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Borrowing and Originality in Modern Authorship

Lauren Rieders

There is a continuing and pervasive societal confusion on the definition of “authorship” and “originality.” In April 2006, Harvard sophomore Kaavya Viswanathan, author of *How Opal Mehta Got Kissed, Got Wild and Got a Life* was found to have plagiarized her novel. Viswanathan wrote a fictional novel about high school senior Opal Mehta’s quest for admission to Harvard University, though she copied parts of her novel from author Megan McCafferty’s novels, *Sloppy Firsts* and *Second Helpings*. Viswanathan argued that she inadvertently copied parts of the book because they were somehow embedded in her mind after reading McCafferty’s novels when she was younger. She even went so far as to say that she has a photographic memory which contributed to her accidental plagiarism. While her initial defense revealed her vague interpretation of the definition of “originality,” when her book was pulled the publisher proved that originality does not mean inserting the work of others and passing it as her own. At the core of this literary scandal is the question of the threshold of appropriate borrowing. Essentially, everyone is influenced by others in some way and borrowing is universal; thus, the terms “authorship” and “originality” must be revised.

Now, more than ever, there is a great demand for authorship because of widespread plagiarism and copyright

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infringement. Modern legal authorship should allow for the borrowing of ideas that are built upon by individualized interpretation. The act of reinterpreting, building on others' ideas, and the process of becoming inspired are compelling aspects of revolutionary writing. The terms "authorship" and "originality" are not obsolete; rather, the intrigue of contemporary literature lies in the author's ability to use influence, imagination, and reconstruction to create an original work revealing his or her literary personality.

Originality is created through individualized interpretation and creative thought. When an author is inspired by another author's work, it is safe for the author to borrow from these ideas and build upon them as long as his or her personality is reflected in the interpretive work. Literary critic S. Griswold Morley believed all literature reflects the personality of its author—that is, all literature possesses part of its author, and therefore is original. Morley's "The Detection of Personality in Literature,"¹ is perhaps the most poignant methodology of authorship. Morley believes the debate on authorship is a physiological debate. He says:

Most literary productions are definably accepted as the work of certain men, whose personality is associated with, and in a measure fixed by, their writings. Cases are not uncommon, however, in which the originality of a book is dubious, or its authorship is uncertain; and students of literature are then called upon to decide whether a work, or a passage in a work, is the product of one man's brain, or of another's. In other words, they must determine the personality back of the written words.

¹ Morley, S. Griswold. "The Detection of Personality in Literature." PMLA, 1905.

Morley believes that no two individual authors are capable of producing a creative work in exactly the same way. He says, "A coincidence in idea alone would be unusual enough, and identical terms in addition, hardly short of miraculous" (Morley 305). Morley furthers his argument by saying it's not uncommon for two authors to use the same wording in a particular phrase, or come up with the same plot. He says it is "inconceivable that they should frame a page of thought in identical language. The idea that it's virtually impossible for two people with distinct minds to produce identical work should prove that the term originality does exist, in some capacity." Morley says that using identical phraseology is not sufficient proof of copying. Since many authors write on the same subjects, it is often difficult to "come up with new words to represent those facts" (Morley 305). Critics' biases are responsible for judging whether an author's personality is reflected in his work. Since there is no definitive answer to the question of what constitutes a healthy amount of borrowing, we have to keep the concept of influence in mind when evaluating an author's work. Morley is pro-author in his defense of the nature of originality. He supports the idea that originality can exist even if a work is dependent on borrowing.

Morley's essay proclaims that an author's work possesses an independent personality even if aspects are borrowed, while literary critic Roland Barthes criticizes this extreme formulation. Barthes' essay "The Death of the Author"² is a critique of originality and the idea of the author. He questions the need to transcendentalize the author in a piece of work. In his approach to analyzing literature, he suggests the role of the author in literature has diminished—unlike Morley, he believes the personality of the author does

² Barthes, Roland. "The Death of the Author." *Image, Music, Text*. Ed. New York: Hill and Wang, 1977.

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not exist in his or her work. He questions the nature of individuality in an author's work by discussing the role of "I" in language. Barthes says, "Linguistically, the author is never more than the instance in writing, just as *I* is nothing other than the instance saying *I*: language knows a 'subject', not a 'person', and this subject, empty outside of the very enunciation with defines it, sufficed to make language 'hold together' suffices, that is to say, to exhaust it" (145). Barthes does not think the author's personality is present in his ideas, and therefore he thinks the author is merely an insignificant tool in writing. He says, "The writer can only imitate a gesture that is always anterior, never original. His only power is to mix writings, to counter the ones with the others, in such a way as never to rest on any one of them." In diminishing focus on the creator of a work, Barthes also condemns the author for limiting the meaning of a text and forging originality. While I am sympathetic toward Barthes' view that it is not necessary for the author's personality to infiltrate his work to deem it original, I disagree with his extreme formulation that the author is never original.

