

8-2013

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### Recommended Citation

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Fan Fiction, Fandoms, and Literature: Or, Why It's Time to Pay Attention to Fan Fiction

A Thesis

Presented in

Partial Fulfillment of the  
Requirements for Degree of  
Master of Arts

August, 2013

BY

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## **Fan Fiction, Fandoms, and Literature: Or, Why It's Time to Pay Attention to Fan Fiction**

**Christina Yatrakis**

A coworker once told me that riding the train during morning rush hour seemed to her like being surrounded by people who all had just lost a pet. The crowd of people stands mostly motionless, often with blank looks, often focused on a mobile device. Disruptions are always met with attention, usually negative, from the passengers before everyone returns to his or her default solitary and morose state. It is only when a communicational 'common denominator' shows itself – be it an unscheduled delay or twin college sweatshirt – that the atmosphere may shift. I see a similar behavior dynamic on the Internet. Everyone is seemingly on the way to a particular place, usually alone, and while they might run into someone every once and awhile, each person remains mostly on his or her individual path. At the same time, mutual interests can cause numbers of people to splinter off from the totality to develop a new community.

This is what online fandoms have done. Fans flock to these communities to discuss and bond over an intersecting interest that is more intense to them than to the average Internet user.

Poet and polemicist Kenneth Goldsmith notes that “the density of population in New York that gives the illusion of anonymity, the sense that there are so many people around me that no one can possibly be listening to what I’m saying.”<sup>1</sup> Much of the same can be said about the Internet. It is more than just the anonymity of sitting behind a computer screen that can create this feeling of isolation, but the sheer number of users online at any given time. Online communities (for example, fansites or the comments section of a local news source) help combat this illusion by giving users a place to go where they will be a familiar face, so to speak. Perhaps this helps explain the prevalence of teenagers in online communities – or at least the apparent prevalence of teenagers – perhaps resulting from societal acceptance of any number of obsessions during teenage years. The feeling of social isolation so often felt by teens can be minimized by this second online life they create, where perceived shortcomings that might limit them socially are hidden from view. Furthermore, online communities can foster a secure environment where users can try their hand at disciplines and conversations from which they might otherwise be barred.

Online fan communities, or fandoms, encourage members to participate in the creative exploration of fictional worlds, and the most popular format is fan fiction. Fan fiction is not a new phenomenon in itself, but the new electronic medium of its latest incarnation and the attention paid to it by academic critics is. While there is no definitive record tracing the

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<sup>1</sup> Kenneth Goldsmith, *Uncreative Writing: Managing Language in the Digital Age* (New York: Columbia UP, 2011), 52.

beginnings of fan fiction, the emergence of the Internet and online fan communities has helped bring this once relatively little-studied phenomenon into the public consciousness. While some publishers and writers are concerned that the derivative works created on the sites infringe the copyright of their source material, others focus on the positive influence fan fiction has on young writers and the literary discipline as a whole. While manifestly unoriginal in some ways, fan fiction can also contain a great deal of originality in others, for instance serving as a stimulus for creative new interpretations of original works that have unrealized value within the literary field.

### **Fandoms and Participatory Culture**

Pierre Lévy's *Cyberculture* documents the rise of interconnectedness resulting from the Internet. A core feature of cyberculture, Levy argues, is the development of virtual communities "constructed from related interests and knowledge, shared projects, a process of cooperation and exchange, independent of geographic proximity or institutional affiliations."<sup>2</sup> One particular type of online community, the fandom, will be examined in this thesis. Henry Jenkins defines a fandom as "an interpretive and creative community actively appropriating the content of television [or literature] for its own pleasures."<sup>3</sup> In fandoms, groups form around a common interest and can continue to grow indefinitely. The Harry Potter fandom, while impossible to actually measure, is considered the largest fandom thus far (if not in numbers, in

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<sup>2</sup> Pierre Levy, *Cyberculture* (University of Minnesota, 2001), 108.

<sup>3</sup> Henry Jenkins, "Media Consumption." <http://web.mit.edu/cms/People/henry3/consume.html>

fervency and longevity).<sup>4</sup> While the fandom initially developed around the Harry Potter book series, groups have since splintered off based on specific interests within the franchise – favorite characters, preferred relationships (aka *ships*), alternate plots and continuations – each helping fans in even this most expansive of online fandoms find likeminded people with “affinities, intellectual alliances, and even friendships ... just as they do between people who meet regularly with one another for conversation.”<sup>5</sup> Fan fiction “refers to the stories produced by fans based on plot lines and characters from either a single source text or else a ‘canon’ of works,” as well as movies, television shows, and even video/computer games.<sup>6</sup> Fan works can act as a small continuation of an otherwise completed work or be a vast reimagining of the original source. Some fan fictions change very little from the source, for instance choosing to mimic original’s writing style, while others create an entirely new world for the established characters, known as an *alternative universe* or AU.

One of the most prominent ways fandom members interact with each is through the creation and consumption of fan fiction (or “fanfic”). That groups of interested people form around literary objects is not, of course, new in itself. Bronwen Thomas observes that “Fan fiction’s origins have been traced back to science fiction magazines in the 1920s and 1930s, but links have also been drawn with oral and mythic traditions, [and] with traditions of collective

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<sup>4</sup> Vulture, “The 25 Most Devoted Fan Bases.” <http://www.vulture.com/2012/10/25-most-devoted-fans.html#photo=22x00006>

<sup>5</sup> Cyberculture, 109.

<sup>6</sup> Bronwen Thomas, “What Is Fanfiction and Why Are People Saying Such Nice Things about it?,” *A Journal of American Studies* 3 (2011): 1.

interpretation, such as Jewish Midrash.”<sup>7</sup> But fan fiction remained a marginalized activity until the Internet brought fan fiction writers and readers together on neutral medial territory. The vast and largely uncontrollable Internet provided a cheap, easily accessible space for interests and obsessions to grow. Unlike in the past where fan meetings would require fans physically to meet in a designated place, fans now have a multitude of options online where they can spend hours a day “together” regardless of geographical location. The majority of fansites – if not all them – are free for users, but domain owners can occasionally profit financially if enough advertising revenue is generated. Tumblr, for example, is perhaps the most popular non-fandom affiliated website today. Each user has his or her own Tumblr page where he or she can post personal content or reblog others’ content, all searchable through “tags” that can be followed or searched. Users can reply to others’ posts as well as ask other users questions or send private messages called “fan mail.”

