

Some aesthetic side effects of copyright

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From a utilitarian point of view, copyright laws are regarded as ‘incentive structures that produce a socially optimal supply of intellectual creations.’¹ Constructing and managing these incentive structures is a delicate balancing act. If the protection of intellectual property is too weak, fewer would be willing to invest time, effort, and capital in producing new works. Too strong a protection would, on the other hand, make it harder to build new works upon existing ones—something nearly all authors, in some way or other, do—and create problems for critics and scholars who need to be allowed to describe and quote from the works they are discussing. Hence the importance and difficulty of finding an acceptable balance between respect for intellectual property and creative liberty and freedom of speech.

‘Western societies,’ Rosemary J. Coombe says, ‘have witnessed a massive expansion of the scope and duration of intellectual property rights since the mid eighteenth century, and an even greater growth and proliferation of legal protections in the twentieth century.’² Does this mean that the regulation of artistic expression has become unbalanced? Some think that the strong variety of copyright resembles a form of censorship and that the current situation is alarming.³ The cultural and media historian Siva Vaidhyanathan expresses this concern succinctly: ‘Gradually the law has lost sight of its original charge: to encourage creativity, science, and democracy. Instead,

the law now protects the producers and taxes consumers. It rewards works already created and limits works yet to be created.⁴

Although I share the concern, especially regarding the current duration (in most countries, the author's life plus 70 years), which can hardly be said to benefit anyone except the copyright owner, I would nevertheless argue that copyright also has aesthetically productive side effects. The discussion of copyright laws as a balancing act seems to presuppose that protection of property rights always limits the range of expressive options. Copyright laws, from this point of view, are justified, because they protect authors from financial and moral exploitation, but the effects on creative liberty are implicitly described as exclusively negative. Missing from the discussion is the fact that rules imposed on an activity also constitute the foundation for certain types of actions that would not be possible without the rules. As a regulatory system, copyright certainly does impose limits on artistic expressions, but distinctions enforced by the law have at the same time opened up space for new sub-genres and new types of authorship.⁵

I will limit my discussion to one particular activity: the use of extant fictional characters in new stories. I will for practical reasons—sometimes anachronistic and sometimes slightly at odds with its ordinary usage—employ 'sequel' as an umbrella term for all works that result from this activity. A sequel is here simply understood as a narrative work that tells a new story about a character (or characters) known from a previous work.⁶

There are two reasons for choosing sequels to discuss the aesthetic effects of copyright. Firstly, using known characters in new works is an *aesthetic* activity, in contrast to the verbatim copying of texts. Secondly, sequel writing is one of the literary practices most recently subjected to legal restrictions. Since it also is one of the oldest ways in which we critically engage with the stories that surround us, regulation of sequel writing illustrates how the expansion of copyright has reached a point where it seriously threatens to make us mere consumers of texts already written rather than participants in a cultural dialogue.

Fair use

Copyright law today provides copyright owners with the option to take legal action against sequels written by others. Even though an exact date is hard to pin down, it is safe to say that this option was not available before the twentieth century.⁷ There are exceptions in the legislation of most countries, however, which allow certain kinds of uses of copyright-protected works. In the US these exceptions are covered by the term fair use, and include uses with a critical or parodic purpose.⁸

The current situation may be illustrated by J. D. Salinger's suit against Fredrik Colting in 2009. Colting's novel *60 Years Later: Coming Through the Rye* tells the story of a 76-year-old Mr C roaming New York on the run from a nursing home. The main bulk of the narrative closely parallels Holden Caulfield's adventures in *The Catcher in the Rye*, with the difference being that the protagonist is sixty years older. Salinger sued Colting for infringing his exclusive right both to produce a sequel to *The Catcher in the Rye* and to use the character Holden Caulfield in a new story. Regarding the latter, Salinger's suit included a long list of similarities between the two protagonists, intended to establish that Colting's Mr C is Salinger's Holden Caulfield. There was also paratextual evidence. On the cover of the book, as well as in newspaper interviews with Colting, Mr C was identified as Holden Caulfield and the novel presented as a sequel to *The Catcher in the Rye*.

