feel I know her better than I know myself” (91), Miranda continues to call herself Charlotte while she is there, including during an affair she has with a young black man who resembles Jane’s lover, Robert. As Miranda’s narrative progresses and is supplemented with entries from her father’s diary, it turns out that her mother resembled Bertha, that her father may have had an affair with Jean Rhys during the time she was writing *Wide Sargasso Sea*, and that Miranda may have written the new *Jane Eyre* narrative as a gift for her father, a collector of antiquarian books and manuscripts. These intersecting narratives and the confusions among authors, readers, characters, history, geography, personal relationships, etc. serve to destabilize the process of reading *Jane Eyre* and imply that whether Brontë’s text contains all these multiple meanings or not is ultimately undecidable.⁵

Erasure of Boundaries

Finally, occasionally implicit in this section’s discussion of the problematizing force in postmodernism has been the idea of erasure of boundaries, which I want to briefly address on its

own before concluding this chapter because of its importance to recharacterization novels. One type of boundary elided in postmodern thought is that between reader and author, as discussed regarding Derrida and Barthes. Once the reader is recognized as an active, creative force, no longer limited to passively deciphering the author's intent, it is only a small step to the notion that a reader can write her own novel responding to a predecessor's. Indeed, the recharacterization novel can be seen as an instance of what Henry Jenkins dubs "participatory culture," in which audience members "participate" in creating meaning for, in his study, television shows. Jenkins's 1992 book *Textual Poachers* was a "seminal work on media fans" and a "transformative text for the field of audience studies" (Scott vii-viii), establishing (among other things) the validity of this form of study in the academy, the acceptability of writing as both a fan and an academic (now called "aca-fans" though Jenkins did not use that term), and the importance of acknowledging as a cultural phenomenon the process by which audience "groups assert control over the processes of cultural production and circulation" (xxi). While fanzines and fan fiction, authored by fans and with limited circulation, may be the most explicit literary corollary to Jenkins's media forms, recharacterization novels belong in the same conversation since their authors typically begin their journeys as "fans" of a source text, whether their response ends up being in the "writing back" or "extension" mode described in Chapter 2.⁶

Another type of erased boundary appears in Andreas Huyssen's well-known explanation of postmodernism as bridging the former "great divide" that insisted on a categorical distinction between high art and mass culture. For Huyssen, postmodernism challenges this high-low dichotomy, with postmodern art operating within an arena in which high art and mass culture have entered into a new relationship. Similar hierarchies are erased in Derrida's notion of "decentering," his skepticism toward any notions of "the center" whether expressed in terms of

the human subject or language—and extended by Hutcheon in her discussion of postmodern fiction’s rejection of the hierarchical center-other framework and resulting focus on what she calls the “ex-centric” (the marginalized). Furthermore, McHale views the postmodern novel as defined by its subversion of assumptions about an ontologically stable world. He describes postmodern novels as operating within a “flux of discourse” in which ontological boundaries between real and fictional worlds and between fictional worlds themselves are crossed, so that the reality and coherence of parallel worlds are unstable and irresolvable. All three types of boundaries are erased simultaneously in those recharacterization novels that give voice to a marginalized character in the source text, transferring that character from one diegesis to another and doing so without concern for any pre-existing distinctions between “high art” or “mass culture” in the source text or the response. Indeed, it is possible to see all of these erased boundaries as occurring within what Deleuze calls the “deterritorialized flow,” in which characters appear as “nomads” moving freely within and between texts, taking up residence in any one, on no more than a temporary and provisional basis, before moving on.

If I had to use only one phrase to describe recharacterization novels, I would call them “affirmations of possibility”—drawing on Connor’s definition of the new form of interpretation as exploration of “what it makes possible” (184), as well as Derrida’s statements that “this power, this being able, this *possibility* is always inscribed . . . in the functioning or the functional structure of the mark” and “this possibility is a *necessary* part of its structure” (qtd. in Royle 66; emphasis in original). What all recharacterization novels reify is the possibilities that exist when one views a text as open and allows readers-as-writers to be born.

Notes

1. See Wertsch for discussion of Vygotsky and his theories.
2. This discussion only begins to outline the possibilities that exist in using Derrida's works to further explore the recharacterization novel—a project I intend to pursue further outside this dissertation.
3. Wolf's language about being possessed by Cassandra resembles Jean Rhys's about Bertha Mason, a reader-character interaction that I will discuss in Chapter 4 in terms of a Levinasian ethical encounter.
4. In some ways, this feminist motivation to give a silenced or "othered" character a voice in recharacterization novels may be seen as similar to that for the smaller number of recharacterization novels about black characters (for example, Tournier's *Friday*; Maryse Condé's *I, Tituba: Black Witch of Salem*; Randall's *The Wind Done Gone*; Rawles's *My Jim*; Clinch's *Finn*, which makes Huck's mother a slave and introduces her as a character who never appears in Twain's novel; and the sections of Caryl Phillips's *The Nature of Blood* about Othello). For theoretically oriented approaches to African American literature that do not address these novels but could be helpful in thinking about them, see Gates; Morrison; and Babb; see also such postcolonial approaches as that of Said and Spivak.
5. Coetzee's *Foe* is another recharacterization novel that embodies multiple layers of this deconstructive process, featuring within itself alternative versions of text, authors, and characters. See also Michael Cunningham's *The Hours* (1998), which cannot be considered a recharacterization novel because it does not include any of the fictional characters from Virginia Woolf's *Mrs. Dalloway*, but has similarities because it imagines multiple levels of relationships between that novel and its author and some of its readers.

6. See Chapter 7 for further discussion of relations between fan fiction and the recharacterization novel, focusing especially on the legal implications.

CHAPTER 4

CHARACTER LIBERATION AS ETHICAL ENCOUNTER

The writing of a recharacterization novel, as I suggested in the introduction, emerges from the connection a reader forms with a fictional character. This relationship then motivates the reader to write her own novel about the character, triggered most often by affection for the character, dissatisfaction with the way the character is portrayed in the source text, curiosity about that character's past or future, or desire for a better understanding of the character's actions or thoughts in the source text. Chapter 3 showed how postmodern thinking about texts, authors, and readers helped erase the boundaries between those constituents of the reading process, enabling readers to see themselves as co-creators of fictional worlds. This chapter puts that potential into operation, seeking to more clearly define the reader-character interaction that motivates a reader to write a novel challenging or extending the portrayal of another writer's character. For that, I intend to theorize the interaction as the staging of an ethical encounter as defined by Emmanuel Levinas.

After providing a brief overview of the Levinasian ethical framework, I will focus on three early recharacterization novels: Rhys's *Wide Sargasso Sea*, Tournier's *Friday*, and Gardner's *Grendel*. I have chosen these three novels for this chapter because, in spite of their many differences in style and subject matter, they share a common structural pattern: each takes an othered, dehumanized secondary character from the source text and provides a fuller portrayal of the character that makes her or him more sympathetic to the reader. Since these three were the

first instances of the genre to appear in the postwar era, this historical coincidence is also suggestive for the emergence of the recharacterization novel in literary history.

The Levinasian Encounter

In his final major work, *Otherwise Than Being*, Levinas claims that, in the ethical encounter, the self becomes a self when it enters into proximity with “the Other” and is “assigned” by the other. He describes this assignation as the moment when the self is interrupted by the face of the vulnerable other, who says, “Do not kill me.” This call may be seen as exemplified by the moment in the Book of Genesis (briefly discussed by Levinas¹) when Abraham is interrupted by God’s voice as he is about to sacrifice his son Isaac. Staying his hand, Abraham responds to God, “Here I am,” and releases Isaac. When this interruption comes, the self’s ethical response must also be “Here I am”: that is, “Yes, I will not kill you. Yes, I will save you.” This “responsibility for the other” so thoroughly “possesses” the self that Levinas describes it in violent terms: the self becomes a “hostage,” “obsessed” with the other, “substituted” for the other, *becoming* “the one-for-the-other” (*Otherwise passim*). “The ethical edict,” Levinas explains in an interview, is “you shall not kill, you shall not jeopardize the life of the other” (Levinas and Kearney 24).

Levinas positions his ethics against the European ontological tradition (represented primarily by Heidegger), which Levinas sees as inevitably egocentric because, in it, subjectivity is based on enhancing the freedom of the self and realizing the power of one’s “being” by subsuming everything outside the self under one’s mastery, to one’s own concept, and thus effacing the other. In that tradition, “[b]ecause freedom becomes a matter of clearing the way for the triumph of the will,” explain Wehrs and Haney, “other people either become collaborators in

one's drive toward authenticity or threats to self-realization" (16-17). Levinas also challenges the definition of metaphysics as prior to and primary over other branches of philosophy, a hierarchy accepted in the Western philosophical tradition since Aristotle. In that tradition, he writes, "'I think' comes down to 'I can'—to an appropriation of what is, to an exploitation of reality. Ontology as first philosophy is a philosophy of power" (*Totality and Infinity* 46). Instead, Levinas proposes a conception of ethics as prior to all other forms of philosophy rather than an outgrowth of them and as deriving purely from the relationship of one to the Other, not guided by any exterior concepts. That is, one does not act morally toward another because any religious rule or philosophical stance tells one to or because one expects to gain something from doing so, including satisfaction that one has treated others in a way he or she expects to be treated (i.e., the Golden Rule). In fact, the ethical response for Levinas is not a rational or deliberate choice at all because the ethical relationship exists on a different plane than, and prior to, acts of the will. It does not involve a conceptual process but an instinctive one that is precognitive. Derrida thus called Levinas's philosophical system of intersubjective responsibility "an ethics of ethics" (qtd. in "Levinas, Emmanuel").

Levinas always refers to the self and the Other in either purely abstract or general human terms. In *Totality and Infinity*, his examples of the Other are never more specific than occasional references to "the stranger, the widow, and the orphan" (77, for example), and he insists on defining the self as "an abstraction for the I, for the Same" (*Basic Philosophical Writings* 28). Nevertheless, previous scholars have established a precedent for using his ethical framework to discuss non-human entities ranging from Davy's work on environmental ethics to a variety of literary approaches. The latter continue to expand in spite of a minor debate on the legitimacy of using Levinas in literary criticism, considering comments in his early works that some read as

suggesting he believed art and ethics are incompatible (for examples of different sides, see McDonald, Robbins, and Eaglestone). The most relevant literary approaches for me are those that utilize the Levinasian ethical encounter to discuss characters in individual literary works: examples include Goodson's study of Wordsworth's encounters in *Lyrical Ballads*, New's on Dickens's *Dombey and Son*, Uchiyama's on Auster's *Moon Palace*, and Junyk's on Conrad's *Heart of Darkness*—as well as Ciobanu's examination of human-animal interaction in Coetzee's *Disgrace*. Unlike these approaches, my analysis extends the Levinasian framework outside the text in order to explore the relationship between readers and fictional characters.

Viewing these three recharacterization novels as enacting a Levinasian ethical encounter is made possible by two attributes of this type of novel. First, by definition, the Other character exists in the source text prior to the recharacterization novelist's experience of her; this structure corresponds to a Levinasian ethical encounter in which Levinas insists that the Other precedes the self's perception of that Other (it is "prior to every initiative, to all imperialism of the same," *Totality and Infinity* 38-39). Second, these novels lift othered characters out of their reductive, thematized status within the source text and give them new life, no longer restricted to the first author's intentional consciousness. Levinas speaks of the Other in the ethical encounter as "overflowing" the self's concept: the Other "overflows the idea a thought would carry away from it. [The ethical relationship] is therefore to receive from the Other beyond the capacity of the I, which means exactly: to have the idea of infinity" (*Totality and Infinity* 51). By problematizing via their form the notion that a fictional character is the exclusive property of its creator-owner, defined solely by her and the source text, these recharacterization novels remove the character from the *conatus* of the first author and re-establish that character as an ethically defined Other whose alterity is an independence that resists possession.

The novels discussed in this chapter provide three different modes in which to examine this ethical framework. For *Wide Sargasso Sea*, the Levinasian encounter is between an othered character (Bertha) in the source text and one particular reader (Rhys), who becomes author of the recharacterization novel. For *Friday*, the Levinasian encounter is between two characters (Robinson and Friday) within the recharacterization novel who perform an ethical encounter that frees both from the constraints of the source text. For *Grendel*, the Levinasian encounter is between the readers of the recharacterization novel and its main character (Grendel) who had been othered in the source text. What is distinctive about this last situation is that *Grendel* enables readers to establish an ethical relationship with the othered character that was not only denied in the source text but is contrary to the intent of the recharacterization novel's author—even more decisively granting priority to readers as liberators of characters.

Jane Eyre and Wide Sargasso Sea

One of the most beloved characters in literature, Jane and her story have, in Rubik and Meetinger-Schartmann's words, "held readers spellbound" since *Jane Eyre* was published (9), even granting Victorian critics' shock at Jane's "rebellious feminism" (Gilbert and Gubar 338). Although the bases of Jane's appeal have varied over time (see, for example, Woolf, Moglen, and Rich ["Jane Eyre"]), female readers in particular identify with her as "Everywoman in a patriarchal society" (Gilbert and Gubar 339) and, as one of Keen's readers calls her, "a magnet for reader empathy" (*Empathy* 70). Edward Rochester must be a man deserving of such a woman, so Brontë balances his churlishness with his charm and justifies his tricks on Jane and attempt to marry her while his wife is still alive as desperate acts of an essentially noble figure.

In pointed contrast to Jane, Bertha Mason Rochester, as Edward's wife, is depicted as a destructive, sub-human creature who ratchets up the novel's Gothic horror and impedes the heroine's happiness as her dark double—the figure Gilbert and Gubar call “the angry aspect of the orphan child, the ferocious secret self Jane has been trying to repress” (360). When Bertha's brother and his lawyer interrupt Jane and Edward's marriage ceremony and a furious Edward insists the wedding party accompany him to a secret room to better understand his action, Jane provides readers' first clear look at Bertha:

In the deep shade, at the further end of the room, a figure ran backwards and forwards. What it was, whether beast or human being, one could not, at first sight, tell: it grovelled, seemingly, on all fours; it snatched and growled like some strange wild animal: but it was covered with clothing; and a quantity of dark, grizzled hair, wild as a mane, hid its head and face. (307)

When this “clothed hyena” rises up at the sight of her husband, stands “tall on its hind feet” (307), and attacks him, he fights her off, then ties her to a chair and turns to the watching group to say, as Jane reports:

“This is *my wife*,” said he. “Such is the sole conjugal embrace I am ever to know—such are the endearments which are to solace my leisure hours! And *this* is what I wished to have (laying his hand on my shoulder): this young girl, who stands so grave and quiet at the mouth of hell, looking collectedly at the gambols of a demon. . . . Compare these clear eyes with the red balls yonder—this face with that mask—this form with that bulk; then judge me. . . .” (308)

Locked away under the care of the sinister servant Grace Poole, Bertha transcends Gothic convention to become the quintessential silenced Other: the “madwoman in the attic.”²

When Rhys became a reader of *Jane Eyre*, however, the Caribbean-born author of four novels about women, all set in Europe and published in the 1920s and '30s, saw something different. “I've brooded over ‘Jane Eyre’ for years,” she wrote to her friend and literary adviser Francis Wyndham, continuing:

The Brontë sisters had of course a touch of genius. . . . So reading “Jane Eyre” one’s swept along regardless. But *I*, reading it later, and often, was vexed at her portrait of the “paper tiger” lunatic, the all wrong creole scenes, and above all by the real cruelty of Mr Rochester. After all, he was a very wealthy man and there were many kinder ways of disposing of (or hiding) an unwanted wife—I heard the true story of one—and the man behaved very differently. (*Letters* 262)

In a letter to her book editor Diana Athill, Rhys describes moving from her initial reaction to the novel after arrival in England as a teenager to making a decision after many subsequent re-readings:

Of course Charlotte Brontë makes her own world, of course she convinces you, and that makes the poor Creole lunatic all the more dreadful. I remember being quite shocked, and when I re-read it rather annoyed. “That’s only one side—the English side” sort of thing. . . . Well years and *years* afterwards the idea came to me to write this book. (*Letters* 296-97)

“This book,” which Rhys worked on for twenty-one years, she initially called “The First Mrs Rochester,” but it eventually became *Wide Sargasso Sea*. Rhys had been born and spent her first sixteen years on the Caribbean island of Dominica as a member of the tiny white (Creole), former slave-owning population. She lived in England and on the European continent the rest of her life, visiting her West Indian birthplace only once during that time, yet she drew on her knowledge of the islands to create a story that cast Brontë’s Bertha in a very different light. Rhys’s novel takes Bertha through her early life as Antoinette Cosway, a white girl living on a rundown plantation in Jamaica with her widowed mother, to her placement in a convent school by her new stepfather Mason, on to an arranged marriage to a rich young Englishman, who insists on changing her name to Bertha (“a name I’m particularly fond of,” he tells her when she protests [81]), and ending with her removal with him to England to be locked away in the attic of his family estate. In readings of the novel from feminist and postcolonial perspectives,

Antoinette's status as a West Indian and a woman confronted with a patriarchal colonialist society has often caused her to be discussed as "the Other."³ In a key article on otherness in the novel, for example, Gayatri Chakravorty Spivak concludes that Antoinette "must play out her role, act out the transformation of her 'self' into that fictive Other, set fire to the house and kill herself, so that Jane Eyre can become the feminist individualist heroine of British fiction" ("Three Women's Texts" 251). Criticism of the novel so far, however, has not considered how Antoinette can be considered another type of "Other"—that defined by Levinas in his conception of ethics—to which I now want to turn.⁴

Rhys's own language in discussing her writing of the novel resonates with Levinasian echoes. She describes her primary motivation as the image of Bertha appealing to her: "She seemed such a poor ghost," Rhys said in an interview; "I thought I'd like to write her life" (qtd. in Thorpe 99). Rhys's knowledge of the West Indies, including the practice of formerly affluent Creole families' marrying their daughters to rich Englishmen in exchange for money—arrangements that usually ended badly—combined with her experience as an outsider in both the West Indies and Europe to stimulate her objection to Brontë's portrayal of Bertha. Rhys briefly considered writing a novel on a similar subject, rather than recharacterizing *Jane Eyre*. "It might be possible to unhitch the whole thing from Charlotte Brontë's novel," she wrote to Wyndham in 1958; but Bertha's hold on her was relentless: "It is that particular mad Creole I want to write about, not any of the other mad Creoles" (*Letters* 153). In a letter the same year to actress Selma Vaz Dias, who had adapted for radio one of Rhys's earlier novels, she mentioned considering different voices for the novel, but concluded: "The Creole is of course the important one. . . . I see it and can do it. . . . Take a look at Jane Eyre. That unfortunate death of a Creole! I'm fighting mad to write *her* story" (*Letters* 157).

In Levinasian terms, when Rhys enters into proximity with Bertha, she is seized, “assigned” by the Creole; she is “interrupted” by the image of Bertha, who calls to her. There are two ways of viewing that call. Levinas describes it in embodied form in a face-to-face encounter, and it is possible to say that Rhys is jolted by reading in *Jane Eyre* of Bertha’s human face peering from behind its mane of matted hair, through what Edward describes as demonic red eyeballs. Alternatively, as Davy argues in her use of Levinas in environmental ethics, Levinas’s writings about the face can be interpreted metaphorically and do “not require that the call to ethics be issued literally in human speech”: rather, “What is crucial in ethical relations is that the Other expresses infinity, that the Other teaches, and that the Other can provoke oneself to ethics, not that the call to ethics be given through the speech of a human face” (40). In either interpretation, Rhys and Bertha’s encounter results in the novelist’s acceptance of responsibility for Bertha in an ethical relationship.

Levinas insists that entering such a relationship is precognitive: the ethical response is not a rational or deliberate choice at all, for it exists prior to acts of the will. It entails not a conceptual process, a “claim of the mind” (*Otherwise* 99), but an instinctive one: a “relationship with the other, who cannot be resolved into ‘images’ or be exposed in a theme” (100). This imperative helps to explain Rhys’s visceral reaction to Brontë’s harsh portrayal of Bertha. Brontë does have Jane gently chide Edward for describing his wife in such horrific terms: “‘Sir,’ I interrupted him, ‘you are inexorable for that unfortunate lady: you speak of her with hate—with vindictive antipathy. It is cruel—she cannot help being mad’” (317). There is also some evidence that Brontë herself may have later questioned her unsympathetic treatment of the madwoman. In an 1848 letter, she wrote:

It is true that profound pity ought to be the only sentiment elicited by the view of such degradation [as Bertha’s], and equally true is that I

have not sufficiently dwelt on that feeling: I have erred in making *horror* too predominant. Mrs. Rochester, indeed, lived a sinful life before she was insane, but sin is itself a species of insanity—the truly good behold and compassionate it as such. (qtd. in Thorpe 101)

Whatever her subsequent qualms, Brontë's positioning of Jane and Edward as heroine and hero of her novel means that *her* portrayal of Bertha parallels what Levinas says happens in the process of cognition in metaphysics, against which he defines his ethics: the self "enters into a thought that . . . invests it with its own project, and thus exercises mastery of it" (*Otherwise* 136). Brontë needed a horrific creature who would frighten her heroine and delay Jane and Edward's happiness as a plot complication, but a character who could also be erased by the end of the novel—most conveniently, in a way that portrays her desperate husband as a hero (Edward is blinded when he tries to save Bertha from the burning house). In Levinasian terms, she "thematized" Bertha. And Brontë could count on most of her readers, certainly those in the nineteenth and first half of the twentieth centuries, encountering this dark, scary, seemingly inarticulate foreigner and not thinking to question such an unsympathetic portrayal.⁵ Rhys, however, from her position as a mid-twentieth-century reader possessing her knowledge and experience, was open to an interaction with Bertha in a nonjudgmental way that Brontë was not: Rhys could enter into an ethical encounter with Bertha because she had not already thematized her as a demonic madwoman.

Another aspect of Levinas's theory relevant here is his description of what happens to the self in the ethical encounter. In an assignation of me by another, he says in *Otherwise Than Being*, the self empties itself of "its-self" and is substituted by the other (*passim*). Rhys's language when writing about the novel carries traces of this idea. She writes to Vaz Dias that, after an interruption in her writing, "Eventually I got back to being a Creole lunatic in the 1840's" (*Letters* 156). That is, not *pretending* to be Bertha, but *being* her. Later in the same

letter, she writes about reading and rereading *Jane Eyre* trying to understand how her portrayal of Antoinette differs from Brontë's of Bertha:

The Creole in Charlotte Brontë's novel is . . . not once alive. . . . She's necessary to the plot, but always she shrieks, howls, laughs horribly, attacks all and sundry—*off stage*. For me . . . she must be right *on stage*. She must be at least plausible with a past, the *reason* why Mr Rochester treats her so abominably and feels justified, the *reason* why he thinks she is mad and why of course she goes mad, even the *reason* why she tries to set everything on fire, and eventually succeeds. (Personally, I think *that* one is simple. She is cold—and fire is the only warmth she knows in England.) (*Letters* 156-57)

Rhys's letters are filled with complaints of feeling cold during the English winters, but what is remarkable is that she describes Bertha's similar feelings not as a characteristic of her own that she as novelist is *giving* to her character, but rather as an aspect of Brontë's character that Brontë was unable to perceive but Rhys does. Further, these comments show how Rhys's responsibility for Bertha includes ensuring she is no longer a sideshow but the main performer. Unlike Brontë, Rhys's focus is on Bertha alone, and her objective is to understand why Bertha does what she does. In Levinasian terms, she is possessed by Bertha, and as a result she says, "I knew I *had* to write the book" (*Letters* 262).

Indeed, Rhys's identification with Bertha/Antoinette seems so strong that perhaps her most surprising creative choice is her decision to narrate the middle third of the novel from the young husband's point of view. Rhys generally follows the outline of the story Edward tells Jane in Volume III, Chapter I of *Jane Eyre*, explaining why he married Bertha in an attempt to convince Jane to live with him as his mistress after their wedding was halted. Rhys's narration, however, emphasizes his youth, inexperience, and equivocal position as an unpropertied younger son manipulated by his family and Antoinette's into marrying her for £30,000. Rhys also invents scenes showing him as a confused outsider in an alien, threatening Jamaican culture and has his

housekeeper, Mrs. Fairfax, comment, on his return to England, that the West Indian experience had changed him from being “*gentle, generous, and brave*” to having “*grey in his hair and misery in his eyes*” (105; emphasis in original).

In Rhys’s letters, she describes her struggles with how to present Edward, partly because she has no first-hand knowledge about his type and so must imagine his inner life, but also because she sympathizes with him and wants to present him fairly. In a letter to Athill written just two years before the book was published, she records a flash of insight she gained after working on the character for years:

Mr Rochester is *not* a heel. He is a fierce and violent (Heathcliff) man who marries an alien creature, partly because his father arranges it, partly because he has had a bad attack of fever, partly no doubt for *lovely* mun [money], but most of all because he is *curious* about this girl—already half in love. . . . I have tried to show this man being magicked by the place. (*Letters* 269)

Her letters often refer to “poor Mr Rochester” along with “poor lovely Antoinette” (*Letters* 269, for example). Another Levinasian concept provides a way to understand the choices Rhys made about Edward. For Levinas, while the ethical encounter is between two individuals, the introduction of a third party or parties is how the primary encounter grows into a system of justice. “In the proximity of the other,” he writes, “all the others than the other obsess me, and already this obsession cries out for justice, demands measure and knowing, is consciousness” (*Otherwise* 158). Rather than precluding her acting ethically toward others, Rhys’s ethical encounter with Bertha forms the grounds upon which such justice can and indeed must be built.

With the Levinasian ethical encounter rendered as the Other interrupting the self and saying, “Do not kill me,” one may thus wonder why Rhys did not change the ending of the story to save Bertha from the fate to which Brontë assigned her. In both novels, Bertha’s life ends when she (accidentally or intentionally) sets fire to the house and dies in the flames: in *Jane*

Eyre, Jane learns of the event in retrospect; in *Wide Sargasso Sea*, Bertha/Antoinette describes a final dream that foreshadows the fire and her death. In Rody's words, "While [Rhys] was rewriting, why not cook up an escape from the house, a return to the islands, or at least a moment of articulate defiance to Rochester or of warning to Jane?" (312). Rody answers her question in literary historical terms:

Rhys's acceptance of Bertha's martyrdom seems an acknowledgment of the tragic nature of literary history—which is, after all, history. Bowing to the authority of Brontë's plot even while subjecting it to a radical retelling, Rhys frames her intertextual intervention in the irreversible, historic realm in which readers read. (312)

What Rody describes can also be expressed as ethical obligation, another aspect of the resultant system of justice flowing from Rhys's entering into an ethical relationship with Bertha. Rhys may provide additional information; she may reorient the interpretation; but she must not change *Jane Eyre's* facts. As with her portrayal of Edward, to accept responsibility to tell Bertha's story must be contiguous with her responsibility to act with integrity toward Brontë's novel itself.

Another way to make this point is to say that Rhys, as the author of a recharacterization novel, must also be an ethical *reader* of the first novel, as defined in J. Hillis Miller's work on the ethics of reading. For Miller, being an ethical reader—or, as he also terms it, a "responsible" reader—begins with the care with which one reads the text. In a discussion of Henry James's *The Golden Bowl*, he explains:

"Responsibility" names . . . the double bind of interpreting someone else's narration. If I do not read carefully, with infinite care, tiptoeing to and fro as I follow the track laid down by the author and his or her surrogates, I am acting irresponsibly. . . . [T]he more successful I am as a reader, the more, in a strange way, I actively intervene by making sense of the data, a sense they do not have in themselves. . . . [This intervention] makes me not just a passive and detached witness but also a protagonist. I become a responsible agent who can be held accountable. (*Literature* 256)

Rhys viewed herself as perceiving and articulating an aspect of the source text that was implicit within it until she, as one special reader, unlocked the door to the hidden story. As she wrote to Wyndham in 1958: “when I was in London last year it ‘clicked in my head’ that I had material for the story of Mr Rochester’s first wife. The real story—as it might have been” (*Letters* 153). In another letter to Wyndham, she describes writing a poem about the novel’s subject matter, a technique she often used to help focus her novel-writing: “Only when I wrote this poem—then it clicked—and all was there and always had been” (*Letters* 262). In both letters, Rhys describes her realization as “clicking”—the moments in which she gained insights into Brontë’s novel that took her into the “real story.” Writing her novel seemed to her, at those moments, a matter less of creation than of receiving flashes of understanding that she had gained access to the “real story” there all along, but surfacing only through the interaction between her as reader and the character of Bertha in Brontë’s text.

Robinson Crusoe and Friday

Like Jane Eyre and Bertha Mason, the characters of Robinson Crusoe and Friday are long-discussed literary icons, but whereas defenders of the unfortunate Bertha emerged only in the late twentieth century, some readers have protested Crusoe’s objectification and dehumanization of Friday in *Robinson Crusoe* at least since Charles Dickens. Dickens is described as being “revolted by Crusoe’s attitudes toward the death of Friday” (Watt 305), commenting to John Fox that “there is not in literature a more surprising instance of an utter want of tenderness and sentiment” (Dickens). Ian Watt, in a 1951 article, emphasized that Crusoe never asks Friday his name, but simply “gives him one” and shows “throughout a remarkable lack of interest in Friday as a person, as someone worth trying to understand or converse with”

(302). Crusoe's interpretation of their relationship as ideal is marred only by what Watt describes as his "fear that Friday may be harboring an ungrateful wish to return to his father and his tribe," but after they leave the island together, Crusoe "avoids any possible qualms about keeping Friday in servitude" by suggesting he may remember the servant in his will. "Fortunately," Watt wryly concludes, "no such sacrifice is called for, as Friday dies at sea, faithful to the end, and rewarded only by a brief word of obituary compassion" (302). In postcolonial terms, Gayatri Chakravorty Spivak describes Friday as "the prototype of the successful colonial subject": he "learns his master's speech, does his master's work, happily swears loyalty, believes the culture of the master is better, and kills his other self to enter the shady plains of Northwestern Europe" (*Critique* 187).

In *Robinson Crusoe*, Friday appears only in the final third of the novel, arriving in Crusoe's twenty-fifth year on the island. As a seventeenth-century man, Crusoe's industrious cultivation of this uninhabited area and his Puritan faith have sustained his solitary state to that point; however, Friday's sudden appearance causes Crusoe to welcome not so much the potential gain of companionship as the acquisition of a servant. Crusoe's glimpse of the fleeing "Savage" reminds him that he had already conceived of a need for a servant, both to help with his work on the island and to escape from it, and he realizes now that someone may have appeared to fill that need. As a result, when he sees one of the natives trying to escape, he feels "that I was call'd plainly by Providence to save this poor Creature's Life" (146). Soon after, Crusoe establishes a hierarchy for his new servant by teaching him the English words necessary for the relationship he has conceived: "I made him know his Name should be Friday" and "taught him to say Master, and then let him know, that was to be my name: I likewise taught him to say, Y E S, and N O, and to know the meaning of them" (149).

Crusoe's imperial attitude toward this person he calls "my Man Friday" is like that toward the island itself, which he defines as "all my own, that I was King and Lord of all this Country indefeasibly, and had a Right of Possession" (73). Indeed, two similar occasions frame his time before and after Friday's arrival. "It would have made a Stoick smile to have seen, me and my little Family sit down to Dinner," he writes of the first. Beside himself as "Majesty the Prince and Lord of the whole Island," he notes proudly having "the Lives of all my Subjects at my absolute Command. I could hang, draw, give Liberty, and take it away, and no Rebels among all my Subjects" (108). As he explains in the next paragraph, the subjects whom he describes as attending him were his parrot, his dog, and two cats. On the second occasion, after Friday's father and a Spanish sailor have appeared, Crusoe again gazes proudly at those around him:

My island was now peopled, and I thought my self very rich in Subjects. . . How like a King I look'd. First of all, the whole Country was my own meer Property; so that I had an undoubted Right of Dominion. *2dly*, My People were perfectly subjected: I was absolutely Lord and Lawgiver; they all owed their Lives to me, and were ready to lay down their Lives, if there had been Occasion of it, for me. (174)

The distinction between his two groups of "Subjects" seems to be that Crusoe values more highly the loyalty of the recent ones than that of the animals because the humans are capable of *choosing* to give up their lives for him.

In his stance toward Friday and the island, it is thus possible to view Defoe's Crusoe as embodying not only the general stance of colonialism but the state of selfhood that Levinas defines as the totalizing, ego-driven philosophy of being. In *Totality and Infinity*, he describes this state as "not a relation with the other as such but the reduction of the other to the same": "Thematization and conceptualization . . . are not peace with the other but suppression or possession of the other. . . . 'I think' comes down 'I can'—to an appropriation of what is, to an

exploitation of reality” (46). In this way, “Possession is preeminently the form in which the other becomes the same, by becoming mine” (46). In his introduction to *Totality and Infinity*, John Wild explains that Levinas views this “egocentric attitude” as “think[ing] of other individuals either as extensions of the self, or as alien objects to be manipulated for the advantage of the individual or social self” (12). Within this framework, the self’s approach to others is predetermined by a concept that has defined its needs and then seeks those who will fulfill those needs. The other is granted no independent status but is viewed as a means to an end, defined and thus possessed by the totalizing self.

From Crusoe and Friday’s first meeting until the end of Defoe’s novel, after the pair have left the island and their subsequent travels in Europe and South America are briefly recounted, Crusoe never varies from portraying Friday as an object for him to have mastery over, to force-fit into his predetermined economic and cultural scheme. Indeed, Friday’s embrace of servitude and willing capitulation to Crusoe’s way of life exemplify the white European’s hegemony over the “savage” as a success both for Defoe’s novel and the Enlightenment culture in which it was written. One might imagine therefore that a late-twentieth-century recharacterization novel based on Defoe’s would allow Friday to tell the story in his voice, from his own perspective, providing details and insights to reify his character for readers—much the way Antoinette/Bertha does in *Wide Sargasso Sea*. However, neither of the two novels that recharacterize *Robinson Crusoe* does that. In Coetzee’s *Foe* (1986), the main point of view is that of a woman shipwrecked with Crusoe and Friday who returns to England and seeks to influence the way Defoe tells their story. In contrast to *Foe*, the title of Tournier’s *Friday* suggests that it will indeed be Friday’s story, but again this is not the case. In *Palimpsests*, Genette points out that *Friday* does provide a “transvaluation” of *Robinson Crusoe*: that is, “siding with (the supposed values of) Friday

against (those of) Robinson” (368). Nevertheless, as Genette notes, Tournier’s story remains “focalized” on Robinson: “he remains the focus—I might say the *master*—of the narrative, and of a narrative that tells his story, not Friday’s” (373). As a result, Genette bemoans the fact that “[t]he true *Friday*, wherein Robinson would be seen, described, and judged by Friday, has yet to be written” (373).

The first half of *Friday*’s plot is largely consistent with *Robinson Crusoe*’s account of the Englishman’s arrival and activities on the island. (Throughout *Friday*, Crusoe is called “Robinson,” perhaps to place him on a more equal rhetorical level with his eventual companion.) However, Tournier describes not just Robinson’s activities but his inner life and does so in much more complex psychological terms than was possible for Defoe’s early capitalist Puritan. As Martin Roberts points out, “while Defoe’s text is about the manipulation of the external world through human endeavour, Tournier’s is about the re-modeling of the perception of it through solitude” (24). The difference is seen especially in Robinson’s meditations in his journal on the bleakness of his new situation and “the dehumanizing process which I feel to be inexorably at work within me” (Tournier 54). Coming to understand the social construction of the self as a result of his isolation, he writes, “I know now that every man carries within himself . . . a fragile and complex framework of habits, responses, reflexes, preoccupations, dreams, and associations, formed and constantly transformed by perpetual contact with his fellows. Deprived of its sap, this delicate growth withers and dissolves” (54). On the island, where “there is only one viewpoint, my own, deprived of all context” (54), he finds that:

my solitude does not only destroy the meaning of things. It undermines them at the very root of their being. More and more I find myself doubting the evidence of my senses. I know now that the very earth beneath my feet needs to be trodden by feet other than mine if I am to be sure of its substance. (55)

As these passages show, Robinson's reflective, often poetic journal entries differ significantly in both style and content from Crusoe's straightforward cataloguing of daily activities in his journal in Defoe's novel. In the entry for May 17 in *Robinson Crusoe*, for example, he notes: "It had blow'd hard in the Night, and the Wreck appear'd more broken by the Force of the Water but I stay'd so long in the Woods to get Pidgeons for Food, that the Tide prevented me going to the Wreck that Day" (Defoe 63). On the island, Defoe's Crusoe runs out of ink not long after landing and his journal entries cease, whereas Tournier's Robinson devises methods to make pens and ink so his journal remains part of the entire novel. The difference between the two novels' point of view is also significant because whereas *Robinson Crusoe* is narrated entirely in the first person by Crusoe, *Friday* consists of a combination of Robinson's journals and third-person omniscient narrative with free indirect discourse for both Robinson and Friday.

Even though *Friday* remains primarily Robinson's story, Friday's presence thus becomes more prominent as a result of this narrative mode and because Friday appears in Tournier's novel just past the midpoint—earlier than in Defoe's. These formal differences between source text and recharacterization novel are compounded by differences in content because Friday's relationship with Robinson is very different in *Friday* from that in *Robinson Crusoe*. Both novels' Crusoes seek to impose their rational, economic order on the island's wildness (in fact, Robinson's administrative and construction projects are so elaborate that Roberts calls them a parody of those described by Defoe); but whereas Defoe's Crusoe sustains those efforts to the end, Friday's presence eventually brings about a profound change in Tournier's Robinson.

This change is anticipated in Robinson's relationship with the dog shipwrecked with him. In *Friday*, the dog has a name, and in his journal Robinson records his almost inexpressible joy

when “Tenn, my faithful shipmate” finds him again on the island some weeks after their landing (63). With Tenn as companion, he becomes more “domesticated” himself and begins to build a house (64). Tenn’s influence on Robinson grows when, one day, he “looked down at Tenn, who was seated at his side, gazing up at him. Was he dreaming? Tenn was smiling at his master. . . . Robinson took the shaggy head between his hands, while his own eyes grew misty with tenderness” (87). This interaction becomes “a game between them”:

Robinson would abruptly stop whatever he was doing—or even light a torch in the middle of the night—and, with a face only half dead, gaze at Tenn in a particular fashion. And Tenn would smile at him with his head on one side, and his dog’s smile would be reflected ever more clearly on the face of the man. (87-88)

In contrast to Defoe’s Crusoe, Robinson’s willingness to be influenced by his surroundings grows as he increasingly interacts with the island as a living body, including “a strange wedlock” (120) of sexual experiences with a field of pink grasses and a rebirth scene in a cave. As a result of all these experiences with living if non-human others, Robinson comes to realize that “I myself exist only insofar as I escape from myself to join with others”: “All the small world contained within me is knocking at the door of the great, the real world. And it is others, those who are outside, who hold the key” (122).

Robinson’s language in passages like these sounds increasingly Levinasian in his recognition of the incompleteness of his self as a solitary being and the desire for an Other, whether in human or non-human form. In this way, his identity as a character is diametrically opposed to that of Defoe’s Crusoe, whose interaction with every element of his new world is driven by an intentional consciousness, in which Friday becomes simply one more element for him to master. In Defoe’s novel, Crusoe arrives on the island with a predetermined definition of what a world should be—i.e., his concept preceded consciousness—so that his need to express

himself, indeed to be himself, to survive under those circumstances, entails and is equated with his attempt to make over the island as he wants it to be: a reflection of himself and his culture. Under such conditions, there is no possibility for Crusoe to have an ethical encounter with Friday because his ability to enter into an ethical relationship is foreclosed by his concept. By contrast, in *Friday*, as shown in his interactions with Tenn and the island's vegetation and geology, Tournier's Robinson exhibits an openness to an ethical encounter from the beginning. Even as he conducts his extensive building, agricultural, and administrative projects, he expresses his sense of the inadequacy of those efforts to satisfy what Levinas would call his "desire." In contrast with a "need," which is based on finding something to fill one's predetermined concept and is satisfied when that something has been acquired, Levinas defines "desire" as a "metaphysical desire" that "does not rest upon any prior kinship": it "does not think it beforehand" but "goes toward it aimlessly, that is, as toward an absolute, unanticipatable alterity" (*Totality and Infinity* 34). Unlike a need, a desire cannot be satisfied, but expands infinitely: it "desires beyond everything that can simply complete it. It is like goodness—the Desired does not fulfill it, but deepens it" (34). This "desire" is contrary to the notion of possession of the other because it is a "desire without satisfaction which, precisely, *understands* the remoteness, the alterity, and the exteriority of the other" (34; emphasis in original).