The prevalence of social media, and our immersion into social media, has changed our perception of acceptable mediums of communication. With new technology comes a cultural shift where how we view and consume things changes. Kenneth Goldsmith for example cites Nam June Paik’s 1965 art installation *Magnet TV* (in which Paik used a large magnet on top of a television to distort the television signal) to explain how a relatively simple installation shifted users understanding of consumption. “Up until that point,” Goldsmith explains, “television’s mission was a delivery vehicle for entertainment and crystal clear communication. Yet a simple artist’s gesture upended television in ways of which both users and producers were unaware, opening up entirely new vocabularies for the medium while deconstructing myths of power,

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<sup>7</sup>Ibid.

politics, and distribution that were embedded – but hitherto invisible – in the technology.”<sup>8</sup>

Fan fiction functions on a similar level, in that writers and consumers inspired by an author’s work can exploit the original text in unforeseen ways, shifting or changing things as they please without authorial (or rights holder) permission. It is a medium being absorbed and remediated by the newest technology to be repurposed. Importantly, due to the current state of American copyright laws, so long as the fan fiction remains non-commodified, the author cannot prevent this pilfering and creative reworking of his or her work.

In his suggestive critique of interactive new media literature, Michel Chaouli notes how interactive communications traded online can level the communicative playing field:

[B]ecause of the modest cost of entry, every consumer of data on the internet can become a producer. (Compare this with the financial barriers in other media: a book needs on the order of a thousand consumers to pay for itself, a film or a TV program, several million.) ... [N]ot only is every receiver of data in a computer network a potential producer, but every act of reception is itself productive; every receiver of digital communication has the option, sometimes even the obligation, to sort and reorder data, in short, to rewrite them, if only through a simple mouse click.<sup>9</sup>

The low cost of publishing a work online potentially allows anyone to become an author (though I would argue the cultural understanding of the title *author* has shifted in its historical use from recognizing only *published* writers as authors) and has nurtured an environment where authors and readers interact and respond to one another. Today, the Internet is filled with original work, nonfiction and fiction, and publishing is moving to catch up with this new

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<sup>8</sup> *Uncreative Writing*, 5.

<sup>9</sup> Michael Chaouli, “How Interactive Can Fiction Be?”, *Critical Inquiry* 31 (2005) 605.



mode of authorship through self-publishing options for material one might feel cannot be developed through traditional methods.

Goldsmith asks “How can we discard something that might in another configuration be extremely valuable”?<sup>10</sup> Perhaps understanding fan fiction as a form of mining, preserving, and expanding otherwise static data could help legitimize its place in literary circles. Scholars are used to studying the semantic “drift” of the content of oral epics over time and the changes in the material history of printed texts, for example. Might similar critical practices be applicable to the drift of narrative on the web over time? While fan fiction writers actively reproduce a work, fan fiction consumers’ reproduction is more various and subtle. They can innovate by simply reading a fan fiction out of order, or by reading one fan fiction in relation to another fan fiction. While fan fiction itself is already a reimagining of a completed work, a consumer can further this deconstruction by combining two fan fictions (either into one story, or by considering them as continuations of one another), further expanding the original work in ways the author did not intend.

Consider the widely successful *Harry Potter* series. The final book was released on July 21, 2007 and it appears as if author J.K. Rowling has no plans to release anything more within the Harry Potter universe beyond minor details littered throughout the interactive “Pottermore” website. The seven published print novels will remain only what they are now (barring revision by Rowling and/or her publisher, Scholastic). However, there remains an in principle infinite amount of unexplored possibility within the series: “open-ended data” of plot

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<sup>10</sup> *Uncreative Writing*, 29.

and character, as it were, that without fan work would remain forever only virtual. Fans have farmed major but also minor characters and potential storylines to produce complete and often complex works. For example, “Priori Incantatem” by fellytone<sup>11</sup> on fanfiction.net, develops the largely undescribed relationship between Harry’s parents prior to Harry’s birth in 64 chapters. Despite the work being outside of Rowling’s canon, fans can read it alongside the published Harry Potter books as a way to fill in the gaps that would remain otherwise unexplained.

A blog by user “charlottelennox” on the online JournalFen community *bad\_penny* traces the growth of the Harry Potter fandom in a fan-made fandom biography. The primary compiler of the biography (who remains anonymous under the charlottelennox user name) notes that the Harry Potter online fandom began in 2001 with the development of competing fansites, such as HP4GU (Harry Potter for Grownups) on Yahoo and Sugar Quill (both sites remain active). After a series of incidents on HP4GU and Sugar Quill revolving around the possibility of writing alternate character pairings (shipping or ships), FictionAlley was created as a new forum. “Charlottelennox” notes that FictionAlley:

was designed to be *different* from SQ [Sugar Quill] -- where SQ demanded strict adherence to its "canon pairings," FA [Fiction Alley] would welcome all ships; where SQ deleted posts and banned people at the absolute whim of its owners/admins, FA would have an elaborate system of mods, ombudsmen, rules, points deductions, etc. and prided itself on not deleting posts; where SQ interpreted its target audience of 13-and-above fairly strictly and allowed no fics over a PG-13 rating and no teacher/student, incest, chan, or bestiality, FA would interpret the same target audience fairly liberally and allow fics up to a strong R, with teacher/student, incest, chan, and bestiality

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<sup>11</sup> <http://www.fanfiction.net/s/1541401/1/Priori-Incantatem>

welcome.<sup>12</sup>

According to the anonymous biographer, FictionAlley looked to be an explicitly libertarian site, where the fandom imagination could be free the way online communities demand.

While these single sourcework fan sites were growing in popularity, the more general FanFiction.net website was gaining traction as a fan fiction powerhouse. Fanfiction.net (FFN) was established in 1998 as an automated fan fiction archive site. It houses a range of different fan fictions, from anime to books to musicals, and it continues to be extremely popular.