In his defence, Colting argued that his novel was a parody and a critical commentary, and as such constituted fair use of Salinger's literary property. His purpose in writing *60 Years Later* was to 'critically examin[e] the character Holden, and his presentation in *Catcher* as an authentic and admirable (maybe even heroic) figure'⁹ The New York District Court dismissed Colting's assertion: it did not find his version of Holden sufficiently transformative to be regarded a parody or critical commentary within the context of copyright law. As a successful example, the court referenced *The Wind Done Gone* (2001), Alice Randall's retelling of Margeret Mitchell's *Gone*

With the Wind (1936) from the point of view of Cyanara (Scarlett O'Hara's half-sister), whose mother is a slave. While *The Wind Done Gone* exposes the underlying racism in Mitchell's beloved novel, *60 Years Later* merely rehashes themes that are already extant in Salinger's novel. It does not expose anything, it just repeats the original work's contrast between Holden's admirable and pathetic personality traits. The court, in other words, ultimately agreed with Salinger's assessment that Colting's sequel 'is not a parody and it does not comment upon or criticize the original. It is a rip-off pure and simple.'¹⁰

The notion of ownership

Salinger was certainly not the first author to condemn character appropriation. Authors have expressed their concerns about this since at least the beginning of the seventeenth century, roughly around three hundred years before copyright law came to regard characters as protectable elements of a work. As my mention of a date (the beginning of the seventeenth century) suggests, while Salinger's assertion of his right to Holden Caulfield belongs to a longstanding tradition, it should not be understood as just a modern example of a phenomenon that is as old as literature itself. The notion that a character is an entity created by and belonging to a specific author, which underlies the feelings of resentment towards others who use this character, has not always been self-evident.

Using known characters is, however, a phenomenon as old as literature itself. It was an uncontroversial literary practice until the modern novel discarded the use of protagonists provided by tradition (history, legend, or classical literature) in favour of original characters. Original, that is, in the sense of new characters invented by the author.¹¹ Sequel writing continued, obviously, but changed, imbued with a provocative potential. With the popularity and valorization of original characters came a new kind of sequel writing that knowingly appropriated another author's original characters. Since the rise of this kind of sequel was connected

with the rise of the novel, it is not surprising that research into the attitudes towards characters as something that belongs to their authors often has turned to eighteenth-century Britain. In this period, many contemporary popular novels were honoured with sequels and parodies, and concerns at whether this activity constituted a transgression of some sort seem to have been immediately awakened. According to David Brewer, the dominant although not unchallenged perception was that popular characters were a kind of common property, belonging to anyone who was inclined to engage in an imaginative expansion of the lives of the characters.¹² Many popular authors nevertheless lamented over these derivative works, as Elizabeth Judge has pointed out, saying that their characters had been ‘kidnapped’, ‘seduced’, ‘debased’, ‘pirated’, and ‘ravish’d’.¹³

Brewer makes the case that it was with Walter Scott in the 1820s that discussions about the relationship between authors and characters took on a direction that we may recognize as definitively modern.¹⁴ Scott insisted far more than his eighteenth-century predecessors on ‘absolute proprietorship’ of his own characters.¹⁵ It should be noted that copyright at this time meant nothing more than the right to mechanically copy a text. Such uses of existing works as translations and adaptations were not protected by law until the latter part of the nineteenth century, and the inclusion of characters as a copyrightable element of a work lay even further in the future. Scott, however, asserted his exclusive rights to his characters.

In the eighteenth century, the valorization of original characters in combination with the frequency of the sequels that appropriated them had already made the relationship between author and character into an artistic and moral issue. The sequeller could be accused of being a lesser writer, a creatively inept plagiarist, or appreciated as a critic who exposed the falsity in the original work. Another way to put it is that the distinction between sequels written by the original author and sequels written by someone else became operative. Previously acknowledged options—that an author could either use traditional characters or invent new ones—were accompanied by a third alternative: to use characters recently invented by another

identifiable author. The term ‘pretended Continuation,’ used by Samuel Richardson in his advertising war with Ward & Chandler, publisher of *Pamela’s Conduct in High Life* (1741) by John Kelly, nicely captures the recognition of this kind of sequel as its own category of fiction.¹⁶ The feud between Richardson and Ward & Chandler, and others who sold additional stories about Pamela, was primarily conducted using authenticity claims. Richardson’s assertion that his story was genuine and the others’ spurious had a rhetorical weakness, though. Richardson tried to uphold the convention that his book was based on actual letters, something that was turned against him when his competitors claimed to possess the same ‘real’ correspondence. Everyone knew it was a fiction, of course, but it still proved problematic for Richardson, and he soon felt forced to officially drop the mask and come forward as the author, not the ‘editor,’ of *Pamela*.¹⁷ His adverts for his own hastily and reluctantly produced sequel to *Pamela* duly guaranteed that it was ‘by the same author’ as the first.

