I was at my local public library just a few weeks ago when I had the very experience local public libraries exist to facilitate: I found something I wanted to read – a book I didn’t know existed when I entered the building. It was a new addition to the library’s graphic novel collection: F. Scott Fitzgerald’s *The Great Gatsby*, adapted by artist Nicki Greenberg (2007).

*The Great Gatsby* is one of the most-read novels in the history of American letters, so one might assume that converting it into a graphic novel (which is, after all, essentially a euphemism for “comic book”) would be a serious mistake. Everyone who has ever taken a high school English class is a potential critic. I, personally, approached the book with a little bit of trepidation. F. Scott Fitzgerald is one of my favourite authors. Greenberg’s take on *Gatsby* was either going to be very interesting or very infuriating.

Actually, the book is charming. Greenberg has a unique visual sensibility, which operates on the text at the level of interpretation rather than revision. She gives Fitzgerald’s characters alien bodies that are all somehow consonant with their dispositions. Daisy Buchanan has a round puffball of a head that hovers above her shoulders on a long, skinny neck, as though lighter than air. Gatsby him-
self is a kind of seahorse, the elegant curl of his tail somehow befitting his self-conscious refinement. The character design reads as a comment on the flamboyance of Fitzgerald’s characters, rather than a cartoony bastardization. The colour palette is tweaked to give every panel the appearance of a sepia-tone photograph—a move that makes the whole book practically scream 1920s to twenty-first-century eyes. The text is Fitzgerald’s own, though all but the most essential has been omitted due to space constraints inherent in the graphic novel format.

It’s like reading Gatsby through the eyes of someone else—someone with as much affection for the book as anyone can have. “This was a labour of love and a tribute,” said Greenberg in response to an e-mailed question. “My own mad and personal homage” to Fitzgerald’s original work.

While reading Greenberg’s website, I was upset to discover that the book would be unavailable to readers in the very country that fired Fitzgerald’s imagination and set him on his path to success. Why? Greenberg’s website says it most succinctly:


This copyright issue situates Greenberg’s Gatsby precisely at the intersection of two areas of major concern to library professionals: reader interest and intellectual property. I will investigate both of these topics as they relate to Greenberg’s book, as a means of pinpointing the proper role of librarians in resolving the obvious antagonisms between them. I will then attempt to demonstrate that it can be useful and practical for a library to take a stand in an ambiguous copyright situation, if doing so is likely to benefit patrons.

The Copyright Factor

The reason Greenberg’s book cannot be made available for sale in the U.S., even though I was able to obtain a copy at my (Canadian) public library, has to do with the vagaries of U.S. copyright law in and before 1925, the year The Great Gatsby was first published. At that time, an initial grant of copyright by the U.S. government lasted 28 years. After the expiration of the initial grant, a copyright holder could renew his or her copyright claim for an additional 28 years (Hirtle 2008). Gatsby’s copyright was renewed after Fitzgerald’s death, by his daughter, Scottie, in 1953 (U.S.
Copyright Office 1953). This alone would have extended the novel’s term of copyright protection until 1981, but subsequent changes in U.S. copyright law caused the term to be extended even further. The latest of these changes, the Sonny Bono Copyright Term Extension Act of 1998, or CTEA, lengthened the term to 95 years from date of publication for works published prior to 1978 (Wikipedia 2008a). As a result, *Gatsby* will not enter the public domain in the United States until 2020. Since Greenberg’s use of Fitzgerald’s original text is so extensive, it does not constitute fair use. The outcome is that her book is illegal in the U.S. for the next twelve years.

Although the CTEA is the most immediate precipitating cause of the predicament surrounding the distribution of Greenberg’s *Gatsby* in the U.S., there is, in fact, a long history of development in intellectual property law and philosophy leading up to these present-day difficulties. The story is long and convoluted, and it changes slightly, depending on the source. This is my adaptation:

Hauhart (1983) says the earliest implementations of modern intellectual property rights were so-called “royal grants” of protection for industrialists. England was the great pioneer in this field, awarding sole production rights to innovative textile manufacturers as early as the mid-fourteenth century, years before the advent of movable type. The purpose of this grant system was to encourage the invention of “formerly unknown” industrial practices (541).