The Robinson who meets Friday in Tournier's novel is thus very different from Defoe's Crusoe even prior to the two men's initial encounter. Robinson's saving of Friday's life, like Crusoe's, occurs as the result of witnessing the sacrificial ceremony of a group of native men visiting the island, but Robinson interprets the scene in anthropological terms, recognizing the group as members of the Araucanian tribe, and he voices little judgment of them other than a concern that they might pose a danger. His perception of the group thus differs from Defoe's

European who watches what he calls “barbarous” rites and hopes “to get a Savage into my Possession” or even more since he “fancied my self able to manage One, nay, Two or Three Savages . . . so as to make them entirely Slaves to me, to do whatever I should direct them” (Defoe 144-45). In *Friday*, when the victim escapes, Robinson is uncertain whether to shoot at him or his pursuer as they race towards the Englishman; but when “prudence counseled that he should support the stronger” (135) and he aims for the victim, Tenn jumps up as he fires, and the bullet hits the pursuer instead. As in Defoe’s novel, the frightened escapee then presses his head to the ground and places his savior’s foot on his neck in a gesture of grateful submission. Among Robinson’s first words in his journal after the incident are “God has sent me a companion” (138), and he refers to the man during this time as “the Araucanian” rather than a savage. Nevertheless, both Tournier’s omniscient narrator and Robinson in his journal sometimes speak of Friday in terms similar to those of Defoe’s novel. Robinson notes, for instance, that the companionship for which he has longed has been provided “from the lowest stratum of humanity,” in “its most primitive and rudimentary form”—which seems to refer to his being a “half-caste, a South American Indian crossed with Negro” and young, less than “fifteen years old” (138). Robinson writes that he appreciates the Araucanian’s low status, thinking it will make it easier to “mold [him] to my requirements” and “fit my slave into the system which I have perfected over the years” (138-9).

Soon, however, Friday proves to be much more to the Englishman than he had anticipated, and Friday becomes a more independent character than his avatar in Defoe’s novel. Not only does Friday perform his assigned chores willingly and cheerfully, but he introduces a more efficient method for disposing of garbage, expands their use of the bola, and replants shrubs in a way that makes them grow better. Nevertheless, Robinson grows concerned by

Friday's occasional good-humored disruptions of his plans, leading him to "recognize that beneath the show of submissiveness, Friday possessed a mind of his own, and that what came out of it was profoundly shocking and subversive of discipline on the island" (154). Increasingly seeing Friday as a threat to his ordered world, Robinson begins to "have thoughts which he dared not avow, all centered on the theme of Friday's death, natural, accidental, or contrived" (164). These feelings culminate on the day he finds Friday copulating with Robinson's treasured pink grasses, and he beats the boy furiously, until "at length a few words gasped out by Friday penetrated this blanket of godlike wrath—'Master, don't kill me!'" (167). Afterward, Robinson sits down beside the silent Friday and begins to study his face:

Its right side was covered with cuts and bruises, and there was a purple-gaping gash over the high cheekbone. As though he were observing him through a magnifying glass, Robinson considered the prognathous, slightly animal countenance, rendered more than usually stubborn and sulky at that moment by the boy's distress. And it was now that he became aware of something pure and sensitive gleaming amid the unsightly, mishandled flesh. He noted Friday's eye. . . . It was a beautiful thing, so finely contrived, so perfectly new and shining. . . . if he had only at this moment perceived its beauty, must he not in honesty ask himself whether Friday might not be the sum of other attributes no less admirable, which in his blindness he had failed to see? (172)

This scene, in its language and its results, reflects the quintessential version of the Levinasian ethical encounter, performed in the novel in a multi-step process. When Robinson's killing hand is interrupted by the vulnerable Other saying, "Do not kill me," the subsequent face-to-face encounter and its aftermath lead to a transformation in which Robinson not only embraces responsibility for Friday but also articulates his willingness to be changed as a result of the Other's influence—to be possessed by him as Levinas would say. His awareness of this "radically new beginning" (173) is then punctuated by a scene in which Friday inadvertently causes an explosion that destroys all Robinson's carefully constructed buildings and angers

Robinson at the same time it demonstrates the dramatic change that has occurred: “Unwittingly but inexorably Friday had paved the way for, and finally achieved, a cataclysm that heralded the coming of a new era; as for the nature of this new era, clearly it was in Friday’s own nature that Robinson must look for it” (179). That night, as Robinson gazes at the sleeping Friday, nostalgia for his old ways makes him ponder the possibility “that he could very easily kill him . . . and then methodically set about the rebuilding of his shattered world” (180). He does not do so, however, because he realizes that:

having released him from his earthly bonds, Friday would now show him the way to *something else*, . . . a new order which Robinson longed to discover. A new Robinson was sloughing off his old skin, fully prepared to accept the decay of his cultivated island and, at the heels of an unthinking guide, enter upon an unknown road. (180)

From then on, “he was a wanderer, foot-loose and timorous, in the sole company of Friday. He would never again let go the hand that had reached down to save him” (181).

As a result of being seized in this ethical encounter, Robinson becomes more and more like Friday. He notices that his face begins to resemble Friday’s, and rather than being Friday’s “master and his father,” now he views them as brothers and is unsure which he would call the elder (183). He begins to dress like Friday, move like him, and delight in his games and activities, all of which introduce him to a sense of joy in his surroundings. Rather than praying to God to help him train Friday to be a good servant, now his prayer is “O Sun, cause me to resemble Friday. Give me Friday’s smiling countenance, his face shaped for laughter” (202). As a result, Robinson’s attitude toward the island changes as well. He writes in his journal that the island “is no longer a virgin land which I must make fruitful, nor Friday a savage whom I must teach to behave. Both call for all my attention, a watchful and marveling vigilance, for it seems to me . . . that at every moment I am seeing them for the first time, and that nothing will ever dull

their magical freshness” (205). Now, he is no longer trying to impose himself on the Other (which is to literally or metaphorically kill the Other), but he values the Other for what it gives to him—it seizes all his attention and he knows he must remain continuously receptive to what it can teach him. Under Friday’s influence “and the successive blows he dealt me,” he concludes, “I have traveled the road of a long and painful metamorphosis” (209): “it was Friday who brought about the deeper change” (212).

In all these ways, Tournier’s *Friday* can be seen as staging a Levinasian ethical encounter between Robinson and Friday that liberates both from the constraints of their portrayal in the source text. However, one final aspect of the novel may seem to undermine the ethics of the situation because Tournier gives his novel a different conclusion from the source text, which some may view as a violation. In the next to last chapter of *Friday*, an English ship approaches the island, and when its captain comes ashore, Robinson is astonished to learn that twenty-eight years have passed since the shipwreck. Although Robinson greets the visitors warmly, he soon becomes distressed by the cavalier way the sailors pillage the island. He begins to see them as “coarse and avaricious,” “driven by . . . greed, arrogance, and violence” (219), and he resents their never asking him questions about the island or about Friday, even after the two are taken on board the ship for a meal—Robinson with the captain and Friday with the sailors. After dinner, Robinson announces he will not be departing with his supposed rescuers but has decided to stay on the island, and he and Friday row back in a canoe, with Robinson now seeing the visit as having brought “tumult and upheaval into [their] serene eternity” (227). The next morning, in the final chapter, it is a surprise then to Robinson and the reader to discover that Friday has taken the canoe during the night and returned to the ship. However, Robinson’s despair is soon interrupted by the discovery that the cook’s boy has run away to join him on the island. “I was unhappy,” the

boy, Jaan, explains. “I saw you look at me when I was waiting at table, and your eyes were kind” (233). Jaan explains that after Friday arrived at the ship, the boy took the canoe and used it to get to the island, and Robinson joyfully begins to show the boy around the place. As he had with Friday, Robinson gives this boy a new name, but his renaming the boy “Sunday” to honor “the day of the resurrection, of the youth of all things, and the day of our master, the Sun” (235) at least seems to reflect his own transformed consciousness and embrace of nature.

Levinas is helpful in thinking about this aspect of the novel as well. In narrow terms, Tournier’s revised ending is a violation of the source text’s plot; however, it is consistent with—and a legitimate extension of—what I’ve argued is Tournier’s establishment of an ethical relationship between Robinson and Friday. In other words, it is willing to sacrifice a specific aspect of the plot to achieve a higher good: the further liberation of these two characters from the constraints imposed in the source text. In *Robinson Crusoe*, Defoe does not mention Friday at all in Crusoe’s adventures subsequent to the time the two spent in Europe after leaving the island; it is in his 1720 sequel, *Serious Reflections during the Life and Surprising Adventures of Robinson Crusoe*, that he tells, briefly, of Friday’s death at sea. In Defoe’s conclusion, although Crusoe does not kill Friday, he must be seen as indirectly responsible for his death by placing his servant in a dangerous situation, and Friday dies still little more than an object of his master’s totalizing consciousness. By contrast, in Tournier’s conclusion, Friday’s freedom from that constraint entails the ability to make his own decisions about his life—even though, sadly, the novel implies that his choice may have been a poor one since the sailors’ discussion of slavery suggests Friday’s joining them may ultimately lead to his being sold. Nevertheless, Friday’s agency in the ethical relationship with Robinson has enabled him to choose to remove himself from it.

From Robinson's perspective, on the other hand, Tournier's conclusion also represents an outgrowth of the Levinasian ethical encounter. Friday's departure and Robinson's adoption of Jaan in his place stage Levinas's claim that the ethical state, once established, is never-ending. Robinson's transformation into an ethical self is demonstrated by the fact that the original Other can disappear from the relationship and the responsibility remains unbroken when the new Other appears. This state is captured in Levinas's discussion of "infinity" in *Totality and Infinity*. Levinas describes infinity as a state somewhere between the traditional notions of transcendence—an ideal state to which humans gain access only by "liturgical, mystical elevation, or in dying"—and immanence—in which "every 'other' . . . , encompassed by the same, would vanish at the end of history" (52). Unlike these more spiritual states removed from time and place, Levinas's infinity is a way of achieving a transcendent state within the real world in which we live. It is endless because, like the desire for good, achieving it only creates the desire for more: "The infinite in the finite, the more in the less, which is accomplished by the idea of Infinity, is produced as Desire—not a Desire that the possession of the Desirable slakes, but the Desire for the Infinite which the desirable arouses rather than satisfies" (50).

My interpretation of Tournier's Robinson and Friday as performing a Levinasian encounter thus demonstrates how the novel, including its ending, may be read as fulfilling what Miller would call an ethical, responsible reading of *Robinson Crusoe*. Tournier provides not merely a new reading of Defoe's text but, in Miller's terms, a "performative, productive" re-writing that "opens access . . . not to the meaning of the text as such . . . but to the 'matter,' 'thing,' or 'force' latent in the work" (*Ethics of Reading* 120)—what I called in the introduction "the realizing of a potential." Tournier's ethical responsibility to Robinson and Friday as characters is the higher law he obeys in the creation of his own text. On reading *Robinson*

Crusoe in the second half of the twentieth century after learning about Claude Lévi-Strauss's structural anthropology, Tournier saw Defoe's characterizations as flawed. As he explains:

Qu'était Vendredi pour Daniel Defoe? Rien, une bête, un être en tout cas qui attend de recevoir son humanité de Robinson, l'homme occidental, seul détenteur de tout savoir, toute sagesse. . . . L'idée que Robinson eût de son côté quelque chose à apprendre de Vendredi ne pouvait effleurer personne avant l'ère de l'ethnographic. (qtd. in Roberts 22)

[What was Friday for Daniel Defoe? Nothing, an animal, a creature anyway, waiting to receive his human nature from Robinson, the Western man, the sole possessor of all knowledge, all wisdom. . . . The idea that Robinson had, for his part, something to learn from Friday could not occur to anyone before the era of ethnographic research. (my translations)]

Tournier continues, "L'attitude de Robinson à l'égard de Vendredi manifestait le racisme le plus ingénue et une méconnaissance de son propre intérêt" [Robinson's attitude towards Friday showed the most ingenuous racism and ignorance of his own interest]. That attitude prevented Defoe's *Crusoe* from seeing what Tournier imagined as Friday's real value to Robinson: that "Vendredi . . . sert . . . de guide et d'accoucheur à l'homme nouveau" [Friday acts as a guide and midwife to the new man] (qtd. in Roberts 22-23). As a result, in *Friday*, Tournier created a novel that frees both Robinson and Friday from their constraints and enables them to live out their possibilities.

Beowulf and Grendel

Although most readers of *Grendel* assume that its purpose is to give voice and agency to an othered character similar to the way *Wide Sargasso Sea* did for Bertha Rochester, the ethical encounter associated with Gardner's recharacterization novel occurs in a way different from Rhys's as well as from Tourier's. In the case of *Beowulf* and *Grendel*, I thus want to magnify the

Levinasian frame from an ethical encounter between one reader and an othered character to a broader consideration of ways groups of readers interact with the character—in a way that will turn out to contradict the intentions of both Gardner and the *Beowulf* poet. Grendel, we will recall, appears in only the first third of *Beowulf* as the bloodthirsty monster whose death at the hands of the courageous Beowulf begins the hero's journey. In introducing his translation, Seamus Heaney calls Grendel and his mother "the right enemies for a young glory-hunter . . . worthy trophies to be carried back from the grim testing-ground" (xxx). Described in the epic as a "powerful demon," a "fiend out of hell," "the God-cursed brute" (lines 86, 100, 121) who belongs with ogres and other malign beings to the race of Cain, Grendel never speaks in *Beowulf* though he understands the words of the singer. Angered years earlier by the Danes' celebration in their great hall Heorot, Grendel emerges from his swamp to attack the hall and eat the men he caught, then terrorizes the Danes for twelve years until Beowulf comes to their rescue. After a feast in Heorot celebrating Beowulf's arrival, Grendel again attacks the hall, but Beowulf confronts him and, in fierce hand-to-hand combat, wrenches off the monster's arm. Grendel, mortally wounded, escapes to the fens to die, while Beowulf survives for subsequent battles with Grendel's avenging mother and, in his later years, with a dragon.

In Levinasian terms, we would say that the *Beowulf* poet thematizes the Grendel character as needed to fit his concept, his purpose for the narrative; and indeed critical attention to this character in *Beowulf* has been directed primarily toward interpreting the nature of the monster and his function in the plot. Early interest in *Beowulf* solely as a historical document began to shift with Tolkien's famous 1936 essay, "*Beowulf*: The Monsters and the Critics," after which the epic was viewed as a carefully constructed work of art in which the three monsters (Grendel, Grendel's mother, and the dragon) play a central organizing role. Prior to the 1980s,

interest in *Beowulf* as a Christian poem positioned Grendel as a demonic, satanic figure (for example, McNamee and Goldsmith), just as philological interest led to interpretations of the language used to describe him (as in Kiessling's argument for translating "*maere*" as "incubus, night monster" rather than "famous") and his relation to other Norse folk traditions (see, for example, Lerer). Later criticism has focused more on Grendel as a "parody of the human" (in O'Keeffe) or "an instance of Negative Man" who is ignorant of weapons and noblemen's codes of conduct but whose combination of human and inhuman attributes is what makes him monstrous as "the renegade who has deserted humanity to live in the wilds of exile" (Irving 176, 180). Such interpretations have been less concerned with Grendel's exact nature than with the challenge this disorderly outsider poses to an ordered society, as in Day's argument that Grendel's attacks on Heorot represent a challenge to legal protection of the site, which had been transferred from Hrothgar to Beowulf. Lapidge even argues that the *Beowulf* poet purposely leaves Grendel's exact nature vague to make his threat more terrifying.

In spite of these varied interpretations of Grendel's character, no critic has suggested that readers of *Beowulf* identify with the monster or feel sympathy for him. Irving concludes that Grendel is a "total failure as hero" who "wins no glory or reputation in the eyes of others" and whose "suffering and death gain him no pity" from the Danes, the Geats, or in "our consciousness" as readers (180). In his analysis, Ringler interprets Grendel's last visit to the hall as a situation of dramatic irony in which his ignorance of the likely outcome is contrasted with readers' "superior knowledge—both of Beowulf's presence and his destined victory"; Ringler alternates between seeing Grendel as "[p]athetically ignorant of all this" (131) and "just a little amusing" in his unawareness "that in a few moments he will be quelled" (133). Klaeber, an early-twentieth-century translator of the epic, wrote that the *Beowulf* poet's "sympathy for weak

and unfortunate beings . . . even for Grendel and his mother” is reflected in certain words and expressions (qtd. in Chapman 334). Agreeing with Klaeber, Chapman argued in his 1956 article “Alas, Poor Grendel” that the poet’s “ambivalence” appears in the way he “execrates the monster, yet feels and expresses sympathy for him” (334). Klaeber and Chapman, however, were solely concerned with the intent of the poet, not the interpretation of readers.

By contrast, ever since its publication in 1971, *Grendel* has been read as a way to understand and relate to the monster, so that a Levinasian analysis might assume that Gardner had an ethical encounter with the monster and, like Rhys, sought to give the othered character a more sympathetic life. In the novel, Grendel is first-person narrator, demonstrating sophisticated awareness of himself and his world and the ability to use language to influence others. From the first pages, his consciousness of his dual human-animal nature provokes both pain and cynical humor. He can dissemble to his audience, calling himself at one moment a “[p]ointless, ridiculous monster crouched in the shadows, stinking of dead men, murdered children, martyred cows,” crying that he’s a “sad one, poor old freak,” and at the next he laughs, falling down and acknowledging that “(It’s mostly fake.)” (6). He sees himself as superior to the mindless animals around him and is intrigued by the men, but they interpret his clumsy approaches as threatening and their mutual antagonism begins. Most of the novel concerns Grendel’s pre-Beowulf life: his desire as a curious child to venture beyond his mother’s cave, his first tentative encounters with the Danes, his fascination with the harpist’s ability to create worlds with song, his contemptuous observation of the royal family and a group of priests, and his visit to a dragon who can see past, present, and future. Beowulf appears in only the final twenty pages, and the outline of his arrival in the land of the Danes and his battle with Grendel closely follow that in *Beowulf*. During their fight in the novel, however, Grendel tells of his adversary’s whispered promises to kill him and

Grendel's own pain and frustration, claiming he loses only because he slips on the bloody floor. After realizing Beowulf has "torn off my arm at the shoulder," he understands that "I really will die" and runs howling from the hall, crying, poignantly, "Mama, Mama! I'm dying!" (172, 173). At the edge of a cliff, he whispers his final words to the animals gathering around him: "Poor Grendel's had an accident. . . . *So may you all*" (174).

Unlike the vague monster in *Beowulf*, Gardner's Grendel tells of his feelings and frustrations, revealing motivations behind his violence and making it possible for readers to empathize with him. Readers of the novel quickly praised this opportunity to hear the monster's "side of the story," a phrase the publisher has used to market the book from then until now. A high school teacher's early review, for instance, noted that "*Grendel* has more to capture modern youths' interest than does the epic that inspired it. Identifying with the pathetic monster that seeks acceptance, love and beauty is much easier than identifying with the boastful Beowulf" so that the novel "has a strange power of speaking to contemporary young people, whose quest often parallels Grendel's" (Ladensack 42, 43). In his review in the *Notre Dame English Journal*, Berkhout agreed: lauding Grendel's "introspection and common sense," he notes being "delighted by Grendel's wry telling of favorite episodes from *Beowulf*," "making us wonder really, if Beowulf really gave Grendel a fair shake" (55, 58). Subsequent scholarship on the novel has considered such aspects as its structure (Fawcett and Jones), use of first-person point of view (Butts), sources in medieval and other earlier literature (Milosh, Morris, McWilliams), use of rhetorical devices (Nelson), and relationship to modern "fables" (Merrill)—all of which take for granted what Milosh calls the novel's "humanizing of Grendel" (50).

Ironically, however, these interpretations run counter to Gardner's express intent in writing the work.⁶ In the 1970s, Gardner became infamous for his cranky insistence on what he

called “moral fiction” and his biting denunciations of his contemporaries’ failure to meet his standard. Dismissive of postmodern experiments with form, Gardner instead embraced traditional notions of plot and character designed to teach moral lessons: for him, “true art is moral: it seeks to improve life, not debase it” (*On Moral Fiction* 5). While granting that his period’s “sympathy for the freakish, the special, the physically and spiritually quirky, marks a huge advanced in the quality of civilized, democratic life” (21), he condemned writers whom he felt were praised simply for their “celebration of the unique or quirky” while failing what he saw as the “civilizing” purpose of true art by providing instruction in universal values (20-21, 105). Gardner also considered himself a philosophical writer, committed to defending his interpretation of Classical values against the onslaught of twentieth-century philosophy, especially existentialism. Indeed, he explained in interviews that his ambivalent attitude towards Jean-Paul Sartre played a key role in the genesis of *Grendel*, along with his experience as a medievalist and teacher of Anglo-Saxon poetry. “Sartre is my great love-hate,” he said in an interview, “kind of because he’s a horror intellectually, figuratively, and morally, but he’s a wonderful writer and anything he says you believe, at least for the moment, because of the way he says it” (Chavkin 86). He continued: “What happened in *Grendel* was that I got the idea of presenting the Beowulf monster as Jean-Paul Sartre, and everything that Grendel says Sartre in one mood or another has said, so that my love of Sartre kind of comes through as my love of the monster, though monsters are still monsters—I hope” (Chavkin 86). Alongside his creation of the dragon as the indifferent existential God, Gardner explained that, with the character of Grendel, he wanted to balance Sartre’s ability as a “marvelous poet” who “writes . . . beautifully” (and is thus able to be utterly convincing) with Sartre’s philosophical position, which Gardner thinks is “flat wrong” (*On Moral Fiction* 106).

In his recharacterization of Grendel, Gardner intended that his novel deliver a moral lesson to caution readers about the dangers of being seduced by beautiful rhetoric that conceals wrong-headed, damaging ideas. Viewed through the Levinasian lens, we can say that Gardner's conceptualization of this dogmatic purpose for his novel predetermined his relationship with Grendel and blocked him, as it did the *Beowulf* poet, from entering into an ethical encounter with the character. In this case, however, Gardner's recharacterization novel—although counter to his intent—made it possible for the *readers* of *Grendel* to enter into a relationship with the character that does not dismiss him, categorically, as a monster but rather opens the self to empathy and identification with an unfairly stigmatized creature.

Twenty-first century interest in the novel continues to affirm readers' insistence on a benevolent, more sympathetic interpretation of Grendel, and the novel, still read widely, remains a staple of high school and college literature courses. Consider, for example, these excerpts from two customer reviews posted on Amazon.com:

After reading Beowulf for a high school British literature class, we read Grendel and I fell in love. Haunting, beautiful, captivating and at all times mysterious, Grendel is able to capture the essence of our collective struggle to understand.

Reading the pain of such a despicable creature that hits so close to home was stomach-wrenching and breathtaking—unlike the epic poem, Beowulf, Grendel made it difficult not to see the characters as real. Despite Grendel's purportedly evil and inhuman nature, I couldn't help but see him as someone I knew, feeling what he went through. (Customer reviews of *Grendel*)

As these comments attest, contemporary readers' appreciation of what they see as the sympathetic portrayal of Grendel in Gardner's novel is also motivated by its contrast with *Beowulf*, where they felt Grendel was not given, in Berkhout's words, "a fair shake" and was treated unfairly. In his 1974 essay subtitled "Humanizing the Monster," Ruud's perceptive

contrast of the two works also emphasizes the value of reading them together. His analysis focuses usefully on “the contrasting attitudes held by the two periods—*Beowulf*’s eighth century and *Grendel*’s twentieth—toward the concept of alienation,” explaining that, “In the close-knit Germanic society portrayed in *Beowulf*, alienation was a serious and often fatal mode of existence” so “survival was a community project.” In “our modern impersonal world,” “people shut themselves away in little boxes and communicate by computer,” so isolation is seen as a common phenomenon with which readers can identify, and individualism is viewed not as a threat but with tolerance and even appreciation.

Grendel has also benefitted recently from innovative representations of the character in other media. The title of Julie Taymor’s 2006 opera *Grendel: Transcendence of the Great Big Bad* points to her sympathetic interpretation of the monster. Having read *Grendel* in college, Taymor explains being drawn to the character: “Both subhuman and superhuman, bestial and divine, Grendel mirrors modern man, completely self-conscious, trapped in his own history, seeking the possibilities of optimism and redemption” (qtd. in Choate 126). Choate notes in her review of the opera that while the choruses sing in Old English and *Beowulf*, played by a dancer, is silent, “Grendel and the dragon sang in contemporary English, making the monsters one of us” (124). Farrell’s 2008 article in the *Journal of Popular Culture* also emphasizes modern audience’s identification with Grendel. Examining portrayals of Grendel in *Beowulf*, Gardner’s novel, and Matt Wagner’s comic book *Grendel*, Farrell notes, “There may not be a character in all of literature that better represents isolation and the desire to fit in with a world that will not accept the individual” (939). She concludes:

Ultimately Grendel represents that which is dark within the human psyche. There is a sense of freedom in being the outcast and working outside the normal societal constraints. Through Grendel

we are able to live vicariously and imagine giving in to our bestial primal selves. And this explains why Grendel lives on. (948)

Can an ethical framework help explain this curious reception history of the character of Grendel? In Levinasian terms, both the *Beowulf* poet and Gardner conceived Grendel as only an object to force into their totalizing concepts, so in that sense both source text and recharacterization novel were designed to foreclose the possibility of readers' having an ethical relationship with the othered character. Against Gardner's intentions, however, his novel became the vehicle by which readers, on their own initiative, entered into an ethical encounter with Grendel and liberated him from his objectified, dehumanized status via their contrary reading of Gardner's text. It would be going too far to say these readers are seized or "assigned" by Grendel in the way Rhys was with Bertha Mason or Robinson was with Friday, and there is no staging of a dramatic interruption by a face-to-face encounter. However, the result is comparable: these readers' embrace of the character of Grendel, their identification with and empathy for him, has given him a cultural status that allows him to "live on."

The Levinasian ethical framework used in this analysis to help explain the reading/writing processes involved in *Wide Sargasso Sea*, *Friday*, and *Grendel* might be productively applied to other recharacterization novels that give more sympathetic backstories to female characters demonized in their source texts (such as Maguire's *Wicked*, Condé's *I, Tituba*, Frame's *Havisham*, and Updike's *Geraldine and Claudius*), as well as to those recharacterization novels that re-imagine African American characters patronized and marginalized in their source texts (such as Randall's *The Wind Done Gone* and Nancy Rawles's *My Jim*). Indeed, the prominence of this orientation in so many recharacterization novels suggests it is central not only to a definition of the genre but to its continuation.

To conclude this chapter, I wish to bring Levinas back in and recall, in an interview, that he explained his concept of the face-to-face encounter in this way: “Ethically I cannot say that the other does not concern me. . . . If one thinks this to the limit, one can say that I am responsible for the death of the other. I cannot leave him alone to die, even if I cannot stop it” (“Interview” 52). “‘Thou shalt not kill’ does not signify merely the interdiction against plunging a knife into the breast of the neighbor,” he continued. “Of course, it signifies that, too. But so many ways of being comport a way of crushing the other” (53). Elsewhere, he emphasized, “the face is the other who asks me not to let him die alone, as if to do so were to become an accomplice in his death” (Levinas and Kearney 24). In the context of recharacterization novels, I like to extend these Levinasian concepts further and imagine the Other as character saying, “Do not let me die without telling my story. Do not let me exist forever in readers’ minds as this pitiful, dehumanized creature. Let me live by helping readers to understand me.” Responding to that call, each of these recharacterization novelists—Rhys and Tournier by design and Gardner in spite of himself—became not just an ethical reader and writer but an “accomplice” in the Other (character)’s life.

Notes

1. Levinas's attention to this story occurs in his discussion of Kierkegaard in two chapters of *Proper Names*. Disagreeing with Kierkegaard's interpretation of Abraham's encounter with God as obeying "God above the ethical order!" (74), Levinas summarizes his reading this way: "Abraham's attentiveness to the voice that led him back to the ethical order, in forbidding him to perform a human sacrifice, is the highest point in the drama. That he obeyed the first voice [when God told him to kill Isaac] is astonishing: that he had sufficient distance with respect to that obedience to hear the second voice—that is the essential" (77).
2. The figure borrowed from *Jane Eyre* for Gilbert and Gubar's *The Madwoman in the Attic*.
3. Examples include Emery; Harrison; Rody; and Thorpe. Rhys's own position as an outsider—as a white woman in West Indian culture and a creole woman in England and on the European continent—are often also mentioned as "othering" her as a woman and writer.
4. Arizti, Davies and Womack, and Su discuss ethics in this novel without reference to Levinas.
5. In the 1944 film adaptation, Bertha is a snarling, animal-like figure dressed in rags whose matted black hair covers her face even when she viciously attacks Rochester; but in the 2011 film, she is pretty and cleanly dressed, oblivious to her surroundings but sitting calmly until Rochester's words anger her and she throws herself against him, striking him with her fists.
6. Merrill's 1984 article was rare in noting "this book is usually read in such a way as literally to reverse Gardner's intended meaning" (162). He attempts instead to read the novel (unconvincingly, in my opinion) as representative of Gardner's notion of moral fiction.

CHAPTER 5

THE ONTOLOGICAL STATUS OF FICTIONAL CHARACTERS AND THE RECHARACTERIZATION PROCESS

On hearing that early readers of Sherlock Holmes stories wrote letters to the detective (Werner 108), literary scholars may be inclined to chuckle condescendingly, just as many expert readers have long looked down their noses at middlebrow or popular readers who speak of favorite fictional characters as if they are real people, defining such an attitude as amateurish or even childlike and less sophisticated than the reading processes of mature readers. Some recent critics have challenged that presumption. Murray Smith, for example, argues that cultural consumers of all kinds place their emotional engagement with fictional characters alongside an understanding of those beings' "irreality" (279), and Suzanne Keen advocates replacing traditional undergraduate literature instruction designed for "breaking students of the habit of responding to fictional characters as if they were people" with methodologies that "invite discussion of evidence that does not preclude personal feelings about characters" ("Readers' Temperaments" 306). A further problem with so easily dismissing such attitudes as naïve is that, within philosophical discourse, the ontological status of fictional characters is by no means a settled question. These issues have particular resonance for recharacterization novels—aligning them with McHale's claim that whereas such epistemological questions as "What is there to be known?; Who knows it?; How do they know it?" (9) were dominant in modernist fiction, postmodern fiction is dominated by attention to ontological questions such as "What is a world?;

What kinds of worlds are there ...?; What happens when different kinds of worlds are placed in confrontation, or when boundaries between worlds are violated?” (10).

As the primary inhabitants of those worlds, fictional characters become part of those questions as well as generating ontological puzzles of their own. Quandaries related to this issue are mentioned elsewhere in this study, for example: When a character appears in novels by different authors, is it the same character or different? How can we explain a character-reader relationship so intense it compels the reader to “liberate” the character from the source text? Does a fictional character have a legal (and protectable) existence independent of the work in which it appears? Can a writer “kill off” a character she did not create? To begin to establish a framework for addressing questions such as these, this chapter explores some of the ways philosophers have sought to explain the nature and existence of fictional characters and the ways we think and speak about them. Intuitively, we can say that a motivation of recharacterization novels is to keep characters “alive” or perhaps make them “more real,” but is it possible to support that notion in philosophical terms?

According to philosopher Amie Thomasson, “most philosophers do not accept that there are fictional characters” (“Fictional Characters” 147), in spite of the fact that “If asked whether such fictional characters as Holmes or Hamlet exist, those uncorrupted by philosophy invariably say ‘yes,’ puzzled by why someone would ask such a silly question” (*Fiction* 113). The reason for philosophers’ skepticism is that, in metaphysics, such strange beings fit in neither of the traditional categories of the real and the abstract or ideal. While it may be easy to agree that fictional characters lack the same realness as a chair or table because they have no spatiotemporal location, non-philosophers might indeed tend to describe them as abstract. Metaphysicians, however, traditionally reserve that term for entities that, in a Platonic sense, are

“eternal and not influenced by any interaction with concrete agents”; thus, as Livingston and Sauchelli explain, however much readers may appreciate Thackeray’s portrayal of Becky Sharp in *Vanity Fair*, this definition makes it “hard to accept the implication that [she] exists eternally and would have done so had the human species never evolved on the planet Earth” (342).

The primary branches of philosophy that have devoted attention to fictional characters are metaphysics (which includes ontology) and philosophy of language because statements about these beings clearly occur, so the question is how that can be explained—a challenge for these theorists since fictional names do not “refer” to existing objects, so statements about them cannot be evaluated as true or false by the usual means. As Thomasson explains, fiction was initially brought into analytic philosophy through the back door to “provide examples of sentences involving nonreferring terms, to contrast with ordinary sentences involving referring terms” (*Fiction* 93). Since then, fiction and fictional characters in their own right have received consideration from philosophers writing from a number of perspectives, and the first section of this chapter provides a brief overview of some of those approaches, along with some preliminary thoughts on their relevance for recharacterization novels. The chapter will conclude with more extended attention to the work of one philosopher: Amie Thomasson’s proposed theory of the ontology of fictional characters, which brings together analytic and metaphysical approaches and seems to provide the most promising fully developed conceptual framework for explaining, in philosophical terms, what happens in recharacterization novels.

Fictional Characters and the Philosophers

As suggested above, the basic problem philosophers face regarding fictional characters is that they do not “exist” in the sense that human beings and other actual objects in the

spatiotemporal world do; therefore, unlike the names of real people, the names of fictional people do not “refer.” According to late-nineteenth-century philosopher Gottlob Frege and others, the name of a human being functions to help the speaker “pick out” or designate a specific individual as distinct from other possible people and thus allows one to make statements about that individual that can be evaluated as true or false. In the basic linguistic structure of subjects and predicates, the sentence “Socrates is wise” illustrates the function of “Socrates” as picking out “a particular object,” while “the function of ‘is wise’ is to express or designate the property of being wise” (Martinich 209).

From the perspective of literary history, Catherine Gallagher explains that the concept of “fiction” was developed only in the early modern period, by Sir Philip Sidney and others, and was from the start closely associated with this referral notion: that “fiction somehow suspends, deflects, or otherwise disables normal referential truth claims about the world of ordinary experience,” later crystallized into Coleridge’s famous “willing suspension of disbelief” (“Rise of Fictionality” 338, 347). Elsewhere, Gallagher voices the familiar notion that it is fictional characters’ “distinctive ontological lack, their freedom from individual extratextual historical reference” that constitutes their appeal (“What Would Napoleon Do?” 317-18). What a literary critic typically takes for granted, however, causes problems for philosophers because it leaves them without a generally acceptable principle for explaining the existence/nonexistence of fictional characters and evaluating statements about them. Fictional characters, all agree, are strange and slippery creatures that resist neat categorization, so ontology—the job of which it is to define categories of things—has had to devise ways either to explain how characters do fit or to exclude them from consideration entirely.

One group of approaches evolved from the theories of Alexius Meinong, a turn-of-the-twentieth-century Austrian metaphysician. Meinong and those like Edward Zalta and Terence Parsons who extend his theories claim that “there *are* objects that do not exist,” which they call “nonexistent objects,” and that, contrary to previous thinking, “an object does not have to exist in order to instantiate a property” (Livingston and Sauchelli 349, 350; emphasis in original). According to this approach, not only can nonexistent objects have properties (qualities that describe the object, which Zalta and Parsons define in different ways), but names can refer to them in meaningful sentences. Meinongians view fictional characters as a subset of nonexistent objects and posit that an infinite number of them exist and have always existed in the sphere of nonexistent objects. While an author of a novel thus in no sense *creates* a character, she can select it from that sphere and refer to it in her text, giving the character various properties. “If an author writes of a character,” Thomasson explains, “she or he is merely picking out or referring to an object that was already available for reference. Authors can then be said to discover their characters . . . but not to bring these objects into existence” (*Fiction* 16).

Philosophers interested in this subject praise the Meinongians for their serious treatment of fictional characters, to the extent of proposing a way to explain that they do exist; however, when identity conditions are considered, challenges to these approaches arise, especially in dealing with a character who appears in more than one work. Thomasson views this problem as resulting from the Meinongians’ exclusion of “the circumstances of creation,” so that “such theories must classify characters with the same properties . . . as identical even if they are so created merely accidentally” (*Fiction* 57). She posits a hypothetical situation in which it is accepted that “Richardson’s Pamela of *Pamela* and Fielding’s Pamela of *Joseph Andrews* concern the same character, invented by Richardson and referred to by Fielding, who attributes

new properties to her” (*Fiction* 56). But, she asks, what if there were “a twin Pamela, written about one rainy afternoon in 1957 by Fred Jones, who purely coincidentally—without any direct or secondary acquaintance with Richardson’s or Fielding’s work—ascribed to his Pamela just the same properties as Richardson ascribed to his” (*Fiction* 56)? Thomasson sees Meinongian theories’ inability to distinguish between these Pamelas as a weakness and reviews two proposals to address this identity problem. Wolterstorff argues for defining character identity by possession of a small set of “core” properties, so that, for example, although “Goethe’s Faust and Marlowe’s Faust are not identical, one and the same Faust character appears in” their works (Thomasson, *Fiction* 59). By contrast, Reicher moves outward instead of inward, proposing that we think of there being a single character who combines all the various works in which it appears, so, for example, the Sherlock Holmes of each individual work “is a logical part of the Holmes of the whole series” (Thomasson, *Fiction* 61). Thomasson views both of these attempts as unsuccessful because they fail to establish valid criteria for determining when characters are the same or different and for distinguishing among different types of characters, including those based on historical figures. While I find the Meinongians’ concept of fictional characters as “nonexistent objects” intuitively appealing because it defines them as beyond the control of any one author, Thomasson’s specific consideration of situations in which characters appear in more than one work, including those by different authors, suggests that the deficiencies she identifies would ultimately make these approaches a poor fit for my purposes.

Unlike the Meinongians, some philosophers working within modal metaphysics agree with the claim that fictional characters do not exist in our actual world, but seek to explain how we can nevertheless refer to them by defining their realm as “possible worlds.” This approach grows out of the ordinary fact that we “talk and think, not only about what (we think) is actually

the case, but also about what could or could not happen”—a possibility familiar to all teachers who say to students, “‘If you do not pass the exam, you will fail the course’” (Livingston and Sauchelli 341). Fictional characters may be seen as dwelling within such counterfactual, non-actual worlds as “unactualized possibilia” or “possible people” (Thomasson, *Fiction* 17). As Livingston and Sauchelli explain, “What is merely possible from the standpoint of our actual world could be, or perhaps even is, actual at some other world. And if there are such possible worlds, maybe what a fiction describes is a world of this sort, including its denizens” (341). In Thomasson’s example, “even if there is no actual person who has all of the properties ascribed to Hamlet in [Shakespeare’s] play, surely there is some possible person exhibiting all of those properties, making Hamlet a member of another possible world” (*Fiction* 17). According to Thomasson, all the elements that support a fictional character coexist with it in its possible world; these include the author and the work in which the character appears. However, she is troubled by what she sees as the uncertainty between which are necessary and which are sufficient conditions, wondering if the following implications would be true:

If [Sir Arthur Conan] Doyle does not exist in some world, then Holmes is similarly absent. If there is a world in which Doyle’s works were never translated and all of the speakers of English were killed off, leaving no one to understand or remember his works, then Sherlock Holmes also ceases to exist in that world, even if printed copies of Doyle’s works remain. (*Fiction* 39)

Saul Kripke instigated the application of possible worlds theories to fictional characters, using Sherlock Holmes to exemplify “an entity that ‘does not exist, but in other states of affairs [i.e., possible worlds] he would have existed’” (qtd. in Thomasson, *Fiction* 17), but he never fully developed this approach (Thomas Pavel, Lubomir Doležel, and others have taken it further). However, identity problems such as how to determine when characters are the same or different from each other also arise with possible worlds theories, similar to those with

Meinongian approaches; and for these and other reasons, Livingston and Sauchelli as well as Thomasson dismiss these theories as unhelpful for understanding fictional characters. Some of the grounds for their dismissal (e.g., Thomasson's objection that "the features of a character left open by the story could be filled out in an infinite variety of ways by different possible people" [*Fiction* 18]) make me wonder if a specific consideration of recharacterization novels could either provide additional support to challenge possible worlds approaches or offer a way to utilize them more effectively. My suspicion must remain unexplored within the current study, but I am encouraged by the fact that McHale is less dismissive of the value of possible worlds theories for fiction, using them not only to discuss postmodern novels' interest in science fiction and fantasy but to explore these novels' frequent use of world-crossing as a trope.