However, many fans were frustrated with FFN policies, from its restriction of NC17 content to the poor quality of some of the posts, fans were clamoring for higher quality sites. Enter Tumblr and Archive of Our Own (AO3). Like the sites previously mentioned, AO3 is a “fan-created, fan-fun, non-profit, non-commercial archive for transformative fanworks, like fan fiction, fanart, and podfic.”<sup>13</sup> It is considered a platform for higher quality work, a judgment that should be taken with a grain of salt considering it has a fraction of the submissions that FFN has.<sup>14</sup>

Leisha Jones argues that in the age of web 2.0 there has been a resurgence of the bildungsroman narrative. She attributes this to the popularity of the *Harry Potter* and *Twilight*

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<sup>12</sup> Charlottelenox, June 15, 2006 (7:38 p.m.), post on Journalfen.net community bad\_penny, “The Msscribe Story, Preface and Chapter One,” [http://www.journalfen.net/community/bad\\_penny/1074.html](http://www.journalfen.net/community/bad_penny/1074.html)

<sup>13</sup> *Archive of Our Own*, <http://archiveofourown.org/>

<sup>14</sup> Archive of Our Own has a total of 705,050 fan fictions posted as of June 3, 2013, versus the 1,557,470 fanfics posted in just the top seven subcategories (Harry Potter, Twilight, Glee, Supernatural, Naruto, Inuyasm, and Hetalia-Axis Power) on Fanfiction.net

series amongst teenage girls. Jones notes that these fan girls are more than just fans, they are in fact “*prosumers*”: producer/consumers who actively “deploy technological savvy and critical aesthetic acumen to generate a host of responses” to a source work. The difference between these modern bildungsromans and more traditional literary novels of growth and socialization is the “enculturation narrative now requires the production of new texts – texts based upon the original but that operate outside the purview of previous reader/text response.” According to Jones, the presumption of these new works “illustrates one of the number of vectors through which girls *enculture* and produce one another, actualizing one or any number of selves online.”<sup>15</sup> Fan fiction and its production is more than just a hobby for many writers; it is a way to produce and demonstrate their inner selves. To that end, fandom and fan fiction have grown and developed into safe places for young authors to practice their craft and for teenagers to express themselves in a way that cannot be overtly criticized or diminished by cultural norms and approved behaviors.

In today’s file sharing society, if one knows where to look one can find uncountable numbers of e-books available to download free through torrents or file sharing sites. These e-books, although once largely consisting of scans or retyped pages of a book, are now often simply digitally “ripped” from a purchased e-book and disseminated online. Goldsmith notes that:

Once a digital file is downloaded from the context of a site, it’s free or naked, stripped bare of the normative external signifiers that tend to give as much meaning to an

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<sup>15</sup> Leisha Jones, “Contemporary Bildungsromans and the Prosumer Girl,” *Criticism* 53 (2011), 439.

artwork as the contents of the artwork itself. Unadorned with branding or scholarly liner notes, emanating from no authoritative source, these objects are nude, not clothed. Thrown into open peer-to-peer distribution systems, nude media files often lose even their historic significance and blur into free-floating works, traveling in circles they would normally not reach if clad in their conventional clothing.<sup>16</sup>

The absence of traditional earmarks like a publisher logo, editor's name, and even book binding can cripple fan fiction, pigeonholing it into little more than bare media files with no "normative external signifiers" to establish its credibility. But the nakedness of the file is also the origin of its productivity as a source text for fans. The absence of traditional publication markers does not necessarily affect fan fiction as fans consume it. Internally, within a fandom, there are markers for good fan fiction. From the number of reviews on FFN to pages devoted to recommending fanfics, fans learn where to go and how to sift through the thousands of options to find the best fanfics available. Fans use the same means to discovering good work that consumers use to find traditional literature: through reading lists or the *New York Times* bestsellers list. In fact, those looking for traditional literature have begun adopting fans' modes of sifting through options. Goodreads.com and online reviews left on bookseller's sites reflect the way fan fiction consumers have been marking works as good or bad for years, and constantly updated bestsellers or most recent lists on retail websites reflect fan fiction archive sites' format.

An obvious criticism of fan fiction is the absence of quality control. A quick read through the most recently uploaded stories on FFN will show half-baked attempts at plot, poor grammar and misspellings, and it would be easy to discredit all fanfics because of this. However, some fans have produced quality fanfics which have developed a following of their own. Some of

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<sup>16</sup> *Uncreative Writing*, 72.

these fanfics are as long if not longer than the parent text. Occasionally, even a fan fiction with few redeemable qualities beyond entertainment can become an Internet favorite, transcending usual fandom boundaries and appearing on numerous unrelated sites. *My Immortal* by Tara Gilesbie is perhaps the most famous example, and this is despite being dubbed “the worst fan fiction ever written” by numerous online communities.<sup>17</sup> The fanfic, consisting of 44 chapters, is based in the Harry Potter universe. The story’s protagonist Ebony (or “Enoby” if we do not ignore the author’s numerous typos) is a teenage goth vampire who attends Hogwarts and eventually begins a relationship with Rowling’s character Draco Malfoy. Ebony falls into the fanfic trope of mary-sue/mary-stu, where the character appears to reflect an idealized version of the author and can be unbearable to read due to its apparent perfection. The fanfic is riddled with bad grammar and misspellings, and very little effort is put into the plot beyond vague details of Ebony’s appearance and her dislike of everything around her. Here is a typical passage:

Well we all came in angrily. So did all the other students. I sat between Darkness and Draco and opposite B’loody Mary. Crab and Goyle started 2 make some morbid jokes. They both looked exactly like Ville Vollo. I eight some Count Chocula and drank som blood from a cup. Then I herd someone shooting angrily. I looked behind me it was.....Vampire! He and Draco were shooting at eachother.

“Vampire, Draco WTF?” I asked.

“You fucking bustard!” yelled Draco at Vampire. “I want to shit next to her!1”

(Chapter 23, misspellings in original).<sup>18</sup>

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<sup>17</sup>My Immortal. <http://myimmortalrehost2.webs.com/>

<sup>18</sup>My Immortal. <http://myimmortalrehost2.webs.com/>

Despite the simplistic language and an absence of any coherent narrative tool, *My Immortal* became notorious on various online communities. It was originally posted to Fanfiction.net, but the story was removed by FFN moderators due to the influx of abusive “troll” comments. Many users maintain that the fan fiction was never serious and the author was in fact “trolling” the fandom by satirizing it with a parody. This has never been confirmed or denied.

Fan fiction, despite its unorthodox conception, is anchored in tradition and rarely deviates from mainstream, traditional literary forms. Most successful fan fiction follows basic grammar and story structures of its source texts with unsuccessful deviation criticized in comments/reviews. For a piece of fan fiction to be successful, writers often have to work in rather rigid parameters: the fan fiction (if not an alternative universe piece) will be judged on how well it fits within the larger canon. Is the piece believable? Does it accurately portray the established characters? While there are of course popular works that do not ascribe to either rule, the majority attempt to work smoothly from within the established universe.