A few years later *The History of Tom Jones the Foundling, in His Married State* (1749), a rushed sequel to Henry Fielding’s *Tom Jones* published earlier the same year, would underline that sequels written by someone else could be regarded as a category of their own. The preface declares that ‘the World should be satisfied that Henry Fielding, Esq; is not the Author of this Book, nor in any Manner concerned in its Composition or Publication.’¹⁸ This declaration may be read as a mockery in which, as Thomas Keymer and Peter Sabor say, ‘insult is added to injury.’¹⁹ It can also be understood as a guide for the reader, making it clear that it is a sequel written by someone else, without any involvement of the original author, and that it should be read and judged accordingly.

The real–fake dichotomy

A decisive moment in the emergence of the proprietary stance towards fictional characters and the moral, artistic, and ontological issues that follows with sequels written by others can be identified

even earlier. The dialogue between Avellaneda's sequel *Segundo tomo del ingenioso hidalgo Don Quixote de la Mancha* (1614) and the second part of *Don Quixote* by Cervantes himself, published in 1615, can in retrospect be seen as marking the beginning of a new approach to fictional characters, to originality, and to intellectual property. Using well-known characters for new works was, as Avellaneda points out in his preface, nothing new.²⁰ 'How many,' he asks rhetorically, 'have not spoken about Angelica's love, and what happened to her?'²¹ At the front of his mind were presumably Luis Barahona de Soto's *Primera parte de la Angélica* (1586) and Lope de Vega's *La hermosura de Angélica* (1602), both well-known Spanish epics at the time, which described adventures after the end of Ariosto's *Orlando Furioso* (1515, 1521, 1532). Ariosto's work, in turn, was a sequel to *Orlando Innamorato* (1483, 1495) by Matteo Maria Boiardo—a chivalrous epic that combined elements from Carolingian and Arthurian story worlds. Yet, the fact that Avellaneda found it necessary to remind his readers, and Cervantes, of this established literary practice, seems to imply that he sensed that his use of Don Quixote and Sancho Panza in some way differed from, say, Vega's continuation of the love story of Angelica and Orlando.

One crucial difference was that Cervantes was alive. When Vega wrote about Angelica, Ariosto was dead, as was Boiardo when Ariosto had produced his sequel. The pseudonymous Mateo Luján de Sayavedra, on the other hand, had in 1602 continued the hugely popular picaresque novel *Primera parte de Guzmán de Alfarache Grizman* (1599), when the original author, Mateo Alemán, was still around to protest. And protest Alemán did, in *Segunda parte de la vida de Guzmán de Alfarache* (1604). Avellaneda was most likely aware of this case, but chose, wisely, not to mention it.

Another difference lay in the character's tie to specific authors. Boiardo may have introduced Angelica and added her to the traditional set of Carolingian characters. But she was not, partly because Boiardo's work had been overshadowed by Ariosto's, conceived of as Boiardo's creation in the same way as the knight and squire in question undoubtedly were Cervantes's great innovation. The artistic

achievements of the work *Don Quixote* were embodied in the characters—in Don Quixote and Sancho Panza. The consequences of this for the status of Avellaneda's story is, perhaps unintentionally, hinted at by Avellaneda himself. He tries to present his work as a sequel of the traditional type, but while he describes this tradition as 'several hands' telling the story of a single character, he concludes by stating that the world is big enough for two Don Quixotes and two Sancho Panzas. That is, he touches on the ontological puzzle of whether the same character in stories written by different hands really is the same character. If not, it is just one small step to establishing a real–fake dichotomy with regards to sequels.