Two different types of approaches sidestep the question of the nature or existence of fictional characters altogether, leading Livingston and Sauchelli to label them "irrealist" strategies (345). These approaches focus instead on developing the idea that something is implied when we think or speak about fictional characters that makes them special cases in philosophical discourse. For Kendall Walton, this something is that we have entered the realm of pretense, similar to "children's imaginative use of toys and objects in their games of make-believe" (Livingston and Sauchelli 345). In Walton's theory, fiction is another form of imaginative game, and "a fictional truth is something true in such a game" (Livingston and Sauchelli 345). According to this pretense theory, it is unnecessary to determine whether Sherlock Holmes exists in order to understand statements made about him; rather, "the use of the name 'Sherlock Holmes' is to be understood as taking place inside pretense" (Livingston and Sauchelli 346). A similar approach is taken by those who advocate revising sentences with "the paraphrase technique" to make explicit what is implied when speaking about fictional characters.

This strategy involves adding a “story operator” such as “according to the story,” which “puts the original statement in an indirect context, so that the expanded statements can have a truth-value regardless of the fact that the fictional name does not (normally) refer” (Thomasson, *Fiction* 94-95). Mark Sainsbury has developed this notion in a theory called “Reference without Referents” based on his claim that “we associate referring expressions with certain reference conditions, rather than with the referent of the expression itself” (Livingston and Sauchelli 347) and that making those conditions explicit can make sentences referring to fictional characters true. The sentence “Josef K. is a bank clerk,” for example, can be said to include, “at a logical level, a noncommitting fictional operator: ‘According to the fiction, Josef K. is a bank clerk’” or to presuppose “that the sentence is prefixed by an operator such as ‘according to Franz Kafka’s *The Trial*’” (Livingston and Sauchelli 348).

Livingston and Sauchelli along with Thomasson argue that both of these practice-based approaches are of limited value. Because the approaches depend on a specified context, they cannot “deal with claims about fictional characters that are made outside the pretense, such as ‘Sherlock Holmes is a fictional character’”: as Livingston and Sauchelli point out, “we don’t *pretend* that Conan Doyle invented a character named Sherlock Holmes, we rightly *believe* that he did so” (346-47). Thomasson explains the problem this way:

The challenges of offering analyses of fictional discourse are not limited to analyzing sentences such as “Hamlet is a prince”; they must also be able to analyze sentences such as “Mr. Pickwick is a fictional character,” “Emma Woodhouse was created by Jane Austen,” and “Hamlet appears in *Hamlet* and *Rosencrantz and Guildenstern are Dead*.”

[However,] the usual technique of forcing sentences into the context of a prefix such as “according to the story” is of no help in these cases, for according to the relevant stories Pickwick is not a fictional character (but a real man), Emma Woodhouse was not created by Jane Austen (but by her parents), and Hamlet is not said to appear in any works of fiction. (*Fiction* 95)

Furthermore, Thomasson contends, a theory that is forced to “offer different analyses of sentences of the same type” (like “*The Scarlet Letter* is a novel” and “Hester Prynne is a fictional character”) adds up to “bad policy in a philosophy of language” (*Fiction* 99). Since these approaches’ inattention to the ontological status of their subjects means they are uninterested in addressing a character’s appearance in more than one work, they seem to be of little help in thinking about recharacterization novels.

Thomasson touches on two completely different types of approaches that seem more promising for my purposes and deserve a brief mention here. In speech act theory, performative statements “bring into existence [a] state of affairs” in such acts as “appointing, resigning, adjourning, and marrying,” so, for example, when an authorized person “pronounces a couple husband and wife, [saying it] creates the couple’s new status” (*Fiction* 12). Though without developing the point, Thomasson suggests that since a fictional character is created with a linguistic act, there is a parallel between that process and the one enacted by “marriages, contracts, and promises” (*Fiction* 13). She also introduces Jean-Paul Sartre into the discussion. In his work on the imagination, Thomasson explains, Sartre views an imagined object (which includes works of arts and things within them) as “an entity created in an imaginative act of consciousness,” which “exists only as long as it is being imagined” (*Fiction* 21-22). Thomasson likes the necessary connection between creator and fictional character in Sartre’s approach, but is troubled by the requirement that characters exist “only as long as someone is thinking of them” and sees no way to “say that two or more readers are each reading about or experiencing one and the same fictional character” (*Fiction* 22). Overall, however, Thomasson glances favorably at both speech act theory and Sartre’s views because they provide a way for her to bring the circumstances of character creation into the frame—an aspect of the process she sees as essential

to a valid theory of fictional characters, to be discussed below. Both approaches also seem promising for thinking about recharacterization novels, especially Sartre's regarding the process for keeping a character "alive," and await detailed attention outside the scope of this dissertation.

Before I turn to Thomasson's theory, one final philosophical approach that seems suggestive for recharacterization novels deserves mention. In "The Rise of Fictionality," Gallagher introduces the concept of incompleteness as a characteristic shared by all characters in novels—stating, "they are at once utterly finished and also necessarily incomplete," so that "no matter how many times we reread *Anna Karenina*, there will never be more to learn about, say, the childhoods of the heroine and her brother . . . no matter how much more insightful, mature, or knowledgeable our reading becomes" (358). This may be true regarding one person's reading of Tolstoy's novel, and I also accept her claim that defining "the 'sufficiency' of the characterization to the needs of the narrative" is part of the author's creative process, including the decision to intentionally leave a character incomplete. Gallagher's example, from Conrad's *Heart of Darkness*, regards "the enigma of Kurtz, never to be resolved": "our desire to know what is not stated (what Kurtz really did)," she writes, "can be read as a metaphor for an encounter with hollowness (the modernist emphasis) or as a reminder of textuality (the postmodernist emphasis)" (359). From my perspective, a recharacterization novelist who tried to erase that enigma with a story about what Kurtz really did would therefore be violating the source text in a way I would find objectionable (compare my critique of a recharacterization novel based on *Lolita* in Chapter 8). But I would feel differently about a novel that tells about the childhood of Anna Karenina and her brother because, as far as I know, that omission from Tolstoy's novel carries no interpretive weight and could, in fact, serve as a fruitful opening for imaginative development by another novelist.

To support my point, I want to briefly address philosopher Ruth Ronen's work on incompleteness, which I read differently from the way Gallagher does. I see Ronen as primarily aiming to challenge the idea that the supposed incompleteness of fictional worlds makes them inherently different from and inferior to the real world, as expressed in the term itself: incomplete, lacking what is needed to be complete. Focusing on descriptions of real-world and imaginary places in various novels, Ronen argues against both the notions that what is in the real world is "complete" and that what is in fiction is "incomplete," claiming instead that fiction can give an "effect of completeness" regarding any kind of place, whether imaginary or actual and whether fully described with many properties or merely mentioned with only one salient feature (506-09). Her new notion of the "completeness" of fictional entities is textually dependent rather than defined by external standards, so "complete" for her means sufficient for the needs of the specific text in which it appears.

Extending this theory to fictional characters, I would propose that there is no point within a text at which a character can be called ontologically "complete" because, no matter how much description is provided, the text contains only a partial portrayal. Even when those bits and pieces come together in a reader's mind, the character is never complete in the sense of representing all that could be said about it, but consists of merely what is needed at the time. This point has two implications for recharacterization novels. First, it provides a way to avoid privileging the portrayal of a character in the source text over that of the same character in the recharacterization novel—or vice versa—because neither can be considered "complete" in some abstract sense, but rather gives the "effect of completeness" needed for each text. Second, this understanding removes character definition from authorial control since the author of a source text cannot claim to have presented a character entire and complete and therefore not subject to

development by other authors, but only as sufficient to the needs of her one work. This implication could have a profound impact on issues regarding copyright (to be discussed in Chapters 7 and 8). Like the other approaches presented in this section, Ronen's theory of "incompleteness" needs further attention for my interests, but it appears to have potential for use in conjunction with Thomasson's theories as we shall see below.

Thomasson's "Abstract Cultural Artifacts"

Bridging contemporary philosophy's analytic-continental divide, Thomasson has developed what Livingston and Sauchelli call a "sophisticated and well-developed theory" (343) that defines fictional characters as "abstract cultural artifacts," which fit comfortably within her ontology and in fact lead her to a new way of defining ontological categories in general (developed in part two of *Fiction and Metaphysics*). Her approach is distinctive (perhaps even revolutionary) among philosophers writing about fictional characters because she takes seriously the conventions of literary analysis and insists on the necessity of including them in the development of theories. Unlike most philosophers, who typically reach conclusions via reasoning and logical deduction, Thomasson's theory starts with what is accepted in literary discussions, and she views theories that contradict conventional literary practices or do not take them into account as inadequate. "I really begin from following out what our ordinary conception of fictional characters commits us to their being like," she stated in an interview.

Early in *Fiction and Metaphysics*, she explains:

Often [philosophical] theories of fiction are driven not by an independent sense of what is needed to understand talk and practices regarding fiction, but rather by a desire to show how fictional characters may find their place in a preconceived ontology of possible, nonexistent, or abstract objects. . . . Instead of starting from a ready-made ontology . . . I suggest that we begin

by paying careful attention to our literary practices so that we can see what sorts of thing would most closely correspond to them. (5)

While granting that some commonsense views are disproved with scientific evidence, she insists that it is “not good philosophical . . . practice to simply throw over central elements of common sense without warrant” (“Fictional Characters” 143), and since the nature of fictional characters cannot be proven empirically, she sees no grounds for dismissing common sense views about them. Thomasson has said that she “did a second major in English” in college and “came to this topic . . . motivated by the desire to understand what sorts of things literary critics, historians, and interpreters were talking about—which I think philosophers often fail to have in view” (Interview).

Thomasson’s approach begins by redefining the concept of “abstract.” Unlike traditional views, which limit its meaning to “the timeless, changeless, necessary entities of the Platonist,” she redeploys the term to mean “just lacking a spatiotemporal location (although they may have certain temporal properties such as a time of creation)” (“Fictional Characters” 140)—explicitly embracing what she calls “the most common understanding” over philosophical convention (*Fiction* 127). She sees fictional characters as “similar to other abstract cultural creations such as laws and theories, works of literature and music, all of which fall between traditional bifurcations of categories into real (spatiotemporal) and ideal (Platonistic) entities” (“Fictional Characters” 140). What this definitional pivot achieves is to enable Thomasson to propose an ontology that admits the existence of fictional characters, rather than rejecting them out of hand, and thus provides a basis for the variety of statements we make about them. Shifting this key metaphysical assumption allows her to affirm that “Holmes is a fictional character, which is an abstract entity of a certain kind—and thus not a person and very ill-suited to be a detective,” but “the *fictional characters* Holmes and Hamlet *do* exist” (“Fictional Characters” 140; emphasis in

original). Her ontological categories are by no means straightforward (the complex grid she proposes in *Fiction and Metaphysics* distinguishes subtle properties of different kinds of abstracta), but her approach provides a way to conceive of fictional characters in a way that is both philosophically justifiable and consistent with literary practice. She also credits readers with the ability to “distinguish ‘fictional contexts’ of discussion about what is true from within the context of a work of literature . . . from ‘real contexts’ in which we discuss works of literature and their characters from the ‘real world’ perspective”; and, borrowing the “pretense” qualification discussed above, she claims the former carries the implication of “according to the story” (“Fictional Characters” 141).

Starting from this ontological basis, Thomasson develops another aspect of her theory via a reworking of philosophies of intentionality in order to explain how fictional characters can be created parts of the actual world while lacking a spatiotemporal location. “The task of a theory of intentionality,” according to Thomasson, “is to offer an analysis of the directedness of our thoughts and experiences towards those objects in the world that they are about” (*Fiction* 76). The main method of developing a theory of intentionality is the content approach, formulated by Husserl and extended by later philosophers. According to this approach, our intentional relations with objects consist of three parts: 1) the conscious act, the action of “perceiving, thinking, wishing, or so forth”; 2) the object, “the thing the perception, thought, or so forth is of or about”; and 3) the content, which resembles a mental picture in being “what picks out . . . the object of the intentional act” (*Fiction* 76). Since an intentional thought about fictional beings is usually defined as missing one of those parts (the object), this approach has been used in the past as a rationale for excluding them from theories of intentionality. However, Thomasson thinks those

approaches have erred because, among other reasons, they take as examples rare creatures like centaurs rather than fictional characters, which are more common fictional beings.

Her complex analysis of intentionality in the sixth chapter of *Fiction and Metaphysics* results in a redefinition of “object” in the intentional act, so that “the object . . . need not exist independently of intentional acts being directed towards it [i.e., as a spatiotemporal object]; indeed *it may even be created in the act itself*” (88; emphasis added). With a nod toward performative speech acts, Thomasson emphasizes that, in her view, the object may indeed depend on the intentional act, which may be creative and thus “bring its object into existence” or “it may be simply accessed (picked out) by the act” (*Fiction* 90). One of the benefits of her approach, Thomasson explains, is being able to explain how, when thinking of fictional characters, there may be two contents and one object or one content and two objects: accounting, for example, for “what my thoughts about the father of Goneril and about the father of Cordelia have in common by postulating the fictional entity King Lear” (two contents, one object) and how a reader can have one thought about “Pamela the maid” who is both the Pamela of Richardson and the Pamela of Fielding (one content, two objects) (*Fiction* 90-91).

The conception dependence of Thomasson’s version of intentional theory leads to another key component of her approach: explaining the “cultural artifact” part of her definition by showing how fictional characters are created, contingent beings. She defines an artifact as “an object created by the purposeful activity of humans (or other intelligent beings)” (*Fiction* 35). In what she terms her “artifactual theory” of fiction, “a fictional character is an abstract cultural artifact created at a certain time by the acts of an author writing a work of fiction” and is thus, like such other cultural artifacts as laws and symphonies, “a *contingent* member of the actual world” (“Fictional Characters” 139; emphasis in original). Fictional characters are dependent on

authors to create them and, if authors do not create them, they do not exist; so “if Arthur Conan Doyle’s medical practice had been busier and he had never had the time to write, Sherlock Holmes might never have existed” (“Fictional Characters” 140-41). Thomasson claims that her conception, in contrast to that of the Meinongians, is consistent with what we commonly think about characters. “We do not describe authors of fictional works as discovering their characters or selecting them from an ever-present set of abstract, nonexistent, or possible objects,” she explains; rather, they are “entities that can come into existence only through the mental and physical acts of an author—as essentially created entities” (*Fiction* 6).

This aspect of Thomasson’s theory also helps her delineate identity conditions for fictional characters who appear in more than one work: for her, it would be “the same character only if we have reason to believe that the works derived from a common origin” and “the author of the latter work had close acquaintance with the earlier work” (*Fiction* 6-7). In the hypothetical case mentioned in the previous section of this chapter, the two Pamelas in novels by Richardson and Fielding would therefore be the same (with different properties), but the one in Fred Jones’s novel written in 1956 would be different (even if his Pamela shares properties with or is identical to the previous Pamelas) because he wrote his novel with no knowledge of Richardson’s. (This example prompts thoughts of Borges’s story “Pierre Menard, Author of the *Quixote*,” in which Menard writes, word for word, the same novel as Cervantes, but they are not only distinct but different works because they are created in different centuries and different countries.

Thomasson does not mention the story in her scholarly writings but does in her interview.)

In addition to fictional characters’ dependence on their author-creators, Thomasson also views them as contingent on the works in which they appear, but though she thoroughly explains “dependence” as a philosophical concept, she waffles a bit when it comes to defining what

dependence requires for the continued existence of characters. At one point, she claims that, to remain in existence, a character depends on “some concrete individuals such as copies of texts and a capable audience,” while later she writes that it “depends on some copy or memory of [the work] and on an audience capable of comprehending it” (*Fiction* 12, 36). I see the “copy” and the “memory” as two separate things carrying different implications, so that the memory of a work could persist even if all printed copies were destroyed and, if sufficiently detailed, possibly serve as the means for re-creating it (see, for example, Carol Shields’s 1987 novel *Swann*, in which characters at an MLA-like convention do precisely that). And what if there were a period in which no one knew the language in which the work was written but it was preserved in archives and, centuries later, a Rosetta-like stone were found, enabling the previously indecipherable work to be read? Did its characters cease to exist during the lost centuries? Thomasson also acknowledges such open questions as whether the work must be *created* in written form or not (noting the example of oral folktales) and, if a culture (and all its artifacts) is destroyed or an author burns her manuscript before publication, whether the work and its characters cease to exist even after it has been created. Thomasson may perhaps be forgiven for waffling on the dependence conditions for survival of a fictional character since she is, after all, a philosopher not a literary scholar. Lacking that excuse, I will attempt in my closing comments to sketch out some possible ways to extend her ideas regarding post-creation dependence since this aspect of her theory is of particular importance for recharacterization novels.

Keeping Characters “Alive”

Because philosophers, including Thomasson, seek to define general principles, they speak of the ontological status of fictional characters as either existing or not, with no degrees of

existence and without changes occurring over time. In order to provide a comprehensive theory, however, one that will be helpful in explaining what happens with recharacterization novels and perhaps for other purposes as well, Thomasson's approach needs to be extended to more fully define dependence requirements for the continued existence of characters after they have been created by an originating author, and I want to conclude by briefly sketching out three possible directions that could take.

First, I think Thomasson defines the readership responsible for post-creation contingency too narrowly. In the first sentence of "Fictional Characters and Literary Practices," she bases her definition of "the common conception" of characters on the understanding of "literary critics and others who competently engage in discussions of works of literature" (138). I have not found that she defines "competently" anywhere, and it is possible that she is talking neutrally about competence in the philosophical or linguistic sense, simply referring to this group as equipped readers capable of understanding a text. However, based on what I have read of her work, she seems to me to be referring to more academic readers, a limited and elite group. Within philosophical discourse, taking these expert readers' opinions seriously and using them for developing a theory is radical; but her inclusiveness needs to be pushed even further to be sufficient for literary studies. Recharacterization novels provide a good illustration of this point: because they appear in a wide range from high literary to popular forms, it is insufficient to say that literary critics alone determine the survival conditions of their characters. Thomasson's exclusion of readers I suppose she would call "incompetent" omits from consideration the lively debates that occur in book groups, on blogs, and simply among friends every day as well as the experience of the ordinary reader who enjoys a Laurie King or Anthony Horowitz mystery novel about Sherlock Holmes or a romance novel about Mr. Darcy in the kind of solitary reading

experience literary historians credit with helping to explain why the novel became the dominant literary genre.

Another way to extend Thomasson's approach is by recognizing a range of existence conditions for fictional characters to replace the either/or requirement. Expanding on what "cultural" means in her definition of characters as "abstract cultural artifacts," we might conceive of these beings as falling along what I call a "continuum of cultural presence" defined by the character's prominence within a particular culture. At one pole of the continuum would be characters who are ubiquitous: the ones Thomasson means when she acknowledges, "The most famous literary characters of any culture or era become publicly discussed by individuals who have never read the work in question" (*Fiction* 50). These characters have broken the bounds of their texts, becoming part of the public consciousness independent of any one work in which they appear. Sherlock Holmes is the exemplar of a ubiquitous character: "it is impossible to throw Holmes away, as Conan Doyle discovered," notes Clare Pettitt, since he "is, literally 'endless.' In his undead state, he can be remediated back into presence through any number of technologies—print, theatre, radio, film, and television" (196-97). The Wicked Witch of the West is another ubiquitous character, and Robinson Crusoe at least approaches that status. At the other pole of the continuum would be characters familiar to only a small number of readers and who therefore have a tiny cultural presence. Examples include Lavinia, a minor, unspeaking character in Virgil's *The Aeneid*; Tituba, the Caribbean healer accused of teaching witchcraft to the Massachusetts girls accused in the Salem witch trials; and Captain Ahab's wife, who receives only three elliptical mentions and never appears as a character in *Moby-Dick*. Falling within the middle range would be such characters as Magwitch and Miss Havisham (from *Great Expectations*), Jim and Pap (from *Huckleberry Finn*), Richard Dalloway (from *Mrs. Dalloway*),

and Iago (from *Othello*). Some fictional characters, in other words, seem to be virtually indestructible, while others are holding on, culturally speaking, by the skin of their teeth.

The fact that all of the characters mentioned in the previous paragraph have become the subject of recharacterization novels leads me to my final thought for extending Thomasson's theory. The contingent existence of fictional characters does not stand still, fixed at the moment of their creation never to change, but rather ebbs and flows over time. This is where Ronen's notion that characters may have the "effect of completeness" in one work but cannot be considered complete for all times may be relevant. When we grant that fictional characters can never be ontologically complete, it opens the door for acknowledging that their "real-ness" is also not absolute, but is rather an effect of their appearance in one or more texts that are read by one or more readers—who may love them or hate them, discuss them with others, remember them with fondness, identify with them, or any number of other possibilities. Novels that re-introduce characters from previous novels, extending those characters' lives backwards or forwards in time, giving them new properties and often a voice, can therefore be seen as helping make those characters more real and, by extending the number of readers who experience them, keeping them thus "alive" in the culture.

Another way of understanding this concept is through the wise words of the stuffed horse in Margery Williams's famous children's story, "The Velveteen Rabbit, or How Toys Become Real," in response to the stuffed rabbit's question "What is real?":

"Real isn't how you are made," said the Skin Horse. "It's a thing that happens to you. When a child loves you for a long, long time, not just to play with, but REALLY loves you, then you become Real." . . .

"Does it happen all at once, like being wound up," [the Rabbit] asked, "or bit by bit?"

"It doesn't happen all at once," said the Skin Horse. "You become. It takes a long time. That's why it doesn't happen often to

toys that break easily, or have sharp edges, or have to be carefully kept. Generally, by the time you are Real, most of your hair has been loved off, and your eyes drop out and you get loose in the joints and very shabby. But these things don't matter at all, because once you are Real you can't be ugly, except to people who don't understand."

CHAPTER 6

RECHARACTERIZATION NOVELS IN THE MATERIAL WORLD

Whatever their motivations for writing recharacterization novels, all authors who want their work to be read by others must publish it in some form. The various options for publication—by an established press, whether small, medium, or large, or via self-publishing—entail different kinds of costs and benefits, and author preference is only one determining factor (in fact, probably the least important factor if the writer lacks clout in the marketplace). Any recharacterization novel that enters the publishing marketplace, however, becomes a material commodity produced, marketed, and sold within an economic system that generates revenue for its participants; and the economic system for book publishing is characterized by some practices that increase the likelihood of publication for recharacterization novels and others that restrict it.

One way of viewing the publishing system is in terms of Robert Darnton's influential communications circuit, which graphically represents the path a book takes from author to publisher to readers (Figure 1). Although Darnton's system grew out of his research on the circulation of intellectual property in eighteenth-century France, it became a widely accepted model for the study of print culture, incorporating each stage in the life cycle of a book. Since 1982, when Darnton's model was first published, changes in the book publishing industry have prompted Darnton and others to adapt his model to incorporate new factors and relationships (see Darnton's 2007 article and the University of Stirling website). In one revised model, researchers at the University of Stirling in Scotland added such features as a reciprocal relationship between author and readers, literary agents as players, and the role of e-commerce (Figure 2). Since this

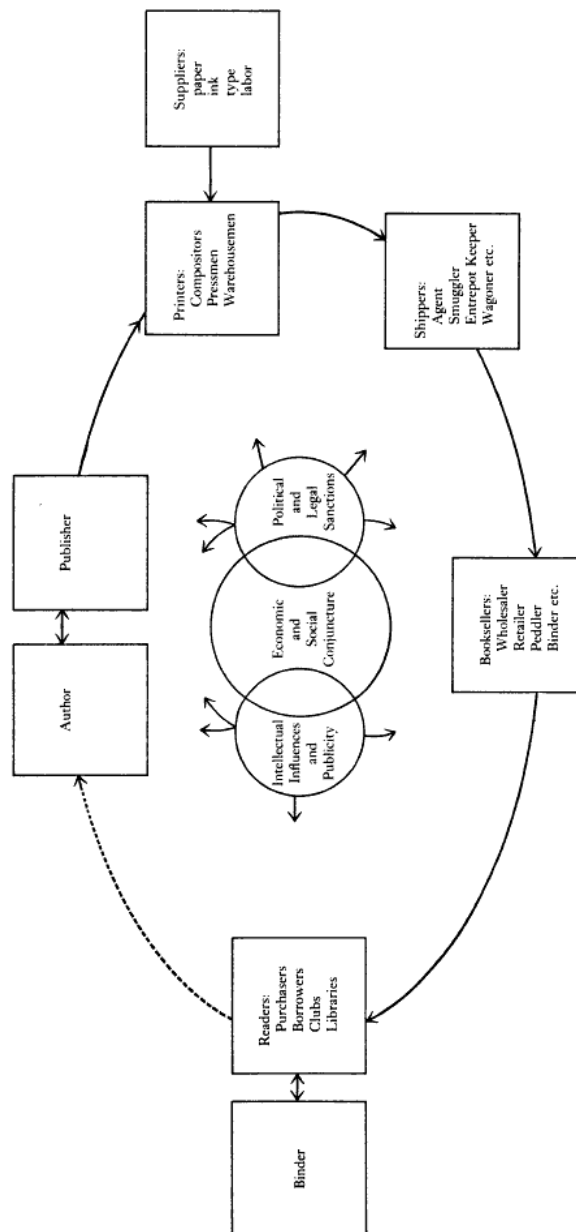
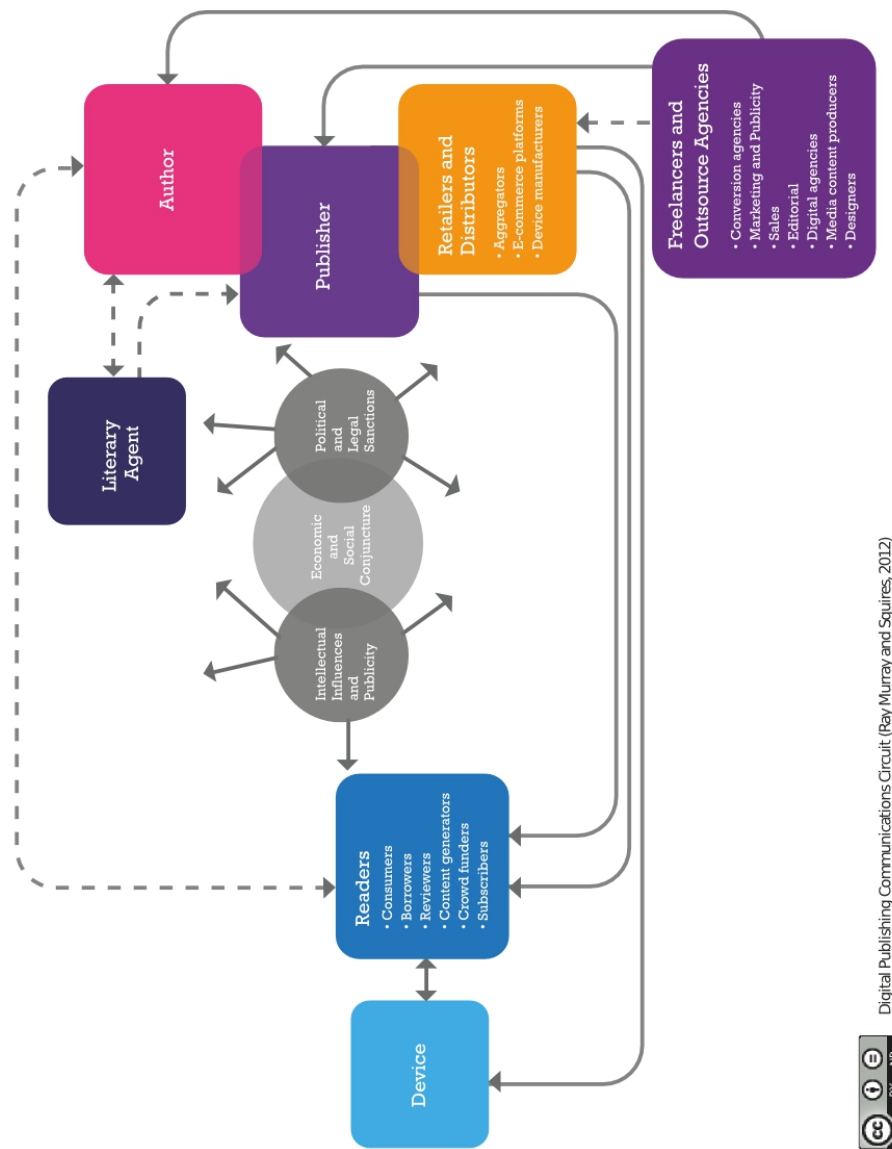


Figure 1. The Communications Circuit

Figure 1. Darnton's Communications Circuit, 1982



Digital Publishing Communications Circuit (Ray Murray and Squires, 2012)

Figure 2. New Communications Circuit Proposed by Researchers at the University of Stirling, Stirling, Scotland, UK, 2012

period of change coincides with the decades in which the recharacterization novel emerged and is flourishing, I begin this chapter with an overview of the publishing environment for late twentieth-century and early twenty-first-century fiction. While guided generally by the Stirling model, this overview concentrates on aspects of the book industry that have particularly affected publication of recharacterization novels.

Following that general overview, the chapter will briefly summarize the publishing conditions of the sixty-eight recharacterization novels I have selected to exemplify the genre. That summary considers such elements as the type of publishers of those novels, the form in which the novels were published, and their commercial success, including length of time in print. The primary methodology I use to support my generalizations is what Moretti calls “distant reading,” which seeks to identify patterns found among a group of works from a distance in contrast to a “close reading” analysis of any one of them. Turning to the author part of the communications circuit, in the next section of the chapter I will address three marketing functions recharacterization novels have served for their authors: ways for first-time novelists to get published, ways for more established writers to expand into new markets, and ways for novelists to brand themselves. While those sections will include brief discussion of individual recharacterization novels and their authors, the chapter will conclude with an extended example in which many factors come together in what has been the most prolific use of a source text: novels based on Sir Arthur Conan Doyle’s Sherlock Holmes.

The Book Publishing Environment

When *Wide Sargasso Sea*—the first recharacterization novel on my list—appeared, Jean Rhys had published little since her moderately successful novels in the 1920s and ‘30s;

nevertheless, editor Diana Athill at André Deutsch Ltd. in London describes the long period over which she and Rhys corresponded about her next novel, which Rhys finally delivered in March 1966 (151-79). This long-labored-over handwritten manuscript would then have been typed, edited by Athill, typeset, put into galleys and page proofs to be read and corrected, printed and bound, and transported in boxes through distribution channels to reach bookstores in London and subsequently New York (after rights were sold to a U.S. publisher). There, readers purchased copies, often motivated by the reviews of professional reviewers published in print copies of newspapers and magazines. Contrast that process with the path of the many current romance novels also based on *Jane Eyre* but written by amateur writers and published as e-books. In this process, an author writes her manuscript in digital form and, for a fee, uploads it to a service provider, after which readers download it (for a fee) from Amazon.com, read it on a Kindle along with three or four other romance novels they've downloaded to read that week, and post a review—all within a matter of days if not hours. While this contrast illustrates many changes in the book publishing environment over the past fifty years that I will explore in this chapter, what I want to discuss first is the importance of distinct market categories for literary fiction and commercial fiction. These categories are of great importance to current editors and publishers, with the conventions of the two affecting actions and decisions all along the communications circuit.

Literary fiction is defined as the type of novel in which the writing is of a high quality, so that readers value the author's style or form of presentation as much as the novel's plot or characters. These novels are read primarily by serious readers, perhaps in an academic setting, who spend extended time with the work, often rereading it to understand its levels of meaning. While most literary novels are written by authors who build a reputation over time by receiving

praise from critics and sometimes literary prizes, in some instances an author succeeds in publishing only one or two literary novels in a lifetime. Publishing a promising first-time literary novelist carries some cachet, but with the expectation that this initial work will be followed by others that grow her reputation and sales in future years. Although the success of a literary novel rests not exclusively on sales figures, editors at any major publishing house must be convinced the novel merits a relatively substantial first print run in hardcover (often 10,000 copies) to be able to acquire it. Publishers of literary novels also expect them to have a second sales life in paperback, frequently driven by use in reading groups and for course adoptions.

Unlike literary fiction, most commercial fiction is acquired and sold in fairly rigid categories, each with its writing and marketing conventions and clearly defined readerships. These novels are plot- and/or character-driven and tend to be read quickly by readers who like to become absorbed in what is often called a “good read” or “page-turner” that offers an escape from their everyday lives or a form of entertainment. Though seeking to publish the most compelling examples of these books (that is, a quality decision), publishers of “genre fiction” (sci-fi, fantasy, mystery, romance, etc.) and the looser category of women’s commercial fiction think in terms of quantity more than do publishers of literary fiction. Quantity figures in two ways: sales figures are key to defining these books’ success, and publishers like to offer readers books in multiples rather than stand-alone form—whether a series centered on a single protagonist (especially popular in the mystery genre) or a cluster of books with a common setting or approach and an author who delivers a predictably satisfying experience for readers (Nora Roberts, John Grisham, and James Patterson, for example).

Beginning in the 1990s, another category of fiction began to be defined in the industry which crosses these two longer standing categories and thus is called the “literary-commercial

novel.” These novels are less formulaic, more creative, and better written than the typical genre novels, yet are accessible to a wider range of readers than that for literary fiction and it is probably no coincidence that this category emerged about the same time as the rise in popularity of reading groups. Examples of successful literary-commercial novels are Charles Frazier’s *Cold Mountain*, John Berendt’s *Midnight in the Garden of Good and Evil*, and Alice Sebold’s *The Lovely Bones*, all of them well-crafted but also with compelling plots, characters, and/or settings. These factors expanded their readership so far beyond that for most literary fiction that they became bestsellers. This intermediate category also points to the difficulty of assigning some novels to a single type and the mobility of categorizations over time. Daniel Platt has described how the Library of America publishers consciously selected, published, and promoted certain novels in the 1990s to elevate them to the status of literary classics, a process Rebecca Barry shows was followed to a similar degree by the Modern Library publishers. Nevertheless, throughout the period covered by this dissertation (1960s to the present), editors at trade publishing houses have been guided by these discrete categories in acquiring fiction, so I will be using them throughout this chapter.

Speaking formally, publishers use the term “title” to refer to the individual work they publish (as well as of course using the word in the familiar way as the name of the work), as distinct from the use of the word “book” for the physical units that appear on shelves for sale. An editorial director would say, for instance, that she is publishing fifty titles on the company’s spring list and printing 50,000 copies (“books”) of each title. A publisher’s “frontlist” consists of new titles; a frontlist title becomes “backlist” usually about nine months after publication date, though it is still selling (at higher or lower numbers) and is therefore kept in print. Legendary editor Jason Epstein describes one of the main changes in trade publishing in the second half of

the twentieth century as the shift in emphasis from the backlist to the frontlist. “Traditionally,” he writes, “Random House and other publishers cultivated their backlists as their major asset, choosing titles for their permanent value as much as for their immediate appeal”; “it was these books that proclaimed a firm’s financial strength and its cultural standing” (16). The purchase of all the largest U.S. and British publishing houses by international mega-companies during that period, however, forced editors to shift emphasis to their frontlists, seeking to publish titles that would catch fire quickly and possibly become bestsellers in the short term, with less regard for their longevity.

André Schiffrin and Epstein are among many influential editors of high-quality fiction and nonfiction who have publicly bemoaned this shift (see, for example, Schiffrin and Epstein). Publishers now expect *every* title to be profitable and in increasingly short time frames; as a result, they seek to publish brand-name or celebrity authors whose names are already known to the book-buying public through their previously successful books or other media, especially television. These pressures have been especially felt on what are called “midlist” titles, which are expected to sell in the 5,000-copy range. For several decades now, editors have been required to prepare a profit-and-loss (P&L) statement for each title they wish to acquire. This statement totals up the various costs (printing, binding, review copies, advance, overhead, etc.) and projects the number of books that must be sold for the title to break even or show a profit (see, for example, Greco et al. 121-4). Greco et al. quote one member of the industry as summarizing this situation by saying, “the editor may ‘have the power to say no [to an acquisition] but not the power to say yes’” (185). At regular editorial meetings, the editor must make an argument for publishing the title, based primarily on the P&L statement, to the sales and marketing staff, other editors, and the editorial director/publisher, all of whom are part of the decision.

As a result, as Greco et al. report, based on their surveys of and interviews with a cross-section of book publishing professionals in the early 2000s, it is ever more likely that “the possibility of potential sales is replacing book quality as the main criterion for determining whether a book is to be published” (184). Gayle Feldman’s comprehensive study *The Changing Business of Trade Books* for the years 1975-2002 came to the same conclusions:

Beginning in the 1970s, the marketing function, as opposed to the editorial function, became the driving force in book publishing. . . . Book publishing has increasingly become part of the entertainment business, with a concomitant change in the role of the author, who has had to learn to cultivate celebrity. (qtd. in Holbrook 106)

As a result, Greco et al. conclude, “the role that media plays in book publishing appears to have intensified”: “a media platform or program was now part of what publishers expected authors to bring to the table,” and a key variable influencing a decision to publish is “how marketable the author was” (184).

This focus on sales does not mean that publishers never take on an unknown first novelist or help to build her career over several novels. Indeed, case studies by Drummond about *The Da Vinci Code* and O’Reilly about Martin Amis, as well as Greco et al.’s description of Janet Evanovich’s self-promotion (50), illustrate how publishers and authors can use promotional tactics to help build a strong sales record and establish a “brand identity” for an author and her novels. However, Epstein’s description of Random House’s continuing to publish William Faulkner in the 1940s despite dismal sales provides a pointed contrast. Epstein acknowledges that “for years” the publishers, Bennett Cerf and Donald Klopfer:

had supplied Faulkner with money, paid his overdue household bills, pleaded with his Hollywood employers to raise his screenwriter’s salary, nursed him through his love affairs, his drunken nights, his hangovers, his falls from the horses he insisted on riding, and tried, not always successfully, to keep his books in print when few people wanted them. . . . Had Bennett and Donald

treated Faulkner as simply an unpromising budget item, he would still have written his novels—the literary will is not so easily thwarted—but Random House might not have been Faulkner’s publisher when his audience finally caught up with him. (86-87)

In the changed climate of the latter part of the twentieth century and early twenty-first century, such patience is extremely unusual, and indeed toward the end of my time working as a literary agent (the mid-2000s), my colleagues and I agreed that it was actually better for a fiction author’s career to place a first novel with a smaller publisher and, if it did even moderately well, to then seek a larger publisher for subsequent novels, rather than to sell the title to a large publisher (with a larger advance) and, if it then failed to meet sales expectations (the most likely scenario), face the difficulty of placing the author’s next novel anywhere. In explaining the effect of current market pressures on literary first novels, long-time agent Richard Curtis explains that, in the past, “most trade publishers believed it was their responsibility . . . to reinvest some of the profit from successful books in the work of new authors. It was assumed that the initial output of those authors would lose money or, at best, break even before rewarding its patrons with a profit”; but now, he continues, “hardest hit of all have been the breeding grounds for serious fiction” as a result of publishers’ being forced “to concentrate more and more on immediate, frontlist successes,” resulting in “the rejection of a fundamental principle . . . that talent requires time to mature” (119).

At the same time the change in corporate climate has altered the ways publishers do their business, technological advances have had a dramatic effect on not only publishers but also authors and readers in Darnton’s communications circuit—one major result of which has been the new directly self-reinforcing relationship between authors and readers shown in the Stirling model. Computer technology began to have a significant effect on the author part of the communications circuit in the 1980s, when the ease of writing on computers made virtually

anyone who could create a document on a word-processor think that she too could be a published writer. The resulting massive increase in the number of “authors” with manuscripts occurred concurrently with the new importance of the literary agent, a role not mentioned in Darnton’s framework but positioned prominently in the Stirling model. Agents had long helped established authors manage their business accounts and had negotiated their publishing contracts, but the rapid rise in submissions gave them a significant role as gatekeepers between author and publisher. As editors were being forced to also become experts in sales and marketing, the time needed to read through the “slush pile” to find potential winners shifted increasingly to agents, who would then submit their best prospects to editors. In the twenty-first century, no editor at publishing houses other than very small ones will consider an unsolicited manuscript, so authors’ attention has now shifted to finding an agent to take them on and help them to build a career—a function previously held by editors.