Bronwen Thomas recommends how academics might approach and evaluate fan fiction without acting as if they are above it. She argues that academic examination of fan fiction has progressed in three waves. The first wave was “heavily influenced by Marxism and tended to assume a simple dichotomy of power in which the fans were the powerless opposing the might of the franchises and corporations that owned the rights.”<sup>19</sup> This approach treats fans as a homogenous group, ignoring the range and depth of characters involved in fan fiction, as well as shelving the internal conflicts in a fandom in favor of perpetuating the powerful/powerless

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<sup>19</sup> “What is Fanfiction,” 3.

binary. The second wave, she continues, “is mainly preoccupied with responding to the emergence of new media forms that contributed to an explosion in fan activity and that facilitated all sorts of new possibilities and interactions between fans.”<sup>20</sup> This second wave is a critical movement from outside fandoms to inside it, recognizing fandoms participation in the “construction and maintenance of the uneven distribution of power” by operating inside social hierarchies instead of rebelling against them. The third wave expands upon this, with theorists reflecting “in a much more personal way about their own engagement with fandoms and with fan texts, and instead of fans being seen as isolated or marginal, their activities are treated as a fundamental aspect of everyday life.”<sup>21</sup> Third wave theorists recognize fan fiction as fundamental to fans’ ongoing engagement with a text.

In his 2002 examination of fandom, *Fan Cultures*, Matt Hills outlines how fandom as a whole is explored and understood by outside academic forces. Hills notes in his preface that “fandom is not simply a ‘thing’ that can be picked over analytically. It is always performative; by which I mean that it is an identity which is (dis-)claimed, and which performs cultural work.”<sup>22</sup> Fans are more than just interested in a subject; the subject becomes more to them than just entertainment and fandoms offer a space for fans to perform a new cultural work. As these groups grow and become more accepted in society, they begin to impact culture as a whole.

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<sup>20</sup> Ibid., 4.

<sup>21</sup> Ibid.

<sup>22</sup> Matt Hills, *Fan Cultures* (New York: Routledge, 2002), xi.



Hills explains that fandom and fan fiction cannot be understood through ‘decisionist’ narratives, a theoretical narrative that hinges on “making political decisions as to the ‘goodness’ or ‘badness’ of fan cultures.”<sup>23</sup> Hills, himself a former writer of *Doctor Who* fan fiction, explains that what he calls ‘decisionist’ narratives can devalue fan works by categorizing them into either good or bad objects. At the same time, academic critics construct mutually exclusive academic and fan binary groups, overtly or not placing higher value on traditional literary achievements that produce “*institutionally acceptable* forms of knowledge.”<sup>24</sup> According to Hills, academics are bound by “*imagined subjectivity*” that “attributes valued traits of the subject ‘duly trained and informed’ only to those within the given community, while denigrating to devaluing the ‘improper’ subjectivity of those who are outside the community.”<sup>25</sup> This refusal to recognize the efforts and merits of fans and fan fiction result in fans being thought of as “the imagined Other.”<sup>26</sup> However, such “othering” can go both ways. Fans can discredit the work of academics by claiming they have not immersed themselves in the work enough, or that academics do not understand the text with the same depth fans do.<sup>27</sup> Yet, despite this somewhat reciprocated dislike, academics will maintain their position as authorities outside of these specialized groups due to their station in society.

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<sup>23</sup> *Ibid.*, xii.

<sup>24</sup> *Ibid.*, xxi.

<sup>25</sup> *Ibid.*, 3.

<sup>26</sup> *Ibid.*, 2.

<sup>27</sup> For a suggestive recent account of the rejection of literature professors and academic study in the popular reception of “literary fiction” see Jim Collins, *Bring on the Books for Everybody: How Literary Culture Became Popular Culture*. Durham: Duke UP, 2010, esp. 18-35.

Jim Collins describes the changing literary landscape brought on by the technological ease of possessing literature (e-books) and the capitalistic push to have literature available to all potential buyers that now makes it so “literature can only be fully experienced outside the academy and the New York literary scene, out there somewhere in the wilds of popular culture”<sup>28</sup> due to the prevalence of popular literary culture across multiple entertainment mediums. The availability of literature online and in bookstores like Barnes & Noble have caused “massive infrastructural change in literary culture that introduced a new set of players, locations, rituals, and use values for reading literary fiction.”<sup>29</sup> Book clubs, reading lists, and advertisements in popular magazines or websites (which allow nearly any person anywhere to tap into a certain demographics cultural leanings) introduce readers to a variety of literature regardless of reading level or location. So-called “beach” reads, once famous for being the quintessential lowbrow genre form, can now be anything from *50 Shades of Grey* to *Madame Bovary* to *Arcadia*. Consumers are not only reading literature once reserved for academics and scholars, they are discussing it and performing literary analysis within their own groups. Collins notes “What used to be a thoroughly private experience in which readers engaged in intimate conversation with an author between the pages of a book has become an exuberantly social activity,” where readers seek out like-minded people to share in the experience.<sup>30</sup> Modern literary culture, Collins argues, has “its own ways of identifying a literary experience as such, with its own way of ‘talking the talk’ of passionate reading, its own modes of circulation and

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<sup>28</sup> Jim Collins, *Bring On the Books for Everybody*, 3.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid., 4.

access, and its own authorities to sanction what sort of pleasures are to be enjoyed there.”<sup>31</sup>

Fandom and fan fiction communities use their own rating system and scale to indicate the quality not only of the main text (authors are not exempt from criticism from fans) and the derivative works created by fans, a rating system that was developed outside of academic boundaries. The availability of literary works as e-books and illegal torrents/pdfs has broken down the barriers of access on a global scale that prevented some consumers from obtaining certain works (for example, those in countries with no markets for certain genres), leaving the discussion of such works to those in privileged positions. Now, consumers create their own understanding of works through book club discussions on in online communities, developing their own theories and understandings of the work outside academic literary culture.

According to Collins, this movement has served to foster “the notion that refined taste, or the information needed to enjoy sophisticated cultural pleasures, is now easily accessible outside a formal education.”<sup>32</sup> While there is still much to be learned through high-level academic courses, they are no longer the only way to produce fulfilling, quality literary experiences that go beyond the initial satisfaction of reading a work to a more depth understanding of the work. Academics, however, struggle to maintain their position as authorities in the quickly-changing literary field.

Despite this mutual distaste, fans and academics do much of the same work: both actively read and evaluate texts, developing critical theories and explanations that are then discussed and dissected by other ‘experts,’ credentialed or not. Where they begin to veer away

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<sup>31</sup> *Ibid.*, 8.

<sup>32</sup> *Ibid.*

from each other is *the medium* through which these interactions with the text happen. While academics interact in peer review journals and university classrooms, fans interact with each other and the text online, a medium with no barriers to entry. The common idealization of the university classroom as a place where intelligent, eloquent literary enthusiasts gather to discuss and challenge each other creates a counter image of fandom as unorganized and childish, with shallow conversations and arguments.