Later, the increasingly widespread availability of movable type, famously invented by Johannes Gutenberg in 1439, led to the establishment of the Stationer’s Company in England, in 1556. The Stationer’s Company was a group of licensed printers, appointed by the king’s Privy Council. The Stationer’s Company was, for a time, the only body in England that could legally practice the art of printing (Hauhart 1983, 546). This blanket restriction on copying privileges is one of the earliest forerunners of what we know today as “copyright.” For the first time, a government was systematically controlling who could print copies of ideas and (inevitably) what ideas could be in those copies.

The next great development in copyright came in 1709, when England replaced the already defunct Stationer’s Company with a piece of legislation called the Statute of Anne, which, in another historical first, established authors as the owners of their own intellectual property, and set a term on the length of their exclusive claim to their writings of fourteen years (Hesse 2002). These two
new legislative features—authorial ownership and its date of expiry—have gone on to become characteristic of many subsequent adaptations of the copyright concept.

One adopter of copyright to follow the example set by the Statute of Anne was the newly formed United States of America. The U.S. passed its first copyright act in 1790. The act included a time limit on authorial ownership of copyright, even though such a limit was technically at odds with the new nation’s natural rights conception of inalienable property ownership (Hesse 2002). Promotion of innovation was evidently considered more important than total ideological consistency. The goal was to motivate authors to produce more and more new work, leaving the public “unfettered use of the ‘old’ knowledge on which to build a more advanced and sophisticated future” (Lee & Wu 2007, 2).

Though the U.S. was quick to extend these rights to its domestic authors, foreign authors had to wait their turn. In fact, it was more than a hundred years before the U.S. finally signed an agreement with England for reciprocal copyright protection, in 1891. This was in spite of the fact that the European powers had already entered into similar contracts with one another as a result of the Berne Convention of 1886 (Hesse 2002). The U.S. did not become a Berne Convention signatory until 1989 (though it did enter into other, similar international agreements in the interim) (Wikipedia 2008b).

In the years between the passing of the United States’ first rudimentary copyright act and the establishment of its first international copyright protection agreement, major U.S. publishing houses were the beneficiaries of a completely unregulated market for imported intellectual property. There was no need to pay royalties on European texts, so these were often issued in the U.S. without the permission of their copyright holders, and then offered for low prices. One particularly incorrigible American publisher of European texts defends his practice in a letter to an author whose work he reprinted:

> As to the ethics of reprinting, I shall not say anything. I have simply taken what I admired, and am, no doubt, no better than my brother pirates. If there was, as you assume, any discourtesy, I am sorry for it. I can assure you I should enjoy your work, though you cursed me with a twenty devil curse (Sherbo, 1991, p. 103).

This is no apology. It is nothing but the most basic of all justifications: I did it because I felt compelled to, because I liked doing it—and because I could.
Another publishing house, Scribner’s, still extant today as an imprint of Simon & Schuster, speaks in glowing terms, in an 1894 promotional essay published in *Scribner’s Magazine*, of:

The publication [in 1864] of the great “Lange’s Commentary,” extending over several years and reaching finally the total of twenty-six volumes, which enlisted in their preparation and revision the best biblical scholarship of the world. This Commentary, which though based on the German of Lange and bearing his name, was practically a new work under the editorship of Dr. Philip Schaff (some of its volumes being absolutely new contributions), was probably the largest undertaking...entered upon to that time by an American publisher (795).

What was this “largest undertaking” of Scribner’s? It was nothing less than a version of a European author’s scholarly work, copied, translated, and expanded by an American editor and then sold under the original author’s name, almost certainly with no royalties and doubtful authorization, since no reciprocal copyright agreement with Germany existed in 1864. This was an adaptation, produced outside of copyright, for profit.

Later, in 1919, Scribner’s Sons publishing house was the first to take a chance on a young novelist, who had written a promising manuscript while readying himself to fight—and likely die—in the Great War.