New technologies have also had a significant impact on the production, promotion, and distribution of books in the marketplace. Electronic methods replaced typesetting, dramatically reducing the cost of taking a text from manuscript to page proofs, and lowered the costs of printing and binding as well, enabling more small publishers to enter the market and authors to become self-publishers. While traditional publishing calls for printing a substantial number of books at a time in order to lower unit cost (part of the P&L projection for that title) and then storing the books as inventory in a warehouse until they are distributed to sales outlets, in the early 2000s companies began to develop new digital technologies to print only the small number of copies needed at a time. Although unit costs were higher (and not elastic to print run), small print runs were thus made economically feasible, while warehouse costs were eliminated with this “print on demand” (POD) technology. The most dominant player became LightningSource, a

company created by Ingram, the largest book distributor in the U.S. Vanity presses had long offered services to authors willing to pay substantial sums to have their manuscripts turned into bound books, but distribution to buyers was always a significant obstacle for these self-publishers since bookstores would generally not carry their books. Sales and distribution through online channels, however, eliminated that problem since Amazon.com carries virtually any title offered to them. The path to self-publishing was eased even more when Amazon.com established its own POD company, CreateSpace, which produces self-published paperbacks. Amazon.com also boosted the e-book market for self-publishers with its Kindle Direct service.

At the same time, new technologies opened up communication channels enabling authors to connect directly with readers—shown in the feedback relationship on the Stirling version of the communications circuit. While publishers still generally provide the most sophisticated promotional campaigns for their authors and titles, it is a rare author today who does not have her own website, blog, Facebook page, and Twitter feed. The low cost of these forms of social media means that any author can promote herself; the challenge now is producing a campaign that stands out from the many others competing for readers' attention. Commercial fiction in particular has long-standing methods (conferences, readings, etc.), now accelerated with social media, for building close relationships between their authors and readers, so that not only do the author and reader boxes in the communications circuit have a direct relationship with each other but they often overlap. It is usually readers of mysteries, fantasy, romance, etc. who become authors in those genres—perhaps beginning with self-publishing their work (sometimes as fan fiction), which, if successful, attracts the attention of a publisher who brings out their next novels as paperback originals and eventually, if sales grow sufficiently, in hardback.

This process occurs with the help of a final result of new technologies: the rise of amateur critics, which has accompanied the dramatic expansion of self-published authors. Buyers on Amazon.com, for example, encounter multiple, instantly accessible customer reviews for almost any book they consider purchasing and, for some, quotes from professional reviews as well. Authors who build a following on Amazon.com or other Internet sites, such as those that specialize in a genre or general social reading sites such as Goodreads and Shelfari, will find themselves better able to get an agent and move from self-publishing into the mainstream, since their name and work are showing success in a test market. Perhaps somewhat paradoxically, however, the Internet is also helping keep a larger number of titles in front of consumers since, as Brown points out, the “used book trade has been reinvented by the Internet” (3). The ease of online ordering from used booksellers is keeping more books available for longer periods of time since sales are no longer dependent on a buyer wandering into a dusty used bookstore on one street in one city. All these developments mean the market for fiction is larger and more competitive than ever before, but also that an expanding menu of opportunities exists for enterprising authors willing and able to devote their own time and money to building a market for themselves.

Publishing Recharacterization Novels

Defining the publishing picture of recharacterization novels requires stepping back from individual examples in order to discern patterns in the whole, using an approach Moretti calls “distant reading.” When one views literary genres from this perspective, he explains, distance becomes “not an obstacle, but *a specific form of knowledge*: fewer elements, hence a sharper sense of their overall interconnection. Shapes, relations, structures. Forms. Models” (*Graphs*,

Maps, Trees 1; emphasis in original). Viewing recharacterization novels from a distance allows such shapes and relations to emerge from the data I collected, summarized in the table in Appendix B. This table lists sixty-eight recharacterization novels published in English from 1966 to the present, nearly all in the U.S. market (four published only in England). Although this table is not a complete list of all recharacterization novels published during this period, it is detailed enough to provide a preliminary picture of the publishing history of the genre. Data on the table include author, title, and date of first U.S. publication; type of novel (literary, commercial, etc.); form of first publication; any notable achievements; and whether it was still in print in December 2014. With publishers notoriously reluctant to release sales figures, I am using as a proxy measure the Amazon.com sales rank of the edition in print in December 2014.

The most obvious deduction from these data is that the recharacterization phenomenon covers many categories of fiction as typically defined in the book industry. The largest single type on my list is literary fiction: thirty titles on the list (44 percent of the total). Of these, the majority (twenty-two) were published by major publishers or imprints of major publishers. The publisher with the largest number (four) is Alfred A. Knopf, a prestigious imprint of Random House; however, all of those authors (John Updike and Peter Carey, for example) were established novelists with previous works published by the same house. Three of these literary novels were published by what I am calling medium publishing houses, which are independently owned but long-established with diverse lists and offices in New York and elsewhere; these are W. W. Norton, Canongate, and Farrar, Straus & Giroux (which at the time was independent). Three of the literary novels were published by small independent presses (Sarabande in Kentucky, Foxrock in New York, and Duckworth in London), one was published by a university press (University of Virginia Press, in its Caribbean novel series), and one was self-published in

Sweden and the UK but blocked from distribution in North America following a copyright infringement suit. Of these thirty literary novels, twenty are by writers with at least one previous novel published. Ten, however, are by first-time novelists (to be discussed below). Reflecting the academic orientation of these novels, eleven of the thirty are by writers who held a college or university faculty position at the time the book was published. For three of these academics (Lin Haire-Sergeant, Pia Pera, and Jacqueline Rose), the recharacterization novel was their only novel; for one other (Sena Jeter Naslund), it was her first novel, followed subsequently by others.

Three novels in the category of literary fiction are by African American authors, a distinction I mention because major publishers tend to acquire and market even literary novels that have African American interest differently than they do novels without that angle. One of these novels (Mat Johnson's *Pym*) is by a well-established writer, who had four previously published novels (two of them graphic novels) and a national literary award (from the Hurston-Wright Foundation)—all factors that would have led his publisher (an imprint of Random House) to market *Pym* as a general-interest literary novel more than one of particular African American interest. Published in 2011, it was at 57,023 on Amazon's sales list in December 2014. The other two of these novels (Rawles's *My Jim* and Randall's *The Wind Done Gone*) were also published by major publishers (Crown, a division of Random House, and Houghton Mifflin, respectively); but the copyright challenge Randall's novel faced and the publicity and widespread support the case generated catapulted it onto the *New York Times* bestseller list and has kept the 2002 paperback edition at a relatively high sales level (175,865 on Amazon's list). By contrast, Rawles's novel—which received positive reviews and in my opinion is the superior literary work of the two—never achieved the same level of attention or sales: published in 2006, its Amazon rank was 434,170.

The other major category of fiction for publishers is commercial novels, and if the various types of commercial recharacterization novels on my list are combined, their total number is roughly the same as the literary novels. Furthermore, since my list includes only the first novel in several series, the number of commercial recharacterization novels would actually double the number of literary novels if the subsequent volumes in the series were included.

The largest number of commercial recharacterization novels on my list fall into the broad category of commercial women's fiction, which includes romance, romantic suspense, historical romance, and Christian romance. Most of these novels extend readers' relationship with favorite characters from romantic settings in classic novels; for example, the series begun in 2005 by British romance writer Amanda Grange retells all of Jane Austen's novels from the perspectives of various male characters. I am including in this category Carole Nelson Douglas's Irene Adler series, which borrow characters from the Sherlock Holmes stories and are generally classified as mysteries, but are written more as romantic suspense than detective novels. The novels by Marie Kiraly (aka Elaine Bergstrom) also fall into the category of romantic suspense, though extending into the horror category of vampire romance. A distinguishing factor of most novels in these categories is that they were published as paperback originals, though Douglas (author of more than seventy novels in all) had the clout to have her Irene Adler series published in hardcover by a St. Martin's imprint. One series of three Christian romance novels (by Louise Gouge) was published by a Colorado-based Christian publisher that publishes materials for Bible study. Another series of three novels—these building on Austen's *Pride and Prejudice*—was initially self-published by a librarian, Pamela Aidan, who subsequently sold the rights to Touchstone. Beyond the novels in this category on my list, I am aware of numerous additional romance novels whose authors have taken advantage of new e-publishing opportunities to self-publish

their recharacterization novels based on the works of Austen and Charlotte and Emily Brontë. Because of the speed with which romance readers tend to read their novels and the large quantities they regularly consume, romance novels are the one area of fiction publishing now dominated by e-books. For readers who wish to write their own novels in response to their favorites as a form of fan fiction or to build a readership before seeking a print publisher, this is an area in which e-publishing has expanded the market.

Recharacterization novels have also been published in the commercial genres of sci-fi and fantasy. One of the earliest examples was Philip José Farmer's *The Other Log of Phileas Fogg* (1973), a sci-fi/steampunk extension of Jules Verne's *Around the World in Eighty Days*. A Hugo award-winning sci-fi/fantasy author at the time, Farmer wrote a second recharacterization novel, *A Barnstormer in Oz* (1982), in which the son of Dorothy (from L. Frank Baum's novels) flies his airplane to Oz for a story involving many of the original characters who still live there. Those books have almost vanished from the market in 2014, but a third fantasy example—Steven Brust's *To Reign in Hell* (1984)—remains in print and selling fairly well in paperback. All these, however, pale in comparison to the final fantasy novel on my list: Maguire's *Wicked*, which may be the most commercially successful recharacterization novel of all. Not only was it a *New York Times* bestseller in both hardcover and paperback, but its adaptation into a popular Broadway musical (now the eleventh longest running musical in history) and Maguire's three succeeding books continuing the stories of Oz characters have kept *Wicked* at the forefront of the public consciousness for almost two decades. As a result, the paperback edition held a relatively high position of 2,737 in Amazon sales rank in December 2014.

Unlike the sci-fi/fantasy recharacterization novels, those that fall into the mystery/detective category are all based on extensions of one character: Sir Arthur Conan

Doyle's Sherlock Holmes. Since I will discuss these at the end of this chapter, I will simply note here that Holmes recharacterization novels have also been extremely successful commercially. They have been published (and kept in print) over many years (from 1974 to today) and comprise six stand-alone detective novels (including *New York Times* bestsellers by Nicholas Meyer and Anthony Horowitz) and two long-running mystery series (by Laurie L. King and Carole Nelson Douglas), plus two literary novels (by Michael Chabon and Sena Jeter Naslund). I also acknowledge that many additional Holmes recharacterization novels (as well as stories) have been published that are not on my list.

One final category of fiction that must be mentioned consists of a single example: Christopher Moore's *Fool*, a bawdy, irreverent parody of Shakespeare's *King Lear*. Even though some other recharacterization novels have funny moments, this is the only one I would categorize by the label of "humor." *Fool* was a *New York Times* bestseller, with its paperback edition still at 21,464 in December 2014 on the Amazon sales rank, making it one of the most commercially successful recharacterization novels. Nevertheless, while granting that this novel's connection to Shakespeare may have boosted sales among more academic readers, I doubt that its status as a recharacterization novel played a significant part in its success since Moore has published seven other novels, nearly all of them bestsellers, and it is more likely that his name has become a brand sought by readers who want a reliably funny novel.

Viewing the recharacterization novel publishing landscape from this Moretti-like perspective suggests a number of conclusions about this body of fiction, three of which I will explore briefly here. First, since, as I have shown, recharacterization as a formal device crosses such a broad range of novel categories, it is more useful to think of it as a literary form rather than an independent category—that is, to define it in literary rather than book publishing terms.

The book publishing market is extremely segmented in order to focus marketing efforts, so that a novel categorized as historical romance will be acquired, published, and promoted according to the conventions of that genre, which are very different from those of detective fiction or fantasy. This means the diverse form of recharacterization novels is more similar to a grouping like historical novels—which also appear in both literary and commercial examples—than such popular genres as romance or detective fiction (granting that elements of romance, mystery, etc. may appear across genres). The implication in marketing terms is that the connection with the source text is more likely to serve as a successful sales hook than connecting it to other recharacterization novels: that is, Horowitz’s current novels about Sherlock Holmes are more likely to be of interest to fans of the Holmes movies and television shows and previous readers of novels by Meyer, King, and others than they would be to readers of recharacterization novels whose source texts are by Austen or Shakespeare. Since marketing budgets are always limited and publishers must choose from many promotional strategies, it is not surprising that publishers only rarely use the recharacterization phenomenon as a marketing hook in and of itself—although the cover blurb for *Havisham* is an exception, noting it is “In the tradition of *Wide Sargasso Sea*.” Being part of that trend, however, is often mentioned in reviews of both literary and commercial novels along the lines of “readers who liked that may also like this.”

A second implication from this overview emerges from consideration of the two far right columns of the table in Appendix B. Out of the sixty-eight recharacterization novels published from 1966 to 2014, fifty-two (76 percent) were still in print in December 2014. Of those, six fall into the 1 to ~10,000 range of Amazon sales rank; they are *Wide Sargasso Sea*, *Grendel*, *Wicked*, P. D. James’s *Death Comes to Pemberley*, and Horowitz’s *The House of Silk* and *Moriarty*—the last three of which were published in 2011 or later. Seven novels fall into the ~10,000 to ~50,000

range of Amazon sales rank; six into the ~50,000 to 100,000 range; seventeen into the 100,000 to 500,000 range; and seven into the 500,000 to 1 million range. Of the remaining nine, which are above 1 million in Amazon sales rank, most are those I have defined as literary-commercial women's fiction by Emma Tennant, Joan Aiken, and Hilary Bailey, and I assume those are kept in print because of the near-insatiable hunger for Austen- and Brontë-related novels, even though most of that market demand is now being filled by more recent examples. Without a more comprehensive analysis of the fiction market over the last fifty years, I cannot say whether this 76 percent is a higher than typical proportion of literary and/or commercial novels kept in print after their initial publication; but even without that comparative basis, it does seem notable that such a large percentage have been kept available in the market and that so many of them are still selling at a relatively high level. With more data, I might be able to test a hypothesis regarding whether the source text marketing hook has contributed to these novels' market longevity.

The third implication leads me to a hypothesis that, even with incomplete data, I want to propose in preliminary fashion as an example of the sorts of insights about literary history that can be drawn from this type of analysis. Examining the years of publication of these novels broken down into literary and women's commercial fiction categories reveals a contrasting pattern. As shown in Table 1, the thirty literary novels have been published at a fairly consistently low level (mostly one per year) over the entire almost fifty-year period under study (1966 to the present). By contrast, the literary-commercial women's novels were published in a more limited period (1985 to 2005), with eight of the eleven in a single decade (the 1990s); see Table 2. Furthermore, the first commercial women's novel was published in 1990, with the number growing into the present; see Table 3. If the subsequent novels in three series are

Table 1. Literary Recharacterization Novels Published in English, by Year

Year	Number		Year	Number		Year	Number
1966	1		1993	1		2005	2
1969	1		1997	1		2006	1
1970	1		1998	1		2007	1
1984	1		1999	3		2008	1
1986	1		2000	2		2009	1
1990	1		2001	2		2011	1
1992	3		2004	1		2012-13	3

Table 2. Literary-Commercial Women's Recharacterization Novels, by Year

Year	Number		Year	Number		Year	Number
1985	1		1994	2		1997	2
1991	1		1995	1		2002	1
1993	1		1996	1		2005	1

Table 3. Commercial Women's Recharacterization Novels, by Year

Year	Number		Year	Number		Year	Number
1990	1*		2003	1**		2008	2
1994	1		2004	1**		2009	1
1996	1		2005	1		2011	2
2000	1		2007	1		2012	1

*1st in series of eight

**1st in series of three

included, twenty-six of these titles have been published since 1990, and it is important to recall my acknowledgment that many more novels (in print and e-books) are available in this category than those on my list.

The hypothesis I want to suggest is this: the literary-commercial novels served to break new ground in connecting the literary market with the women's commercial fiction market, as the first instances of taking literary characters from classic works and creating new stories about them that women readers of more popular fiction enjoy. These literary-commercial novels (by Aiken, Tennant, and Bailey) are written in a more popular style than either their source texts or the literary recharacterization novels of the 1960s and after, and they feature heightened attention to the romantic potential of their plots and characterizations. When these novels broke into the market and had some commercial success, I suggest it had effects in all three main sectors of the communications circuit: readers realized they liked this kind of stories and wanted more; more authors saw the creative and sales potential in writing novels like these; and publishers sought to acquire more titles like them to feed market demand. The market grew, bringing in more readers who wanted more of these novels that could be read quickly and with enjoyable plots, so that the popularization trend exerted a downward pull on literary quality. As a result, over time, the literary-commercial type faded and was replaced by the purely commercial ones, which have now evolved into the large number of e-books that are almost purely fan fiction with no literary presumptions at all.

As Moretti explains in *Graphs, Maps, Trees* (14-30), genres have a life cycle, and just as the literary-commercial recharacterization novels have faded from view and the purely commercial ones are now flourishing, it can be expected that ultimately readers and authors will tire of this form and turn to something new. Until then, interested observers can only wonder

how many versions of Mr. Rochester's perspective on *Jane Eyre* can be sustained in the marketplace and if Amanda Grange will really write (and a publisher publish) a novel from the point of view of *every* single male character in Austen's novels!

Recharacterization Authors and the Marketing Function

In this section, I turn from the publisher sector of the communications circuit to explore the commercial functions that recharacterization novels have served for their authors. This area is a bit tricky to discuss because most authors, even those writing commercial novels, are unlikely to publicly admit to have chosen a subject purely for its income-generating potential. Instead, in their interviews, prefaces or afterwords to their novels, or other public comments, authors tend to talk about being motivated by an incident, character, setting, or idea that stimulated their imagination. Indeed, most recharacterization novelists speak with admiration about the authors of their source texts, even those who also critique the way a certain character was treated by her creator. Nevertheless, considering the plethora of guides and magazines, writers' conferences, and other tools available in the late twentieth and early twenty-first centuries for even first-time novelists to educate themselves about the book industry, it could be no surprise for authors from at least the 1980s onward that a connection with a well-known source text provides a marketing hook for their novels that may increase their likelihood of success.

New Yorker staff writer Adam Gopnik referred to this benefit in his brief article on the Randall-Mitchell copyright infringement suit, noting that "There is no surer formula for opening a publisher's door than saying that you are going to write the same book somebody else did but from a different point of view." Hope Dellon, an executive editor at St. Martin's Press, explained this perspective more fully in her affidavit supporting the Mitchell Estates in that suit. Dellon

became involved because St. Martin's had acquired (for an advance "well into seven figures") and was preparing to publish the second sequel to *Gone With the Wind* commissioned by the Mitchell Estates. In her statement, Dellon emphasized:

From my over twenty-five years of experience in book publishing I know that sequels—and in particular sequels of well-known novels—are regarded as particularly valuable in the industry. There is a strong appetite in the book reading public to know more about characters that have already captured the public's imagination and, consequently, a strong desire on the part of publishers to fill that appetite. The more well known and beloved a novel is, the greater the interest of both the public and of publishers in a sequel to that novel.

Regarding the value of the "protection" in the publishing agreement that guaranteed no other sequel would be published until "well after" the St. Martin's book, Dellon explained:

This protection was a key point of negotiation for St. Martin's because a large part of the appeal, and financial success, of sequels is due to the fact that they satisfy the public's desire to have filled in additional details about the lives of characters they already know. As those details become filled in with each subsequent book, the mystery and suspense that drove the market for those sequels in the first place begin to dissipate.

As explained in Chapter 2, not all recharacterization novels are sequels in the sense Dellon is using the term, but all benefit from their association with source texts that are already known to readers. While some of the source texts of recharacterization novels on my list are less widely known than others—*Beowulf*, *Paradise Lost*, and *The Aeneid*, for instance, being little read outside the classroom—I am not aware of any recharacterization novel based on a truly obscure work that would be known to only a very small number of contemporary book buyers. More recent source texts, of course, would most likely be under copyright; indeed, *Gone With the Wind*'s being still under copyright protection was the reason the Mitchell Estates could bring the suit that occasioned Dellon's statement. This suit and the many others brought for copyright

infringement in novels, plays, films, and even advertisements (described in Chapter 7) demonstrate the commercial value that inheres to a fictional character—a value directly proportional to the degree to which the public knows and has some affection for or curiosity about her. Authors wishing to write a recharacterization novel should ideally therefore choose a source text that falls at the sweet spot at which copyright has expired but the work and/or its characters remain publicly familiar. Whether the recharacterization novelists I discuss here chose characters with commercial potential by accident or design and whatever other factors influenced their choice of subject and subsequently convinced editors to acquire their novels, they clearly benefitted from readers' and publishers' prior acquaintance with their subjects.

One kind of author who seems to have benefitted in this way is the first-time novelist. In my experience as a former literary agent, I found there was no title harder to convince an editor to acquire than a first novel. Indeed, most novels sold to the public year in and year out are by established authors whose names are key to the selling of their books to an established fan base (made obvious when the author's name is larger than the title on the cover). This value of name recognition applies for both literary and commercial novels. Of the sixty-eight recharacterization novels on my list (Appendix B), twelve are by first-time novelists—a relatively substantial 18 percent of the total. The first-time authors of literary recharacterization novels are Tournier, Haire-Sergeant, Naslund, Lippincott, Pera, Randall, Colting, Rose, Clinch, and Snodin; the first-time authors of commercial novels are Meyer and Aidan. Colting should be excluded from this discussion about the marketability to publishers of these novels since his was self-published; however, Aidan should be kept in the conversation because although she first self-published her novel (using Ingram's POD service LightningSource), she later sold paperback rights to a major publisher, which expanded its availability and has kept it (and the others in the trilogy) in print.

Of these first-time authors, at the time their recharacterization novels were initially published, five had experience writing in other venues: Tournier was a writer and translator in France; Rose was an established British author of nonfiction books; Meyer was a well-known American television and film writer and producer; Snodin was a BBC screenwriter known for his work on adaptations of Shakespeare plays; and Lippincott had published a collection of short stories with a small literary press. The other six had virtually nothing in their backgrounds that would help sell their first novels to publishers, which typically consists of evidence that the writer has already begun to build a “platform” for herself with readers who will be likely buyers of her book. Haire-Sergeant, Naslund, and Pera held college or university teaching positions; Randall was a country songwriter in Nashville; Clinch had taught high school and worked in advertising; and Aidan was a librarian. In situations like these, convincing an agent and then a publisher to take on a first-time novel depends on some combination of the quality of the work, appeal to subjective interests of the agent or editor, and the agent’s or editor’s assessment of its marketability. A manuscript’s connection with another successful well-known work can be a major factor in the latter point. As Horowitz comments in the afterword to his first Sherlock Holmes novel, “Modern novels, particularly the sort of bestseller that Orion [his publisher] had in mind, have to shout loud on a crowded shelf” (397-98).

A familiar name on a book cover serves as that kind of attention-getter on store shelves and bookselling websites, and publishers realize that if the author’s name is unknown, being able to use that of a well-known character in or author or title of a source text definitely helps. This connection is made explicit in many titles of recharacterization novels: Aiken’s titles include, for example, *Eliza’s Daughter: A Sequel to Sense and Sensibility* and *Mansfield Park Revisited: A Jane Austen Entertainment*; two novels based on Shakespeare’s *Othello* are titled *I, Iago* and

Iago: A Novel; and Maguire's *Wicked* is subtitled *The Life and Times of the Wicked Witch of the West*. The source text or characters is also often mentioned on these novels' covers in a descriptive phrase, a blurb from another author, or, on the paperback edition, a quotation from a review.

Another way authors have benefitted from the marketability of their recharacterization novels is by using them to expand their readership into new markets. Joan Aiken, the British daughter of Conrad Aiken, had been known as a prolific author of children's books and fantasy novels when she wrote her first more literary work for adults, the recharacterization novel *Mansfield Park Revisited* (1985), which was followed by two additional novels based on Austen characters. Horowitz and Maguire, the two most commercially successful recharacterization novelists so far, also began their book-writing careers in the children's/young adult market. Horowitz had initially built on his reputation as a highly respected BBC screenwriter to create a bestselling series of young adult adventure novels (the Alex Rider series), but his readership was then expanded into the more lucrative adult market with his two Sherlock Holmes novels, both of which have been bestsellers in both the UK and the U.S.

The respect Horowitz earned for his BBC series *Midsomer Murders* and *Foyle's War* would have substantiated his potential for writing mystery novels for adults; however, taking on Maguire's *Wicked* must have seemed a more risky venture since at the time he had done work only in children's books. Maguire had earned a Ph.D. in English and American literature from Tufts University, writing a dissertation on children's fantasy books. As a professor of children's literature at Simmons College and codirector of its Center for the Study of Children's Literature, he had published seven books for children at the time he began work on *Wicked*. When several news items prompted his thinking about the nature of evil, making him want to explore themes

beyond those acceptable for children's books, he briefly considered writing a novel about Hitler, but then, as he explains, "when I realized that nobody had ever written about the second most evil character in our collective American subconscious, the Wicked Witch of the West, I thought I had experienced a small moment of inspiration" ("About Gregory"). Although the Broadway musical version of *Wicked* uses only a small portion of the novel, it is the only recharacterization novel to have been adapted in this way; and the musical's long-running popularity has resulted in success for Maguire in an additional market as well as keeping the novel present in bookbuyers' minds long after its initial publication in 1995. Sales of some other recharacterization novels received a boost when they were adapted for feature films: examples include *Wide Sargasso Sea*, *Grendel* (live and animated versions), *The Seven-Per-Cent Solution*, and *Mary Reilly* (one of Julia Roberts's first major roles). *Death Comes to Pemberley* also benefitted from being adapted for a two-part BBC series.

A third way authors have exploited the marketing potential of recharacterization novels is by branding themselves as specialists in this type of fiction. Some have concentrated on responses to a single author. Nicholas Meyer, for example, was acclaimed as the earliest author in the second half of the twentieth century to write Sherlock Holmes novels, but while his first two novels (in 1974 and 1976) were bestsellers, his third, almost twenty years later, was not. The publisher of the third novel, however, has kept all three in print in paperback, and the three still sell at respectable levels (ranked at 59,934, 141,093, and 114,157 on Amazon). Similarly, both Carole Nelson Douglas and Laurie L. King have had long-running successful series of mysteries based on the Sherlock Holmes stories, though both have also published many other mystery novels in stand-alone and series formats. King has used her series to establish herself as a

Holmes expert, editing two collections of solicited Holmes-related stories and a collection of Holmes scholarly essays with Victorian genre fiction expert Leslie Klinger.

All three British women authors of the group I have defined as literary-commercial women's fiction branded themselves as authors of recharacterization novels per se, with each publishing novels responding to two or more classic source texts. Emma Tennant has the largest number, with three based on Jane Austen novels and one each extending novels by Charlotte and Emily Brontë. Joan Aiken's three are all based on Austen novels, and Hilary Bailey's three are based on one novel by Mary Shelley, one by Charlotte Brontë, and one by Henry James. While Tennant, Aiken, and Bailey are all prolific authors with many additional books beyond these novels, very few of their other novels remain in print. By contrast, all three of Aiken's and Bailey's recharacterization novels remain in print: two of Aiken's from Sourcebooks Landmark and one from St. Martin's Griffin, and one of Bailey's from Sourcebooks Landmark and two from Bloomsbury. Tennant's have fared less well: only one of her recharacterization novels is still in print, from St. Martin's Griffin, and the other four are out of print (though two are available as e-books). Comments on Amazon.com may help explain the downturn in her market since readers have strongly criticized Tennant for the direction in which she took their favorite characters: problems in Darcy and Elizabeth's marriage, for example, and a lesbian relationship for Emma Woodhouse. While Tennant's, Aiken's, and Bailey's recharacterization novels achieved some success when first published, the many competing novels with the same characters published since have limited their longevity in the marketplace. Amanda Grange, with her eight Austen novels, is the only one of these popular, romance-oriented novelists on my list because hers are published by established publishers (Robert Hale in the UK and Sourcebooks Landmark and Berkley in the U.S.); however, other Austen novels are available by many other

authors on Amazon—all of them published only as e-books through Kindle Direct or as paperback originals by CreateSpace, Amazon.com’s POD service.

Whatever all these authors’ particular interests in writing their novels, they had to be readers of the source texts before writing their recharacterization novels. This situation exemplifies the reciprocal relationship between authors and readers in the communications circuit and demonstrates the usefulness in the Stirling model of having the arrow between those two groups pointing both ways.

The Case of “The Man Who Never Lived and Will Never Die”

Of all the recharacterization novels on my list of examples, those about Sherlock Holmes deserve special attention because of the scope and size of the phenomenon of which they are a part. Recharacterizations of Austen’s six novels probably outnumber those featuring Holmes, and Baum’s own fourteen novels about Oz may rival Conan Doyle’s Holmes oeuvre as the most substantial set of source texts. But no other character has inspired such an extensive body of work as a whole, much of which continues to be widely read and viewed. Conan Doyle’s still-popular source texts consist of four novels and fifty-six short stories. My list includes ten Holmes recharacterization novels, which grows to twenty-eight if subsequent books in two series are added. However, in addition to excluding the many short stories by other writers as well as novels commissioned by the Conan Doyle estate because neither satisfy the criteria for recharacterization novels, others not on my list include the young Sherlock Holmes novels, which are YA prequels, and the forthcoming *Mycroft Holmes* about Sherlock’s older brother by the book-loving former NBA player Kareem Abdul-Jabbar.

Adaptations in other media have also been prolific. Stage versions of the Conan Doyle stories began to be produced in 1901, with screen adaptations beginning shortly thereafter and continuing on to the 1984-94 Granada Television series (featuring Jeremy Brett as what many consider the definitive classic Holmes), the recent Guy Ritchie steampunk movies (with Robert Downey Jr. and Jude Law), and two current television series with a twenty-first-century Holmes: the BBC's *Sherlock* (with Benedict Cumberbatch and Martin Freeman) and CBS's *Elementary* (with Jonny Lee Miller as Holmes and female versions of both Watson and Moriarty). For a character introduced in 1887 and still so prominent today, it is easy to see why the Museum of London's current exhibition calls Holmes "The Man Who Never Lived and Will Never Die."

Conan Doyle, a physician educated in Scotland and living in England, always wanted to be a writer, particularly of historical fiction, and indeed published many stories and novels throughout his life on non-Holmes subjects. Early on, however, frustrated by limited success and encouraged by Wilkie Collins, he decided to try writing a detective story that built on his interest in crime and appreciation for Edgar Allan Poe's Dupin stories. Conan Doyle found his imagination particularly stirred by memories of Joseph Bell, his former medical professor, who was known for a distinctive ability to closely observe patients and deduct "not only their medical ailments, but their whole life story" (Lycett x). Soon, Conan Doyle's detective Sherrinford Holmes and Holmes's roommate, narrator Ormond Sacker, had evolved into Sherlock Holmes and Dr. Watson in *A Study in Scarlet*. This novel, rejected by several publishers, was finally accepted by Ward, Lock, and Company, a publisher of sensational fiction, for its 1887 *Beeton's Christmas Annual*, and a book version followed in 1888. Its popularity led to Conan Doyle's being invited to dinner by a Philadelphia editor visiting London in search of new work to serialize in *Lippincott's Monthly Magazine*. Acknowledging that "everyone who had read [*A*

Study in Scarlet] wants to know more of that young man [i.e., Holmes]” (qtd. in Lycett xiii), Conan Doyle agreed to provide the story that became his second Holmes publication, *The Sign of Four*. (Interestingly, another writer at the dinner, Oscar Wilde, agreed to produce a story, which became *The Picture of Dorian Gray*.) After this second novel’s success, Conan Doyle began working with a literary agent, A. P. Watt, who suggested responding to the interest in Holmes with regular stories to be published in the *Strand* magazine. These stories, which began in 1891, became extremely popular with the public. However, in December 1893, feeling distracted from what he considered more serious writing interests, Conan Doyle killed off Holmes in a battle with arch-criminal Moriarty at Reichenbach Falls in “The Final Problem.”

For almost a decade, Conan Doyle resisted the public clamor for (and financial potential in) more Holmes, before finally writing another novel, *The Hound of the Baskervilles*, which was set before Holmes’s death. Then, in 1903, Conan Doyle formally brought Holmes back to life in “The Empty House,” explaining the detective had escaped rather than falling to his death. Conan Doyle went on to publish many more Holmes stories and a fourth novel, stopping only a few years before his death in 1930. Not long after, others began to extend the Holmes stories in print. Aside from some parodies in the European press, the first major examples were twelve short stories written by Conan Doyle’s son Adrian and John Dickson Carr, his authorized biographer, for publication in 1954 as *The Exploits of Sherlock Holmes*. (For an overview of the somewhat complicated copyright status of Conan Doyle’s stories, see Chapter 2.)

The Holmes recharacterization novels on my list begin with Meyer’s *The Seven-Per-Cent Solution* in 1974 and end with Horowitz’s *Moriarty* in late 2014. Across that span, the variety of types and genres mirrors that of recharacterization novels in general, although all (including the literary ones) involve some kind of mystery that is introduced and then solved. All were

published by major publishers, several became *New York Times* bestsellers, and all are still in print. At the time of each author's Holmes novel, nearly all were previously published (Meyer and Naslund being the exceptions). Laurie King's and Michael Chabon's novels are written as sequels to Conan Doyle's works: their narratives take place during Holmes's retirement years on Sussex Downs, with the detective in his fifties and sixties in King's novels and a frail eighty-nine in Chabon's. Naslund's novel begins as a sequel, with Holmes dead and Watson adapting to an altered life at 221B Baker Street, where he had returned as a widower; but mysterious events capped by a visit from Wiggins, former leader of the Baker Street Irregulars and now a practicing psychiatrist, take him into the past, and the remainder of the novel consists primarily of entries from his and Holmes's notebooks about a case that never became a story.

The other Holmes recharacterization novels make use of the literary device I defined in Chapter 2 as "interpolation": creating a new story that runs parallel to the source text plot, filling in gaps within the same timeline rather than extending it backwards or forwards. Many of these novels make a virtue of necessity, claiming that those stories' inflammatory nature prevented Watson from making them public earlier. In Horowitz's *House of Silk*, for example, Watson explains that he wrote the story during World War I but directed that it be sealed for a hundred years out of fear the events (about a pedophile ring in London centered on a charitable home for boys) were "simply too monstrous, too shocking" and "would tear apart the entire fabric of society . . . particularly at a time of war" (6). Similarly, Watson writes, in Caleb Carr's *The Italian Secretary*, that he kept this story among his secret documents because the case was conducted at the request of Queen Victoria; and in Meyer's first Holmes novel, Watson says he wrote the story only in 1939, after the deaths of both Holmes and Freud released him from privacy concerns related to Freud's treatment of the detective for cocaine addiction.

Aside from these variations, the two series (by King and Douglas) stand out among the Holmes recharacterization novels in three ways. First, although both Meyer and Horowitz have more than one Holmes novel, those by King and Douglas are the only ones designed as series, in keeping with the conventions of genre mystery. Douglas's eight romantic suspense novels were published from 1990 to 2004; King's, which are more classic mysteries, began in 1994, with the thirteenth due in 2015. Second, these are the only Holmes first-person recharacterization novels (Chabon's has an omniscient narrator) narrated not by Watson but by new characters. King's are narrated by Mary Russell, a young American who meets Holmes during his retirement years on Sussex Downs and becomes his friend, apprentice, and later partner as they take on cases together. Douglas's novels feature Irene Adler as protagonist and are narrated by Adler's companion, Nell Huxleigh. Adler appeared in only one Conan Doyle story ("A Scandal in Bohemia"), and Holmes and Watson have small roles in Douglas's series. Third, of the two modes of recharacterization novels I defined in Chapter 2, all the other Holmes novels are in the "extending" mode, motivated by affection for the characters and desire to extend them beyond the source text. The two series, however, use the "writing back" mode to introduce strong female protagonists into Conan Doyle's male-dominated setting, in which women appear largely as victims needing Holmes's help. Douglas explains her series in explicitly feminist terms as an expression of "Grrrl power," noting that "although Doyle's Irene is beautiful, well dressed, and clever, my Irene demands that she be taken seriously despite these feminine attributes" (380). A prolific novelist, Douglas describes the Irene Adler series as another expression of her "dissatisfaction with the portrayal of women in literary and popular fiction—then and even now" (380). By contrast, King's novels feature a combination of the extending and writing back modes: she describes herself as wanting both to create "a young, female, twentieth-century

Sherlock Holmes” and to explore Holmes as a “middle-aged detective, speculating how he might develop once he had escaped the control of Sir Arthur Conan Doyle” (ix).

Not all Holmes aficionados appreciate their hero’s extension in these ways, and the purists tend to scorn his appearances outside “The Canon,” the Conan Doyle-authored works. But the large number and widespread success of so many Holmes recharacterization novels testify to the continued vibrancy of the publishing market for “non-Canonical” works, while also raising the question of why this is the case. Much of the answer surely lies with the sustained popularity of both the characters and the stories, for which numerous explanations have been proposed. Based on his graphic trees showing patterns of clues, Moretti suggests that the stories triumphed over competing detective fiction of the period because of Conan Doyle’s masterful handling of clues (*Graphs, Maps, Trees* 72-78). In the preface to the volume accompanying the Museum of London exhibit, Alex Werner attributes Holmes’s early popularity to being, “at a time when modern life was becoming more complex and fast-moving, . . . the one person who could make sense of it all” (7). In discussing the stories’ publication in the *Strand* magazine, Werner emphasizes that this regular appearance “allowed readers to develop a familiarity with the main characters and the locale in which they lived and operated” (“Sherlock Holmes, Sidney Paget” 103). From the perspective of the public sphere, Clare Pettitt argues that the stories’ readability and length along with their stand-alone plots made them perfect accompaniments for the large number of passengers “reading on the run,” “hastily grabbing a copy of the *Strand* Magazine from the bookstall as they rush to catch boats and trains and omnibuses” (178).

Conan Doyle’s fellow authors propose additional explanations. In his introduction to the Penguin Classics edition of the first two story collections, novelist Iain Pears points to the stories’ “simple quality” and “extraordinary economy” allowing the reader to focus almost

exclusively on plot; he also suggests that “Holmes is fascinating because nobody really knows him well” (viii, ix). Among recharacterization novelists, Horowitz theorizes that “what has made Sherlock Holmes the most successful and best-loved detective of all time” is “the friendship of Holmes and Watson, the extraordinary and very rich world they inhabit, and the genuine and often underrated excellence of Conan Doyle’s writing” (396-97). Likewise, King describes how rereading the Conan Doyle stories when writing her first Mary Russell novel startled her “time and again . . . by the unexpected: humor and the subtleties of friendship; how a cold exterior can hide passion; the dynamic currents of dead history”; thus, when she had finished, “Sherlock Holmes was new, vital, alive in my mind—not an old, familiar childhood relation” (viii).

Beyond these explanations, I want to suggest two reasons the Conan Doyle source texts have not only remained popular but have been such powerful stimuli for recharacterization. The first rests with Conan Doyle’s attitude toward his detective. Unlike those source text authors who insist on exclusive control over their characters, Conan Doyle seems to have embraced the right of other creative artists to help develop Holmes. As Warner explains, Sidney Paget’s vivid illustrations with the *Strand* magazine stories contributed to the public’s enthusiasm for Holmes for they made him “visually memorable” (“Sherlock Holmes, Sidney Paget” 111). Though Paget was commissioned by the magazine rather than the author, Conan Doyle readily accepted the artist’s portrayals of Holmes and Watson and allowed Paget to add such elements as Holmes’s deerstalker hat, which was never mentioned in the stories but became a distinguishing part of his character. In another example of creative collaboration, Conan Doyle allowed the American actor William Gillette to adapt Holmes for the London stage starting in 1899. Gillette gave Holmes the famous curved pipe with which he later became identified and, more generally, “gave him an allure and charm . . . not present in Conan Doyle’s text and only hinted at in

Sidney Paget's illustrations" (Werner, "Sherlock Holmes, Sidney Paget" 122). Regarding the early Holmes stage and film adaptations, Nathalie Morris explains that "although he took pleasure in seeing a fine impersonation of his detective, Conan Doyle was not overly precious about how others presented Holmes" (210). In fact, when Gillette asked if he could introduce romance into his play, Conan Doyle's famous reply was "'you may marry or murder or do whatever you like with him'" (qtd. in Morris 210).