Cervantes's retort in his own sequel follows this line of reasoning. After using the preface to ridicule Avellaneda for being a coward who hides behind a pseudonym and a moral weakling who had fallen for the temptation of getting easy fame and money, he incorporates Avellaneda's book in his story world in order to further undermine its validity. In Chapter 59, towards the end of the novel, Don Quixote and Panza overhear two noblemen at an inn talking about a second part of Don Quixote's adventures. When he hears that this book claims he no longer loves Dulcinea, Don Quixote is enraged and rushes to defend his honour. The noblemen—Don Juan and Don Jerónimo—are immediately convinced that they stand before the real Don Quixote and Panza, the ones who were portrayed in the first book. Avellaneda, they conclude, has stolen Don Quixote's name and made an attempt to undermine his accomplishments. They can also see that Avellaneda's portrayal of Panza as a simple-minded, gluttonous drunkard is a patent lie. In this way, Cervantes reaffirms the 'realness' of his characters by letting Avellaneda's book appear as an untruthful fiction in the reality of Cervantes's fictional world.

Later, Cervantes goes one step further and uses one of Avellaneda's original characters. Don Quixote meets Don Alvaro Tarfe and convinces him that the real Don Quixote now stands before him, while the person he previously met was an imposter. To bring it home to him, he persuades Don Alvaro Tarfe to put it in writing.

The magistrate of the village happened to come into the inn, along with a scribe, and Don Quixote submitted a petition to him saying that under the law it would be a good idea if Don Alvaro Tarfe, the gentleman here present, should declare before his grace that he did not know Don Quixote of La Mancha, also present, and that he, Don Quixote, was not the one that had appeared in a history entitled *Second Part of Don Quixote of La Mancha*, written by someone named Avellaneda, a native of Tordesillas. In brief, the magistrate gave his legal decision; the statement was made with all the juridical force that could be brought to bear in such cases, which made Don Quixote and Sancho very happy, as if such a statement mattered a great deal, and as if the difference between the two Don Quixotes and the two Sanchos could not be clearly seen in their actions and words.²²

Cervantes's attack on Avellaneda is not without its playful contradictions, and it is hard to tell how seriously offended he actually was. He lets Don Alvaro Tarfe declare his willingness to 'say again and affirm again that I have not seen what I have seen or experienced what I have experienced'.²³ There remains an unresolved question of what ontological status Avellaneda's 'Don Quixote' and 'Panza' are granted in Cervantes's fictional world. Are they fictitious persons in a made-up story, in contrast to Cervantes's first part, which in the second part have the status of a true, albeit according to its protagonists not always fully trustworthy, story? Or are they a couple of imposters, masquerading as Don Quixote and Panza? Is Avellaneda telling lies about Don Quixote and Panza, or a true story about two imposters? Panza's proposal, that Don Alvaro Tarfe has been enchanted by evil magicians, is perhaps the most ingenious solution to the riddle.

Don Alvaro Tarfe seems in any case real enough. That is, he is present in Cervantes's fiction as a real person, on the same ontological level as Don Quixote and Panza, and as the identically same character as in Avellaneda's story. In other words, while Cervantes undermines the validity of Avellaneda's story by introducing a

distinction between real and fake versions of a character, he has no problem using one of Avellaneda's characters as if this distinction is optional. The inconsistencies of the different layers—fiction, history, reality—within the fictional world are not a mistake by Cervantes. In addition to following the logic already inherent in Cervantes's work, it also reflects the indeterminacy of character identity between narratives written by different authors. This type of indeterminacy was not invented by Cervantes. But he raised the issue and made artistic use of an ontological question that previously had gone unnoticed. I would argue that this artistic possibility, which Avellaneda spurred Cervantes to recognize, depended on a new conception of the original character—an individualized character that is not a mere type, nor inherited from tradition, but created by and belonging to a specific author—together with a book market that gave this kind of character a financial value. In early seventeenth-century Spain there was both artistic and financial worth at stake in character identity.