That novelist never went to war. Instead, he spent the rest of his life publishing novels under the Scribner’s imprint. He was F. Scott Fitzgerald.

To this day, Scribner’s (under the imprimatur of new owner Simon & Schuster) is still reprinting Fitzgerald’s works, including *Gatsby*, and profiting by them. This is enabled by strong copyright law, which favours Scribner’s exclusive right to do so. If this whole strange history illustrates one thing very clearly, it is that Greenberg’s present copyright troubles smack of delicious, vintage irony, thick and rich with age.

**Authorial Integrity and Sacrosanct Classics**

With this historical context, a few salient facts about copyright make themselves apparent. First, though copyright is strong today, it wasn’t always that way. The history of copyright began long before Sonny Bono and his Term Extension Act. It is a history of gradual strengthening of copyright controls in favour of creators and publishers.

It is also apparent that the eventual champions of strong copyright in the U.S.
were at one time its opponents. Early American publishing houses, of which Scribner’s was only one, compensated for an initially thin pool of domestic talent by copying the works of European authors. Hesse finds that these same publishers began to show support for copyright agreements with Europe at the precise moment they became “net exporters” of texts (2002). In other words, as soon as American writers were worth pirating, piracy in America became illegal – But not before.

This led to a steady lengthening of copyright terms in the U.S., enacted in several separate term extensions, of which the Sonny Bono act is only the most recent (Wikipedia 2008c). Now, as a result, *The Great Gatsby* remains under copyright in the U.S., in spite of the fact that F. Scott Fitzgerald died over sixty years ago, in 1940.

Stronger copyright benefits creators and publishers, at least in nations as flush with talent and industry as the U.S. The lingering question is why, in a democratic nation, the users of the types of ideas and information subject to copyright would allow so many successive increases in copyright term to occur. Lobbying by various creators and publishers can only be a partial explanation. Even though these parties are capable of speaking very loudly when it is in their interest to do so, they still make up a very small minority, compared with the reading/watching/listening public that consumes and adapts their output. It is in the interest of this majority for copyright to be weaker than it is, since weak copyright leads to abundance, and lower prices. Only corporations and family trusts have stakes in the fate of intellectual output 70 years after the deaths of creators.

One possible explanation for the public’s silent complicity in the expansion of copyright is the pervasive idea of creative genius. There is a popular perception that great and enduring works of creativity, like *Gatsby*, result partly or entirely from inspiration. The unspoken assumption is that the author has access to an elevated world of ideas, invisible to the rest of us, and that his or her work consists of bringing those otherworldly ideas into the world of the real. The author (or poet or artist) has a special, innate power to act as a kind of intermediary between everyday life and the universe’s secret stock of intelligence and beauty.

Artists like this would naturally have perpetual claim on any of their ideas, because their creative expression would be beyond reproach—ideal. Inspired genius makes all the right decisions. Someone who believed this, even implicitly, might feel squeamish at the
notion of a great work of art becoming available for others to adapt freely. In order to be successful, a project like Greenberg’s needs to overcome the perception that works like *Gatsby* are sacrosanct.

T.S. Eliot (1920) engaged with this idea of sacred art in his well-known essay “Tradition and the Individual Talent.” In the essay, Eliot does not exactly dismiss these notions of creative genius and inspiration, but he does attempt to ground them in reality, by replacing the idea of spiritual communion with elevated words with a notion of artistic tradition. Eliot says:

...if we approach a poet without this prejudice we shall often find that not only the best, but the most individual parts of his work may be those in which the dead poets, his ancestors, assert their immortality most vigorously (sec. I).

Eliot was talking specifically about poetry, but his model applies generally. The model is catalytic: A creator combines influences (“the dead poets, his ancestors”) to make an original product, while trying his best to keep his own emotions from interfering with the process. The better the artist, the more complete and crafty the combination, and the more effective the attempt to temporarily extinguish the self. For Eliot, art evolves; it does not just appear.