The other reason for the stories' popularity as source texts for recharacterization involves what I see as their internal pattern of knowledge vs. textual representation (Figure 3). I am representing this pattern as concentric circles (though inspired by Moretti's types of analysis, this particular graphic form has not, to my knowledge, appeared in his work). Unlike works of fiction that represent themselves as closed worlds, Conan Doyle's texts establish themselves as open, consisting of interlocking circles of fictional worlds, only one part of which is textually represented in Dr. Watson's stories. This process is aided by the multiplicity of Conan Doyle's stories and novels, but the primary mechanism by which it happens is the numerous references within those works to other cases and clients. Even in the first novel, *A Study in Scarlet*, for instance, soon after Watson has moved into Holmes's apartment, the doctor describes a series of mysterious visitors who call on his elusive roommate: "a young girl . . . fashionably dressed," "a grey-headed, seedy visitor," "a slipshod elderly woman," "an old white-haired gentleman," and "a railway porter in his velveteen uniform" (19). Although Holmes assures Watson that "'these people are my clients'" (19), he reports nothing of the reasons for their visits and only later acknowledges his profession as a consulting detective. When, soon after, police officers ask for his help with a case, Holmes tells Watson that he fully expects them to "pocket all the credit" because he is "an unofficial personage" (27). Holmes thus posits a world of his past and present

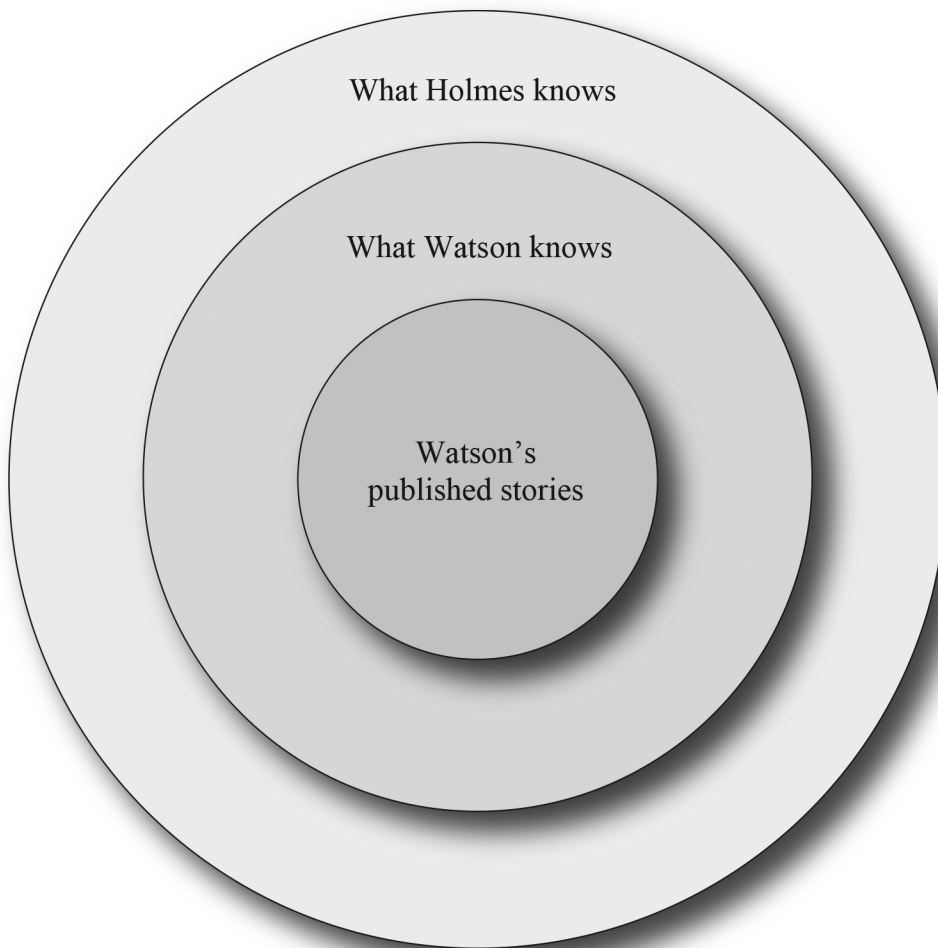


Figure 3. The Fictional Worlds of Sherlock Holmes and Dr. Watson

cases of which only he has knowledge (the outer circle of Figure 3) because, at this stage in their relationship, Watson does not know, and has not begun to write, stories about them.

Throughout the stories, references to this outer circle of Holmes's knowledge—sometimes but not always captured in texts—point to his cases and others', monographs he has written, and other fields in which he has expertise such as chemistry, music, and history. In "The Musgrave Ritual," Watson describes Holmes's reluctance to destroy any of his documents, so that "every corner of the room was stacked with bundles of manuscript," beyond materials in the "large tin box" that Holmes describes as early work done "before my biographer had come to glorify me" (359). However, we also learn that, as the relationship between the two men develops and Watson goes on cases with Holmes, the doctor keeps notebooks in which he describes those situations. The stories contain frequent references to those notebooks and other sources Watson collects. For example, Watson begins "The Five Orange Pips" by glancing over "my notes and records of the Sherlock Holmes cases between the years '82 and '90," an abundance of resources from which he will choose to write stories, some of which he lists and others he says he "may sketch out at some future date" (94, 95). In *A Study in Scarlet*, he mentions keeping "in my scrap-book numerous clippings and extracts bearing upon the case" they were then trying to solve (50). Of course, at the end of that novel, when Watson exclaims over Holmes's brilliance, he urges the detective to publish an account of the case, adding, memorably, "'If you won't, I will for you'" (126)—thus setting the stage for the world represented by the inner circle of Figure 3, Watson's published stories.

My point is that the Holmes source texts, unlike others that have inspired recharacterization novels, do not simply contain ellipses: parts of the story the source text author chose to omit but which a recharacterization author may subsequently provide. Rather, the

constant and systematic allusions to those outer circles of what Holmes and Watson know and have experienced beyond Watson's published stories affirm the existence of their fictional world beyond the borders of those stories. The implication is that this expansive universe always already contains cases beyond those Conan Doyle was able to write and they are waiting "out there" for other authors to write them. This assumption is part of Holmes's ontology as a fictional character (see Chapter 5) and helps to explain why the Holmes novels are so dominant among recharacterization novels.

The Holmes case and the varied aspects of the book publishing environment described in this chapter illuminate the complex field and players to be considered in what Bourdieu calls "a sociology of cultural works" and the ways they evolve over time. As he emphasizes:

It is certain that the direction of change depends on the state of the system of possibilities . . . that is offered by history and that determines what is possible and impossible at a given moment within a particular field. But it is no less certain that it also depends on the interests . . . that orient agents . . . towards more open and more innovative possibilities, or toward the most secure and established possibilities, towards the newest possibilities among those which are already socially constituted, or even towards possibilities that must be created for the first time. (183)

Just as Holmes's initial creation as an object of cultural value depended on a network of elements ranging from Conan Doyle's creative interests and medical education to editors, agents, and artists who contributed key ideas to readers who accessed the stories in serial form and then demanded more, the system of Holmes recharacterization novels depends on a framework that continues to both sanction Holmes's cultural value and provide the means to perpetuate it. The confluence of publishers, writers, and readers that make up this economic and cultural "system of possibilities" has shaped what recharacterization novels about Holmes—and other characters—have been in the past and will determine what they can become in the future.

CHAPTER 7

THE MANIFOLD RESTRICTIONS OF COPYRIGHT

As we have seen in previous chapters, many forces in the postmodern period have converged to liberate texts from their authors' control and motivate recharacterization novelists to challenge and/or extend borrowed characters' stories. When an author seeks to formally publish a novel using characters from another's work, however, she performs not only a literary act but a legal one, bound by a system of statutes and codes, supplemented with precedents established through case law. Her work thus becomes subject to the many restrictions imposed by copyright law. The strength of this force as a limitation can be seen in the fact that nearly all recharacterization novels have used characters from source texts in the public domain—either never under copyright protection or for which the copyright has expired. Borrowing from public domain texts enables novelists to sidestep most copyright issues under Anglo-American law, although appropriating another author's character may raise questions about its independent legal status or the author's moral right to control use of characters she created.

This chapter explains why these significant limitations on the genre exist. I begin with a historical overview of intellectual property and copyright, followed by review of established principles used to adjudicate Anglo-American copyright cases. Because of the nature of recharacterization novels, I pay particular attention to the regulatory network concerning protection of fictional characters and the evolving requirements for works to receive a fair use exception for copyright infringement.

Books as Protected Intellectual Property

As Rose, Woodmansee and Jaszi, Wittenberg, and others have demonstrated, copyright as a legal concept is based on socially constructed notions of both intellectual property and authorship that have changed over time. From first-century B.C.E. books hand-copied for distribution in Alexandria (Wittenberg 4) through the fifteenth century in Europe, the status of and rights in texts in the Western world were fluid and relatively uncontrolled beyond the general understanding that the owner of the physical copy of a manuscript (who was often not the author) had the right to copy it (Rose 9). Following Gutenberg's invention of the printing press in 1450, the spread of printing precipitated a more systematic approach to copying and distribution because "printers needed assurance that they would be able to recoup their investment" (Rose 9), and it was at the instigation and for the protection of printers that a system of printing and distribution privileges was first adopted across Europe in the sixteenth century.

In this period before printing and bookselling became separate enterprises, the stationers in England carried out all aspects of the book trade. In 1556, the ruling monarchs Mary and Philip chartered a society of stationers as a guild and limited the right to print to those licensed as members of the Stationers' Company (Wittenberg 12). The royals' interest in regulating printing was more political than commercial: their primary aim was to establish a means of censorship to prevent circulation of materials critical of the monarchy, the upper classes, and the Catholic Church in an attempt to halt spread of the Protestant Reformation (Wittenberg 12). Operating as a monopoly, the Stationers' Company maintained a registry in which members listed "their" properties, usually purchased outright from authors, and the members respected each others' exclusive right to print and sell properties named in this registry. These stationers were also allowed to register under special license textbooks, religious works, and other previously existing

texts. In all these arrangements, “property” continued to refer to the manuscript and the right to make and sell copies in perpetuity, and the right recognized possession of the manuscript, not creation of it. What became known as this “Stationer’s copyright” was held as a commodity and “passed on to the printer’s descendants upon his death” (Seignette 13). Thus, as Rose explains, this early understanding of “copyright did not protect a work itself but rather a stationer’s right to publish a work” (14) and the stationers’ system was “a regime of regulation rather than a regime of property” (15).

While there existed even then “a general sense that it was improper to publish an author’s text without permission” (Rose 18), most writers until the mid-seventeenth century produced works under a patronage system that precluded any notion that authors owned their work or were entitled to any role in its copying or distribution. Rose defines as the first instance of authorial interest in English statutory law a 1642 parliamentary edict that prohibited the printing or reprinting of “any thing without the Name and Consent of the Author” (qtd. in Rose 22); its intent, however, was to help the authorities assign criminal liability for libel, sedition, or blasphemy, not to acknowledge a right held by the author. The Statute of Anne, passed in 1710 after extensive debate in Parliament and the press (described by Rose 36-48), was the first act in Great Britain to acknowledge the new notion of copyright as distinct from licensing. Among other provisions, the statute for the first time constituted the author (as opposed to the stationer) as an agent with legal standing and set a term for the right to publish a work: fourteen years, after which reprint rights would pass to the author, if still living, for another fourteen-year term. However, the statute’s language did no more than imply that copyrights were owned by authors—perhaps because, as Rose explains, concepts of the author as a creative being and writing as a property created by an author were undeveloped at the time. Therefore, “although of

great importance to the development of copyright law,” notes Seignette, the Statute of Anne “did not yet fundamentally change the position of authors, as an author was considered to have assigned his rights to the publisher upon the sale of his manuscript” (15).

Over the next three centuries in Europe and North America (described by Rose, as well as Woodmansee and Jaszi), copyright evolved into a well-established protection that stipulates an author’s ownership of the copyright in her work as a form of intellectual property. By means of legislative acts and case law, this gradual evolution marked by periodic turning points brought about new ways of understanding all aspects of writing and publishing. In one major area of change, formalization of copyright law based on authors’ rights occurred along with the social construction of the author as the sole and independent creator of an original work. The advocacy of prominent seventeenth- and eighteenth-century authors from John Milton and Daniel Defoe to Samuel Johnson and Joseph Addison played major roles in this process, culminating in the nineteenth-century Romantic concept of the author as a solitary creative genius, articulated by Wordsworth and Coleridge. Zemer describes this attitude as “‘I am the author. I created something new, almost equivalent to *ex nihilo* creation, independent of social conditions, and I therefore deserve an exclusive right to control the whole product created’” (123). This Romantic notion of the author with its accompanying emphasis on originality has persisted into the twentieth and early twenty-first centuries. A well-known late twentieth-century copyright guide exemplifies this presumption: “[The] law requires that a work be the product of your own mind in order to be copyrightable. Originality is not by itself sufficient. . . . But although originality is not sufficient in itself, it is essential all the same” (qtd. in Howell 11-12). Defining originality as the basis of copyright is finally beginning to be challenged today with legal scholar’s increasing attention to the collective and intertextual nature of the artistic process (see, for example, Zemer

and Schwabach). In many ways, this process reflects a perceived need for the law to catch up with contemporary practice, as Decherney discusses in his final chapter on the democratization of copyright.

Despite the centrality of this Romantic concept of the author to development of legal protection for her writing, Anglo-American copyright law for written works has been based primarily on the author's right to commercial exploitation of the fruits of her labor, rather than the common law notion that an author possesses a natural or moral right to control her creation.¹ In France, however, at the time in the eighteenth century when "the Anglo-American concept of *copyright* had already largely crystallized as a result of case law . . . , the French concept of *droit d'auteur* had only just begun to develop" (Seignette 19). In what Seignette describes as the "natural right approach to author's right" (as distinguished from the Anglo-American "instrumental approach"), this protection in France and most other European countries recognizes a combination of economic and moral rights (54). Among these are "the formulation of inalienable and universally protected moral rights recognizing the permanent bond between an author and his work"; while acknowledging transfer of rights may occur, legislation regulating transfers "is considered a means to enable the author to preserve his work's integrity" as well as "to secure a fair share of the proceeds from exploitation" (Seignette 54). These countries' statutes grant these protections "upon creation" and make them "not dependent on the compliance with formalities" (such as registration) (Seignette 54).

As a result, under French copyright law, "even works in the public domain are protected by moral rights," so that in 2001 Victor Hugo's great-great-grandson, Pierre Hugo, "sued the publisher of two books presented as sequels to *Les Misérables*" (Kwall 43). As examples of what I have called the "writing back" mode of recharacterization novels, these two books, in Kwall's

words, “resurrected an original character, Inspector Javert, in an inappropriate manner inconsistent with his original personality, and presented what Hugo considered to be disrespectful and scandalous treatments of the original” (43). After years of litigation, the Cour de Cassation, France’s highest court, delivered a somewhat equivocal judgment: based on the European Convention on Human Rights, it ruled an author’s freedom to create “precludes an author’s heirs from banning the creation of sequels after the original author’s economic rights have expired,” but at the same time it stressed that “the freedom to create enjoyed by the author of a sequel is limited by respect for the original work’s integrity and the original author’s name” (Kwall 43). The Cour de Cassation therefore remanded the case to the Paris Court of Appeals for evaluation of the works themselves to determine “whether the sequels respect the ‘spirit’ of the original work” (Kwall 44). That process resulted in a decision for the defendant, stipulating that “authors’ moral rights are not absolute and cannot constitute a basis for preventing the creation of derivative works, particularly sequels” (Kwall 184). Despite this outcome, the case is notable for highlighting the contrast between the U.S. and a country recognizing authors’ moral rights: in the U.S., it is highly unlikely such a case would have been litigated at all because the source text was in the public domain.

A second major change in publishing regimes from the early eighteenth century to the present is the modern acceptance that the “work” being protected refers to its contents as expression, not its physical form as manuscript or printed book. Key to this definition was the application to literary works of John Locke’s notion of property. Since an author created the work with her labor, she was entitled to ownership of it and the right to profit from her labor, as she would with tangible forms of property like beans she grew or a table she built; thus, this area of the law came to be called “intellectual property.” Anglo-American copyright protection for

authors rests largely on this economic justification, as opposed to the common law notion of moral rights of the author, and has therefore been expressed in what legislators judge an appropriate length of time in which an author and her heirs can benefit financially from her labor, after which it enters the public domain, available to all.

Finally, notwithstanding its interest in protections for the author, U.S. copyright law seeks to balance the author's and the public's interests, as stated explicitly in the U.S. Constitution: "The Congress shall have the power . . . To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and inventors the exclusive Right to their respective Writings and Discoveries" (Article I, Section 8). Drawing on British law and practice, the Founders codified the belief that continuing development of a strong and vigorous culture is in the public interest. As a result, U.S. copyright law grants authors the right to profit from their efforts, without allowing them perpetual monopoly control over cultural properties. Seignette goes so far as to interpret a 1991 U.S. Supreme Court decision and the House of Representatives report when the United States signed the international Berne Convention as "reiterat[ions] that the primary objective of copyright law is not to reward the labour of authors, but to 'promote the Progress of Science and useful Arts'" (22). Although court cases always involve specific interests of competing claimants, judges usually articulate their decisions as more general attempts to balance the interests of copyright holders and the public and thus satisfy what they view as a constitutional mandate.

U.S. Copyright Protection for Literary Works and Characters

Current U.S. copyright law, based on a 1998 act of Congress, stipulates that an author owns the copyright to her original work as an intellectual property and holds the exclusive right

to reproduce and distribute it and any works based on it (“derivative works”) for her lifetime plus seventy years. Though this law extended the term from fifty years in the previous enactment (the Copyright Act of 1976), it retained the important revision of providing protection for works from the moment of creation, as long as it is “fixed in any tangible medium of expression,” whether published or not. Title 17 of U.S.C. § 102 names “literary works” (fiction or nonfiction) as the first example of “works of authorship” (Schwabach 154), and intuitively, it may seem that a protected work of fiction should protect its characters as well. However, characters are not mentioned in the Copyright Act, and the exact nature of copyright protection for fictional characters has been a subject of extensive debate in the courts, where disputes often land. Granting “there is no doubt that copyright protection is available to a fictional character in the original, copyrighted work in which it first appeared,” Jeremiah explains that “the important question is to what extent are these characters protected when they leave the original work to pursue a solo existence or career” (227). As Schwabach notes in his discussion of Annie Proulx’s fierce though unlitigated objections to “Brokeback Mountain” fan fiction, “the characters may be (and in this case probably are) her intellectual property, but her copyright in the characters does not mean that no one else can use them; they are protected but not untouchable” (7).

This ambiguous legal status of fictional characters has led to many instances in which authors and their agents and licensees have brought suit against those they believe are misusing “their” characters or using them without the copyright holder’s permission. In legal terms, they sue for copyright infringement, which “involves an unauthorized taking” (Howell 15) from a work in which a valid copyright exists. Out of the wealth of resulting case law involving both book publishing and remediated adaptations have emerged several tests that form the basis for rulings in these disputes. These tests are applied only after preliminary determinations that the

source text is protected by a *valid copyright*; that the second party had *access* to the protected first work and was thus able to make use of its contents; and that there is *substantial similarity* between the two works sufficient to support the possibility that the second party took material from the first work as opposed to drawing on tradition or a common source.

The first of these tests involves the definition of a derivative work. In a literary sense, certainly with our post-Barthesian understanding of intertextuality, all fiction can be considered derivative because it builds on plots, characters, settings, images, etc. that have appeared in previous texts. Under U.S. law, however, the copyright owner or her designee holds the exclusive right “to prepare derivative works based on the copyright work,” and this legal sense of derivative should be distinguished from its literary meaning. As Schwabach explains, the bar is set higher for the legal determination (64). Section 101 of the Copyright Act specifies:

A “derivative work” is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications which, as a whole, represent an original work of authorship, is a “derivative work.” (qtd. in Schwabach 151)

The U.S. Copyright Office further explains that “A work which is only loosely based on the ideas or facts found in an earlier work is not considered to be a derivative work” (qtd. in Schwabach 61).

This sentence from the Copyright Office reminds us that part of this assessment rests on one of the key distinctions in intellectual property law: that between ideas and expressions. An idea cannot be copyrighted; only an expression can. Section 102 of the Copyright Act specifies under paragraph (b) that “In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or

discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work” (qtd. in Schwabach 154). This distinction is so foundational that an important Supreme Court decision on copyright (*Community for Creative Non-Violence v. Reid*, 1989) defined “author” as the one who “actually creates the work, that is the person who translates an idea into a fixed, tangible medium of expression entitled to copyright protection” (Seignette 1). The distinction also relates to the way originality is defined as a prerequisite: a key British court decision held that “Copyright Acts are not concerned with the originality of ideas, but with the expression of thought. . . . The originality which is required relates to the expression of the thought” (qtd. in Zemer 54).

In this idea-expression dichotomy, Jeremiah explains, “As a fundamental rule, copyright law protects the expression of ideas rather than the ideas themselves. . . . it is important to distinguish between an expression and an idea, e.g., to distinguish the idea of a talking lion from an expression (a talking lion as depicted by the Walt Disney character ‘Simba’ in the motion picture ‘The Lion King’)” (227). As artistic constructs, fictional characters most often fall somewhere between the two extremes of purely abstract idea and fully formed expression, so court decisions have turned on judges’ pinpointing a threshold for characters in the middle range. For example, when puppeteers Sid and Marty Krofft sued McDonald’s for introducing characters similar to those the Kroffts created for their popular children’s television series *H. R. Pufnstuf*, the Ninth Circuit found in favor of the plaintiffs, based on the distinctiveness of the Krofft characters’ expression. The ruling specified that “the expression inherent in the H. R. Pufnstuf series differs markedly from its relatively simple idea. The characters . . . have developed personalities and particular ways of interacting with one another and their environment” (qtd. in Howell 31). By contrast, when the producers of *Star Wars* sued the *Battlestar Galactica*

producers for copyright infringement, the court ruled that, though similarities existed in the basic idea for the two sets of characters and settings, “the expression of the idea is different” and no infringement had occurred (Howell 52).

A significant difference between U.S. and British law should be noted on this point because whereas characters have been able, under certain conditions, to obtain copyright protection in U.S. courts, no copyright in literary or dramatic characters is possible in the UK because there “it is thought that to appropriate a character . . . amounts to copying of an idea” (Jeremiah 8). As Jeremiah explains, the committee that developed the UK’s Copyright, Designs, and Patents Act 1988 noted being urged by various parties “to consider the introduction of a ‘character right’ . . . to supplement the already existing copyright in the literary, dramatic or artistic work in which the character features,” but it decided against that recommendation out of concern for the “very real difficulty in defining exactly what a ‘character’ is, i.e., in deciding what the essential features that make the character distinctive and which are therefore worthy of protection” (210).

Frequently, U.S. cases alleging copyright infringement have turned on what the court decides is an author’s original expression as opposed to use of a stereotypical dramatic situation, referred to as the *scène à faire* doctrine. In a frequently cited 1952 article, Judge Leon R. Yankwich defined *scènes à faire* as “ordinary occurrences . . . incidents which are the common property of mankind” and “similarities which are inherent in a situation . . . scenes which must follow a certain situation” (qtd. in Howell 38). These common scenes exist in the realm of ideas accessible to any writer, rather than representing an author’s original expression. In a case concerning the novels *Roots* and *Jubilee*, for example, the Southern District of New York court determined that no copyright infringement had occurred because both novels merely made use of

typical *scènes à faire* inherent in writing about slavery: “attempted escapes, flights through woods pursued by baying dogs, sorrowful or happy singing by slaves, the buying and selling of human beings, and other miseries of slavery in America” (Howell 40). In another decision by the same court regarding competing works about the Hindenburg disaster, the judge “acknowledged the virtual impossibility of writing about any historical era or fictional theme without the use of certain stock literary devices . . . identified as *scènes à faire*, uncopyrightable as a matter of law” (Howell 42). A court’s challenge is thus determining where to draw the line between those common scenes and protected expression.

Another aspect of the legal determination of a derivative work has to do with the degree to which material from the copyrighted work is transformed. The Copyright Act’s language makes clear that what literary scholars call adaptations are derivative works, so that film or dramatic versions of a novel, using the author’s basic plot and characters (even with variations), are allowed only with her permission. Other types of creative transformations, however, must be evaluated in a way similar to distinctions along the idea-expression continuum. The general principle is that the higher the degree of creativity and the greater the transformation, the less likely a second work will be judged derivative (and thus protected by the first author’s copyright) and the more likely it is to be independently copyrightable by the second author. The degree of creativity and transformation, however, is a matter of subjective determination, so drawing the line has been the challenge in court cases. The important U.S. Supreme Court decision in *Feist Publications v. Rural Telephone Service Company* (1991) set the minimum threshold for creativity in its ruling denying protection to a telephone directory’s white page listings. Justice Sandra Day O’Connor, writing for the majority, emphasized that at least a minimal degree of creativity is required: “the requisite level of creativity is extremely low; even a slight amount

will suffice”; indeed, “The vast majority of works make the grade quite easily, as they possess some creative spark, ‘no matter how crude, humble or obvious’ it might be” (qtd. in Rose 135).

Drawing the line when creativity falls within a higher range, however, was the issue in the suit brought by J. K. Rowling and Warner Bros. to block publication in book form of the Harry Potter Lexicon. As Schwabach explains, Rowling has encouraged and her licensees have tolerated a wide range of fan fiction and parody of Harry and his world and have challenged only “works that are merely new adventures” of Harry or “achieve commercial success with a character based on Harry” (125), namely, the Tanya Grotter books featuring a Russian author’s female version of Harry. As a website, the lexicon “with its detailed descriptions and excerpted text for just about every person, place and thing in the Potterverse” (Schwabach 126) had been praised by Rowling as a useful reference, but when its author, Steven Vander Ark, arranged for its publication in book form by a small press in Michigan, she sued, claiming it would interfere with her plans to write a similar work and donate the proceeds to charity. The judge, although seeming skeptical of Rowling’s claims, found for her and enjoined publication of the lexicon in its proposed form, based on its not meeting fair use requirements (to be discussed below); but the case’s relevance for my point here is the judge’s ruling that the lexicon was *not* a derivative work. The different literary form of the works—reference book versus novels—played a role in the decision, but the judge stated, more generally, that “‘a work is not derivative . . . simply because it is ‘based upon’ the preexisting works’” and quoted a 2003 decision regarding toys that “‘if the secondary work sufficiently transforms the expression of the original work such that the two works cease to be substantially similar, then the secondary work is not a derivative work and . . . does not infringe the copyright of the original work’” (qtd. in Schwabach 127-128). Further, his ruling explained, “Because the Lexicon uses the Harry Potter series for a transformative

purpose . . . reading the Lexicon cannot serve as a substitute for reading the original novels; they are enjoyed for different purposes. The Lexicon is thus unlikely to serve as a market substitute for the Harry Potter series and cause market harm” (qtd. in Schwabach 130).

The currently definitive explanation of the transformative requirement appears in a U.S. Supreme Court decision in a 1994 copyright case involving 2 Live Crew’s rap version of Roy Orbison’s “Pretty Woman,” a case known as *Campbell* for the band’s Luther Campbell as the named defendant. The Court specified, “The central purpose of this investigation is to see . . . whether the new work merely ‘supersede[s] the objects’ of the original creation, or instead adds something new, with a further purpose or different character, altering the first with new expression, meaning, or message; it asks, in other words, whether and to what extent the new work is ‘transformative’” (qtd. in Schwabach 69). Finding for the defendant, the Court linked transformation to the First Amendment’s language about the overall purpose of copyright:

the goal of copyright, to promote science and the arts, is generally furthered by the creation of transformative works. Such works thus lie at the heart of the fair use doctrine’s guarantee of breathing space within the confines of copyright, and the more transformative the new work, the less will be the significance of other factors, like commercialism, that may weigh against a finding of fair use. (qtd. in Schwabach 69)

Schwabach uses characters in fan fiction as his example of transformation: slash fan fiction featuring a romance between Harry Potter and Draco Malfoy (who are adversaries in the Rowling novels) “transforms the basic personalities of the characters as well as the relationship between them and with other characters. . . . A Harry and Draco who feel friendship, let alone romantic warmth, for each other are not the Harry and Draco of canon; they are transformed” (69, 70). This requisite level of transformation resembles the way an intellectual property law textbook defines the requirement for “material change”: “authors can copy (or use) pre-existing

materials and still get copyright protection in the resulting work as long as they bring about a material change to the raw material. . . . In so doing the law ensures that any copyright that is acquired in a derivative work is distinct from” the original work’s copyright (qtd. in Zemer 137).

Beyond these questions of transformation, cases that must determine whether copyright protection of a work extends to its characters usually apply what are known as the “sufficiently delineated” and “story being told” tests. As suggested in the Sid and Marty Krofft case, the delineation test goes back to the idea-expression dichotomy. As Jeremiah explains, “to be protected by copyright apart from the story in which the character originally appeared, a character must be more than an *idea* in the public domain. The character must be a unique *expression* of the author’s idea” (227; my emphasis). The ruling that established this test was in *Nichols v. Universal Pictures*, a 1930 case in which a writer claimed the movie *The Cohens and the Kellys* infringed on his copyrighted play because it used similar members of battling Irish Catholic and Jewish families who are eventually reconciled when a grandchild is born after a secret marriage between a member of each family. In its decision, the court found in favor of the defendants because it determined the characters were stock figures that fell within the realm of ideas rather than being the playwright’s original expressions. Without granting copyright protection to characters in that case, however, the Second Circuit Court (in New York) defined conditions in which a character *could* be protected independent of the work. As the legendary Judge Learned Hand explained in his decision:

If *Twelfth Night* were copyrighted, it is quite possible that a second comer might so closely imitate Sir Toby Belch or Malvolio as to infringe, but it would not be enough that for one of his characters he cast a riotous knight who kept wassail to the discomfort of the household, or a vain and foppish steward who became amorous of his mistress. These would be no more than Shakespeare’s “ideas” in a play, as little capable of monopoly as Einstein’s Doctrine of Relativity, or Darwin’s theory of the Origin

of Species. It follows that the less developed the characters, the less they can be copyrighted; that is the penalty an author must bear for marking them too indistinctly. (qtd. in Jeremiah 228-9)

This test, thereafter also referred to as the *Nichols* test, requires a character to be more than a stereotype, as might appear in a *scène à faire*, and to be developed with distinctive characteristics to receive independent copyright protection. The problem, of course, is that the decision specified no threshold for determining how “sufficiently” a character must be delineated to be copyrightable. Unlike literary scholars who are comfortable with uncertainties and differing interpretations, the law favors clear precedents on which its courts can render subsequent decisions. In the absence of that, applications of this test have varied widely. Shortly after *Nichols*, for example, in a 1932 suit brought by a relatively unknown author against Eugene O’Neill, alleging he stole characters for *Strange Interlude* from her privately published novel, the judge found in favor of the playwright using the sufficiently delineated test. In his words:

It is true that there are old and young people in both plots. It is true that there are fathers and mothers and daughters and sons. But, after having carefully read both books more than once, I think it is fair to say that in the plaintiff’s book the characters are merely types—the socially ambitious mother and daughter, the obtuse but successful American businessman, the dissipated foreign nobleman. . . . None of these types is individualized sufficiently to make the characters of the defendant any possible infringement of the plaintiff’s copyright. (qtd. in Jeremiah 43)

In language that evokes E. M. Forster’s famous distinction between flat and round characters, the judge continued, “In the defendant’s book, on the other hand, the characters are individualized and are perceptible in the round . . . to a very extraordinary degree. . . . The plaintiff cannot copyright a type . . . by taking for her characters stock figures” (qtd. in Jeremiah 43).

Courts have used the sufficiently delineated test to award protection to famous characters ranging from Tarzan to Godzilla, even though both have been portrayed by different “actors” and

in various settings and stories across their history (Schwabach 25-28, 35). In the 1998 decision regarding Godzilla, the court explained that the creature had “developed a constant set of traits that distinguish him/her/it from other fictional characters. While Godzilla may have shifted from evil to good, there remains an underlying set of attributes that remain in every film. Godzilla is always a pre-historic, fire-breathing, gigantic dinosaur alive and well in the modern world” (qtd. in Schwabach 35). Even a character whose gender cannot be specified can be judged sufficiently delineated if its characteristics are distinctive. Another non-human character was awarded protection in a 2007 case regarding the New Age hero Jonathan Livingston Seagull, in a decision that emphasized “it is the unique combination of elements that makes up a protected character.” Agreeing with the plaintiff’s argument that this character is “a ‘one-of-a-kind seagull—a thinking, talking, philosophizing, risk-taking, limit-testing seagull,’” the court explained:

Like other highly delineated literary and film characters, the Jonathan Livingston Seagull character is protected under copyright. Jonathan Livingston Seagull is a well-defined character—an ordinary seagull named Jonathan Livingston Seagull who is determined to fly higher and faster, who transcends his beginnings, and who teaches others to do the same. He is not a stock character and the fact that his character has not been delineated over time [i.e., in a series of works] is inconsequential. (qtd. in Schwabach 40)

Following the sufficiently delineated test, it seems that the most fully developed major characters such as Harry Potter would qualify for copyright protection—at least, as Schwabach notes, “for use [by others] as main characters in non-parody commercial works,” although speculating that “walk-ons might be still be okay” (44). By contrast, Schwabach posits that the situation with minor characters is “less clear”: some well-developed characters like Harry’s friends Hermione Granger and Ron Weasley probably are protectable, but less likely are Stan Shunpike and other “stock types” who have “personalities and backgrounds only briefly hinted at” (45). Until case

law is developed regarding alleged infringements, however, the line to be drawn for any particular character, major or minor, is open to question.

As suggested in some comments on the sufficiently delineated test, attention to plot sometimes figures in judgments based on that test; but the “story being told” test represents a separate legal distinction. This test requires that the character be essential to the plot in order to be protected. The “story being told” test is harder to satisfy and less frequently applied than the sufficiently delineated test, perhaps because of the understandable difficulty courts have in drawing a legally defensible distinction between what is sometimes called a character-driven work and a plot-driven work.

The landmark case in which the “story being told” test was established involved the fictional detective Sam Spade, who first appeared in Dashiell Hammett’s *The Maltese Falcon*. While the author was not a litigant, rights to his protagonist were the subject of a dispute between two media giants in the 1950s. Hammett and his publisher had granted exclusive rights in the novel to Warner Bros. Pictures for the purpose of making a movie, although he continued to use the character Sam Spade in his subsequent novels. When he then authorized CBS to broadcast radio shows based on those works, Warner Bros. claimed such use of the character infringed on its rights. In finding for CBS, the Ninth Circuit court specified that the rights in the Warner Bros. agreement were for *The Maltese Falcon* only and further explained that Sam Spade was not independently protectable because he was “a mere vehicle for telling the story” (Jeremiah 229). The decision specified “it is conceivable” that a character could constitute “the story being told, but if the character is only a chess man in the game of telling the story he is not within the area of the protection afforded by the copyright. . . . The characters [in this case] were vehicles for the story being told, and the vehicles did not go with the sale of the story” (qtd. in

Schwabach 29-30). As Schwabach explains, “*The Maltese Falcon* is a story driven by plot and atmosphere; Sam Spade is not so much a man as an attitude” (30).

Perhaps in recognition of the difficulty in applying what is thus also called the “Sam Spade test,” some key rulings on iconic characters have been based on a combination of the “sufficiently delineated” and “story being told” tests. In *Anderson v. Stallone* (1989), the court ruled that the Rocky characters were protected outside the movies in which they appeared. Using the first test, the court found the characters were “highly delineated,” featuring “tremendous detail with which the characters’ physical and emotional traits were portrayed,” and using the second test, the characters were “central to the plot of the movies” (Jeremiah 231). Likewise, in ruling that Honda Motor Co.’s ad featuring a James Bond-like character infringed on the MGM movies’ copyright in the character, the Central District of California court relied on both tests:

The Court believes that James Bond is more like Rocky than Sam Spade—in essence, that James Bond is a copyrightable character under either the Sam Spade “story being told test” or the Second Circuit’s “character delineation” test. Like Rocky, Sherlock Holmes, Tarzan, and Superman, James Bond has certain character traits that have been developed over time through the sixteen films in which he appears. Contrary to Defendants’ assertions, because many actors can play Bond is a testament to the fact that Bond is a unique character whose specific qualities remain constant despite the change in actors. . . . Indeed, audiences do not watch Tarzan, Superman, Sherlock Holmes, or James Bond for the story, they watch these films to see their heroes at work. A James Bond film without James Bond is not a James Bond film. (qtd. in Schwabach 37-38)

It has been easier for cartoon characters to gain protection than those drawn in words because “a graphically depicted character conveys a concrete physical image (facial expression, anatomical features and attire) which can be seen through a person’s eyes” (Jeremiah 28). Jeremiah wryly calls this situation “unfortunate” since literary characters are “often considered creatively and intellectually superior to cartoon characters” and yet “receive less protection” (228).

The Fair Use Exception

One final important aspect of copyright to be addressed involves the exceptions granted on the basis of fair use and parody. Although “fair use had existed in U.S. common law since the mid-nineteenth century,” it did not become part of statutory law until the 1976 Copyright Act (Decherney 48). The U.S. Copyright Code defines the fair use exception as follows:

[T]he fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work. (qtd. in Schwabach 63)

These provisions have been interpreted to allow as “fair” such uses as publishing quotations from copyrighted works in reviews or scholarship and making photocopies of entire works for educational use. However, cases involving fair use of source texts in subsequent creative work have turned on more substantive evaluations under criteria (1) and (4): namely, “the purpose and character” of a work that makes use of a source text and its potential to diminish the source text’s commercial value. Though not always clear-cut, the fourth determination is generally the easier to make since, by and large, most commercially published works making use of material from a copyrighted source have the potential to encroach upon the market of the original. Since most fan fiction is not commercially published, for example, Schwabach explains that source text authors

and their licensees have usually been tolerant of those types of works—seeking legal recourse only when they enter commercial territory that threatens to cut into the first author’s market and ability to profit from sale of her work, as in the J. K. Rowling case.

The more challenging determination regards “the purpose and character of the use” because decisions in those cases depend on judges’ making legal judgments about what are literary matters. The foundations on which these judgments are made usually go back to the concept of transformative use, which we remember was defined in *Campbell* as “whether the new work . . . adds something new, with a further purpose or different character, altering the first with new expression, meaning, or message” (qtd. in Schwabach 69). Judicial determinations in these cases, as with the idea-expression dichotomy, require the court’s setting a threshold for a particular transformation, as noted in several of the cases discussed above. On this basis, Schwabach explains that such “transformative uses” as “a steamy Harry/Draco romance” or “a video using original music and clips from the Lord of the Rings movies to show Gollum as a hip-hop star” are “more likely to be protected as fair use, even if they make use of copyrighted characters or other content” (69). Such assessments of transformation as permitted fair use seem grounded in the Copyright Act’s inclusion of “criticism” and “comment” as purposes that do not constitute copyright infringement, as well as paragraph (3) regarding “the amount and substantiality of the portion used,” since the greater the transformation, the less the material taken unchanged from the source text.

A particular aspect of fair use (what Howells calls “its special offspring” [45]) is parody, usually defined as commentary on the original for the purpose of humor and/or ridicule. Not only is parody included in the Copyright Act’s granting of fair use for “criticism” and “comment,” but courts have held that parody receives additional protection from “the First Amendment’s

guarantee of freedom of expression” (Schwabach 71). Although parody has a long literary history, it became an issue in American law with the expansion of the modern performing arts. Some early-twentieth-century vaudeville comedians “had defended, with varying degrees of success, their right to parody well-known performers” (Decherney 105), but it was cases in the mid-1950s involving the early television comedians Jack Benny and Sid Caesar that resulted in legal definitions of the parody exception. Benny’s parody of the film *Gaslight* (1944) was judged an infringement, whereas Caesar’s parody of the film *From Here to Eternity* (1953), titled “From Here to Obscurity,” was allowed as fair use. These two different decisions, rendered by the same judge, Judge James Marshall Carter, turned on the degree of transformation and the amount of material borrowed, invoking again the concepts of originality and expression vs. idea. Though Caesar’s parody “borrowed the main characters, story, and settings” of the original, it used these “as a springboard for [what the judge called] ‘new, original, and different development, treatment, and expression’” (Decherney 106). But whereas “Caesar had taken just enough to conjure the original and built on it, Benny had taken too much and added too little”; Decherney quotes Judge Carter saying that Benny took “the general or entire story line and development of the original with its expression, points of suspense and build up to climax,” thus having “told the whole story” and “making it less likely that viewers would also see the film” (106).

Forty years after those two cases, the *Campbell* case was also decided on the basis of parody. In it, the Supreme Court ruled that 2 Live Crew’s “Big Hairy Woman” was permitted as fair use parody of Orbison’s song, agreeing with the appellate court’s ruling that the rap song “was clearly intended to ridicule the white-bread original” and that transformation had occurred because “the singers . . . have the same thing on their minds as did the lonely man with the nasal voice, but here there is no hint of wine and roses” (qtd. in Schwabach 71). In its ruling, the Court

specified that “parody needs to mimic an original to make its point, and so has some claim to use the creation of its victim’s . . . imagination” (qtd. in Schwabach 73). That opinion also affirmed that judgments of parody should be based on degree of transformation and not aesthetics.