Unauthorized and authorized sequels

One of the long-term effects of the real–fake dichotomy—based on the author–character relationship—was the formation of a new sub-genre, the unauthorized sequel. Unauthorized sequels, it should be noted, are not designed to mislead. They do not pretend to present their characters as original (which would constitute an unacknowledged theft of another's creation), nor do they hide the fact that these stories are told by someone else than the originary author. As the title page of Henry Fielding's *An Apology for the life of Mrs Shamela Andrews* (1741) declares, this sub-genre can be used to criticize the original story: in *Shamela* 'the many notorious falsehoods and misrepresentations of a book called Pamela are exposed and refuted; and all the matchless arts of that young politician, set in a true and just light.'²⁴

There is a particular potential for mischief and provocation in unauthorized sequels that differs from other literary transgressions,

such as blasphemy, obscenity, and defamation. The moral, artistic and ontological provocation of unauthorized sequels does not depend on content, style, or form, but on the conception of characters as the property of an individual author. The unauthorized sequel contests this conception, as well as the corollary that it is the originary author who knows the truth about the character in question. And because contemporary copyright law in effect encourages sequellers to treat original characters in a parodic or critical way—in order to pass the fair use test—the variety of unauthorized sequels that claim to expose falsehoods in the protected work is legally sanctioned.

The lengthening of copyright terms in the twentieth century has also created an aesthetically productive separation between authorship and ownership. Here I am talking about the authorized sequel, a sub-genre exemplarily exploited by the estate of Ian Fleming, which after Fleming's death commissioned authors to write new Bond novels, an enterprise that is still going strong. These authorized sequels are supposed to be faithful to the Bond the public already know, and anything but parodic and critical. Copyright has thus been directly responsible for the emergence of a type of sequel between the real (written by the originary author) and the unauthorized: new adventures written by another author, which are meant to be read as if they could have been written by the original author, and with an authenticity claim validated by the copyright owner.

In 2013, the Swedish publishing house Norstedts announced that they had contracted David Lagercrantz to write a sequel to the Millennium Series, Stieg Larsson's trilogy about Lisbeth Salander. The news was met with everything from mild anticipation to full-blown indignation. Some pointed out that it was not an uncommon practice in contemporary publishing (with the numerous Bond continuation novels as a prime example), and posed no serious threat to the integrity of the original work. Others considered it an exploitation of the public's eagerness to get more of Lisbeth Salander, a cynical move based on the false premise that

Lagercrantz's *Salander* could be identical with Larsson's *Salander*. Kristina Ohlsson, herself a fairly successful crime novelist, took a brisk line with a comparison with Mozart. No matter how much we would love to devour a new piece of music by Mozart, she said, it is never going to happen, because Mozart is dead. And so is Larsson.²⁵ It might be said that Ohlsson's reasoning conflates a new story by Larsson with a new story about Lisbeth Salander. But it is a relevant conflation since authorized sequels are often expected to tell the new adventure about a beloved character in a manner that resembles the original author's narrative voice.

Authors, publishers, and critics treat authorized sequels as aesthetically different from unauthorized sequels. To avoid being sued, the writer of an unauthorized sequel must make sure that the portrayal of the character departs sufficiently from the source text's character, but at the same time is close enough for readers to grasp that it is meant to be understood as the same character. An authorized writer has the opposite challenge, for even if some degree of newness is expected, the play of differences and similarities that makes for much of the allure of an unauthorized sequel is not so important. The mark of a good authorized sequel is not originality, but fidelity to the original. The character in the new story should be close enough to give the reader the experience of following a further adventure of the actual familiar character, rather than an imitation or an alternative version.

The back blurb of *The House of Silk* (2011) proclaimed that this was the first time Conan Doyle's estate had authorized a new book in its 125-year history. Even though not entirely true, it was an indication of what type of new Holmes story the reader could expect.²⁶ As the new novel's author Anthony Horowitz explained, 'There have been plenty of [books] that have done all sorts of things with Sherlock Holmes. He's met Churchill and Hitler. He's fought in the First World War. He's come across Tarzan, Jekyll and Hyde, Dracula. By and large, they're all terrible—most of them. I wanted to write a book that was just true to the original.'²⁷ The reviews agree that the novel makes a different and quite specific claim. After musing on

the vast amount of ‘profane’ Sherlock fiction produced in the last seven decades or so, *The Guardian’s* critic states, ‘But *The House of Silk* is in a class of its own: Horowitz’s novel is the first Sherlock Holmes addition to have been written with the endorsement of the Conan Doyle estate. It is not a pastiche. It is not an update. It is, as its cover proudly declares, “the new Sherlock Holmes novel”. Horowitz is the anointed successor. And to whom much is given, of him shall much be required.’²⁸

What is required of this kind of writing is described by Will Brooker with regard to the further adventures of another Victorian icon, as told in Gilbert Adair’s *Alice Through the Needle’s Eye* (1985):