Perhaps part of academia's discomfort with fan fiction comes from the anonymity of it. Writers join Fanfiction.net and Archive of Our Own with a pseudonym and often give little to no personal information. In his famous essay "What is an Author?" Michel Foucault notes that "the author's name manifests the appearance of a certain discursive set and indicates the status of this discourse within a society and a culture."<sup>33</sup> Fan fiction writers do not use their own name or often any proper name, instead often writing under a username like *Snowqueen's Icedragon*. Foucault notes that an author's name "performs a certain role with regard to narrative discourse, assuring a classificatory function. Such a name permits one to group together a certain number of texts, define them, differentiate them from and contrast them to others."<sup>34</sup> While fan fiction readers may feel comfortable with pseudonyms, the absence of such a traditional marker influences how those outside of fandom see and consume its writing. Fan fiction creators and consumers interact differently with their texts than with other forms of literature and culture. Fans practice an enhanced form of active reading, starved to uncover as much detail as possible. Fans will read and reread a text multiple times, posting their thoughts

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<sup>33</sup> Michel Foucault, *What is an Author*. 107.

<sup>34</sup> *Ibid.*

on even the most mundane detail to be discussed and dissected. The wide reach of the Internet breaks down the barriers of entry for literary analysis, providing users with equal footing regardless of education level or geographic location. This allows for a variety of *interpretive strategies* to be implemented. When coupled with fans' already intense reading and examination, this diversity can provide a deeper understanding of a text alongside an equalizing access to these interpretations due to the absence of locked databases and expensive anthologies.

A fandom functions, I would argue, as its own *interpretive community*. Stanley Fish explains an interpretive community as "made up of those who share interpretive strategies not for reading (in the conventional sense) but for writing texts, for constituting their properties and assigning their intentions. In other words these strategies exist prior to the act of reading and therefore determine the shape of what is read."<sup>35</sup> If we extend Fish's understanding of how literature is shaped by its reception to the ongoing legitimization of fan fiction, we can expect to see aspects of this interpretive community bleed into the academic literary sphere. It has already done so to some degree through the rise in popularity of e-readers and other ways to self-publish and disseminate work that fan fiction writers use to meet their audience's needs.

Fan fiction readers act not only as consumers, but also as critics, editors and teachers. On many fan fiction sites, readers can leave reviews on each installment of a story. These reviews can be used constructively or to "flame" an author (i.e. post harsh reviews with no value beyond insult). Unlike in traditional publishing, in fan fiction forums amateur authors are

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<sup>35</sup> Stanley Fish, "Interpreting the 'Variorum'," *Critical Inquiry* 2 (1976): 483.

significantly more accessible to readers and often rely on reviews or praise to push them to finish a story. Fans are constantly in conversation with each other, especially with the more recent development of Tumblr. Authors now frequently have personal Tumblrs attached to their fan fiction accounts where anyone can ask questions or receive updates on the author's stories or fandom affiliations.

Fan fiction and fandom are participatory cultures where fans “engage in all kinds of social networking and community building not only within the terms set by specific sites but also frequently beyond and against these, as when fans set up their own subcultures and special interest groups.”<sup>36</sup> The “Team Edward” and “Team Jacob” *Twilight* merchandise that saturated the market and popular culture during the height of *Twilight*'s reign, for example, revealed two very passionate subfandoms. While still part of the greater *Twilight* fandom, each of these two subcultures developed its own identity and niche in order to engage the original text in novel ways.

By considering these subcultures as expressions of readers' desires, we can begin to understand what draws readers to certain texts. Why are readers more invested in one text instead of another? What is it about a character that makes it popular? While there is no one trait will push a work from being a success to developing its own fandom, perhaps one answer is that a text must have interesting dimensions remaining to be explored. Even the most obscure works have fans who write fan fiction about it, even though it may never become

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<sup>36</sup> Thomas, “What is Fanfiction,” 6.

visible to anyone not looking for it. Rule 34 of the satirical “Rules of the Internet”<sup>37</sup> asserts that “if something exists, there is a porn of it ... commonly illustrated through fanart and fanfictions.”<sup>38</sup> While a work might not be popular on a larger scale, there will be someone who finds value in it and/or wants to parody or otherwise refashion it. Fan fiction, to this extent, acts as a *transgressive force* by “offering a voice to marginalized groups and revealing the subversive potential of seemingly safe or familiar storyworlds.”<sup>39</sup> Traditionally, works are reviewed in two spheres: the literary sphere and the public sphere. The literary sphere rates works based on how they fit within established literary canons – such as lumping *Boswell’s London Journals* with *Evelina* due to the similar subject matter- while the public sphere (generalized to the Amazon.com best sellers list) is seen (from academia) as “lowbrow” consumption based upon entertainment value instead of literary accomplishment. (Collins notes that the literary sphere sees the public’s literary readings an expression not only of “nebulous inner wisdom but [also] of one’s personal taste,” clouding what should be reviews based on literary theory.)<sup>40</sup> The equalizing force of fan fiction works to bring these spheres together by moving past the “notion of texts as static, isolated objects and instead reminds us that storyworlds are generated and experienced within specific social and cultural environments that are subject to constant change.”<sup>41</sup> Fan fiction, in a sociological sense,

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<sup>37</sup> Know Your Meme. <http://knowyourmeme.com/memes/rules-of-the-internet>

<sup>38</sup> Ibid.

<sup>39</sup> Ibid., 7.

<sup>40</sup> *Bring on the Books*, 12.

<sup>41</sup> Thomas, 6.

highlights and preserves cultural norms and concerns of the period in which it is read, preserving not only the cultural moment of the author, but also of the readers. Texts, when observed through the eyes of a fan, can come to represent more than just a creative work. They can become representative of the unmet desires of marginalized groups and reveal other kinds of reception of a work than can't be captured through literary criticism alone.