“Having found [the element of parody] we will not take the further step of evaluating its quality,” wrote the Court. “Whether . . . parody is in good taste or bad does not and should not matter to fair use”; the only judgment “goes to an assessment of whether the parodic element is slight or great, and the copying small or extensive in relation to the parodic element, for a work with slight parodic element and extensive copying will be more likely to merely ‘supersede the objects’ of the original” and thus not be allowed as fair use (qtd. in Schwabach 71, 73).

Within this complicated legal context, then, publication of recharacterization novels has been restricted by established precedents and principles, although copyright protection for literary works and fictional characters continues to evolve and is an active arena for current case law. This is at least partly because as Justice Joseph Story commented in an 1841 case, “Patents and copyrights approach, nearer than any other class of cases belonging to forensic discussions, to what may be called the metaphysics of the law, where the distinctions are, or at least may be, very subtle and refined, and, sometimes, almost evanescent” (qtd. in Rose 141). Literature lacks the clean lines and clearly drawn boundaries that help establish the firm precedents valued by the law, but issues of intellectual property require the involvement of both fields for their resolution. Since all three recharacterization novels to which I now turn were based on iconic novels still under copyright protection, it might at first seem that their authors simply acted carelessly, without concern for the law. But, as we shall see in the next chapter, the development and outcomes of those cases were not clear-cut and, in fact, serve to demonstrate how many of Justice Story’s “evanescent” distinctions remain undefined.

Notes

1. In the United States, in contrast to copyright law regarding literary works, the comparable law regarding visual art includes the moral rights of the artist (the Visual Artists' Rights Act). See Kwall for an extended presentation of her argument for supplementing the economic interests that form the basis of current U.S. copyright law with protections based on moral rights of the author.

CHAPTER 8

BATTLES ARE JOINED: THREE COPYRIGHT INFRINGEMENT SUITS

What happens when the conflicting forces described in Chapters 3-7 move beyond a Cold War-style “peaceful coexistence” and go into battle against each other? The three cases explored in this chapter answer that question. In these cases, writers refused to limit themselves to source texts in the public domain and based their recharacterization novels on works still under copyright. In attempts to block publication of those novels, the source text author or executors of the estate sued the recharacterization novelist and publisher for copyright infringement. The suits against the first two recharacterization novels—Pera’s *Lo’s Diary*, borrowing from Nabokov’s *Lolita*, and Randall’s *The Wind Done Gone*, borrowing from Mitchell’s *Gone With the Wind*—were eventually settled under negotiated terms, and the novels were published. However, the third—Colting’s *60 Years Later*, borrowing from Salinger’s *The Catcher in the Rye*—was enjoined from publication in North America until copyright on the source text expires. The legal particulars of these cases touch on many of the issues discussed in previous chapters, demonstrating the salience of the historical context in which copyright law exists. In discussing those cases, I will therefore not only describe the three different outcomes, but will also consider aesthetic, political, and other extra-legal factors that influenced their resolution.

Lolita and Lo’s Diary

Lo’s Diary, which claims to tell *Lolita*’s story from the girl’s viewpoint, was published in 1995 in Pera’s native Italy and soon after in several other European and South American

countries without objection from Nabokov's son, Dmitri, executor of his father's estate.¹ However, after Farrar, Straus & Giroux made plans to publish an English translation in the U.S. (along with a UK edition published by Macmillan), Dmitri sued for copyright infringement. FSG defended publication in documents submitted to the court, and a protracted legal battle was expected until the company's president, Roger Straus, "in an abrupt reversal," overruled his editors and dropped the title—motivated, he said, by other FSG authors' concerns for their copyrights (Blumenthal, "Disputed 'Lolita' Spinoff"). Six months later, an agreement was announced between Dmitri and Foxrock Inc., a newer and smaller New York publishing house owned by First Amendment champion Barney Rosset. Under this agreement, instigated by Rosset, Foxrock would publish Pera's novel, and Dmitri would write a preface and receive five percent of the royalties, which he would donate to International PEN. *Lo's Diary* was published in the U.S. in October 1999, was widely panned in reviews, and is currently out of print.

Since the dispute was settled out of court, the case never received judicial review and thus set no precedent, other than possibly "intimidating" publishers tempted to take on similar titles (Roh 124). When the settlement was announced, Martin Garbus, a well-known intellectual property attorney who represented Foxrock, commented that "part of me is sorry we didn't litigate it because it involves important principles of law that affect other writers as well" (qtd. in Applebome). In his retrospective on the case, Garbus wrote that the parties settled since "the law is unclear," so "neither side could safely predict it would win, and the costs could be extraordinary" ("Lolita and the Lawyers"); however, both Peter Skolnik, Dmitri's attorney, and Dmitri in his preface insisted their interest was the principle of protecting *Lolita's* copyright, not blocking Pera's novel, so her request for permission satisfied their concerns (Applebome; Dmitri Nabokov). With the copyright questions raised by this case thus unresolved, in my discussion I

want to speculate about the outcome had it gone to trial. The case would have easily satisfied the three preliminary determinations applied in all copyright cases: *Lolita* was under valid copyright; Pera had access to it; and the two works are substantially similar. My discussion thus focuses on the potential for the novel to receive a fair use exception, based on analysis of the four factors specified in the Copyright Code, including whether it could be considered a parody.

Because the code's third and fourth factors require less complex analyses than the first two, I address them first. The third factor concerns the proportion of the source text used. *Lo's Diary* presents itself as a literal diary, written by Lo and narrated in first person largely in the present tense.² The first sixty pages cover her life before Humbert arrives at her mother's house, and the final twenty-five pages describe her escape from him and joining the entourage of the Clare Quilty character. The almost 200 pages in between follow Lo and Humbert's relationship and activities from his time as a boarder in her mother's house, through their extended U.S. road trip, to their settling into a Northeastern college town where Lo attends private school, meets the Clare Quilty character, and, on another road trip with Humbert, runs away. Occasional paragraphs of those middle 200 pages tell of Lo's thoughts and actions outside what Humbert describes as the first-person narrator of *Lolita* (e.g., at camp before he picks her up after her mother's death and on the rare occasions he leaves her alone on the road trips); but the basic plot and most scenes are identical to *Lolita's*, and the characters are presented as the same as Nabokov's, though some have slightly different names and additional characteristics. Further, even in the third of the novel before and after *Lolita's* plot, the characters are almost exclusively Nabokov's and are consistent with his characterizations of them. Even *Lo's Diary's* preface by "John Ray," while reporting some different details, closely parallels the same character's preface in *Lolita*. Since what the Copyright Code defines as the "amount and substantiality of the portion

used” is therefore extensive, I conclude that this factor would have weighed against a finding of fair use for *Lo’s Diary*.

The fourth factor involves the effect on what the code calls the copyrighted work’s “potential market” or commercial value. In hindsight, it is almost certain that *Lo’s Diary* did not negatively impact sales of *Lolita*: the *New York Times* reported in 1998 that *Lolita* had sold 50 million copies (Blumenthal, “Nabokov Son”)—a number certain to have grown since, considering its continued use in university courses (Kuzmanovich and Diment) and interest generated by a 2003 bestselling memoir about reading the novel (Nafisi) and the copyright dispute itself. In twenty-three reviews of *Lo’s Diary* on Amazon.com in August 2013, nearly all reviewers had also read *Lolita*, viewed Pera’s novel as a poorly written travesty of Nabokov’s, and urged readers not to buy Pera’s (“Customer reviews of *Lo’s Diary*”). By contrast, *Lolita* had 798 reviews on Amazon.com in the same month, with 531 reviewers giving it five stars out of a possible five and 127 giving it four (“Customer reviews of *Lolita*”), and the novel was number 56 on Amazon’s list of bestselling works of classic literature.

Nevertheless, at the time Dmitri sued, I suspect a convincing case could have been made for the *potential* commercial damage *Lo’s Diary* could cause *Lolita* and Nabokov. *Lo’s Diary*’s availability in the marketplace could create confusion regarding its relationship to *Lolita* and ownership of the characters, especially since Foxrock’s publicity claimed Pera’s novel tells the “true” story of *Lolita* (Pera back cover), which some could assume makes it preferable to Nabokov’s. The sizable market of younger female readers of popular fiction, few of them likely to have read *Lolita*, would almost certainly choose a novel narrated in the sassy contemporary voice of a young girl over a classic narrated by an older male (indeed, the few Amazon reviewers who liked Pera’s novel seem to be in this category). There is a legitimate counterargument that

those readers would be unlikely to buy *Lolita* anyway, but the *potential* for a choice would exist with both novels in the market—which is all the code’s language requires. While in some ways those readers’ preference reflects a distinction between the markets for commercial and literary fiction, *Lo’s Diary*’s explicit relationship to *Lolita* would attract more literary readers as well, especially those interested in feminist perspectives—a market also explicitly targeted in its publicity (Pera back cover). Furthermore, should an uninformed reader purchase *Lo’s Diary* and be confused about its source, its comparatively inferior literary quality could give a false impression of Nabokov as a writer and thus devalue *Lolita* as well as his other work.

There is some evidence Dmitri’s attorney was preparing to make arguments like these. According to the *New York Times*, court documents filed by Skolnik claimed the Pera novel “harms the reputation of Nabokov” and “seeks to capitalize on his work” (Blumenthal, “Nabokov Son”). Their forgoing a formal challenge until *Lo’s Diary* moved into the larger and more lucrative American and British markets could also reflect concern about its impact on sales of *Lolita*. Even Foxrock’s attorney Garbus, in his retrospective, emphasized the capitalist dimension of the issue, pointing to the tenacity of “media giants” who often control the “substantial financial assets” of intellectual property and are willing to use their considerable resources to defend them. While the formidable Random House, *Lolita*’s publisher, appears not to have been part of Dmitri’s suit, that publisher’s interest in protecting its investment may have led it to become a co-plaintiff at a later stage or at least to submit an amicus brief. Considering all these points and the vagueness of the code’s language, I think *Lo’s Diary* would have been found to have at least some potential for negative impact on the commercial value of *Lolita* and thus not support a finding of fair use on the basis of that factor.

Predicting an outcome on the Copyright Code’s first factor—“the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes”—is more challenging. Skolnik’s comment about Pera capitalizing on Nabokov’s work gestured towards claiming that publication of *Lo’s Diary* was for a commercial purpose, and the evidence appears to support that point. After Dmitri’s suit was filed, Pera said she wrote her novel to engage in a literary dialogue with Nabokov, and after FSG dropped it, she was quoted saying she would forfeit “any economic gain” to get the book published (Blumenthal, “Nabokov Son” and “Disputed ‘Lolita’ Spinoff”). Nevertheless, publication by a for-profit publishing house (FSG or Foxrock), for which Pera received royalties and most likely an advance (presumably through a licensing agreement with her Italian publisher), should sufficiently establish the use’s commercial nature, no matter how costs and benefits were allocated between parties, how much revenue was generated, and what other purposes (literary, etc.) existed. However, the code says the commercial nature is merely to be included when considering this factor; its primary focus—“the purpose and character of the use”—is more nebulous.

As explained in Chapter 7, case law has established the primary determinant for assessing “purpose and character” to be the degree to which the use *transforms* material from the copyrighted work—transformative use being defined by the Supreme Court in *Campbell* as “add[ing] something new, with a further purpose or different character, altering the first with new expression, meaning, or message” (qtd. in Schwabach 69). Some statements by the *Lo’s Diary* dispute participants suggest their arguments would have addressed the degree of transformation. Drawing directly on the Court’s language, FSG lawyer Leon Friedman said Pera’s novel was “‘transformative,’ supplanting the original work with ‘a further purpose’ and ‘new expression,’” and Jonathan Galassi, FSG editor in chief, called it an “‘original work of art

which reacts to and comments on a provocative precursor” (Blumenthal, “Nabokov Son”). In his retrospective on the case, Garbus said he “argued that Pera’s work was transformative in nature, and thus encouraged under the law,” although later in the essay he noted his inability to define the work’s nature precisely since “it’s not parody or criticism.” Without referring to transformation directly, Skolnik nodded in that direction in his comment that he and Dmitri “believe that Pera’s book is absolutely based on Nabokov’s in such a way that a license . . . had to be obtained” (qtd. in Applebome).

Pera’s public statements may suggest she viewed her novel as a transformation of Nabokov’s at least in a literary if not legal sense. Though the *New York Times* articles called her an Italian short-story writer with *Lo’s Diary* as her first novel, Garbus claimed further literary credentials for her, saying she “has a doctorate in Russian and has written extensively on Russian literature and translated Pushkin, Herzen, and Lermontov.” To explain her motivation in writing her novel, Pera pointed to Humbert’s statements in *Lolita* that he “did not know a thing about my darling’s mind” and “Oh, that I were a lady writer who could have her pose naked in a naked light”; apparently seeing herself as that “lady writer” and drawing on her literary expertise, she said, “All I did was to accept Nabokov’s challenge, his implied invitation to a literary tennis match that, it seems to me, has a long and well-established tradition behind it” (Blumenthal, “Nabokov Son”). Foxrock’s hyperbolic language on the cover also positions the novel as a transformed version of *Lolita*:

In Pia Pera’s *Lo’s Diary*, we have the true Lolita, the *other* Lolita: malicious, stripped bare, ingenious. . . . Now the perspective of the teenager’s psyche is brought into focus through the new feminist consciousness of the last 30 years. The author, Pia Pera, a brilliant contemporary writer from Italy, thoroughly versed in the fiction and psychology of our generation, gives us another side of the Lolita conundrum, a new meaning to the universal phrase “Lolita.”

Against these claims, however, I want to argue that *Lo's Diary* is not a transformation of *Lolita*, in either the literary or legal sense. Far from adding the Supreme Court's required "something new, with a further purpose or different character," Pera simply takes Humbert's version of the *Lolita* character and expands upon it. Michiko Kakutani's review alludes to this point: "The problem with 'Lo's Diary' isn't that it's derivative. The problem is that Ms. Pera seems to have no understanding whatsoever of what Nabokov was up to in 'Lolita,' and so cannot begin to reimagine his story in any meaningful way." Literary criticism of *Lolita* helps to explain this challenge. Most reviews of and early critical attention to Nabokov's novel drew no distinction between Humbert's and Nabokov's perspectives on the girl (see examples in Bloom, *Lolita*); as a result, Humbert's portrait of her as a vapid, manipulative, sexually adventurous preteen (which shocked many readers as much as did Humbert's actions) became the cultural stereotype associated with her name that persists today, aided by both film versions of the novel. Challenges to that assumption began with Tamir-Ghez's 1979 rhetorical analysis, which explored the implications of distinguishing between Nabokov's and Humbert's perspectives as "the subtle art of an author playing chess against himself" so that "the same arguments . . . used by Humbert to justify himself are often used (indirectly) by Nabokov to expose his narrator's guilt" (19). Examples include the places where Nabokov hints at the girl's suffering: her "sobs in the night—every night, every night" (176); Humbert's comment that, after a fight, she returns to his bed because "she had absolutely nowhere else to go" (142); and Humbert's acknowledgment near the end that he had mistreated her. Later criticism has made this Nabokov-Humbert distinction even more explicit by using the name "Dolores" to refer to Nabokov's character and reserving "Lolita" for Humbert's fantasy of her (see Pifer and Rothstein)—the terminology I use as well.

Pera's added evidence of Lolita's being a vapid, manipulative, sexually adventurous preteen does not transform the character, but merely shows her being even more shallow, cruel, and malevolent than Humbert said she was. Placing the narrative in her voice validates his characterization without challenging it. Granted, Pera's making Lo the main instigator and controller of the plot gives her more agency than in *Lolita*, as does her conclusion in which Lo did not die in childbirth but survived to deliver her diary to John Ray in Paris. I also suppose that showing Lo torturing her pet hamster (resulting in its death), tricking Humbert into a relationship to punish her hated mother, expressing only pleasure at her mother's death (indeed crying only twice in frustration at failing to get her way), and anally raping Humbert with objects she finds in their hotel room after drugging him into unconsciousness do combine to de-sentimentalize Humbert's fantasy of her and reorient her from being a victim to being an abuser. But even if these additions add up to some form of criticism or comment on *Lolita*, their effect is to further substantiate my argument that Pera's Lo has the same basic personality as Humbert's Lolita in Nabokov's novel. Pera simply provides a more developed and less sympathetic version of her.

Seeking to answer the transformation question also leads to asking if Lolita could have been considered a copyrightable character independent of Nabokov's novel based on the "sufficiently delineated" and "story being told" tests. The *idea* of a nymphet existed before Nabokov wrote about her, but Humbert's portrait so captured the imagination of readers and the public that the novel's *expression* of Lolita gave the stereotype a name. Lolita, seen through Humbert's eyes, possesses well-delineated characteristics, the particular combination of which distinguishes her from others: another preteen American girl character might also enjoy shopping, the movies, and performing in a school play, for example, but would she also travel around the U.S. with her European stepfather after her mother's death, have an extended sexual

relationship with him, and die in childbirth after marriage to a partially deaf engineer? Lolita's distinctiveness as a character and her centrality to *Lolita*'s plot suggest that making arguments based on both tests could have been convincing. The problem in doing so regarding the Pera novel concerns timing. Claiming that Lolita is an independently copyrighted character may have been feasible had a recharacterization novel appeared without Nabokov's permission soon after publication of *Lolita*, but by the 1990s it was too late: Lolita had by then become a cultural icon—ironically so since the figure is based on Humbert's definition of her, not Nabokov's.³

The potential for Pera's expansions to be considered a comment on or critique of Nabokov's novel may suggest a basis for arguing that *Lo's Diary* be allowed under the parody exception, which falls within the "purpose and character of use" factor as well as being considered protected speech under the First Amendment. In his retrospective, Garbus stated that the novel was not parody and I have found no reference to the word in other participants' public statements; however, some points suggest such an argument could be promising. As discussed regarding the Sid Caesar and Luther Campbell cases in Chapter 7, the courts have granted parodists' right to use parts of the source text in order to ridicule it and have insisted that the parody's quality or level of taste should not be considerations of whether the use is fair. In a decision two years after the *Lo's Diary* case, the Eleventh Circuit ruling in favor of Randall's *The Wind Done Gone* (discussed in the next section) expanded the previous definition of "legal parody" by stating it did not have to be humorous to qualify and by describing Randall's novel as "a conscious and critical statement" (Decision). Though coming after Pera's case, the Randall ruling may suggest a shifting climate of legal opinion that could have benefitted *Lo's Diary*. However, a parody argument would have had to overcome the significant obstacle specified in the Jack Benny and Luther Campbell rulings regarding the degree of copying, which as

explained above is extremely extensive in Pera's novel. Benny's defense lost because he took "the general or entire story line and development of the original" (qtd. in Decherney 106) and added little to it, and while the Campbell song was allowed, the Supreme Court emphasized that "a work with slight parodic element and extensive copying" would not (qtd. in Schwabach 73). In my reading of the two novels, I view the degree of copying in Pera's novel to outweigh its parodic elements, so it seems to me that even this most promising avenue of argument would be unsuccessful. Overall, therefore, I conclude that *Lo's Diary* is not sufficiently transformative of *Lolita* to merit fair use exception based on the "purpose and character of use" factor.

The final remaining factor in the Copyright Code's list involves "the nature of the copyrighted work." In the J. K. Rowling case, this factor was considered in terms of genre and publication venue: a nonfiction reference work versus fantasy novels and online versus print publication. Since both *Lo's Diary* and *Lolita* are novels published in print form, this factor may seem irrelevant here. However, I want to make a more subtle argument about the "nature" of *Lolita* that I believe should be a consideration in this case. My point is this: as an early postmodern work of literature, *Lolita* not only demonstrates an awareness of itself as text, but it already poses a critique of itself, within itself (see, e.g., Frosch on its parodic nature), and shows Nabokov's own playing with the ontological dilemma of fictional characters. It's almost as if *Lolita* combines source text and recharacterization novel in one—a literary feat that poses a formidable obstacle for any author who attempts to write a recharacterization novel based on it.

Other than his silver tongue, Humbert's sole redeeming feature is that, ultimately, he confesses his awareness and even regret that he created a fictional character in the nymphet Lolita and never saw Dolores as an independent individual who felt pain and despair and had the right to a life outside of what he forced upon her. Early in Nabokov's novel, he acknowledges

basing *Lolita* on a fictional character, Poe's Annabel Leigh, and his own first, young love, also named Annabel Leigh (e.g., 9, 11, 15, 17), and comments about Dolores, "What I had possessed was not she, but my own creation . . . overlapping, encasing her; floating between me and her, and having no will, no consciousness—indeed, no life of her own" (62). Humbert's literary abuse of Dolores thus compounds his sexual abuse, for his characterization took away her identity both during the course of their relationship and beyond, into the "immortality" he sought to share with her in the pages of his book (309).

In *Lolita*, Humbert's conceiving of people in his life as fictional characters is not limited to Dolores. He bemoans his first wife's refusal to be the "stock character" he prefers (27) and, on hearing how his neighbor John Farlow has changed, compares his surprise to readers' expectation that characters remain stable in a work however often we return to them (265-66). Humbert even describes himself as both a fictional character (e.g., 25, 98, 99-100) and a self-consciously staged narrator who fails to exist without readers (e.g., 57, 69, 129), whom he often calls members of the jury (*passim*). His ability/inability to control Dolores parallels his ability/inability to control his narrative, increasingly so in the novel's later sections. He admits never being to Dolores what he imagined himself to be (283) and concedes his fallibility as narrator of his own life—for example, that "the astute reader" will have "guessed long ago" (i.e., before Humbert did) that the mystery man following them is Quilty (272). In his search through hotel registers for clues to the man who helped Dolores escape, he resembles another famous Nabokov character, Charles Kinbote, reading John Shade's poem in *Pale Fire*—both novels playing with the uncertainty of how much a reader's interpretation is in the text and how much in the reader. Nabokov's novels demonstrate his interest in the slippery borders between literature and life, between creation and interpretation, and among reader, author, and text (discussed by

Wood and Herbold, for example). All this postmodern reflectiveness on the nature of character, narrative voice, and interpretation is an essential aspect of the “nature” of *Lolita*, as much as its plot and characters, and the fact that *Lo’s Diary* fails to address or even acknowledge that constitutes an essential reason that Pera’s novel fails to make “fair use” of its predecessor.

My analysis of these four factors, especially in combination, suggests to me that Dmitri and his attorneys might have won a suit to block U.S. publication of *Lo’s Diary* had he taken it to trial.⁴ Nevertheless, his decision to settle may have been less harmful to Nabokov and *Lolita* and to publishing in the long run. He was able to affirm his point regarding the principle of *Lolita*’s copyright, while allowing *Lo’s Diary* to seek its fate in the marketplace. After being critically trounced and a brief flurry of sales, Pera’s novel now seems to be read by only a small number of scholars and general readers, while *Lolita*’s literary reputation and sales continue to grow. But my conclusions about the legal arguments against *Lo’s Diary* should not be taken to foreclose the possibility of a well-done recharacterization novel about Dolores that would be allowable under fair use. Rather, it shows that Pera’s novel was an inadequate test case for expanding copyright law in the area of intertextual literature. Indeed, it may be fortunate that this case did not proceed further because a definitive ruling against *Lo’s Diary* could have decisively chilled the publishing climate for more worthy recharacterization novels in the future, including the ones to be discussed in the next sections.

Gone With the Wind and The Wind Done Gone

Margaret Mitchell’s *Gone With the Wind* (GWTW) exemplifies success for a commercial novel: achieving bestseller status several times, being made into a hugely popular film, still selling worldwide seventy-five years after first publication, and generating highly profitable

commercial spinoffs. With a driving narrative, vivid characterizations, and tangled love story set during a critical period of American history, it remains a compelling read. On reading the novel again after many years, I found myself moved by the fierce courage and independence of the surprisingly contemporary Scarlett O'Hara, even while being appalled by its portrayal of slavery as a benevolent institution and racist caricatures of African Americans. The novel's romanticized version of the antebellum South established a powerful cultural mythology that persists today at least in the South⁵ and which, as a market commodity, has spawned a flourishing commercial empire ranging from book sales and film rights to an astonishing variety of themed objects.

In 2001, when this case took place, these rights and the considerable profits they generate were owned by the Stephens Mitchell Trusts—named for Margaret's brother who became the estate's heir after her death in 1949 and her husband's in 1952 and, after Stephens's death in 1983, held by his sons, Eugene and Joseph Mitchell, and managed by SunTrust Bank as trustee.⁶ Margaret and her husband tenaciously protected GWTW from piracy and copyright infringement during their lifetimes (Gómez-Galisteo 64), and she specified in her will that she wanted no sequels (Gómez-Galisteo 38). Although the Trusts chose to ignore that directive and licensed two sequels in the 1990s and 2000s, they retained tight control by commissioning writers who agreed to follow explicit rules regarding plot and characterization (see Gómez-Galisteo, ch. 2 and 5). It is therefore not surprising that, like Dmitri Nabokov's efforts to protect *Lolita*, the Mitchell Trusts sued for copyright infringement when they perceived that a recharacterization novel posed a challenge to the GWTW enterprise. Indeed, they were most likely "mortified" by Randall's *The Wind Done Gone* (TWDG), as Jarrett puts it (437).

TWDG makes use of the setting, many plot elements, and most of the important white and black characters from GWTW, but its narrator—Cynara, the daughter of GWTW's Mammy

and Gerald O'Hara, owner of Tara, and thus Scarlett's half-black half-sister—is Randall's own creation, and she has consistently characterized her novel, written and narrated by African American women, as a form of writing-back to GWTW to rectify its treatment of black characters. Ultimately, the *Lolita* and GWTW cases had the same outcome: publication of the recharacterization novel with attribution language approved by the estate and some funds paid to the source text's copyright holder or its designee. However, the Mitchell suit led to extensive litigation and an important court ruling, and its politics played a role in the resolution.

The case proceeded in several stages. On March 16, 2001, after Houghton Mifflin had begun distributing review copies of Randall's novel and refused the Mitchell Trusts' written demand to halt publication, SunTrust Bank sued the publisher for copyright infringement in U.S. District Court in Atlanta and moved for a preliminary injunction on publication (the suit also alleged trademark infringement and deceptive trade practices under Georgia state law, which I will not address). After a hearing on the motion March 29 and a hearing on the preliminary injunction April 18, Judge Charles A. Pannell Jr. granted a preliminary injunction on April 20. On April 24, Houghton Mifflin appealed the decision to the Eleventh Circuit Court of Appeals; and on May 25, its three-judge panel vacated the injunction at oral argument and, on October 10, issued a written opinion explaining its ruling and remanding the case to the lower court for consideration of the remaining claims. In May 2002, a settlement was announced between the two parties, in which TWDG would be published with the label "An Unauthorized Parody" ("Settlement") and the following note on the copyright page: "This novel is the author's critique of and reaction to the world described in Margaret Mitchell's *Gone With the Wind*. It is not authorized by the Stephens Mitchell Trusts, and no sponsorship or endorsement by the Mitchell Trusts is implied" (Randall iv). In addition, Houghton Mifflin would make a financial

contribution to Morehouse College, a historically black institution in Atlanta to which Mitchell and her heirs had made previous donations.

In these proceedings, Houghton Mifflin (a large and prominent independent publisher of educational, literary, and commercial works, with home offices in Boston) was represented initially by its in-house attorneys and, at trial, by intellectual property attorneys from the Atlanta branch of an international firm retained for the case. SunTrust's representation included attorneys from both an Atlanta law firm and Frankfurt Garbus Kurnit Klein & Selz, a New York firm known for intellectual property expertise (Garbus appeared earlier in this chapter as Foxrock's attorney for *Lo's Diary*, then on the other side of the source text vs. recharacterization novel debate; in this case, he participated personally in arguments before the Court of Appeals).

Both parties and the courts agreed that the case met the three preliminary determinations assessed in copyright infringement suits. First, GWTW was under valid copyright: with the 1998 Copyright Act's longer period of protection, the novel's copyright had been extended to 2019, seventy years after Margaret's death. Second, Randall had access to GWTW as the primary copyrighted work, although in response to SunTrust's attempt to expand the claim to derivative works, Houghton Mifflin's attorney said she had not read *Scarlett*, the first sequel, published in 1991 (Transcript 41). Third, the two works were similar—at least enough to make an allegation of copying feasible, though the precise nature and degree of that similarity were disputed. My discussion will focus on the two parties' arguments and the courts' rulings on whether Randall's novel merited a fair use exception, based on the four factors specified in the Copyright Code including whether it should be considered a parody.

The crux of SunTrust's argument was to define Randall's novel as a sequel to GWTW and thus a derivative work subject to control of the copyright owner. Regarding the first factor—

purpose and character of the use—SunTrust emphasized the commercial purpose of Randall’s novel, claiming that Houghton Mifflin sought to use GWTW’s popularity to generate TWDG sales because consumers would be confused into thinking it a sequel (Brief of Plaintiff-Appellee 15-19). SunTrust’s attorney used a broad definition of sequel, “the use of the same characters in a different story” (Transcript 9), without reference to time sequence, perhaps attempting to focus attention on the first half of TWDG, which overlaps the GWTW time frame, rather than the second half, which takes place later. After Houghton Mifflin began to defend TWDG as a parody, the plaintiffs made three main arguments in response. While acknowledging Randall’s novel contained parodic elements, they claimed *Campbell* specified that fair use based on parody should be limited to a small portion of the copyrighted work, whereas Randall’s novel used too much of GWTW and its use of borrowed elements was insufficiently transformative (Transcript 82; Brief of Appellant 20, 25-30). Referring to Justice Kennedy’s caution in *Campbell* against post hoc rationalizations of parody in copyright infringement suits, they also contended that Houghton Mifflin adopted the parody defense in a “belated effort” only after the suit was filed (Brief of Appellant 28). Further, they suggested that even if the novel was a parody, it was not a very good one, a point they supported with quotes from Michiko Kakutani’s review in *The New York Times*, noting that “Randall’s efforts at parody . . . are decidedly unfunny and her attempts at social commentary . . . are often ungainly” (qtd. in Brief of Appellant 29).

The plaintiffs’ arguments regarding the second factor—the nature of the copyrighted work—were not extensive, but did assert that, as fiction, GWTW merited greater protection than would a nonfiction work (Transcript 19; Brief of Plaintiff-Appellee 31). They also made an interesting point regarding the nature of GWTW that would support their subsequent argument regarding market harm: since GWTW’s characters were not “stock characters,” the public

became so attached to them that readers wanted to know what happened after GWTW ended, thus driving the market for sequels (Transcript 20; Brief 37). In passing, one of SunTrust's attorneys referred to an Eleventh Circuit ruling that seems to have granted independent copyright to GWTW's characters based on the sufficiently delineated test (Transcript 10), but his glossing over this point may suggest the situations differed too much to merit emphasis in this context.

Points like these about GWTW's characters led to the third factor: substantiality of the use. SunTrust's attorneys alleged that Randall's use of GWTW was extensive in both quantity and importance (Transcript 20-21). They submitted charts showing similarities between the major characters, as well as plot elements, setting, and language, and emphasized the "juicy tidbits of GWTW" Randall used (Transcript 15; Brief of Plaintiff-Appellee 7-10, 12-13, 38). They expressed particular concern about her use of Mitchell's most prominent characters, emphasizing their being highly developed: "We're not dealing here with high levels of generality. We're not dealing here with a broad similarity of a southern belle," insisted Thomas Selz, one of the Frankfurt Garbus attorneys; "We're dealing here with Rhett, with Scarlett, with Mammy. . . . We're dealing here with very concrete characters" (Transcript 81). SunTrust's Court of Appeals brief also rejected the argument made by Emory University Professor John Sitter, one of Houghton Mifflin's experts, that Randall had transformed Mitchell's characters into parodies of those in GWTW, pointing instead to Randall's borrowing of descriptive details, which they believed would lead readers of her novel to "see its characters as precisely the same characters that appeared in *Gone With the Wind*" (Brief of Plaintiff-Appellee 37).

For SunTrust, these three factors were intrinsically related to the fourth, concerning the effect on the market for the copyrighted work. The plaintiffs persistently asserted that Randall's novel would divert sales from GWTW and its authorized sequels, indeed the "entire enterprise

built on the derivative rights in the *Gone With the Wind* franchise” (Brief of Plaintiff-Appellee 51). Without ever specifying the enormous value of the total franchise, SunTrust’s attorneys noted the “many millions of dollars” generated by the film rights to GWTW and *Scarlett*, as well as the “advance of several million dollars” for publishing that first authorized sequel and the “well into seven figures” advance for the second sequel (about Rhett Butler and his family, then being written) (Brief of Plaintiff-Appellee 5). SunTrust repeatedly referred to these two authorized sequels, perhaps to suggest that the Mitchell Trusts were not unwilling to support sequels per se, but only under carefully controlled circumstances and when they held the copyright (and thus received all the profits, both sequels being written under work-for-hire agreements). The plaintiffs alleged that TWDG “usurps the market” for another authorized sequel, particularly because it “killed off” *Scarlett* (Transcript 27; Brief of Plaintiff-Appellee 19, 41)—an action they found outrageous aside from its financial implications. To claim a broader impact for their suit and perhaps attempting to extend its issues beyond their own financial interests, the SunTrust attorneys also argued that allowing Randall’s novel to be published would lead to similar harm to other novels (Transcript 23-24; Brief of Plaintiff-Appellee 42). Finally, though the SunTrust attorneys never used the term “moral rights of the author,” perhaps because the author had been dead over fifty years, some points suggest their interest in character protection extended beyond economic concerns; they noted the importance of “being able to maintain the consistency of characters . . . who are well known and much beloved by the entire world” (Transcript 13) and “to be able to determine how these characters will be used” (Transcript 27). Insisting that publication of TWDG would cause irreparable harm, economic and otherwise, to the GWTW enterprise, SunTrust sought a preliminary injunction against Houghton Mifflin to prevent the shipping of books for sale.⁷

Against SunTrust's claim defining TWDG as a sequel, the core of Houghton Mifflin's argument was that the novel was a parody, legally permissible as fair use of GWTW, and that its critique amounted to political speech, protected by the First Amendment. The parody defense falls under the Copyright Code's first factor: the purpose and character of the use. Relying primarily for legal precedent on the Supreme Court's ruling in *Campbell*, which the *Harvard Law Review* calls "the only binding Supreme Court precedent on whether and when parody may be considered fair use" ("Gone with the Wind Done Gone" 1198), the defendants also introduced significant support for the parody defense in declarations by Sitter, Professors Barbara McCaskill and Henry Louis Gates Jr., Anton Mueller (the editor who acquired the novel), and Randall herself. TWDG's purpose, all insisted, was to parody GWTW by providing a critique and comment and by transforming what was used—all requirements for a parody defense established in *Campbell*. The critique began with the title: as McCaskill explained, "*Gone with the Wind* expresses sadness over the end of a gallant, aristocratic era of cavaliers and cotton fields; *The Wind Done Gone* celebrates the end of a slave-holding society" (qtd. in Brief of Appellant 12). TWDG could not be a sequel because the GWTW characters, while sharing surface similarities, were not the same but were inverted: whereas the main white characters in GWTW are fully developed and the black characters are stereotypes, in TWDG "the whites . . . are stereotypes" and "the black characters are the ones that we see in depth, which we, of course, never saw in [GWTW]" (Transcript 46). For example, the defense noted, "Scarlett is a dimensional, fascinating character in [GWTW]. In [TWDG] she is barely a character at all. She is referred to as Other . . . a nickname [that] radically reverses the traditional approach in literature of referring to minorities as the other. Here it's the majority, those in power, who is the other" (Transcript 54). Likewise, "Planter is . . . not merely Cynara's version of Gerald [O'Hara]; Planter is a total

inversion of Gerald” and “will not satisfy any ‘appetite’ for knowing what happened to Gerald” (Brief of Appellant 28).

The defendants provided many additional examples of transformative inversions of other characters (including TWDG’s Scarlett and her mother being biracial, descended from an unacknowledged Haitian great-grandmother) and of the plot, setting, mood, and theme (e.g., Transcript 48-49, 51-52, 54), and they challenged the accuracy and utility of the plaintiff’s comparative charts (Transcript 51-52). Houghton Mifflin’s attorneys also emphasized that, as required in *Campbell*, Randall added a great deal of new material: not only a main character who serves as first-person narrator, but new information and insight and “a new aesthetic” since TWDG is in diary form (Brief of Appellant 24-26). Against SunTrust’s allegations, the defense quoted a previous ruling that a work’s commercial purpose was not dispositive in assessing fair use (Transcript 56-58); argued that, although many of its experts did find the novel funny, humor was not a requirement for parody (Brief of Appellant 9, 21, 23); and provided evidence that Randall and Houghton Mifflin had, from the start, defined her novel as a parody (e.g., Anton Mueller; Transcript 34). Overall, as the lead attorney summarized in oral argument: “to think that this biting, critical, sarcastic slave narrative . . . that incorporates miscegenation, that incorporates a great deal of sex, that incorporates the anger and the parody of this author, to submit that that is a sequel is for us preposterous” (Transcript 49).

Houghton Mifflin also countered SunTrust’s arguments regarding the Copyright Code’s second and third factors. On the second factor (nature of the copyrighted work), the defense claimed that SunTrust’s points on the well-known and fictional nature of GWTW were not germane since parodies must copy well-known works to be effective (Transcript 58-59) and a previous court decision had denied that fiction deserves special protection (Brief of Appellant

29-30). Their discussion of the third factor (substantiality of use) centered on justifying the amount of GWTW that Randall used. To effectively parody a big novel like GWTW, with “a complex social structure, full of subtle gradations and manifest power differentials, and of the households within it,” as Sitter explained, TWDG “must allude to the characters and interrelationships that form the basis of that social structure. An allusion to only two or three characters . . . would not be sufficient to call up the relationships among the characters and the complex view of society they collectively convey” (qtd. in Brief of Appellant 33). The defense also pointed to *Campbell*’s specifically noting that taking the most famous elements, including what is considered “the heart” of the work, is usually needed to make the parody effective, adding that Randall’s allusions were, nevertheless, economical and not gratuitous (Brief of Appellant 12, 30-32; Transcript 60). A final point is that while the first half of TWDG parallels the time period and setting in GWTW, the second half takes place in postwar Washington, DC, and includes only sporadic references back to the time and setting of GWTW.

Regarding the fourth factor (effect on the market), Houghton Mifflin’s arguments referred back to the sequel versus parody definition. Parody, they contended (with support from *Campbell*), generally has a different “market function” from sequels (Brief of Appellant 15, 33-35), so the overlap between consumers looking for a continuation of GWTW (i.e., a sequel) and those appreciating a parodic critique of it would be slight and TWDG could thus not serve as what *Campbell* called “a market substitute for the original” (qtd. in Brief of Appellant 33). Moreover—in an extremely important move—the defense quoted *Campbell*’s language that “There is no protectable market for criticism” and whatever harm comes from the criticism, whether in a parodic novel or a bad theater review and even if it “kills demand” for the original, is “not cognizable under the Copyright Act” (qtd. in Brief of Appellant 34-35).

With these points, Houghton Mifflin transformed its argument based on the Copyright Code into a First Amendment issue involving freedom of speech. What really bothered the Mitchell Trusts and lay behind the suit, the defense maintained, was fear of ridicule and political criticism of the flagship driving the GWTW enterprise (Brief of Appellant 16; Transcript 63); that is why they had not sued previous authors and publishers of GWTW parodies (described in Gómez-Galisteo ch. 3 and 4), which the defense characterized as “just silly” (Transcript 63). Randall’s novel presented a much more powerful challenge; but the problem the Trusts faced was that ridicule and criticism are protected speech. Houghton Mifflin’s attorneys described TWDG as “a work interwoven with political protest” and “a literary work containing significant . . . political expression” (Brief of Appellant 41, 43), and Sitter explained that it raises “questions of race, gender, power, and powerlessness” (qtd. in Transcript 52). Among the several cases the defense cited was a ruling affirming a public interest in “the promotion of free expression and robust debate” (qtd. in Transcript 72), compounded in this case by a public interest in access to new works (Brief of Appellant 38, 42). Because of these issues, the defense’s Court of Appeals brief was supported by amici curiae statements from *The New York Times*, national news services, CNN, Microsoft, and organizations supporting freedom of expression.