Adair’s challenge is to make the reader feel he or she is back in Carroll’s hands, to reassure us and encourage us to trust him as we settle comfortably into the illusion that we really are experiencing a third adventure—or at least, a good enough simulation of it. Of course, a new story requires novelty, but Adair has to ensure that his invented elements are the kind of elements Carroll ‘would have’ invented, according to our sense of his persona. In addition to recreating Alice as a character, then, Adair has to recreate Carroll as an author, and then inhabit that imagined authorship—in Noon’s terms, a kind of automated Carroll, or replicant—to write what Carroll ‘would have written’. He enters into a complex conjuring act with the reader—we want to be complicit in the illusion, because we want a new adventure for Alice by ‘Carroll’, but too many disruptions will destroy our pleasure.²⁹

Carroll’s works are in the public domain, which means that the distinction between authorized and unauthorized sequels is not relevant in the legal sense. Adair’s book was not explicitly promoted as ‘authorized’, but he wrote as if he was writing an authorized sequel. Or to put it another way, he borrowed the specific aesthetic, generated by the legal possibility to commission someone to use characters still under copyright protection. In other words, this kind of writing has taken on a life of its own beyond the reach of

copyright law. Its particular restrictions and demands, once established and recognizable as constituting a category of sequels, have been cut loose from the circumstances of its legal foundations to become an aesthetic option which can be applied—if the author so chooses—to characters in the public domain.

One important aspect of writing faithful sequels is that the artistic stakes are higher, compared to critical or parodic sequels. Especially if the original author is considered inimitable, as Carroll is. As one reviewer says about Adair's attempt: 'There is a kind of intense if bizarre self-pity and tenderness in [the Alice books] that Mr Adair, simply because he is not Lewis Carroll, cannot match.'³⁰ To write as P. G. Wodehouse, to take another very British example, is deemed equally impossible. 'This is madness, obviously', begins a review of Sebastian Faulks' Wodehouse sequel *Jeeves and the Wedding Bells* (2013).³¹ Madness, because while it is easy to employ the characters created by Wodehouse, it is quite another thing to match his style. 'To bust out Jeeves and Wooster is no more than to put on your tennis whites; to do Wodehouse requires you then to play like Roger Federer.' Despite that, the reviewer was impressed. Even if Faulks is 'not as funny as Wodehouse', and there are passages where he hears 'the voice of Faulks, not of Wodehouse', he finds the novel 'a pretty remarkable performance'. The high praise is perhaps a consequence of low expectations, but it nevertheless shows that to write in the style of another—or in Brooker's words, to inhabit an imagined authorship—is an endeavour that can be judged on its own artistic merits.

The new ghostwriter

The practices regarding sequels—how they are written, categorized, and read—is one area where the aesthetic side effects of copyright can be seen. The foundational concept of a privileged tie between a character and the author who created it predates copyright, and the distinction between sequels based on who the writer is can be seen at work as early as the seventeenth century. But probably not

much earlier. The valorization of originality, the individualization of characters, and a growing book market made the question of who owns a character morally and artistically important.

The resulting distinction between genuine and spurious sequels, and between real and fake versions of a character, would later be strengthened by legislation. Modern copyright laws have put some sequellers on trial and, presumably, stopped many authors from venturing to write sequels in the first place. But copyright is also responsible for the emergence of two categories of literary fiction: the unauthorized and the authorized sequel. The authorized sequel is the newer of the two, made possible by the expansion of copyright in the twentieth century. While both depend on the notion that a fictional character is something created by and belonging to a specific author, the latter also depends on the additional condition that rights to a character can be owned by someone other than the author who created it.

Horowitz and Faulks are indicative of a growing recognition and appreciation of writing-as-another as a kind of authorship that is worth pursuing not just from a speculative standpoint, but also for artistic reasons. They are not one-trick ponies, in it for the money or the fun of it, but take on the varied challenges of writing as another author. Horowitz wrote one further Holmes novel and then in 2015 moved on to Bond.³² Faulks, likewise, now has a Bond novel to his name.³³ They perform the difficult task of impersonating other authors better than most, and are critically rewarded for it.