### Slash Fan Fiction

With the removal of “adult” groups on Yahoo around 2002 (groups that featured adult themes, such as sexual fanfiction), many Harry Potter fan fiction writers and seekers moved to LiveJournal<sup>42</sup>. Many LiveJournal communities were devoted to particular “ships,” usually non-canon and slash ships. The website “TV Tropes” explains that the “origin of the term [slash fic] predates the World Wide Web, going back to the 1960s fan fic writers, especially those interested in *Star Trek*, who wrote ‘Kirk/Spock’ fiction.”<sup>43</sup> Slash shipping can be seen as controversial to a casual observer, but within fandoms it is accepted and sometimes even the norm. One reason offered is that it is easier to be a slash shipper<sup>44</sup>. As the new pairing has not happened and may never happen within the canon, slash writers have more freedom to toy with the original piece’s universe, to adjust things in order to make their ship make sense. They are “not bound by publishing conventions that obligate it to contain sexuality within

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<sup>42</sup> [http://fanlore.org/wiki/Harry\\_potter](http://fanlore.org/wiki/Harry_potter)

<sup>43</sup> <http://tvtropes.org/pmwiki/pmwiki.php/Main/SlashFic>



parameters of age (of both characters and readers) or of pedagogy.”<sup>45</sup> Another possible reason slash shipping continues to be prevalent in fandom is the absence of LGBT characters in many works. While the casual reader accepts the author’s original love interests, fans utilize fan fiction to manipulate the narrative to reflect their own desires.

But, slash shipping cannot be viewed as only appealing to LGBT readers. Close examination of fandoms show that often times these slash shippers are heterosexual teenage girls. Take for instance the television show *Glee*, where the main characters’ on-again-off-again heterosexual romance is supposed to draw teenage viewers who can project their own experiences onto it. But the girls also coalesce around the show’s homosexual male couple. Tosenberger notes “The existence of slash complicate[s] conventional notions about women’s interest in erotica in general, and the types of erotic material women [a]re supposed to be interested in.”<sup>46</sup> These online communities (previously fan published “zine” communities) present a space where women might resist the “dominant ideologies of patriarchal, heteronormative culture” by seeking out and writing erotic relationships that are the very antithesis to the heterosexual romance novels they are expected to enjoy.<sup>47</sup> By pairing two male characters together, women can experience a romantic relationship of equality that is difficult to attain in heterosexual relationships.. The overwhelming presence of teenage girls in these slash communities may represent a rejection of heteronormative power relationships and

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<sup>45</sup> Catherine Tosenberger, “Homosexuality at the Online Hogwarts: Harry Potter Slash Fanfiction,” *Children’s Literature* 36 (2008): 188.

<sup>46</sup> *ibid.*, 189.

<sup>47</sup> *ibid.*

a space where girls seek out relationships where both parties function within the same power binary. Furthermore, slash communities allow younger readers to experience and absorb positive messages about sexual orientation and gender that they otherwise might not be exposed to.

However, while slash communities do present positive representations of queer characters, they are not free from unequal treatment and misogyny. While slash shipping can afford heterosexual girls the opportunity to experience a relationship free from the power binary, there is a concerning amount of fetishization revolving around male/male relationships in fan fiction by straight girls and women – similar to the fetishization of lesbians in video pornography by men. Linda Williams explains that hard core pornography is concerned with the visual result of an orgasm, and “woman’s ability to fake the orgasm that the man can never fake (at least according to certain standards of evidence) seems to be at the root of the genre’s attempts to solicit what it can never be sure of.”<sup>48</sup> A woman’s orgasm is internal, where as a man’s orgasm is much more visible which helps to arouse the viewer. Similarly, in fan fiction, it is easier for writers to describe the sexual state of a man opposed to a woman. While the ease of writing could contribute to the attachment straight girls have a slash shipping, it could also be a result of internalized misogyny where male characters are seen as superior to female characters, or girls attempting to work around the realization that if they cannot have a male character or actor, no other female will either.

Additionally, slash shipping by straight girls is encouraged by authors and show runners

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<sup>48</sup> Linda Williams, *Hard Core: Power, Pleasure, and the Frenzy of the Visible* (Berkeley: University of California, 1989), 50.

who employ *queer baiting* to spark fandom interest in a work. Queer baiting is when an author or create utilizes subtext to hint towards a homoerotic relationship or attraction without actually committing to having queer characters. The television show *Supernatural* is guilty of employing such tactics. Even though the show's main characters are two brothers, a section of the *Supernatural* fandom began creating sexual and romantic works involving the two of them. This slash shipping grew to include other male characters, with much of the fandom shipping only male characters. Seeing the reaction and passion of these fans, the show runners began queer baiting by placing moments of homoerotic tension throughout the show to maintain interest while never having to risk alienating viewers who do not watch for these hypothetical relationships.

Within slash communities, new norms or ways of writing have emerged that are widely accepted without much question. Two such creations are male pregnancies (mpreg) and women with male reproductive parts (G!P), either permanently or in lieu of periods. While not all slash readers enjoy, or even accept, these mystical deviations, a subsection of slash producers and consumers have coalesced around these biological anomalies. While there is no record of when such narrative devices first emerged or became common knowledge in different fandoms and online communities, they are no longer only posted on fetish or kink sites. One explanation is that they came from fandoms with supernatural source texts, i.e. *Harry Potter* or *Star Trek*. Within a supernatural context, both of these tools can make sense and through their continued reproduction in supernatural fanfics they could have become accepted and spread throughout different fandoms. Additionally, their popularity could be explained by the prevalence of heterosexual girls writing slash fan fiction. By allowing one partner of a same-sex

relationship to have natural reproductive abilities, heterosexual female authors can still act out relationship fantasies with childbearing remaining a natural option.

When attempting to impose academic understanding onto slash cultures, we run into the risk of reinforcing the assumption that queer readings are always readings imposed from the outside, that all canons are heteronormative in essence, and therefore these differing interpretations impose their own deviant desires onto the text.<sup>49</sup> Subtext remains a matter of interpretation, where a reader's experiences or desires shape how they come to understand what the author shows the reader instead of telling. And in some cases the reader's suspicions can be proven right. In *Harry Potter and the Deathly Hallows* – the final book in the seven part series – many readers understood the relationship between Albus Dumbledore and Gellert Grindelwald to have romantic subtext. Three months following the book's release, author J.K. Rowling revealed that she imagined Dumbledore was gay, saying, “a child will see a friendship, and I think a sensitive adult may well understand that it was an infatuation. I knew it was an infatuation.”<sup>50</sup> Rowling's careful phrasing avoids accusing any perceived homosexual subtext of being imposed on the narrative, instead allowing for a reader's understanding of the character to be of primary importance.

Henry Jenkins notes that “slash throws conventional notions of masculinity into crisis by removing the barriers blocking the realization of homosocial desire. Slash unmask[s] the erotics

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<sup>49</sup> Tosenberger 187.