The two extreme arguments posed by literary critics Morley and Barthes merit the need for a modern revision of "originality" and "authorship." Morley is precise in his belief that an author's work is original because it possesses the author's sense of individuality beneath it. Barthes, on the other hand, finds it unnecessary to focus on the author as a basis of originality. Authorship should be redefined in a way that allows borrowing to be compatible with originality. Creative writers such as Vladimir Nabokov, Michael Cunningham, and Colm Tóibín have proved that there is in fact something quite profound about authors inspiring one another. Their work engages readers in the pursuit of their borrowing of ideas to form an utterly artistic book. These

authors are acutely aware that all art seeks to imitate—or borrow from—real life, though out of an inability to replicate comes originality.

In Vladimir Nabokov's autobiography *Speak, Memory*, the author writes about the idea that all art is a representation of the real world—that every type of art is an imitation of reality. As a writer, Nabokov is aware that all art *seeks* to imitate something else, but the idea that imitation is impossible shows that there is originality in creative work. Nabokov's work contends his fascination with mimicry though his metaphor about butterflies. He says:

The mysteries of mimicry had a special attraction for me. Its phenomena showed an artistic perfection usually associated with man-wrought things...When a butterfly has to look like a leaf, not only are all the details of a leaf beautifully rendered but markings mimicking grub-bored holes are generously thrown in. 'Natural selection,' in the Darwinian sense, could not explain the miraculous coincidence of imitative aspect and imitative behavior, nor could one appeal to the theory of 'the struggle for life' when a protective device was carried to a point of mimetic subtlety, exuberance, and luxury far in excess of a predator's power of appreciation. I discovered in nature the nonutilitarian delights that I sought in art. Both were a form of magic, both were a game of intricate enchantment and deception.

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The magic in the nature of mimicry, for Nabokov, is the deception that prevents exact imitation. Nabokov's biography, too, is a work of deception. He explains his inability to accurately recollect his childhood memories, though his book is filled of memories with keen attention to detail. His later revisions of the book represent a revision of

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memory—a forged interpretation of real life. What makes Nabokov’s work so captivating is the author’s inability to perfectly mimic real life—the result of which produces a work to be appreciated for its originality. The “intricate enchantment” of literature, he suggests, is the prospect of originality that results from an attempt to borrow and mimic another’s ideas. Unless an author plagiarizes by conspicuously passing off another’s work as his own, or mimicking perfectly, borrowing is an acceptable art.

Author Michael Cunningham could be accused of taking too much literary freedom by borrowing from another author. He proves that originality can be dependent on borrowing, like Morley argued in his essay “The Detection of Personality in Literature.” Cunningham based his novel *The Hours*³ on Virginia Woolf’s *Mrs. Dalloway*⁴; he borrows Woolf’s ideas by creating a contemporary plot that seems to be a modern representation of Woolf’s original work. Although the plot of *Mrs. Dalloway* was created by Woolf, Cunningham makes the story his own by adding depth to Woolf’s characters. He also weaves a fictional account of Woolf’s own suicide with the suicide of his character Richard, an AIDS victim. Cunningham intertwines the story of Woolf’s suicide with the plot of *Mrs. Dalloway*, along with the imagined life of suicidal Laura Brown who is reading Woolf’s novel. Cunningham’s novel would not exist without Woolf’s work, and therein lies the criticism of his lack of originality. He is also criticized for choosing “The Hours” as the title of his novel, which was the title Woolf originally intended to use for *Mrs. Dalloway*. Originality seems to play an ambiguous role for Cunningham. His deliberate act of copying and borrowing ideas from Woolf can be seen as visionary rather than unethical. Although Cunningham’s idea may stem from Woolf’s idea, his

³ Cunningham, Michael. *The Hours*. New York: Picador USA, 1998.

⁴ Woolf, Virginia. *Mrs. Dalloway*. New York: Harcourt, 1925.

idea of weaving a biographical thread mapping Woolf's fiction is original. Cunningham's brilliant novel is a paradigm of derivative originality.

Colm Tóibín is another author who tests the nature of literary originality. Tóibín's novel *The Master*⁵—a fictional account of the life of Henry James—digs into the life of the author to draw connections between James' personal experiences and his fiction. Tóibín creates a fictional biography of James to imagine how his artistic failure, relationships with women, and a covert sexuality might have inspired his novels. In linking these biographical events to James' work, he intertwines biography and fiction, which is a danger Barthes was cognizant of when he wrote his essay. One could argue that Tóibín's enclosure of biographical evidence of James' life does not make his work original. Because Tóibín uses his artistic license to draw connections between James' work and his personal life, his structure is original. Unlike previous biographies of James, Tóibín uses fiction to imagine what it was like for James as a public literary figure. There is a distinction between Tóibín's apparent borrowing of elements from James' personal letters and fiction, on the one hand, and Tóibín updating James' work through interpretation, on the other. Tóibín's mode of expression stands apart from a replication of pieces of James' work and traditional biographies.

Another literary work deemed unoriginal by critics is Joyce Carol Oates' short story, "Landfill." Oates wrote a fictional account of 19-year-old Hector Campos Jr.'s disappearance from Michigan State University. In Oates' story, Campos was found in a dumpster "battered and badly decomposed, his mouth filled with trash." Her story, however,

⁵ Tóibín, Colm. *The Master*. New York: Scribner, 2004.