As the example of Lagercrantz illustrates, this kind of sequel-writing has a lot in common with ghostwriting. Lagercrantz's two 'ghostwritten' autobiographies—the adventurer and mountaineer Göran Kropp and the footballer Zlatan Ibrahimović—gained him a reputation as being unusually good at subduing his own voice and letting the biographee's personality shine.³⁴ Both books are first-person narratives, where the 'I' is the autobiographical subject, written by Lagercrantz, and based on interviews which he conducted. *Jag är Zlatan Ibrahimović* (2011, *I am Zlatan*) in particular was both a bestseller and a critical success. It is unusual for

an autobiography by an athlete to receive the amount of attention in the newspaper culture sections that it did. Critics commented on Ibrahimović's life story and personality, but focused mainly on Lagercrantz's accomplishment, on how his rendering of Ibrahimović's voice was more convincing and brought the reader closer to Ibrahimović than if he had written the book himself. It thus made perfect sense for Norstedts to ask him to write a fourth book about Lisbeth Salander. And with the Millennium sequel, Lagercrantz further established himself as an author primarily known for his ability to write engagingly and convincingly in the voice of another.

Notes

- 1 Coombe 1998, 7.
- 2 Ibid. 6.
- 3 For the interdependency of freedom of speech and regulative mechanisms, see the introduction to this volume.
- 4 Vaidhyanathan 2001, 4.
- 5 For the productive effects of state censorship, see Malita in this volume.
- 6 In this context, the chronological relation between the narrated events in the sequel and in the original work is of no importance. Prequels, midquels, and refocalization stories are all sequels, being of a later date than the work on which they are based.
- 7 According to Decherney 2011, 135–54, the case of *Chaplin v. Aplin* in the 1920s might be considered the first court ruling that granted someone exclusive rights to a character.
- 8 There are national differences when it comes to the wording of the exemptions in copyright, as well as in judicial interpretation and practical application, but my discussion here is general and limited to the need to allow certain uses of protected works for the purpose of critique, comment, parody, and education, as is acknowledged in many countries (see Band & Gerafi 2015). For an analysis of parody in three different legal systems, see Karlsson 2013; for copyright law generally, the broad legal framework is set by the Berne Convention, an international copyright agreement with (as of November 2019) 177 member states.
- 9 *Salinger v. Colting*, 641 F. Supp. 2d 250 (S.D.N.Y. 2009) No. 09 CIV 5059, 1 July 2009, <https://www.courtlistener.com/opinion/1482913/salinger-v-colting/>, accessed 8 Jan. 2019.
- 10 Complaint, submitted 6 June 2009 to United States District Court, Southern District

New York <https://ia902702.us.archive.org/1/items/gov.uscourts.nysd.346633/gov.uscourts.nysd.346633.1.o.pdf>, accessed 8 Jan. 2019.

- 11 These new characters also had their sources, such as newspaper stories and court testimonies, or were inspired by the author's personal acquaintances, but they were not taken from earlier literature and were not presumed to be known to readers.
- 12 Brewer 2005.
- 13 Judge 2009, 22–68.
- 14 Brewer 2005, especially 192, 202.
- 15 Ibid. 196.
- 16 *London Evening News*, 23–5 June 1741, facsimile in Keymer & Sabor 2005, 60.
- 17 Keymer & Sabor 2005, 59.
- 18 Anon. 1749.
- 19 Keymer & Sabor 2005, 66.
- 20 Avellaneda 1614.
- 21 Avellaneda 1614: 'Cuántos han hablado de los amores de Angélica y de sus sucesos? Las Arcadias, diferentes las han escrito; la Diana no es toda de una mano.'
- 22 Cervantes 2003, 927.
- 23 Ibid.
- 24 Fielding 1741.
- 25 Ohlsson 2013.
- 26 Leslie S. Klinger mentions two recent examples: Caleb Carr's *The Italian Secretary* (2005) and Lyndsay Faye's *Dust and Shadow* (2009), quoted in Medley 2011.
- 27 Ibid.
- 28 Samson 2011.
- 29 Brooker 2004, 162.
- 30 Fuller 1985.
- 31 Leith 2013.
- 32 Horowitz, *Moriarty* (2014), *Trigger Mortis* (2015), and *Forever and a Day* (2018).
- 33 Faulks, *Devil May Care* (2008).
- 34 Kropp & Lagercrantz 1997; Ibrahimović & Lagercrantz 2011.