<sup>50</sup> <http://www.accio-quote.org/articles/2007/1022-torontopressconf.html>

of male friendship, confronting the fears keeping men from achieving intimacy.”<sup>51</sup> So far, this discomfort has kept slash firmly in the category of “deviant” culture, but slash fan fiction is being normalized due to its popularity in fandoms. While this normalization of queer works does represent society’s shifting acceptance of homosexual relationships, the prevalence of heterosexual females writing male/male relationships serves to remove agency from actual gay writers. An opinion piece by Victoria Brownsworth on the LGBT focused website “Lambda Literary” bemoans the presence of straight slash writers. Brownsworth explains that those who identify as queer “understand the complexities of sexuality” and the struggle of coming to terms with their identity, while straight slash writers impose a sort of *male gaze* on the work, with the heterosexual view taking precedence over the queer view. Does this social inequality mean that only queer writers can write queen characters? No, but Brownsworth fears that slash is not an exploration of queer characters, but the “reinterpreting gay male relationships for heterosexuals in a fashion that is fetishistically sexual and which thus can be accepted—because it is ultimately negative.”<sup>52</sup> However, unlike male/male slash fanfic, femslash (two female characters in a relationship) receives much less attention. Femslash, while still very popular in fandoms, remains largely in the realm of queer readers and writers and does not receive the outside attention slash fanfics do.

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<sup>51</sup> Henry Jenkins, *Textual Poachers: Television Fans & Participatory Culture* (New York: Routledge, 1992), 210.

<sup>52</sup> Victoria Brownsworth, *Lambda Literary*  
<http://www.lambdaliterary.org/features/oped/08/19/the-fetishizing-of-queer-sexuality-a-response/>

## Fan Fiction and Copyright Laws

Copyright law has been an important legal and cultural force since the early twentieth century. The introduction of the internet has left many reeling from the potential copyright violations and perceived infringements on intellectual property. The internet broke down barriers in communication by creating a gigantic community arguably available to every person with a modem. Through this medium, a person can easily disseminate knowledge to what seems to be an infinite audience. The speed in which this technology came to be and continues to advance left little time for laws and societal norms to adjust. Further complicating traditional models of ownership and theft, in the age of the internet cultural forms like music and print when “pirated” are copied, not taken. That is, in copying the original creator or owner still has the ‘original’ work, etc. Theft has traditionally implied the taking, and diminishment, of the property of another, but this new version of theft leaves few immediately tangible traces or damages. This new cultural phenomenon is forming and transforming culture; at the same time the legal system has routinely remained on the sidelines, only able to try to catch up and assert power after a new cultural practice has formed.

Contemporary media consumers understand consumption differently. The ease of access brought on by the Internet creates an impression that everything should be attainable instantaneously. The ability to post creative works and receive feedback quickly has complicated the traditional roles of author and reader, as I explained above. It has been argued that a new “gift economy” has emerged online where sharing texts, music, video, etc. is the

norm and the attempted control of these exchanges is met with anger.<sup>53</sup> Karen Hellekson describes this exchange as “made up of three elements related to the gift: to give, to receive, and to reciprocate.”<sup>54</sup> In relation to fan fiction, this exchange works with an author producing and posting a chapter of a work. Readers then respond to the chapter either to remark on how much they liked it or to offer constructive criticism. Sometimes readers will produce something relating to the work, like a manipulated image or a playlist that they gift to the author. These gifts “have value within the fannish economy in that they are designed to create and cement a social structure” as well as the possible cost (paying for rights to an image or buying music), “but they themselves are not meaningful outside of their context.”<sup>55</sup> The author can reciprocate by posting the next chapter, by thanking those who responded, and “[t]he tension and negotiation between the three result in a fan creation of social relationships that are constructed voluntarily on the basis of a shared interest.”<sup>56</sup> Members of online communities and fandoms know these rules, though they may seem odd for outsiders, and it helps encourage amateur writers. At its heart, these requirements function as a form of payment to the author for their services, since actual payment would violate copyright laws.

An individual with Internet access can be a producer, a publisher, an editor, and a critic while maintaining a primary occupation separate from all four roles. This influx of creative

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<sup>53</sup> The most eloquent voices for this gift culture include Jonathan Lethem, Lewis Hyde, and Lawrence Lessig.

<sup>54</sup> Karen Hellekson , “A Fannish Field of Value: Online Fan Gift Culture ,” *Cinema Journal* 48 (2009): 114.

<sup>55</sup> *Ibid.*, 115.

<sup>56</sup> *Ibid.*, 114.

ideas in public forums arouse fear in some creators that their intellectual property could be stolen. The primary for-profit cultural creators, including the publishing, music, gaming, and film industries, fear declining profits from intellectual property theft and use their power and influence to change laws and reduce users' online freedom. Even though modern copyright laws prioritize the interests of creators (especially those who could not afford copyright licenses, preventing major creative corporations from monopolizing the creative market), the absence of the burden of obtaining and renewing copyright builds a negative environment that prevents collaboration and development of creative works.

The twentieth century saw substantial changes in copyright law in the United States. In his essay "Reform(aliz)ing Copyright," University of Virginia School of Law Professor Christopher Sprigman traces the growth and pitfalls of U.S. copyright laws. For most of our history, he explains, they have functioned under a system of "procedural mechanisms" that "helped to maintain copyright's traditional balance between providing private incentives to authors and preserving a robust stock of public domain works from which future creators could draw."<sup>57</sup> In order for something to be copyrighted, the creator/applicant would need to register the work and then renew the registration at the end of the initial term. The effort required in copyrighting knowledge ensured the protection of the creators in realizing economic value while still guaranteeing future creative growth. However, the Copyright Act of 1976 and successive legislation deformed these procedures, according to Sprigman. Under current law, copyright arises the moment an original piece of expression is fixed in a 'tangible medium

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<sup>57</sup> Christopher Sprigman, "Reform(aliz)ing Copyright," *Stanford Law Review* 57.2 (2004): 487.



of expression.”<sup>58</sup> In other words, the moment an idea or expression is transferred from the creator’s mind onto paper/tape/computer/etc. he or she has copyright on the work and its parts – placing the supposed natural rights authors have to their work as the true priority of copyright law. (In theory, then, a student might have legal standing to copyright infringement claims if someone was to steal and profit off the student’s in class doodles or discussion comments.) This new system reduces the labor of copyright lauded by the older laws and places the individual in a position of prominence, increasing the potential for multiple occurrences of similar creations. To stem the influx of legal cases claiming theft of intellectual property, the courts rely on the precedent of previous cases that require the accuser to prove beyond a reasonable doubt that the defendant was aware of the existence of the source piece.