In its ruling, the District Court granted the preliminary injunction, generally accepting SunTrust’s arguments and rejecting Houghton Mifflin’s. Without going into the technical details, it should be noted that a preliminary injunction motion requires a court to consider four criteria: likelihood of the suit prevailing on its merits, potential harm to the plaintiff if the injunction is not granted, balance of harm to the two parties, and consequences of an injunction to the public interest. Since my interest is the fair use issue, I have not detailed the two parties’ arguments regarding the last three criteria and will do the same on the court’s ruling, other than to say that

Judge Pannell considered the harm to GWTW to greatly outweigh that to Houghton Mifflin and that he saw no merit in the defendant's arguments regarding the First Amendment. Because he was ruling on an injunction motion, his decision did not establish whether copyright infringement did or did not occur; however, the first criterion required him to address the merits of the case, and his decision seems primarily based on his opinions on the fair use question.

Overall, Judge Pannell agreed with SunTrust that TWDG was a sequel to GWTW, rather than a parody embodying criticism and comment. The two parties had presented various definitions of sequel and parody along with their experts' assessments of TWDG's fit within those definitions; the judge's decision also refers to definitions from previous rulings and even one of "sequel" from Webster's Dictionary. For legal purposes, placing a work in the parody category is determined not by an absolute standard but by its degree of use versus transformation, and while Judge Pannell granted that TWDG included some parodic and critical (i.e., transformed) elements, he found that its "use of copyrighted material from [GWTW] goes well beyond that which is necessary to parody it. The use of so much material removes the new work from the safe harbor of parody and, as written, becomes piracy" (Order 41). Regarding parody, he seemed to rely heavily on his perception of the absence of comedy in TWDG, agreeing with one of the plaintiff's experts that the novel "does not even attempt to achieve comic effect" (24). Referring briefly to the earlier ruling that found the GWTW characters to be copyrighted, the judge discussed what he saw as the same (not transformed) treatment of several characters, concluding: "The fact that the two works may present polar viewpoints of the same fictional world fails to mitigate the fact that it is the same fictional world, described in the same way and inhabited by the same people, who are doing the same things" (14). For these reasons, he found that "the book's overall purpose is to create a sequel to the older work and provide Ms.

Randall's social commentary on the antebellum South . . . [that] merely encapsulates the same story while adding new twists" (34). As a sequel, and particularly because of its "killing two core characters [Scarlett and Mammy]" and "marrying off another [Rhett], *The Wind Done Gone* has the immediate effect of damaging or even precluding the Mitchell Trusts' ability to continue to tell the love story of Scarlett and Rhett" (42-43) and thus served as a market substitute for GWTW's authorized works that would cause market harm to the franchise.

Like Judge Pannell's ruling, the decision by the Eleventh Circuit Court of Appeals was specifically directed to the injunction question, but it also provided a thorough analysis of TWDG's fair use of GWTW as required by the first criterion for issuing an injunction. In finding in favor of Houghton Mifflin and vacating the District Court's injunction, the appeals court generally agreed with the publisher's arguments but introduced additional reasoning that, in its assessment, supported TWDG's right to be published. The court's forty-six-page ruling begins with a history of the complementary goals of copyright law and the First Amendment, insisting on two critical points: that copyright law grants an author ownership of copyright in the work for a limited period of time, "but the author never owns the work itself" (Decision SunTrust Bank 11), and that free speech protections to prevent censorship and the public interest in encouraging creativity should not be overlooked in copyright cases since "*copyright does not immunize a work from comment and criticism*" (17; emphasis in original). Regarding fair use, the court stressed that the exceptions listed in the law (such as criticism and comment) "are at the heart of fair use's protection of the First Amendment, as they allow later authors to use a previous author's copyright to introduce new ideas or concepts to the public" (16).

In considering the first fair use factor, the appeals court agreed with Judge Pannell about TWDG's commercial nature and that its "characters, settings, and plot taken from GWTW . . .

are the very same copyrighted characters, settings, and plot” (Decision SunTrust Bank 23). But unlike Pannell, the court found that TWDG’s “highly transformative use of GWTW’s copyrighted elements” (27) outweighed its commercial purpose and that Randall used those elements only as needed to serve the parody: TWDG “is principally and purposefully a critical statement that seeks to rebut and destroy the perspective, judgments, and mythology of GWTW” (28) and, consistent with *Campbell*’s requirements, “Randall has fully employed those conscripted elements from GWTW to make war against it” (31). The court based its finding of the parodic nature of TWDG on “the broader view” of parody as commentary on the original and said it followed *Campbell*’s admonition that “courts should not judge the quality of the work or the success of the attempted humor in discerning its parodic character” (26). Noting *Campbell*’s point that evaluations of humor are subjective, the court specified it was not agreeing with the defense’s “questionable argument” that TWDG demonstrated “African-American humor” (implying that was a restrictive approach), but choosing to “bypass” that inquiry altogether (26).

The appeals court noted that its key finding of transformative, parodic use under the first factor informed its analysis of the other factors. On the second factor, it recognized the greater protection afforded to creative works, but cited *Campbell* that “this factor is given little weight in parody cases” (Decision SunTrust Bank 32). On the third factor, the court agreed with Houghton Mifflin that TWDG transformed numerous elements from GWTW “for the purpose of commentary” (34) but agreed with SunTrust that a great deal was taken that did not serve the parody; thus, the court made no determination on the balance question of whether the quantity and value of material used were reasonable. Along with the first factor, the court’s evaluation of the fourth factor seemed critical to its overall decision. Noting that SunTrust had focused on demonstrating the value of GWTW and its derivatives, the court said it provided “little evidence

or argument” to show how TWDG would directly harm that market, which *Campbell* made clear is “crucial” in cases of parody (40); by contrast, the court noted that Houghton Mifflin’s evidence “specifically and correctly focused on market substitution and demonstrates why Randall’s book is unlikely to displace sales of GWTW” (42). In a side point (addressed in a footnote), the court dismissed as irrelevant SunTrust’s arguments that Houghton Mifflin had “decided—as a legalistic afterthought—to market TWDG as a ‘parody,’” again citing *Campbell* that defendants’ labeling a work as parody is not even necessary to a defense (38). Since its analysis convinced this court of SunTrust’s unlikelihood of success on the merits of the case, it lifted the injunction and affirmed that TWDG “is entitled to a fair-use defense” (43).

Circuit Judge Marcus appended a concurrence to the appeals court’s decision (written by Judge Birch) to emphasize his opinion that SunTrust had “fallen well short” (Decision SunTrust Bank 47) on each aspect of its claim and to introduce additional support for several points. For him, TWDG “is unequivocally parody”: “critical by constitution” as “a book that seeks to rebut a classic novel’s particular perspective on the Civil War and slavery” (47, 49) and a clearer instance of parody than “other works courts have found to be protected parody” (49). His nuanced, well-articulated explanation of how TWDG is parody included a lengthy footnote referring to Margaret Rose’s book on parody and noting “the irony and self-awareness common in contemporary literature” as he saw exemplified by Nabokov (51).

Like the majority opinion but in stronger terms and citing additional case law, Judge Marcus emphasized, using SunTrust’s words, that “it is not copyright’s job to ‘protect the reputation’ of a work or guard it from ‘taint’ in any sense except an economic one—specifically, where substitution occurs” (Decision SunTrust Bank 55) and agreeing with Houghton Mifflin that a claim of market confusion was preposterous: “Since Randall’s book seeks to upend

Mitchell's view of the antebellum South, there is no great risk that readers will confuse it for part of *Gone With the Wind*'s 'ongoing saga'" (56). He seemed to chastise the District Court for being confused on this point, explaining that, as defined in *Campbell*, "the market harm factor requires proof that *The Wind Done Gone* has *usurped* demand for *Gone With the Wind*" (56; emphasis in original) and noting the relevance of SunTrust's "practice of placing certain editorial restrictions on the authors of its licensed derivatives" (57-58), as shown in Pat Conroy's statement that he had withdrawn from negotiations to write a sequel after learning of requirements that it include no miscegenation or homosexuality. Judge Marcus cited *Campbell*'s language that "The market for potential derivative uses includes only those that creators of original works would in general develop or license others to develop" (qtd. on 59); since TWDG was clearly not a work the Mitchell Trusts would have licensed, its claim of market harm was irrelevant. Finally, Judge Marcus re-emphasized the significance of First Amendment concerns to the case, quoting a previous ruling that "Copyright law is not designed to stifle critics" and stating "SunTrust may be vigilant of [GWTW]'s public image—but it may not use copyright to shield [GWTW] from unwelcome comment, a policy that would extend intellectual property protection 'into the precincts of censorship,' in Pat Conroy's words" (60).

These majority and concurring opinions apparently convinced SunTrust to settle rather than continuing the suit, but they also established important precedents in extending the *Campbell* parody decision on music to a novel. Key points affirmed in the decision included the relevance of the First Amendment to parody cases, a refusal to allow copyright to be used to shield a work from criticism or comment even in fictional form, and the adoption of a broader definition of parody that may include some non-parodic elements and not only does not need to be funny but denies the relevance of any subjective determination of humor—a finding a

Harvard Law Review analysis of the decision saw as particularly significant (“Copyright Law”). These points are important for the future of those recharacterization novels that may be considered parodies, as well as implicitly affirming that legally defensible parody is a distinctive aesthetic form that should be allowed to evolve, like any other literary form.

Beyond its legal implications were political factors that I see as important if unstated in this case’s resolution. First, the national racial climate and opinions about slavery differ strongly in the twenty-first century from those in the late nineteenth century (when *GWTW* is set) and the first half of the twentieth century (when it was written and published). However many readers in the novel’s early years may have objected to Mitchell’s picture of slavery as a benevolent institution and caricatures of black characters, by 2001 Randall’s outrage was surely matched by most readers, just as that picture had been thoroughly discredited by historians (see, for example, Clinton; Edwards; and Faust’s review of twentieth-century historical scholarship on slavery). These changed cultural conditions must affect what publishers and judges consider to fall within the permitted “criticism and comment” in fair use determinations. Granted, *TWDG*’s alignment with what had become by then a majority opinion was, in legal terms, insignificant since freedom of speech is meant to promote robust debate incorporating all opinions as part of a democracy. Nevertheless, the ultimate finding in support of a critique of a racist text must have been eased by contemporary cultural norms. In this sense, I agree with Jarrett’s argument that *TWDG* is “most exemplary” of the parody tradition in African American expression because it brings together two discursive communities—white lovers of *GWTW* and African American readers (438); but I would extend his argument further by suggesting that the book was published and the suit failed because of a third discursive community—contemporary white readers of

GWTW who reject its politics, embodied in Houghton Mifflin's editors and publisher and the appeals court judges.

In addition, the experts who supported Houghton Mifflin's defense clearly outweighed SunTrust's in both quality and quantity. While SunTrust submitted declarations from several university professors and others, none were African American, so, as Schur notes, its "litigation strategy itself heightened and underscored the importance of Randall's intervention into the effects of [GWTW]" (19). In addition, SunTrust's experts were neither as numerous nor as prominent as the defense's experts, who included a Nobel Prize-winning novelist (Toni Morrison) and a well-known authority on African American literature and culture (Henry Louis Gates Jr.). The defense also presented letters signed by another twenty prominent writers (including novelists Harper Lee and Charles Johnson, historians Catherine Clinton, Nell Painter, and Arthur Schlesinger Jr., and literary scholar Linda Hutcheon), who claimed to speak on behalf of the public interest in seeking access to Randall's novel with its contribution to ongoing debate on "the painful legacy of slavery" (Statements). Perhaps equally powerful as the star power of these luminaries' names were the analyses provided by Sitter, Gates, and McCaskill. As is clear in the appeals court's written ruling, those experts explained the nature and purpose of Randall's novel in language fully understandable to non-literary scholars. Those explanations helped persuade the court of the novel's value and provided a framework within which legal and literary analyses came together to support publication of *The Wind Done Gone*.

The Catcher in the Rye and 60 Years Later

Eight years after publication of *The Wind Done Gone*, another case emerged in which a recharacterization novelist was sued by a copyright holder claiming infringement of his work and

characters. The legal battle over Colting's use of Salinger's Holden Caulfield took place between dramatically mismatched opponents, and the eventual settlement granting Colting's right to publish his novel outside North America seems a minor concession by Salinger's representatives after the *Catcher in the Rye* author died late in the case. It is difficult to imagine two authors more different than Salinger and Colting, and I view their coming together in writing about Caulfield as a marvel of literary history. The case also turns out to serve as a lesson about the value of traditional publishing methods. After describing the two parties—whose personalities became essential parts of the case—and summarizing the legal proceedings, I will argue that Colting's novel should have been allowed U.S. publication and that, though its complications made it a poor test case, the principles it raised emphasize a disconnect between copyright law and postmodern literary practice.

Aside from the obvious facts that Salinger was alive and his best-known work still under copyright, the famously litigious writer may have been the most formidable source text author a recharacterization novelist could take on. Known for fiercely guarding his privacy and retreating altogether from publishing and near-completely from public life at the age of forty-six, he showed himself time and again to be equally protective of his characters and the works in which they appeared. He was also more than willing to bring suit against those he perceived as violators, and his status as a well-known literary figure published by major publishers and represented by prominent literary agents and attorneys, bolstered by his own considerable wealth from family inheritance plus his royalties, gave him the means and supporting infrastructure to pursue such cases through the courts.

In 1974, for example, he sued an unnamed publisher and seventeen bookstores for selling an unauthorized collection of his early short stories assembled by fans who wanted to ease

readers' access to his works available only in hard-to-find back issues of magazines (Fosburgh 45). Salinger won the suit, and bookstores were enjoined from selling the volume; one reader remembers buying it in a New York City bookstore and then, a week later, noticing all copies had, as if by magic, vanished from every store he visited ("Salinger"). The collection was clear copyright infringement, but Salinger took his fans' misguided effort as a personal affront. His anger over the incident led him to initiate one of his extremely rare interviews by calling a *New York Times* reporter named Lacey Fosburgh. Fosburgh's story (printed on the newspaper's front page) quoted Salinger complaining, "Some stories, my property, have been stolen. . . .

Someone's appropriated them. It's an illicit act. It's unfair. Suppose you had a coat you liked and somebody went into your closet and stole it. That's how I feel" (44). He railed further against what he perceived as legal authorities' passivity in finding the publisher, using another analogy to theft of real property: "Why, if a dirty old mattress is stolen from your attic, they'll find it. But they're not even looking for this man" (46). However ambivalent Salinger's attitude toward those early stories—comparing them first to a favored object kept handy and then to a "dirty old" item hidden out of sight—he saw them as having some remaining life, mentioning "want[ing] them to die a natural death" (44). Emphasizing that "I'm still trying to protect what privacy I have left" and "all I'm doing is trying to protect myself and my work" (46, 47), Salinger told Fosburgh, "Publishing is a terrible invasion of my privacy. I like to write. I love to write. But I write just for myself and my own pleasure" (43).

In another famous case, Salinger's protectiveness extended beyond his published work when in 1987 he sued English writer Ian Hamilton and Hamilton's New York publisher, Random House, to prohibit use of quotations from Salinger's letters in Hamilton's biography. Hamilton discovered the letters in archives, and the Random House lawyers considered quotations from

them to be covered by fair use, as was commonly the case with letters. The District Court judge who heard the case agreed, ruling in Hamilton's favor. However, the Court of Appeals reversed the judgment on the grounds that Hamilton "had appropriated Salinger's 'expressive device'" (Hamilton 207) and that "Salinger has a right to protect the expressive content of his unpublished writings" (qtd. in Hamilton 208). Encouraged by the legal and publishing communities' outcry against this extreme new restriction on fair use, Random House appealed to the U.S. Supreme Court. When that court declined to consider the appeal, Hamilton was forced to rewrite the book (already in page proofs) to delete the quotations; it was published in revised form in 1988.⁸

Salinger's protectiveness toward his work, his characters, and his own image was legendary even when it never reached the courts. In a *New York Times* article, Chan noted that Salinger had consistently "turned down requests, from Steven Spielberg, among others, for movie adaptations" of *Catcher in the Rye*—though those refusals at least partly stemmed from a disappointing film version of one of his early stories, generally agreed to be a travesty (Hamilton 107). Salinger's fear of licensing his work to Hollywood may have been reasonable, but as suggested in his comments to Fosburgh, Salinger had come to see even editors and publishers as enemies who wanted to meddle with and inevitably harm his work. "Publication is a messy business," he told Joyce Maynard in explaining why he'd stopped publishing: "All those loutish, cocktail-party-going opinion givers, so ready to pass judgment. Bad enough when they do that to a writer. But when they start in on your characters . . . it's murder" (Maynard 270). It is unclear whether Salinger saw these ready judgments as causing murderous harm to the characters or the author, but with the two so closely entwined for him, separation was impossible anyway. He "was so protective of the depiction of" Holden Caulfield that he refused to allow book covers to include images representing him (Doll); this is why *Catcher* covers feature the

title alone or a drawing of a merry-go-round horse over a bit of New York skyline. Though the first edition included an author photograph, for subsequent editions of that novel and all his story collections, Salinger insisted no picture be used. After his English publisher—with whom he had had a long and warm relationship—used a salacious blurb on one collection’s cover, he ended their professional and personal relationship, and afterward “had special clauses written into contracts giving him the power to prohibit illustrated covers, biographical blurbs (except those written by himself), and quotations from reviews” (Hamilton 160). He also insisted his text not be edited, even when he respected the editor. When in 1948 his friend A. E. Hotchner became an editor at *Cosmopolitan* (then a literary magazine), Salinger gave Hotchner one of his new stories with a note that “if published not a word could be changed or deleted” (Hamilton 102). Hotchner did his best to comply, but when the editor-in-chief changed the title after Hotchner had checked the proofs, Salinger blamed his friend and never spoke to him again (Hotchner interview in “Salinger”).

Salinger’s published fiction after *Catcher* mostly involved the Glass family, into whom he poured his growing interest in Zen Buddhism and mysticism. Nevertheless, friends, biographers, and even occasional scholars⁹ have observed that Salinger’s best-known character, Holden Caulfield, always held special meaning for the author. Salinger began writing about Caulfield when he moved back to New York after graduation from prep school; then, Hamilton reports he worked diligently on the novel during training at Army bases in the U.S. throughout 1943. Army colleagues report seeing him work on the novel during his years in Europe during and after World War II (Hamilton 82), including lugging a typewriter around with him (“Salinger”). This long period of writing, including his well-known fastidiousness in searching for the right word, the perfect sentence structure, the ideal paragraph break, resulted in what

Salzberg calls an “accomplishment . . . that was the result of artistic trial and error over a ten-year period in which he developed his ideal surrogate self” (2).

Salzberg is not alone in claiming, with support from Salinger’s comments, that the author saw Caulfield as a carefully constructed version of himself. Hamilton paraphrases Salinger writing in a letter to a friend that Caulfield “is a portrait of himself when young” (66), and he gave Caulfield many details from his life, from his expulsion from a series of prep schools to his walks around the streets of New York to his affection for the Museum of Natural History and the ducks in Central Park. Salinger’s obsession with limiting Caulfield to the confines of his text thus went hand in hand with his attempts to control his own public image. Revelations about Salinger’s attentions to and affairs with teenage girls as he continued to age, in combination with his main characters’ always being young people, have caused some to interpret Salinger’s work and life as attempts to hold on to his youth, to never grow up, to freeze time itself (“Salinger”). Norman Mailer once wittily called Salinger “the greatest mind ever to stay in prep school” (qtd. in Hamilton 181). In his look back at *Catcher* fifty years after its publication, Louis Menand argues that young people continue to respond to the novel because “what they secretly want is what Holden wants: they want the world to be like the Museum of Natural History, with everything frozen exactly the way it was the first day they encountered it” (245).

Whatever motivated Salinger, his protectiveness toward his characters can also be viewed in literary terms. As a meticulous wordsmith who labored over every detail of his work and a self-conscious controller of his image as a prominent literary figure, he became a postwar incarnation of the Romantic Author-God, wholly committed to the preservation of his work as the hallowed creation of a solitary creative genius and whose interpretation of that work is the only thing that matters. Although early in his career Salinger occasionally worked with editors

whose opinions he valued, his later comments and actions exhibit a profound lack of interest in what any readers thought about his work and suggest he would have vehemently rejected the postmodern notion that readers participate in giving a work meaning. In a short story course he took while a temporary student at Columbia University, he particularly admired one class in which the teacher simply “read the story out loud” and “no discussion took place”; not once, Salinger said, did anything “come between the author and his beloved silent reader” (Hamilton 55). Given his preference for “silent” readers, he would probably have preferred to work under a publishing regime based on moral rights of the author. Absent that, he chose to withhold any additional writings from publication until after his death.¹⁰

It remains uncertain how much Colting knew about Salinger when he wrote and self-published *60 Years Later*. In an email interview with *The Village Voice* in the early stages of the suit, Colting’s comments are a bizarre mixture of silliness, naïveté, and thoughtful insights that make me think of Alexander Pope’s line “Fools rush in, where Angels fear to tread” (modified in the Elvis song to “Fool rush in where wise men never go”). Whereas a writer who was angelic, wise, or at least knowledgeable about Salinger and copyright law would surely have proceeded with caution if at all, Colting stumbled in. Although the name “Holden Caulfield” is never used in *60 Years Later*, there is no doubt that its main character, Mr. C, is Salinger’s adolescent as an elderly man. The novel also carries a dedication to Salinger, and the summary on the back cover ends, “Sixty years after his debut as the great American antihero, Mr. C is yanked back onto the page by his creator without a goddamn clue why” (California).

One way to define Colting’s novel is to call it fan fiction. Colting (then in his early thirties) said he viewed *Catcher* as “a great novel” and admired Caulfield “as a rebel” who “refused to sell out” (Colting, Interview). In writing a response that extends or re-imagines part

of the source text, Colting followed the path of other fan fiction authors in a genre that has evolved from its underground origins to a recognized literary form (see Schwabach). However, Colting's objectives soon diverged from that of a mere fan. Unlike fan fiction, nearly always made available for free on the Internet and read for entertainment by other fans of the source text, he self-published his novel as a paperback original for sale. There is no evidence he sought an agent or publisher for the novel; instead, he created a company name and gave himself a pseudonym as the author. Colting had some prior publishing experience, but the novel was clearly his most literary effort—his previous self-published books being *The Pornstar Name Book: The Dirtiest Names on the Planet* and *The Macho Man's Drinkbook: Because Nude Girls and Alcohol Go Great Together* (Colting, Interview). While his comments quoted below suggest a genuine interest in literary creativity, his motivations for having his novel distributed for sale are unclear: he seems to have the personality to have done it simply on a lark, or he may have appreciated its commercial potential, though he claims in the *Village Voice* interview he has a job and did not do it for money.

Colting released the first copies in his home country of Sweden, but he also registered a company name in Great Britain and announced the novel's publication there in early 2009. Salinger's complaint in June 2009 noted that copies were being sold in U.K. bookstores and online by Waterstones and Amazon.uk and that the novel was advertised as forthcoming by Amazon in the U.S. When Salinger began legal action, Colting found himself in a situation for which he was woefully unequipped. Apparently lacking knowledge of publishing standards, copyright issues, and the media and without guidance by experts in those areas, Colting made a series of early missteps that ended up harming his defense. Some were laughable: the first article about the dispute in the London *Telegraph* carried a picture of an extremely handsome Swede

identified as John David California, “the author,” and included quotes from both California as author and Colting as publisher; later, Colting admitted he gave the paper a photograph of a better-looking friend instead of himself and that California and Colting were the same person. California’s bio (still posted on the Amazon.uk website) pushes the limits of credibility, claiming: “The former gravedigger and Ironman triathlete has been captivated by the story for years. After finding a well-travelled copy of *The Catcher in the Rye* in an abandoned cabin in rural Cambodia, the iconic characters within saw John through the most maniacal of tropical fevers and chronic isolation. Years later he was finally able to return the favour.”

In the *Village Voice* interview, Colting tries to crack jokes about his lack of respect for “old things,” noting he’d like to “replace Mona Lisa with something new,” and demonstrates total ignorance of *Catcher*’s author, saying “what blows my mind is that I don’t think Salinger has read the book. If he had I think he would understand the points I think I achieved with it.” The picture with that interview appears to be a selfie taken in an airport or mall. Even more damaging to the defense than his naïve public relations efforts were his statements in various forums that the novel was a “sequel,” “pretty much like the first book,” “a tribute to a ‘great inspiration,’” and “no spoof”; that “he’d always wondered what happened to [Caulfield]” and felt “he deserves to have another life than just his 16 years”; and that “He’d tried . . . to be ‘very respectful’ to both Caulfield and Salinger’s status as ‘American icons’” (qtd. in Memorandum).

Salinger’s case against Colting proceeded in stages similar to those in *The Wind Done Gone* case. On June 1, 2009, Salinger’s attorneys filed a civil complaint in U.S. District Court, Southern District New York, to enjoin publication of *60 Years Later* “on the grounds that it is an unauthorized sequel . . . of the acclaimed copyrighted novel *The Catcher in the Rye*. . . . The Sequel infringes Salinger’s copyright rights in both his novel and the character Holden Caulfield,

who is the narrator and essence of that novel,” as well as Salinger’s “exclusive right to create works derivative of” *Catcher* (Complaint of J. D. Salinger 1, 3). In addition to documenting the history of the case and listing multiple similarities between the two works, the complaint emphasizes Salinger’s prominence and history of being “fiercely protective of his intellectual property” (2) in contrast to the confusion in even identifying *60 Years Later*’s publisher and author and “their” inconsistent public statements. It further asserts that *60 Years Later* is “an unauthorized sequel” to *Catcher*, “as its back cover expressly states” (13); is “not a parody” and “not a fair use of” Salinger’s novel (16); that Caulfield “is a fully delineated character entitled to the full benefits of copyright protection” (17); and that “the injury that plaintiff has suffered . . . is irreparable,” with damages sought to be specified at trial (17).

District Court Judge Deborah A. Batts first granted a ten-day restraining order against U.S. publication and then, on July 1, 2009, issued her written decision granting a preliminary injunction blocking publication in this country. Judge Batts’s thirty-seven-page ruling in favor of the plaintiff first specified the basics of any copyright infringement case: “Plaintiff possesses a valid Copyright,” “the character of Holden Caulfield . . . is sufficiently delineated,” “the Plaintiff had access to *Catcher*,” and “there is substantial similarity between *Catcher* and *60 Years*, as well as between” the young Holden and Mr. C (Memorandum 2). The ruling then addressed the defendant’s claim—made by the attorney Colting had by that point retained—that the novel constituted fair use because it is a parody of *Catcher*. The decision reviewed the four factors in the fair use doctrine (including quotes from some of the cases mentioned in the first part of this chapter) and the court’s assessment of the evidence regarding them, ultimately ruling that all four weighed against a fair use finding. The ruling, however, directed the most attention to evaluating whether *60 Years* was a transformative use of *Catcher* and a criticism and parody of it, the core

of the defendant's argument. The judge found that Colting's novel and Mr. C were not transformative because, in her assessment, they merely took Salinger's character and portrayed him as the same character sixty years older and Colting had borrowed heavily with little change the settings, minor characters, language, and other elements of *Catcher*. These similarities weighed against the defendant's claim of parody or criticism.

The most interesting (and debatable) part of the ruling is the judge's assessment of the defense's claim that *60 Years* is a parody of Salinger as author because, in parts, Colting places him in the narrative and depicts his frustrations at not being able to control his character. While granting this "use of Salinger as a character . . . has some transformative value," the court found that "its effect is diminished" by the novel's other non-transformative aspects (Memorandum 22). As precedents, the court relied most heavily on *Campbell* and other rulings on parody specifying it should be of a previous work, which she read as excluding the author (9-10). Contributing to all these literary and legal assessments by the court were Colting's earlier statements claiming the novel was a sequel and a tribute to *Catcher*; the ruling quoted some of those comments as evidence the defense's claims of "parodic comment or criticism" were "post-hoc rationalizations" that were "problematic and lacking in credibility" (11-12).

At some point after Salinger's complaint was filed, Colting retained a prominent New York intellectual property attorney, Edward H. Rosenthal, again from Frankfurt Kurnit Klein & Selz (I have found no information on whether the case was handled pro bono or, if not, how Colting paid for this representation). Rosenthal's extensive experience in copyright cases, including successful defense of J. K. Rowling and Scholastic in the Lexicon case ("Edward H. Rosenthal"), shaped the arguments made for *60 Years* and other public statements. The claims for transformative value and parody were supported with declarations from two experts: Martha

Woodmansee, a literature and law professor at Case Western Reserve University known for her work on intellectual property, and Robert Spoo, a University of Tulsa law professor. The argument that the preliminary injunction was a prior restraint on free speech and the public's right to read the work was supported in amici curiae statements from The New York Times Company, the American Library Association, and other organizations (Decision Colleen M. Salinger). Among other points, the amicus brief countered the district court's interpretations of transformative use and parody and argued that both can target the author (Lai 38).

The defendants filed an appeal of Judge Batts's ruling on July 23, 2009. Oral arguments were presented before the Second Circuit Court of Appeals on September 3, 2009, and on April 30, 2010, the court issued its decision to vacate the injunction and remand the case to the District Court for trial. Stated this way, it may seem the decision favored Colting, but in fact it did not. Like the two courts' rulings in *The Wind Done Gone* case, these specifically addressed whether an injunction should be imposed, and the Court of Appeals' decision turned on that aspect. The reason it gave for vacating Judge Batts's injunction was that she based her ruling on the Second Circuit's "longstanding standard for preliminary injunctions in copyright cases," but had incorrectly excluded the impact of a recent Supreme Court decision on patents that "abrogated" that standard (Decision Colleen M. Salinger, Discussion sect.). The appeals court noted disagreements about whether the patent decision applied to copyright cases, but (in agreement with the defense's argument on this point) affirmed that thenceforth it would apply for the Second Circuit. However, the appeals court, like Judge Batts, went on to express its opinion regarding Colting's fair use defense since the probability of Salinger's success on the merits was a factor regarding the injunction and would be part of the case at trial. While acknowledging "the difficulty of predicting the merits of a copyright claim" (sect. IIIA), the court agreed with the

District Court “that Salinger is likely to succeed on the merits” (sect. IV). Without going into detail, the court “affirm[ed] the District Court’s finding that *Catcher* and *60 Years Later* are substantially similar”—acknowledging but not accepting the defense’s arguments about transformation and parody—and emphasized the inconsistency between Colting’s early statements regarding the purpose of his novel and his later fair use defense (sect. IV).

Salinger had been personally involved in at least the early stages of this case, including giving a lengthy initial deposition, but his health was failing and he died January 27, 2010, so the Court of Appeals ruling names the Plaintiffs-Appellees as Colleen M. Salinger and Matthew R. Salinger (Salinger’s third wife and his son by his second marriage, who had become trustees of the estate). In early December 2010, Colting and the Salinger estate “entered into a consent agreement to end the copyright battle”; under the terms, Colting agreed not to publish any form of the book in North America until *Catcher* entered the public domain and not to use its title or Salinger’s name in any way to promote *60 Years* (Albanese). However, the agreement specified that *60 Years* could be sold in other territories “without fear of interference” from the Salinger estate (Albanese), and articles after the announcement mentioned that it would be sold in England, Sweden, Korea, and Greece (Crouch, for example).

I was able to read Colting’s novel only by first getting one of the few copies available through U.S. interlibrary loan and later acquiring my own copy with the help of a friend visiting London. In my reading of the novel, I find it to have literary value, primarily along the lines of Colting’s supporters’ arguments regarding the transformation of Caulfield and parody of Salinger as an author trying to control his character. *60 Years* re-imagines Salinger’s protagonist, so that Mr. C is not simply a transposition of young Holden into old age; rather, the combination of differences and similarities in his portrayal raises questions about whether characters *are* the

“same” when they travel from one text to another and even whether humans are the “same” at different stages of their lives. Furthermore, in its portrayal of the relationship between Salinger and Holden, *60 Years* cleverly plays with the idea of authorial creation and control, and surely Salinger is indeed the ideal author to be parodied in that way. In a literal sense, this novel is a sequel to *Catcher* since it follows Salinger’s plot in time, but more significantly it is a comment on and parody of Salinger’s obsessive control over his source text. These arguments would support a finding of fair use under factors one and two about the purpose and character of the use and the nature of the copyrighted work.

Another aspect of *60 Years* supporting its purpose as a commentary on *Catcher* is that, long before Mr. C finally meets his creator in the small town in New Hampshire, he often hears a sound in the background that he finally identifies as the tapping of typewriter keys as Salinger writes about him. This tapping becomes a source of frustration for Mr. C, especially as he is aware that he existed as a character in Salinger’s previous novel and struggles with that dichotomy. At one point, he says, “I don’t remember anything before my 16th birthday. . . . Between the tapping dream 60 years ago and the dream last night, my life seems to have played out in a heavyset mist between two station stops. How is that possible—to exist and not exist at the same time?” (California 43). I know of only one other recharacterization novel (Coetzee’s *Foe*) with a character who is conscious of herself as a fictional character and poignantly self-reflective about her equivocal status (as in Stoppard’s *Rosencrantz and Guildenstern Are Dead*), and this aspect of *60 Years* elevates it as a literary effort. In one passage in the *Voice* interview (never quoted in court documents or articles on the case), Colting thoughtfully commented on this metafictional aspect of his novel:

The essence of *60* is to discover the results of when a writer creates a character, and the responsibilities he has to it after. It’s this dance

between these two dimensions, the HERE that we perceive as reality, and the THERE that we perceive as a made up world contained inside the covers of a book. With *60 Years Later* I've taken on the task to seek out the real meaning of this reality, and the true relationship between Salinger and Holden. Holden has become just as real as Salinger himself. To anyone who hasn't met Salinger, and most of us haven't, he is simply a fictive character himself living in our minds.

Unfortunately, another problem Colting faced is the low production value of the volume: it is cheaply produced and filled with typos, misspellings, and grammatical errors, not to mention many infelicitous expressions that will make many readers cringe. In the hands of a skilled author or editor, poor word choices would also have been changed and the narrative strengthened: some parts drag on pointlessly, for example, while others beg for development. While all contemporary publishing companies have reduced the editorial support they provide to authors, being represented by a literary agent and/or being published by an established press would have at least increased the odds the novel would receive some editorial attention. Such a publisher and/or agent would also have been likely to provide Colting with legal and media relations support to avoid his early missteps. Clearly, his dodgy public image had an impact on both courts' rulings, allowing the judges to view him as a ruffian who had crashed a Manhattan cocktail party and to question the credibility of the sophisticated legal argument later made on his behalf. Judge Guido Calabresi, one of the appeals court judges, was quoted as commenting that *60 Years* was a "rather dismal piece of work" (Crouch). For these judges accustomed to reading high-quality hardbacks published by major publishers, it would have been hard to look past *60 Years*' shoddiness and technical errors to see the literary value hidden within. Colting and his book's inadequacies must have been particularly damaging in contrast with Salinger's high literary standing, association with New York's finest magazines and book publishers, and reputation for craftsmanship.

Whatever role these contrasts played, Judge Batts's ruling was nominally based on a combination of her interpretation of the two novels and of the law. Like Colting's expert witnesses, I question many of her literary interpretations, but this case also points to what I see as a problem with copyright law. I would like to have seen *60 Years* published by a recognized publisher (and defended to the same degree Houghton Mifflin supported Randall's novel) because it serves the constitutional purpose of U.S. copyright law to promote the development of knowledge and the arts: it provides a commentary on an iconic American fictional character and legendary author that causes its readers to think more deeply about literature and life, including questioning the metanarratives that uphold icons. Raising such questions is a crucial aspect of many postmodern novels, including recharacterization novels. But in this case, what was Colting to do? Considering Salinger's reputation for litigation, it is unlikely any established publisher would have agreed to publish *60 Years*. In this Catch-22 situation, anyone who knew better would not have published the novel, so someone who did not know better had to do it. A copyright regime that restricts the marketplace this way is not serving the interests of the growth of knowledge and culture and should be changed. Perhaps surprisingly, some very thoughtful support for these points was provided by Colting himself in the *Voice* interview:

This is about creating. I find it appalling that things that belong to everyone, things you can't own, are being [protected by] authors that are hiding behind laws that were meant to boost creativity and creation, not hinder it.

Dreams and creations have to be able to roam freely, otherwise we wouldn't have popsicles nor would we have had people walking on the moon. That's the whole point of creativity, to think outside of the box, not to stick it inside a pre-measured mold and chop off anything that dares to stick outside. This is what moves things forward and my exploration will shed new light over two of the greatest characters in the history of US literature, Salinger and Holden.

Notes

1. To avoid confusion, I refer to Dmitri as “Dmitri” and his father as “Nabokov.” Vladimir died in 1977. Dmitri died in February 2012, and sole management of the Nabokov literary estate has now passed to Nabokov’s literary agent, Andrew Wylie, whose agency represents many renowned literary authors (and their estates) of the twentieth and twenty-first centuries.
2. I refer to the Lolita character in *Lo’s Diary* as “Lo” to distinguish Pera’s version of the character from Nabokov’s, whom I refer to as “Lolita” or “Dolores” (explained below).
3. In one statement, Pera claimed her novel should be published because “‘Lolita’ belongs not just to literature but to everyday language and contemporary mythology” (Blumenthal, “Nabokov Son”). *The New York Times*’s practice of putting book titles in quotation marks instead of italics suggests she was referring to the novel, but her point would have been stronger about the character because that’s what became a commonly used concept.
4. In his public statements, Dmitri never based his argument on what he thought his father would have wanted. Beyond Nabokov’s author’s note now appended to all editions of *Lolita*, in which he discusses his motivation for writing it, defends it against those who called it “lewd” or “anti-American,” and insists it “has no moral in tow” but is an expression of “aesthetic bliss” (313-15), Nabokov was notoriously reluctant to comment on his most famous novel. There is no way of knowing if he shared his wife’s wish that “somebody would notice the tender description of the child’s helplessness, her pathetic dependence on monstrous HH, and her heartrending courage,” lamenting that Lolita “cries every night, and the critics are deaf to her sobs” (qtd. in Grogan 62). However Nabokov may have viewed *Lo’s Diary*, there were ironies in the situation he would surely have appreciated. Although some feminist writers criticized *Lolita* for objectifying Dolores and view Humbert’s guilt as

“too little . . . too late” (Grogan 64; see also Kauffman), when a novel came along claiming to be a feminist retelling of the story, reviews from feminist perspectives panned it: as Udovitch noted, “given the nastiness, not to mention the extreme sexual aggressiveness” of its narrator, “it doesn’t do the cause of women any favors.” Nabokov might also have been amused when Rosset, *Lo’s Diary*’s champion, publicly expressed his frustrations with Pera, calling her “several attempts to write an afterword” and finally refusing to include anything “foolish and fatuous,” like “pouting in a corner” (Carvajal). Most of all, considering Nabokov’s numerous unsuccessful attempts to find an American publisher to publish the first edition of *Lolita*, what an irony that one of those publishers was Farrar, Straus & Giroux, which was, at least for a time, willing to go to court to defend its right to publish *Lo’s Diary*.

5. In spring 2014, in a meeting with a student in my English 1102 course, I asked about a source she used in her paper on a novel about lynching in the 1930s. She had quoted a passage about conditions not being bad for African Americans during slavery, and when I questioned the reliability of her source, she responded that she thought it was legitimate because it reflected the way things were in that period: “just like in *Gone With the Wind*.” This was an intelligent student from an Atlanta suburb, but she had accepted the GWTW myth.
6. Eugene died in 2007 and Joseph in 2011, both in advanced years and with no children. Eugene’s widow inherited his half of the Trusts, but Joseph left his entire estate, including his half of the Trusts and \$15-20 million in other assets, to the Catholic Archdiocese of Atlanta, which said it would use the money for community services and building programs (Keiser). The extended length of time in which authors’ heirs can benefit financially from an ancestor’s work is an aspect of copyright law questioned by legal scholars (see, for example,

“Gone with the Wind Done Gone”), but at least some of the enormous funds generated by GWTW are finally going to charitable purposes.