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was taken from the true story of John A. Fiocco Jr.'s disappearance from the campus of The College of New Jersey. Fiocco Jr. was found in a dumpster, like the boy in Oates' story. Oates' Campos is described as a heavy-drinking fraternity brother who is not interested in his studies. Although her story is fiction, people might assume the way she described her fictional character is a direct representation of the real boy. Since she did not change the date of the boy's disappearance and the fact that the boy was found in the dumpster, readers who are aware of the true story might make judgments about Fiocco Jr. based on Oates' Campos. Jr. The correlation between the real story and Oates' fiction has the potential for damage and pain to family and friends of the Fioccos. She has been accused of slandering Fiocco Jr. and exploiting the Fiocco family's personal tragedy. Oates' apparent insensitivity toward her subject qualifies the belief that sometimes borrowing too closely can be seen as unethical. In this situation, Oates' attitude toward the subject she borrowed from affects the debate of authorship and originality; it seems as though Oates did not have as much respect for the subject she borrowed from as Cunningham and Toibin had for the authors they borrowed from. Oates is not unethical in her copying of an idea. Authors *should* be inspired by the political, social and economic factors of our time. Though Oates' story was original, the criticism of her work is a prime example of examining the morality of exceeding a reasonable amount of borrowing.

Music is another artistic genre where there is a fine-line between novelty and imitation. Because there are an innumerable amount of songs, it seems inevitable that eventually musicians will repeat another musician's lyrics, rhythm or rhyme scheme. While there are many different ways to word a certain expression, it is almost impossible for

an artist to assume ownership over a certain way of composing a song. The Columbia Law Library Music Plagiarism Project's Web site contains a list of plagiarism accusations by music artists since the 1850s. Over 100 disputes and court cases are listed on the site. Music legend Bob Dylan was found to have plagiarized lyrics in his album "Love and Theft." Jon Pareles' article "Plagiarism in Dylan, or a Cultural Collage?", which appeared in *The New York Times* on July 12, 2003, maintained that criticism over Dylan's work is "a symptom of a growing misunderstanding about culture's ownership and evolution, a misunderstanding that has accelerated as humanity's oral tradition migrates to the Internet." Pareles argues that Dylan's tendency to be influenced by other works is not unethical. He is aware of the problem that arises with the threshold of borrowing. What constitutes a healthy or unhealthy amount of borrowing? Should there be a limit? He says, "[Dylan] was simply doing what he has always done: writing songs that are information collages. Allusions and memories, fragments of dialogue and nuggets of tradition have always been part of Mr. Dylan's songs; all stitched together like crazy quilts." Slight change or manipulation makes a world of difference in Dylan's art. There is great truth in Pareles' view that we should embrace the artistic community's ability to be inspired and stitch borrowed fragments together into an innovative creation.

Dylan borrowed his lyrics again in the fall of 2006. The lyrics of his album "Modern Times" were borrowed from the poems of Henry Timrod. Scott Galupo's article "Artful mastery of borrowing," which appeared in *The Washington Times* on November 17, argued that "The evolution of art requires artists—novelists, painters, songwriters—to imitate before they innovate. They study old forms, experiment with new ones and, if lucky, stumble onto a fresh voice." Galupo

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cites Harvard University psychologist Steven Pinker's view on digital plagiarism detectors. "All Bob Dylan needed was to footnote the Timrod references in his liner notes. Problem solved. No controversy. Then again, think of the legalistic pain it would cause writers if we had to footnote Shakespeare every time we used an idiom he contributed to the language, or track down his heirs to pay them royalties. And who, after all, lifted more plots than the Bard himself?" Pinker raises an interesting point about citation in music. Music and literature would change entirely if every single word or phrase had to be referenced. Critics should be more lenient with allowing certain phrases as acceptable for future use. Like Pareles, Galupo and Pinker, it is true that one can be creative without necessarily being original.

The artistic world can be considered a pool of thoughts to be composed and transcribed by individual authors. For authors, musicians, and their critics, defining legal borrowing is an arduous task. Determining exactly how unique something should be to be considered "original" is a concept that can be wrestled with incessantly. While it is undoubtedly true that plagiarism exists in modern authorship, the claims of individuals' deliberately copying should be reevaluated. Morley and Barthes address the question of authorship by determining whether or not it is necessary for the personality of the author to represent a work's originality. Though their extreme formulations differ, both critics agree on the existence of a debate between authorship and originality. The work by Cunningham, Toibin, Oates and Dylan show that borrowing and originality *can* be compatible. We should accept that borrowing is universal and there is no right specific way to evaluate how much borrowing constitutes a dearth of originality. Borrowing is fair, and even valuable, as long as an author does not abuse his influence by deliberately copying

another author's idea and structure and pose it as his own. With the inevitable decrease of the realm of traditional originality, the idea of what it means to be an author should be reconstructed. Modern authorship should encourage a new type of originality by supporting the artist's own interpretation of a previous idea to create a new one built from a different individual.