Fitzgerald’s influences are well documented and best left to his biographers and critics to catalogue. For the purposes of investigating this question of inspiration, his work habits are much better candidates for scrutiny here. They reveal him as a writer who, to bring about his very best results, needed to labour very systematically in order to process his influences into satisfactory final products.

Fitzgerald’s habitual stress level prevented him from always putting forward his most concentrated effort. Almost as soon as he became a professional writer, he became ensnared in nearly perpetual debt, which kept him “in bondage to the magazines” that published popular short fiction in his day (Bruccoli 1991, 193). Short stories were as good as cash, and as a result Fitzgerald wrote lots of them, often in very short periods of time, whenever he needed a paycheque. The best of these short stories are considered to be very good, but the rest are thought to be beneath a writer of Fitzgerald’s ability (Bruccoli 1991). This was the nature of Fitzgerald’s work when he was writing primarily from inspiration.

Fitzgerald’s novel-writing process was much different. *Tender Is the Night*, the novel he published after *The Great Gatsby*, came
about as a result of several total rewrites, “layers of drafts” written by hand on unlined paper (Bruccoli 1991, 342). He was also a consummate professional when it came to preserving his workable ideas. His notebooks, some of which were published after his death, are full of itemized lists of impressions and fragments, which Fitzgerald (1945) must have recorded almost as soon as they occurred to him. Here are some examples, from a section with the heading Descriptions of Girls:

She was a stalk of ripe corn, but bound not as cereals are, but as a rare first edition, with all the binder’s art. She was lovely and expensive, and about nineteen (133).

Popularly known as the “Death Ray.” She was an odd little beauty with a skull-like face and hair that was a natural green-gold—the hair of a bronze statue by sunset (134).

Fitzgerald also had a habit of “stripping” (his word) good ideas and fragments from failed or mediocre short stories so that he could later incorporate them into his novels (Prigozy 1989).

From these details, it is apparent that Fitzgerald’s process, when it came to his longer work, was not founded on one or a few bursts of inspiration. The process was one of slow accretion and combination. He saved up ideas and details over time, then incorporated and carefully honed them into a satisfactory final product over several drafts. Fitzgerald was ultimately a builder, not a diviner. The Great Gatsby and his other novels were not preordained. They assumed their final forms only when Fitzgerald stopped work on them, though he could have continued refining them forever.

This means there a sense in which some (if not all) classic works remain incomplete even after completion. They are never quite perfect, even if they somehow manage to come infinitely close. Fortunately for art, and for artists, there is pleasure to be had in trying different ways of approaching that state of perfection. Things can be changed around and made incrementally better or worse or different. The only problem with perpetual tinkering, from a creator’s perspective, is that it does not pay the bills, build reputation, or yield a sense of accomplishment (unlike publication and its concomitant appearance of finality). The third-party tinkerer has no such concern. This is the spirit in which adaptations like Greenberg’s are made.

This has been an artistic justification for the existence of adaptations of prior work, though some of them, justified or not, may violate copyright law, as Greenberg’s Gatsby does in at least two countries. There is an ob-
vious tension between the business interests served by copyright and the reader interest inherent in the demonstrated artistic value of adaptations. Libraries, being both major purchasers of books and major providers of public service, fall neatly in the intersection of these two realms of interest. They effectively serve two masters. The implications of this are many.

Graphic Novels, Adaptations, and Their Place in Library Collections

It will be worthwhile to examine why, in the absence of any copyright concerns, a library like my local public library would choose to add a book like Greenberg’s to its leisure reading collection. Clearly, for a library to buy such a book, the collections development staff would have to be convinced that there was demand for the book among a portion of its clientele. These collection development professionals would need to know generally who would be interested in reading a graphic novel adaptation of *The Great Gatsby* and, to a lesser extent, why.