7. The first District Court hearing included extended back-and-forth with Judge Pannell about timing because Houghton Mifflin had already distributed review copies and pre-orders were being taken, but books were to ship for sale in May for the June publication date. Although SunTrust’s attorneys initially suggested they wanted the publisher to halt the pre-selling, they dropped that point after Judge Pannell indicated his lack of support for it (Transcript 93).
8. Hamilton’s description of the case in his final chapter, though told from his interested perspective, provides a fascinating example of how the variations in judges’ interpretations of literary matters play a decisive role in their rulings in copyright cases.
9. For a succinct summary of the criticism of *Catcher in the Rye* to 1990, see Salzberg. For a more up-to-date bibliography of articles on Salinger and his work, see Mueller and Hochman, pp. 462-78, but the positioning of this volume as a glowing tribute to Salinger along with errors I found in its biography section causes me to view this source as less than reliable. Holden Caulfield is one of sixteen literary characters to have achieved the status of a volume in Harold Bloom’s series on Major Literary Characters. However, aside from Bloom’s brief introduction and a four-page “Character Profile” that is really a plot summary of the novel, the contents of the volume are articles on Caulfield previously published. The cover photograph, however, is of a young male student in an empty classroom staring out a window—a position Caulfield never appears in within the novel. Maybe Salinger had a point.
10. Shane Salerno, the writer, director, and producer of the PBS documentary “Salinger,” reports that interviewees told him Salinger had left several new book manuscripts to be published posthumously, including another novel about Holden Caulfield.

CHAPTER 9

CONCLUSION: AT THE CROSSROADS OF LAW AND LITERATURE

Recharacterization novels make a substantial contribution to what Deidre Lynch calls the project of “keep[ing] literature at work,” made possible by texts’ “undecidability” which therefore “gives readers something to do” (251). This is not simply a job for readers, however. As Lynch explains, regarding fictional characters:

The emphasis on real depth authorizes each generation of writers to detect the spuriousness of the depths purveyed by their predecessors and then to correct for that superficiality: in this scheme, each generation of writers could feel called on to round and reanimate character anew. To focus fiction on deep inner meanings is, then, to stimulate the market for fiction and call for more novels that might continue the rise of the genre to which they belong.

. . . Needing to write characters all over again, after finding that their realness and roundness have ceased to convince, is what makes the “character business” go. (254-55)

Lynch is not referring specifically to authors who write novels using the *same* characters as in previous works; however, recharacterization novelists, along with their publishers and readers, have a particular stake in this “character business.”

Writers devoted to this enterprise will likely continue to recharacterize a range of texts in the public domain in order to avoid copyright infringement actions. Even staying within those limitations, however, I hope to see an expansion of the texts from which characters are borrowed and more contributions to the form from gifted writers with a range of talents comparable to such current recharacterization novelists as Coetzee, Atwood, Martin, Lippincott, Rawles, Moore, Maguire, and Horowitz. Beyond that, I would most like to see further development of the literary

potential in the genre: especially novels that manifest self-consciousness about the recharacterization process, including finding new ways to explore, in explicit terms, the relationship with their source texts and authors and the creative process it entails, as happens in Coetzee's *Foe*, Thomas's *Charlotte*, Carey's *Jack Maggs*, and Colting's *60 Years Later*. I would also like to see more novels that challenge the boundaries of the genre, like Johnson's *Pym* and Phillips's *The Nature of Blood*. Neither of these two novels fit neatly into the category as I defined it in Chapter 2, but they make imaginative use of the recharacterization process.

However, for the genre to fully merit the term "affirmations of possibility" as I described it at the end of Chapter 3, it needs to be able to challenge the constraints of copyright so that authors are not limited to borrowing from texts in the public domain. "Today," Mark Rose wrote in 1993, "the gap between copyright and literary thinking is striking. Copyright depends on drawing lines between works, on saying where one text ends and another begins. What much current literary thought emphasizes, however, is that texts permeate and enable one another, and so the notion of distinct boundaries between texts becomes difficult to sustain" (3). The gap Rose described continues to grow: exacerbated, on the one hand, by extension of copyright protection into more and more years after the death of the author and, on the other hand, by expanded recognition of intertextuality in literature, widespread affirmation of audience participation as a valid aspect of creative works (in examples from fan fiction to video games to reality television), and the impact of globalism, the Internet, and digital technologies, which diminish the significance of national boundaries and value collaborative rather than solitary methods of creativity. Closing that gap requires involvement of both legal and literary scholars—as becomes clear in three implications of my study.

First, the law matters greatly to literature because it determines which novels get published. *Lo's Diary* was published, an action my analysis questions on both legal and aesthetic grounds; *The Wind Done Gone* was published, as it should have been, but for political as much as legal reasons; and *60 Years Later* was not published in North America, at least partly because its author's missteps undermined the fair use defense, but it deserved publication by a reputable publisher as the most interesting of these three on aesthetic grounds and the one I would want to assign in a university course on intertextuality. Legal guidelines for copyright infringement are established by both case law and the Copyright Act passed by the U.S. Congress; considering the difficulty of passing legislation in the current Congress, development through case law seems more promising.

A number of scholars have suggested potential arguments that could be introduced into either type of actions. An unsigned *Harvard Law Review* article argues for new factors courts should consider: "how long the original work has been under copyright, how much value the original work has already extracted from the public, and how large a place that work occupies in the culture" ("Gone with the Wind Done Gone" 1196). Roh asserts that current copyright policy in which "matters of literature place a distant second" should be reversed because centering it on "economic protection favors established authors and their works" and restricts the publication of new works (112). Rubinfeld, a Yale law professor and published novelist, introduces a new principle he calls "freedom of imagination" (4) and argues for limiting copyright to cases of piracy and applying First Amendment protections more broadly to derivative works.

In addition to endorsing these recommendations, I would like to see more attention paid to the first two factors assessed in fair use determinations: the purpose and character of the use, and the nature of the copyrighted work. My assessments of the *Lo's Diary* and *60 Years Later*

cases in Chapter 8 point to ways those factors could be used to both justify and deny claims of copyright infringement based on fair use. In addition, since copyright infringement is designed to be determined on a case-by-case basis, the selection of the most promising test cases with the potential for broad national support across the literary, legal, and media communities is essential. As demonstrated in the Randall case, designing a defense that shows how the case also raises issues of First Amendment freedom of speech can be particularly helpful.

Second, legal determinations influence the terms under which literary works are read. It makes a difference, for example, that readers of *The Wind Done Gone* cannot avoid the label “An Unauthorized Parody” when they pick up the book. Most readers probably care little about the “unauthorized” part, but defining this novel as a parody—as literary scholars explained and the law sanctioned—is essential to understanding its value as a work of American and African American literature. Adding that label as a result of the court decision thus actually serves a worthwhile literary purpose. Haddox’s harsh critique of the novel as a stand-alone work, which he sees as exemplifying all the postmodern elements he despises, demonstrates the weakness of an analysis that undervalues the parodic nature of Randall’s text. It also makes a difference when a source text and its recharacterization novel are read together, enabling readers to expand their thinking not only about the individual characters and plots involved, but also about the nature of literary analysis and how canonical works may be re-read and re-interpreted by new writers and in differing historical periods. Having both source text and recharacterization novel available is essential for that process to occur.

Third, this study points to the importance of literary and cultural theory and criticism in providing guidelines for courts to use—especially since expanding judicial interpretation of the first two fair use factors relies on literary analyses, perhaps supplemented by philosophical

interpretations along the lines I discussed in Chapter 5. Case law, like statutory law, is made by human beings, and while bound by legal precedents and subject to personal predilections, judges are also intelligent individuals who are educable and receptive to well-made arguments and clearly explained interpretations. It's worth remembering that the *Campbell* decision granting a parody defense to 2 Live Crew's version of Roy Orbison's "Pretty Woman" was made by the conservative Rehnquist Supreme Court, in a unanimous decision that included ultraconservative Justices Scalia and Thomas. Attorneys in copyright infringement cases may face an arbiter like the folksy Judge Pannell, who called the attorneys in the Mitchell-Randall case "y'all" and admitted during oral arguments that "what really troubles me is killing off Ms. Scarlett" (Transcript 50). The two sides in that case made essentially the same arguments in the District Court and in the Court of Appeals and presented the same declarations from literary experts; but whereas Judge Pannell sided with SunTrust, the appeals court (including the Nabokov-reading Judge Marcus) unanimously accepted Houghton Mifflin's arguments.

In his article on the Mitchell-Randall case, Schur makes a compelling argument that American studies scholars should "produce scholarship that is relevant to legal discourse and can translate its insights into the language of this discourse" (25). I would argue the same for literary scholars. Garbus, in his retrospective on the *Lolita* suit, emphasized that the case suffered because Pera's novel "doesn't fall into any traditional category that the law, or literature, is used to dealing with." More generally, he noted, "The courts decide issues of creative license only because someone must. Yet many judges with whom I am acquainted know very little about new forms of art, music and literature—and still less about where creativity comes from." It is incumbent on literary scholars—especially those working in contemporary literature—to develop relevant theories and interpretations and to master the ability to explain them in ways that can

assist attorneys and affect judges' decisions. In that way, we can support the larger purpose of cultural progress that the First Amendment seeks to balance with author's rights, remembering the U.S. Supreme Court's language in the *Campbell* case that "the goal of copyright, to promote science and the arts, is generally furthered by the creation of transformative works" (qtd. in Schwabach 69). It is my hope that this dissertation contributes to that effort.

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APPENDIX A. SELECTED RECHARACTERIZATION NOVELS
AND THEIR SOURCE TEXTS

Recharacterization Novel			Source Text		
Title (Pub. Date)	Author	Type of Novel	Title (Pub. Date)	Author	Type of Text
1960s					
<i>Wide Sargasso Sea</i> (1966)	Jean Rhys	Literary	<i>Jane Eyre</i> (1847)	Charlotte Brontë	Mid 19 th century novel; <i>Jane Eyre</i>
<i>Friday, Or the Other Island</i> (1967 in French; 1969 in English)	Michel Tournier	Literary	<i>Robinson Crusoe</i> (1719)	Daniel Defoe	Early 18 th century novel
1970s					
<i>Grendel</i> (1971)	John Gardner	Literary	<i>Beowulf</i>	Anglo-Saxon poet	Old English epic
<i>The Other Log of Phileas Fogg</i> (1973)	Philip José Farmer	Commercial: sci-fi/steampunk	<i>Around the World in Eighty Days</i> (1872)	Jules Verne	Late 19 th - century adventure novel
<i>The Seven-Per-Cent Solution: Being a Reprint from the Reminiscences of John H. Watson, M.D.</i> (1974)	Nicholas Meyer	Commercial: detective	Sherlock Holmes stories	Arthur Conan Doyle	Late 19 th - early 20 th century fiction; Sherlock Holmes
<i>The West End Horror: A Posthumous Memoir of John H. Watson, M.D.</i> (1976)	Nicholas Meyer	Commercial: detective	Sherlock Holmes stories	Arthur Conan Doyle	Late 19 th - early 20 th century fiction; Sherlock Holmes
1980s					
<i>A Barnstormer in Oz</i> (1982)	Philip José Farmer	Commercial: fantasy	<i>The Wonderful Wizard of Oz</i> (1900)	L. Frank Baum	Early 20 th century children's book
<i>Cassandra</i> (1983 in German; 1984 in English)	Christa Wolf	Literary	<i>Iliad</i> (epic) and <i>Agamemnon</i> (play)	Homer and Aeschylus	Ancient Greek epic and drama
<i>To Reign in Hell</i> (1984)	Steven Brust	Commercial: fantasy	<i>Paradise Lost</i> and Book of Revelations	John Milton	17 th century epic poem and the Bible

<i>Mansfield Revisited</i> (1985) [aka <i>Mansfield Park Revisited: A Jane Austen Entertainment</i>]	Joan Aiken	Literary-commercial women's fiction	<i>Mansfield Park</i> (1814)	Jane Austen	Early 19 th century novel; Jane Austen
<i>Foe</i> (1986)	J. M. Coetzee	Literary	<i>Robinson Crusoe</i> (1719)	Daniel Defoe	Early 18 th century novel
1990s					
<i>Mary Reilly</i> (1990)	Valerie Martin	Literary	<i>The Strange Case of Dr. Jekyll and Mr. Hyde</i> (1886)	Robert Louis Stevenson	Late 19 th century novel
<i>Good Night, Mr. Holmes</i> (1990); 1 st in Irene Adler series with 7 more to 2004	Carole Nelson Douglas	Commercial: mystery/romantic suspense	Sherlock Holmes stories	Arthur Conan Doyle	Late 19 th - early 20 th century fiction; Sherlock Holmes
<i>Jane Fairfax</i> (1991)	Joan Aiken	Literary-commercial women's fiction	<i>Emma</i> (1815)	Jane Austen	Early 19 th century novel; Jane Austen
<i>I, Tituba: Black Witch of Salem</i> (1992)	Maryse Condé	Literary	<i>The Scarlet Letter</i> (1851) and <i>The Crucible</i> (1952)	Nathaniel Hawthorne and Arthur Miller	Mid-18 th century novel and mid-19 th century play
<i>H: The Return to Wuthering Heights</i> (1992)	Lin Haire-Sargeant	Literary	<i>Wuthering Heights</i> (1847)	Emily Brontë	Mid 19 th century novel
<i>Indigo</i> (1992)	Marina Warner	Literary	<i>The Tempest</i>	Shakespeare	Shakespeare play
<i>Pemberley or Pride and Prejudice Continued</i> (1993)	Emma Tennant	Literary-commercial women's fiction	<i>Pride and Prejudice</i> (1813)	Jane Austen	Early 19 th century novel; Jane Austen
<i>Sherlock in Love</i> (1993)	Sena Jeter Naslund	Literary (detective)	Sherlock Holmes stories	Arthur Conan Doyle	Late 19 th - early 20 th century fiction; Sherlock Holmes
<i>The Canary Trainer: From the Memoirs of John H. Watson</i> (1993)	Nicholas Meyer	Commercial: detective	Sherlock Holmes stories	Arthur Conan Doyle	Late 19 th - early 20 th century fiction; Sherlock Holmes

<i>An Unequal Marriage: Pride and Prejudice 20 Years Later</i> (1994)	Emma Tennant	Literary-commercial women's fiction	<i>Pride and Prejudice</i> (1813)	Jane Austen	Early 19 th century novel; Jane Austen
<i>Mina: The Dracula Story Continues</i> (1994)	Marie Kiraly	Commercial: horror-mystery	<i>Dracula</i> (1897)	Bram Stoker	Late 19 th century novel
<i>The Beekeeper's Apprentice</i> (1994) (1 st in Mary Russell series with 12 th due in 2015)	Laurie R. King	Commercial: mystery	Sherlock Holmes stories	Arthur Conan Doyle	Late 19 th - early 20 th century fiction; Sherlock Holmes
<i>Eliza's Daughter: A Sequel to Sense and Sensibility</i> (1994)	Joan Aiken	Literary-commercial women's fiction	<i>Sense and Sensibility</i> (1811)	Jane Austen	Early 19 th century novel; Jane Austen
<i>Wicked: The Life and Times of the Wicked Witch of the West</i> (1995) (plus 3 sequels)	Gregory Maguire	Commercial: fantasy	<i>The Wonderful Wizard of Oz</i> (1900) and 1939 film	L. Frank Baum	Early 20 th century children's book plus film
<i>Frankenstein's Bride</i> (1995)	Hilary Bailey	Literary-commercial women's fiction	<i>Frankenstein; or, The Modern Prometheus</i> (1818)	Mary Shelley	Early 19 th century novel
<i>Madeline: After the Fall of Usher</i> (1996)	Marie Kiraly	Commercial: horror-mystery	"The Fall of the House of Usher" (1839)	Edgar Allen Poe	Mid 19 th century tale
<i>Emma in Love: Jane Austen's Emma Continued</i> (1996)	Emma Tennant	Literary-commercial women's fiction	<i>Emma</i> (1815)	Jane Austen	Early 19 th century novel; Jane Austen
<i>Mrs. Rochester: A Sequel to Jane Eyre</i> (1997)	Hilary Bailey	Literary-commercial women's fiction	<i>Jane Eyre</i> (1847)	Charlotte Brontë	Mid- 19 th century novel; <i>Jane Eyre</i>
<i>The Nature of Blood</i> (1997)	Caryl Phillips	Literary	<i>Othello</i>	Shakespeare	Shakespeare play
<i>Miles and Flora: A Sequel to The Turn of the Screw</i> (1997)	Hilary Bailey	Literary-commercial women's fiction	<i>The Turn of the Screw</i> (1898)	Henry James	Late 20 th century novella
<i>Jack Maggs</i> (1998)	Peter Carey	Literary	<i>Great Expectations</i> (1860-61)	Charles Dickens	Mid-19 th century novel; Dickens
<i>Ahab's Wife, Or, The Star-Gazer</i> (1999)	Sena Jeter Naslund	Literary	<i>Moby-Dick</i> (1851)	Herman Melville	Mid-19 th century novel

<i>Mr. Dalloway</i> (1999)	Robin Lippincott	Literary	<i>Mrs. Dalloway</i> (1925)	Virginia Woolf	Early 20 th century novel
<i>Lo's Diary</i> (1995 in Italian; 1999 in English)	Pia Pera	Literary-commercial women's fiction	<i>Lolita</i> (1955)	Vladimir Nabokov	Mid 20 th century novel
2000s					
<i>Blood to Blood</i> (2000)	Elaine Bergstrom (Marie Kiraly)	Commercial: horror/romantic suspense	<i>Dracula</i> (1897) and her previous novel <i>Mina</i>	Bram Stoker	Late 19 th century novel
<i>Gertrude and Claudius</i> (2000)	John Updike	Literary	<i>Hamlet</i>	Shakespeare	Shakespeare play
<i>Charlotte: The Final Journey of Jane Eyre</i> (2000)	D. M. Thomas	Literary	<i>Jane Eyre</i> (1847)	Charlotte Brontë	Mid- 19 th century novel; <i>Jane Eyre</i>
<i>The Wind Done Gone</i> (2001)	Alice Randall	Literary (African-American)	<i>Gone with the Wind</i> (1936)	Margaret Mitchell	Mid-20 th century novel
<i>Albertine</i> (2001)	Jacqueline Rose	Literary	<i>In Search of Lost Time</i> (1913-27)	Marcel Proust	Early 20 th century novel
<i>Adèle: Jane Eyre's Hidden Story</i> (2002)	Emma Tennant	Literary-commercial women's fiction	<i>Jane Eyre</i> (1847)	Charlotte Brontë	Mid- 19 th century novel; <i>Jane Eyre</i>
<i>An Assembly Such as This: A Novel of Fitzwilliam Darcy, Gentleman</i> (2003) (book 1 of trilogy)	Pamela Aidan	Commercial women's fiction	<i>Pride and Prejudice</i> (1813)	Jane Austen	Early 19 th century novel; Jane Austen
<i>Ahab's Bride</i> (2004) (book 1 of trilogy)	Louise M. Gouge	Literary-commercial women's fiction	<i>Moby-Dick</i> (1851)	Herman Melville	Mid-19 th century novel
<i>The Final Solution</i> (2004)	Michael Chabon	Literary (detective)	Sherlock Holmes stories	Arthur Conan Doyle	Late 19 th - early 20 th century fiction; Sherlock Holmes
<i>March</i> (2005)	Geraldine Brooks	Literary	<i>Little Women</i> (1868-69)	Louisa May Alcott	Mid-19 th century novel
<i>The Penelopiad</i> (2005)	Margaret Atwood	Literary	<i>The Odyssey</i>	Homer	Ancient Greek epic
<i>Heathcliff's Tale</i> (2005)	Emma Tennant	Literary-commercial women's fiction	<i>Wuthering Heights</i> (1847)	Emily Brontë	Mid 19 th century novel

<i>The Italian Secretary: A Further Adventure of Sherlock Holmes</i> (2005)	Caleb Carr	Commercial: detective	Sherlock Holmes stories	Arthur Conan Doyle	Late 19 th - early 20 th century fiction; Sherlock Holmes
<i>Mr. Darcy's Diary</i> (2005)	Amanda Grange	Commercial: historical romance	<i>Pride and Prejudice</i> (1813)	Jane Austen	Early 19 th century novel; Jane Austen
<i>My Jim</i> (2006)	Nancy Rawles	Literary (African American)	<i>Adventures of Huckleberry Finn</i> (1885)	Mark Twain	Late 19 th century novel
<i>Finn</i> (2007)	Jon Clinch	Literary	<i>Adventures of Huckleberry Finn</i> (1885)	Mark Twain	Late 19 th century novel
<i>Mr. Knightley's Diary</i> (2007)	Amanda Grange	Commercial: historical romance	<i>Emma</i> (1815)	Jane Austen	Early 19 th century novel; Jane Austen
<i>Lavinia</i> (2008)	Ursula K. LeGuin	Literary	<i>The Aeneid</i>	Virgil	Ancient Roman epic
<i>Edmund Bertram's Diary</i> (2008)	Amanda Grange	Commercial: historical romance	<i>Mansfield Park</i> (1814)	Jane Austen	Early 19 th century novel; Jane Austen
<i>Captain Wentworth's Diary</i> (2008)	Amanda Grange	Commercial: historical romance	<i>Persuasion</i> (1817)	Jane Austen	Early 19 th century novel; Jane Austen
<i>60 Years Later: Coming Through the Rye</i> (2009)	Fredrik Colting (John David California)	Literary	<i>The Catcher in the Rye</i> (1951)	J. D. Salinger	Mid-20 th century novel
<i>Fool</i> (2009)	Christopher Moore	Commercial: humor	<i>King Lear</i>	Shakespeare	Shakespeare play
<i>Colonel Brandon's Diary</i> (2009)	Amanda Grange	Commercial: historical romance	<i>Sense and Sensibility</i> (1811)	Jane Austen	Early 19 th century novel; Jane Austen
2010s					
<i>Pym</i> (2011)	Mat Johnson	Literary	<i>The Narrative of Arthur Gordon Pym</i> (1838)	Edgar Allen Poe	Mid 19 th century novella
<i>Death Comes to Pemberley</i> (2011)	P. D. James	Commercial: mystery	<i>Pride and Prejudice</i> (1813)	Jane Austen	Early 19 th century novel; Jane Austen
<i>The House of Silk</i> (2011)	Anthony Horowitz	Commercial: detective	Sherlock Holmes stories	Arthur Conan Doyle	Late 19 th - early 20 th century fiction; Sherlock Holmes

<i>Henry Tilney's Diary</i> (2011)	Amanda Grange	Commercial: historical romance	<i>Northanger Abbey</i> (1817)	Jane Austen	Early 19 th century novel; Jane Austen
<i>Wickham's Diary</i> (2011)	Amanda Grange	Commercial: historical romance	<i>Pride and Prejudice</i> (1813)	Jane Austen	Early 19 th century novel; Jane Austen
<i>Dear Mr. Darcy</i> (2012)	Amanda Grange	Commercial: historical romance	<i>Pride and Prejudice</i> (1813)	Jane Austen	Early 19 th century novel; Jane Austen
<i>I, Iago</i> (2012)	Nicole Galland	Literary	<i>Othello</i>	Shakespeare	Shakespeare play
<i>Iago: A Novel</i> (2012)	David Snodin	Literary	<i>Othello</i>	Shakespeare	Shakespeare play
<i>Havisham</i> (2012)	Ronald Frame	Literary	<i>Great Expectations</i> (1860-1)	Charles Dickens	Mid-19 th century novel; Dickens
<i>Moriarty</i> (2014)	Anthony Horowitz	Commercial: detective	Sherlock Holmes stories	Arthur Conan Doyle	Late 19 th - early 20 th century fiction; Sherlock Holmes

APPENDIX B. PUBLISHING OVERVIEW OF SELECTED RECHARACTERIZATION

NOVELS

Author/ Title/Date of 1 st US Publication	Author Type*	Type of Novel	First Publisher in English	Form of 1st Publi- cation	Notable Achieve- ments	In Print Dec 2014?	Amazon Rank Dec 2014/av. if not in print
Jean Rhys, <i>Wide Sargasso Sea</i> (1966)	Est. Anglo- Caribbean lit. novelist of 1920s & '30s	Literary	André Deutsch in UK, Norton in US (NY)— both med-size indep publ.	HC	W.H. Smith Literary Award for 1967; film adaptation	Yes	10,129 Norton 1992 PB; 30,145 Norton crit. ed. 1998 PB
Michel Tournier, <i>Friday</i> (1969)	French writer & translator; his 1 st novel	Literary	Doubleday, then large indep publ.	HC	Grand Prix du roman de l'Acadé- mie fran- çaise 1967	Yes	292,037 Hopkins UP 1997 PB
John Gardner, <i>Grendel</i> (1971)	Est. lit. novelist & academic; his 3 rd novel	Literary	Alfred A. Knopf, division of Random House	HC	Several film & animated adapta- tions	Yes	10,535 Vintage 1989 PB
Philip José Farmer, <i>The Other Log of Phileas Fogg</i> (1973)	Est. Hugo Award- winning sci-fi/ fantasy author	Commercial: sci-fi/ steampunk	DAW Books, sci-fi/fantasy publ.	PB		Yes	1,231,854 Titan Books 2012 PB
Nicholas Meyer, <i>The Seven-Per- Cent Solution</i> (1974)	TV writer & producer; his 1 st novel	Commercial: detective	Dutton, then med-size indep publ. in NY	HC	NYT bestseller in 1974 & 1975; film adaptation	Yes	59,934 Norton 1993 PB
Nicholas Meyer, <i>The West End Horror</i> (1976)	Now bestselling author & branded author of Sherlock	Commercial: detective	Dutton, then med-size indep publ. in NY	HC	NYT bestseller in 1976	Yes	141,093 Norton 2013 PB

	Holmes RCNs						
Philip Jose Farmer, <i>A Barnstorm-er in Oz</i> (1982)	Est. Hugo Award-winning sci-fi/fantasy author	Commercial: fantasy	Phantasia Press, small publ. of sci-fi/fantasy	Limited ed. HC		No	1995 Berkley Trade PB av. from used book-sellers
Christa Wolf, <i>Cassandra</i> (1984)	Est. German lit. critic & novelist	Literary	Farrar, Straus & Giroux, then med-size indep publ. in NY	HC		Yes	700,368 FSG 1998 PB
Steven Brust, <i>To Reign in Hell</i> (1984)	Early career sci-fi/fantasy novelist	Commercial: fantasy	SteelDragon Press, fantasy publ.	Limited ed. HC		Yes	299,054 Orb Books 2000 PB
Joan Aiken, <i>Mansfield [Park] Revisited</i> (1985) (“Park” added on later eds)	Est. British children’s & fiction author, esp. fantasy	Literary-commercial women’s fiction	Doubleday, then large indep. publ.	HC		Yes	686,838 Source-books Land-mark 2008 PB
J. M. Coetzee, <i>Foe</i> (1986)	Est. South African lit. novelist & academic; later Nobel Prize winner	Literary	Viking	HC		Yes	54,435 Penguin 1988 PB
Valerie Martin, <i>Mary Reilly</i> (1990)	Est. lit. novelist & academic; her 4 th novel	Literary	Doubleday, division of Random House	HC	Film adaptation	Yes	89,504 Viking 2001 PB
Carole Nelson Douglas, <i>Good Night, Mr. Holmes</i> (1990)	Est. mystery & sci-fi novelist; this series begun at mid-career	Commercial: mystery/romantic suspense (1 st in Irene Adler series with 7 more to 2004)	Tor Books, sci-fi/ fantasy/ mystery imprint of St. Martin’s	HC	<i>Romantic Times</i> Award for Best Historical Mystery	Yes	437,615 Forge Books 2009 PB
Joan Aiken, <i>Jane Fairfax</i>	Est. British novelist; now branded	Literary-commercial women’s fiction	St. Martin’s	HC		Yes	453,235 St. Martin’s Griffin

(1991)	author of Austen RCNs						1997 PB
Maryse Conde, <i>I Tituba</i> (1992)	Est. French-Gadeloup-ean lit. novelist & academic; her 4 th novel	Literary	Univ. of Va. Press (in Caribbean novel series)	HC	France's Grand Prix Litteraire de la femme in 1986	Yes	105,154 UVA Press 2009 PB
Lin Haire-Sergeant, <i>H: The Return to Wuthering Heights</i> (1992)	Academic; her 1 st (and only) novel	Literary	Pocket Books, div. of Simon & Schuster	HC		No	A few HCs av. from used book-sellers
Marina Warner, <i>Indigo</i> (1992)	Est. British biographer, essayist, novelist; her 3 rd novel	Literary	Simon & Schuster	HC		No	Vintage PB av. from used book-sellers
Emma Tennant, <i>Pemberley</i> (1993) (also <i>Pemberley Revisited</i>)	Est. British novelist; her 1 st as author of Austen RCN	Literary-commercial women's fiction	St. Martin's	HC		Yes	2,764,403 St. Martin's Griffin 2006 PB
Sena Jena Naslund, <i>Sherlock in Love</i> (1993)	Academic; her 1 st novel	Literary (detective)	William Morrow, large NY publ. then owned by Hearst	HC		Yes	1,566,596 Morrow 2001 PB
Nicholas Meyer, <i>The Canary Trainer</i> (1993)	Branded author of Sherlock Holmes RCNs	Commercial: detective	Norton, med-size indep. publ. in NY	HC		Yes	114,157 Norton 1995 PB
Emma Tennant, <i>An Unequal Marriage</i> (1994)	Est. British novelist; now branded author of Austen RCNs	Literary-commercial women's fiction	St. Martin's	HC		No	PB av. from used book-sellers
Marie	Early	Commercial:	Berkley	Mass		No	2007 PB

Kiraly, <i>Mina</i> (1994)	career horror novelist; her 1 st RCN	horror/roman- tic suspense	Books, then PB imprint of Dutton	mar- ket PB; book club HC			av. from used book- sellers
Laurie R. King, <i>The Beekeep- er's Apprentice</i> (1994)	Early career mystery novelist	Commercial: mystery (1 st in series with 11 more to 2012; latest due in 2015)	Minotaur, mystery imprint of St. Martin's	HC	Short list for Agatha Best Novel; ALA Notable Young Adult Book	Yes	12,185 Picador 2014 20 th anniv. ed. PB
Joan Aiken, <i>Eliza's Daughter</i> (1994)	Est. British novelist; now branded author of Austen RCNs	Literary- commercial women's fiction	St. Martin's	HC		Yes	1,386,730 Source- books Land- mark 2008 PB
Gregory Maguire, <i>Wicked</i> (1995)	Children's book author & academic	Commercial: fantasy (1 st in series with 3 more to follow to 2011)	ReganBooks, imprint of HarperCollins	HC	NYT bestseller; 2003 Broadway musical adapta- tion, 11 th longest running musical in history	Yes	2,737 Harper 2007 PB
Hilary Bailey, <i>Frankenste in's Bride</i> (1995)	Est. British writer of hist. fiction, sci/fi, horror, & NF; her 1 st RCN	Literary- commercial women's fiction	Simon & Schuster	HC		Yes	4,185,121 Source- books Land- mark 2007 PB
Marie Kiraly, <i>Madeline</i> (1996)	Now-est. as horror novelist; her 2 nd RCN	Commercial: horror/romanti c suspense	Berkley Books, then PB imprint of Putnam	Mass ma- ket PB		No	PB av. from used book- sellers
Emma Tennant, <i>Emma in Love</i>	Est. British novelist; now branded	Literary- commercial women's fiction	Fourth Estate, imprint of HarperCollins	HC		No	PB av. from used book- sellers

(1996)	author of Austen RCNs						
Hilary Bailey, <i>Mrs. Rochester</i> (1997)	Est. British writer; her 2 nd RCN	Literary-commercial women's fiction	Simon & Schuster	HC		Yes	5,946,883 Bloomsbury 2012 PB
Caryl Phillips, <i>The Nature of Blood</i> (1997)	Est. British lit. novelist; his 6 th novel	Literary	Alfred A. Knopf, division of Random House	HC		Yes	648,673 Vintage 1998 PB
Hilary Bailey, <i>Miles and Flora</i> (1997)	Est. British writer; her 3 rd RCN	Literary-commercial women's fiction	Simon & Schuster	HC		Yes	9,637,982 Bloomsbury 2012 PB
Peter Carey, <i>Jack Maggs</i> (1998)	Est. Australian lit. novelist; his 5 th novel	Literary	Alfred A. Knopf, division of Random House	HC	A NYT Notable Book of the Year; Commonwealth Writers Prize for best book of 1998	Yes	393,666 Vintage 1999 PB
Sena Jeter Naslund, <i>Ahab's Wife</i> (1999)	Est. lit. novelist & academic; her 3 rd novel	Literary	William Morrow, imprint of HarperCollins	HC	A NYT Notable Book of the Year; finalist for Orange Prize	Yes	79,279 Morrow 2005 PB
Robin Lippincott, <i>Mr. Dalloway</i> (1999)	Published author of short stories; his 1 st novel	Literary	Sarabande, small indep. publisher in KY	HC		Yes	2,464,597 Sarabande 1999 PB
Pia Pera, <i>Lo's Diary</i> (1999)	Italian academic; her 1 st (and only) novel	Literary	Foxrock, small indep. publisher in NY	HC		No	PB av. from used book-sellers
Elaine Bergstrom (Marie Kiraly), <i>Blood to</i>	Now-est. as horror novelist; her 3 rd RCN	Commercial: horror/romantic suspense	Ace, sci-fi/fantasy imprint of Berkley	Mass market PB		No	Av. from used book-sellers

<i>Blood</i> (2000)							
John Updike, <i>Gertrude and Claudius</i> (2000)	Est. lit. novelist	Literary	Alfred A. Knopf, division of Random House	HC		Yes	439,660 Random House 2001 PB
D. M. Thomas, <i>Charlotte</i> (2000 in UK; not publ. in US)	Est. British lit. novelist & academic	Literary (written at invitation of publ.)	Duckworth, small indep. publisher in London	HC		No	HB and Duckworth PB av. from used book-sellers
Alice Randall, <i>The Wind Done Gone</i> (2001)	Nashville songwriter; her 1 st novel	Literary (African American)	Houghton Mifflin	HC	NYT bestseller	Yes	175,865 Mariner 2002 PB
Jacqueline Rose, <i>Albertine</i> (2001 in UK; not publ. in US)	British academic; author of many NF books; her 1 st (and only) novel	Literary	Chatto & Windus in London, imprint of Random House since 1987	HC		No	HB and Vintage PB av. from used book-sellers
Emma Tennant, <i>Adèle</i> (2002) (also titled <i>Thornfield Hall</i> and <i>The French Dancer's Bastard</i>)	Est. British novelist; branded author of Austen RCNs, now ext. to Brontë	Literary-commercial women's fiction	William Morrow, imprint of HarperCollins	HC		No	HB and PB av. from used book-sellers
Pamela Aidan, <i>An Assembly Such as This</i> (2003)	Librarian; first-time author	Commercial women's fiction (1 st of trilogy)	Self-published	PB		Yes	101,187 Touchstone 2006 PB
Louise Gouge, <i>Ahab's Bride</i> (2004)	Christian romance novelist; her 3 rd novel	Christian romance (1 st of trilogy)	River Oak Publ., Christian publ. in CO	PB		No	Av. from used book-sellers
Michael Chabon,	Est. lit. novelist	Literary (detective)	Fourth Estate, imprint of	HC	National Jewish	Yes	196,004 Harper

<i>The Final Solution</i> (2004)			HarperCollins		Book Award, Aga Khan Prize for Fiction		Perennial 2005 PB
Geraldine Brooks, <i>March</i> (2005)	Australian-Amer. foreign corresp & lit novelist; her 2 nd novel	Literary	Viking Penguin	HC	2006 Pulitzer Prize for Fiction	Yes	17,052 Penguin 2006 PB
Margaret Atwood, <i>The Penelopiad</i> (2005)	Est. lit. novelist	Literary (written at invitation of publ. for Myths Series)	Canongate, indep. publ. in London, Edinburgh, & NY	HC		Yes	25,226 Canongate 2006 PB
Emma Tennant, <i>Heathcliff's Tale</i> (2005 in UK; not publ. in US)	Est. British novelist; branded author of Austen & Brontë RCNs	Literary-commercial women's fiction	Tartarus Press, small UK publ. of supernatural fiction	HC		No	HC av. from used book-sellers
Caleb Carr, <i>The Italian Secretary</i> (2005)	Est. & previously bestselling commercial novelist	Commercial: detective/historical	Carroll & Graf, former indep publ in NY; then owned by Avalon Publ. Grp; closed 2007	HC		Yes	261,809 St. Martin's Griffin 2009 PB
Amanda Grange, <i>[Mr.] Darcy's Diary</i> (2005) (<i>Mr.</i> added in later ed.)	Est. British hist. romance novelist; her 1 st as author of Austen RCN	Commercial: historical romance	Robert Hale, indep. publ. in London	HC		Yes	119,805 Sourcebooks Landmark 2007 PB
Nancy Rawles, <i>My Jim</i> (2006)	Early career novelist; her 2 nd novel	Literary (African American)	Crown, division of Random House	HC		Yes	434,170 Three Rivers 2006 PB
Jon Clinch, <i>Finn</i> (2007)	Teacher & ad exec.; his 1 st novel	Literary	Random House	HC	Atheneum Literary Award; ALA Notable	Yes	390,335 Random House 2008 PB

					Book		
Amanda Grange, <i>Mr. Knightly's Diary</i> (2007)	Now branded author of Austen RCNs	Commercial: historical romance	Robert Hale in UK; Berkley Trade in US	HC in UK; PB in US		Yes	611,119 Berkley 2007 PB
Ursula LeGuin, <i>Lavinia</i> (2008)	Est. & award-winning speculative sci-fi author	Literary	Harcourt	HC		Yes	187,966 Mariner 2009 PB
Amanda Grange, <i>Edward Bertram's Diary</i> (2008)	Branded author of Austen RCNs	Commercial: historical romance	Berkley Trade	PB		Yes	630,575 Berkley 2008 PB
Amanda Grange, <i>Captain Wentworth's Diary</i> (2008)	Branded author of Austen RCNs	Commercial: historical romance	Berkley Trade	PB		Yes	277,096 Berkley 2008 PB
Fredrik Colting, <i>60 Years Later</i> (2009 in Sweden & UK; not publ in US)	Self-publisher of commercial NF	Literary	Self-published	PB		No	A few copies av. from used book sellers
Christopher Moore, <i>Fool</i> (2009)	Est. bestselling commercial novelist; his 12 th novel	Commercial: humor/parody	William Morrow, imprint of HarperCollins	HC	NYT bestseller	Yes	21,464 William Morrow 2010 PB
Amanda Grange, <i>Colonel Brandon's Diary</i> (2009)	Branded author of Austen RCNs	Commercial: historical romance	Berkley Trade	PB		Yes	105,042 Berkley 2009 PB
Mat Johnson, <i>Pym</i> (2011)	Est. lit. novelist; academic	Literary	Spiegel & Grau, imprint of Random House	HC		Yes	57,023 Spiegel & Grau 2012 PB

P.D. James, <i>Death Comes to Pemberley</i> (2011)	Est., award-winning mystery novelist; her only RCN	Commercial: mystery	Alfred A. Knopf, division of Random House	HC	BBC two-part series 2013	Yes	5,548 Vintage 2013 PB
Anthony Horowitz, <i>The House of Silk</i> (2011)	BBC screen-writer; author of YA spy thriller series; his 1 st Sherlock Holmes RCN	Commercial: detective	Mulholland Books, imprint specializing in suspense fiction of Little Brown	HC	NYT bestseller	Yes	6,433 Mulholland 2012 PB
Amanda Grange, <i>Henry Tilney's Diary</i> (2011)	Branded author of Austen RCNs	Commercial: historical romance	Berkley Trade	PB		Yes	219,377 Berkley PB
Amanda Grange, <i>Wickham's Diary</i> (2011)	Branded author of Austen RCNs	Commercial: historical romance	Sourcebooks Landmark	PB		Yes	1,643,340 Sourcebooks PB
Amanda Grange, <i>Dear Mr. Darcy</i> (2012)	Branded author of Austen RCNs	Commercial: historical romance	Berkley Trade	PB		Yes	810,608 Berkley PB
Nicole Galland, <i>I, Iago</i> (2012)	Screen-writer & est. novelist; her 4 th novel	Literary	Wm. Morrow, division of HarperCollins	PB		Yes	1,064,865 Morrow 2012 PB
David Snodin, <i>Iago: A Novel</i> (2012)	BBC screen-writer, incl. Shakespeare adaptations; his 2 nd book & 1 st novel	Literary	Henry Holt	HC		No	HC & Holt PB av. from used book-sellers

Ronald Frame, <i>Havisham</i> (2012)	Est. Scottish novelist, author of radio plays	Literary	Picador, imprint of Macmillan	HC		Yes	32,498 Picador 2014 PB
Anthony Horowitz, <i>Moriarty</i> (2014)	BBC screen- writer; his 2 nd Sherlock Holmes RCN	Commercial: detective	Harper, imprint of HarperCollins	HC		Yes	336 in hardcover (not yet out in PB)

*American if no nationality is specified

est.=established (previously published at least several novels); lit.=literary; PB=paperback;

HC=hardcover