The literature indicates that many librarians see the graphic novel audience as being composed primarily of teenagers and adult non-readers. Snowball (2007) emphasizes the role graphic novels play in getting teenagers, who might otherwise not frequent their local public libraries, interested in reading. Pawuk (2002) likewise developed a graphic novel collection in his library at the behest of local teenagers, but quickly discovered something unexpected. He says: “One of the most interesting things I’ve noticed about my library’s [graphic novel] collection is that it’s heavily used by all groups—not just teens” (31). Lavin (1998) similarly promotes graphic novels not just as a way of luring younger readers into the library, but also as a way to encourage non-readers of all ages to “develop the reading habit” (32). As justification, he cites the huge variation in subject matter among graphic books: “It is doubtful,” he says, “whether comic books have ever been considered strictly a medium for children” (41).

All this talk of winning over non-readers makes it clear that graphic novels appeal to the didactically inclined librarian, who would like to boost literacy among non-reading patrons, even if doing so requires her to delve into some non-traditional materials that may not be to her personal liking. This is a fine reason for a library to develop a graphic novel collection, but it should also be known that graphic novels are often interesting as
ends in themselves. Detailed reviews of some of the better titles are beyond the scope of this paper, but suffice it to say that more than a few are well worth the time of an avid reader of prose. Lavin (2008) maintains a web-based guide with short descriptions of some that are particularly appropriate for library collections.

Greenberg’s *Gatsby* requires additional justification, over and above that required by other graphic novels, because of its status as an adaptation of a prior work. A real rationale for acquiring a book like Greenberg’s would need to clarify what the adaptation offers that is distinct from its source material. I have already briefly addressed some possible motivations for the creation of adaptations, but there is still some mystery surrounding what, precisely, they bring to their audiences. What would readers find in a graphic novel adaptation of *The Great Gatsby* that they would not find in *The Great Gatsby* itself?

To start with, a more precise definition of adaptation will be helpful. Since adaptation usually necessitates borrowing heavily from a single prior work, it is always flirting, conceptually, with plagiarism. Julie Sanders (2006), in an extended treatise on the subject, draws a thin line between the two, saying, “It is the very endurance and survival of the source text that enables the ongoing process of juxta-posed readings that are crucial to the cultural operations of adaptation, and the ongoing experiences of pleasure for the reader” (25). In other words, adaptations are a natural outgrowth of the process of reading and rereading that accompanies any classic work. They differ from plagiarism in that they take their source material out of its original temporal context—bring it “up to date,” no matter what the current date at the time of adaptation may be, or the adaptor’s idea of what constitutes bringing something “up” to it. The yield of pleasure for the reader comes from the experience of encountering the old cultural favourite in a new and engaging way. Sanders thinks of adaptations as being one of civilization’s methods for prolonging the enjoyment of a well-told tale. Greenberg’s book is a participant in this tradition.

To a teenage or adult non-reader, Greenberg’s book might indeed, as the library literature on graphic novels suggests, represent an easier, more enjoyable way to read. Since Greenberg pares down Fitzgerald’s prose somewhat in order to fit it within her panels, *Gatsby*, though not a lengthy or particularly difficult read to begin with, becomes even less lengthy and even less difficult. A reader who was aware of the reputation of
Gatsby, but had felt intimidated by the task of reading it, might be interested in the graphic novel adaptation as a way of finding out, relatively painlessly, what is actually between those two covers.

To someone who had already read Gatsby in its original form, Greenberg’s book might have more subtle things to offer. The novel is a classic, meaning that many, many people have read it at least once in their lives. The adaptation promises a fresh way of enjoying an old favourite, or, at the very least, a controversial new entry in Gatsby’s history as a classic. Wherever one’s opinion on the nature of authorial intention happens to fall, there is an undeniable allure to the idea of a well-known novel so weirdly transfigured. Even if Greenberg’s Gatsby seems like sacrilege to a particular reader, it will at least be interesting sacrilege.

To summarize, Greenberg’s book is artistically justified (or at least justifiable), potentially interesting to a wide range of borrowers, and commercially available in two out of four major English-speaking markets (Canada and Australia). A question remains: What would happen if a library patron in the United States requested Greenberg’s book from his or her local library? Or, similarly, what if a U.S.-based collections development professional wanted to order it for his or her library’s collection?

The American Library Association Code of Ethics contains an ambiguous directive on this point. It says:

We respect intellectual property rights and advocate balance between the interests of information users and rights holders (ALA 2008).

The ambiguity, in this case, revolves around what, precisely, “advocacy” would consist of. A library that saw some value in adding Greenberg’s book to its collection would have three general modes of recourse at its disposal. It could either:

1. Dismiss the whole idea outright, since buying the book from a Canadian or Australian vendor might violate the letter of the law.

2. Lobby for legislative change by campaigning for influence over lawmakers and copyright holders.

3. Buy the book from a Canadian or Australian vendor, without notifying the copyright holder.

Of the available options, number three is the only one likely to put the book on a U.S. library shelf sometime before 2020.

This would not necessarily be the wrong thing to do. It is doubtful that Gatsby’s
Copyright holders would have much to say. The library would not be using the book to make a profit, nor would it be producing more copies of it. It would not be purchasing the book in lieu of a legitimate version of the same, since the book would be an adaptation, rather than a pirated copy. The money paid for the book would be going to a vendor who was selling it legally, in accordance with the copyright laws of his or her own country. If the letter of the law were actually being violated by a library’s decision to import Greenberg’s book, or another book with Greenberg’s same set of copyright difficulties (which only a lawyer could determine for certain), then the law’s spirit, at least, would still be intact. The copyright holders’ ability to profit from their intellectual property would remain completely unimpeded.

In this case, or any other like it, where user satisfaction might be at stake and the correct course of action with respect to copyright law is completely unclear and apparently unprecedented, the library is forced into a position where it must choose to side either with its clientele or with copyright holders. It is in the library’s best interest to side with the clientele. There are several reasons for this.

One is simple expediency. Patrons are very close at hand and are the library’s major reason for being. Copyright holders, meanwhile, are distant, and vocal only when annoyed. Though copyright holders are crucial to the ongoing functioning of libraries (they fill them with books and information), they are not the ones paying attention to what actually goes on shelves. Patrons are the ones most directly affected by any decisions concerning what a library will or will not include in its collection. For this reason, it would be preferable to give them the benefit of the doubt.

There is also a matter of precedent setting. In an ambiguous situation like the one surrounding Greenberg’s *Gatsby*, swift inclusion of the book in question in the collection of a U.S. library without guilt or uproar would be proof that libraries have limited licence to take initiative in intellectual property matters where it is harmless for them to do so. This could be a step toward a more equitable kind of copyright enforcement, very much in keeping with the ALA’s call for “balance” between the interests of users and those of rights holders (ALA 2008).

Finally, there is an issue of justice to consider. Copyright has a long history of continual change in favour of the publishing industry. It started, in the fourteenth century, as a tiny snowball. After six centuries of steadily
rolling along, it has become an abominable snowman. If libraries have it in their power to act as a check against the inexorable expansion of intellectual property use restrictions, it is morally sound for them to do so. It is my understanding that librarianship is a service-oriented profession. Helping to deliver a more open, less complex, less threatening intellectual property landscape would be service of the highest calibre.

Conclusion

I can’t resist closing this paper in a somewhat self-indulgent way, with a favourite quote from F. Scott Fitzgerald. Actually, it is a fairly famous one:

…let me make a general observation—the test of a first-rate intelligence is the ability to hold two opposed ideas in the mind at the same time, and still retain the ability to function. One should, for example, be able to see that things are hopeless and yet be determined to make them otherwise (Fitzgerald 1945, 69).

This quote seems, to me, to epitomize the paradox within which copyright, adaptation, and library collections are entangled. I know that adaptations are distinct from their antecedent works, and yet I also know that they are similar enough to their antecedents to violate the powerful copyright legislation that governs the use of those antecedents. Out of this immobilizing contradiction, there has to come some kind of “function”—a decision of one sort or another. As a librarian, I can decide on inaction and allow the intellectual property agenda to continue to be set almost exclusively by those who stand to profit from its ever-increasing strength, or I can choose, in my very small way, to be an agent in the destiny of information use, which is, after all, my stock-in-trade.

Neither course of action is perfect. A first-rate intelligence knows this too well. It picks one anyway.

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