The growth of the internet – and the subsequent expansion of technology and internet capabilities throughout the world – opened up the possibility for “public access to and use of creative works that did not exist when Congress was removing formalities from copyright laws;” therefore, Sprigman explains, previously the cost of copying and distributing works outweighed the potential benefit of piracy (489). However, with the internet digital distribution entails little to no effort or cost beyond the already incurred cost of internet service and an internet-ready device. This ease of sharing has raised alarms throughout many industries and legal departments are busy attempting to prosecute users for theft of intellectual property. The

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<sup>58</sup> <http://www.law.cornell.edu/copyright/copyright.table.html> - Primary basis for copyright law in the United States;  
<http://www.law.cornell.edu/treaties/berne/overview.html> - Made the U.S. part of the Berne Convention for the Protection of Literary and Artistic works, the international agreement governing copyright;

ongoing battle to prohibit unauthorized use of copyrighted works “has emerged as the principal barrier to the creative reuse of a large amount of material” despite little or no commercial value to much of these works.<sup>59</sup>

Perhaps the importance placed on copyright in the modern world has more to do with potential for economic value, instead of current, tangible value, or, in other words, a focus on long-term economic gain instead of immediate monetary gratification. By having copyright on a work, the creator can allow others to use the work or parts of the work for a fee or by receiving part of the profits from the derivative work. The popular television show *Glee*, for example, depends on artists allowing use of their music catalogue to be performed on the show. They are able to appeal to artists and record companies by promising financial gain through licensing fees. For instance, Madonna allowed the show full access to her music catalogue for a special themed episode that featured seven performances of her music, but the show also released a mini-album of ten song covers on digital download and CD that sold 98,000 copies in its first week.<sup>60</sup> By maintaining the rights to her work, Madonna was able to realize financial value that was not there at its original conception.

Even though this instance of copyright law did enable the creation of a new work, the negotiations happened between two rather equal powers that were not inhibited by money. The average person would not be able to afford Madonna’s licensing fee. In fact, the internet is

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<sup>59</sup> Sprigman, 489.

<sup>60</sup> [http://www.msnbc.msn.com/id/36666635/ns/business-us\\_business/t/madonna-stands-profit-glee-episode/#.T2ZDltVbqck](http://www.msnbc.msn.com/id/36666635/ns/business-us_business/t/madonna-stands-profit-glee-episode/#.T2ZDltVbqck); <http://www.billboard.com/news/glee-s-madonna-powers-to-no-1-on-billboard-1004086983.story#/news/glee-s-madonna-powers-to-no-1-on-billboard-1004086983.story>

filled with the works created by individuals who violate copyright laws in order to create new, innovative projects. The video site YouTube hosts a number of song covers or remixes of popular works uploaded by amateur singers or producers. Even though they receive no financial compensation, the value is recovered through the exposure and constructive criticism of sharing online. The videos can, of course, be removed at any time for copyright infringement.

In today's world, we are constantly exposed to a barrage of images and narratives. This continuous exposure to so much content results in an unconscious absorption of information that can later be transformed into ideas and inspiration. Jonathan Lethem notes that in a world where we are so entrenched in technology, everything presents itself as familiar. This barrage of information, and our subsequent familiarity with it, forms a world full of unconscious and conscious appropriation of ideas. Lethem recognizes the value literary and artistic fields gain from this appropriation, stating that through these reimagining's "artist are paradoxically trying to restore what's taken for 'real' ... to reconstruct a univocally round world out of disparate streams of flat sights."<sup>61</sup> In other words, the reimagining of these inescapable images and narratives allows artists to deconstruct what appears to be *real* by showing how the pieces can be taken apart and then used to form something new. The modern artist draws on the surrounding world to add dimension to works in such a way the demand copyright law loosen its hold, otherwise nearly every new work could be found guilty of intellectual property theft. Lethem remarks that the exchanging of ideas differs from traditional understanding of theft

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<sup>61</sup>Jonathan Lethem, "The Ecstasy of Influence," 305

because when, for example, a car is stolen it is “no longer available to its owner, while the appropriation of an article of ‘intellectual property’ leaves the original untouched.”<sup>62</sup>

Similarly, in his essay “Against Thinking,” Peter Stallybrass briefly explores the influence works have on future generations of creators. He reminds readers that “learning requires imitation and inspiration, which today are marginalized by a concept of originality that produces as its inevitable double the specter of plagiarism.”<sup>63</sup> Young artists learn their craft through imitation, recognizing what works and what does not and applying it in their own creations. A common example of this clash between imitation and intellectual property ownership is fan fiction. In fan fiction, the writer builds on the initial interpretation of a narrative by developing alternate perspectives in character and development through their own retelling or elaboration. These creators are what Michel de Certeau terms textual “poachers ... mov[ing] across lands belonging to someone else, like nomads poaching their way across fields they did not write.”<sup>64</sup> Through these new narratives, fan fiction writers are able to change the integrity of a text by filling in the gaps in a work or changing a scene, character personality, or shift the very universe of a text. Fan fiction writers pull this off because it is a non-commodified art form that falls under the U.S. Copyright Office’s Doctrine of Fair Use. The doctrine sets out four factors to be considered when issues of legality arise:

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<sup>62</sup> Ibid., 307.

<sup>63</sup> Peter Stallybrass, “Against Thinking,” *Modern Language Association of America* 122.5 (2007): 1584.

<sup>64</sup> Michael De Certeau, *The Practice of Everyday Life* (Berkeley: University of California, 1984), 174.

1. The purpose and character of the use, including whether such use is of 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
4. The effect of the use upon the potential market for, or value of, the copyrighted work<sup>65</sup>

So long as fan fiction writers are not profiting off their work they are legally able to borrow the intellectual property of others. This law is the same that protects literary critics and journalists from breach of intellectual property rights when they write about and quote from a work.

Covers of songs or remixes posted to Internet websites do not fall under this doctrine because they violate points three and four. Even though no profit is recovered, covers and remixes of songs entail using the entirety – or at least a significant portion – of a copyrighted work, whereas fan fiction often only borrows the plot and character(s) from the original author. Additionally, a song cover has the theoretical potential of taking consumers away from the original: a consumer could choose to listen to the free song cover online instead of paying to listen to the original. The monetary aspect of this – the cost of hiring a lawyer to defend the use of a copyrighted work in a not-for-profit scenario is higher than most can afford – further cements music's dominion out the doctrine of Fair Use because of the lack of legal challenges. However, these renegotiations still possess cultural value and allow for innovation and growth of the original work.

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<sup>65</sup> <http://www.copyright.gov/fls/fl102.html> - The Doctrine of Fair use lays out the rights of the copyright holder when their copyrighted work is reproduced

To combat the strictures of American copyright law, a number of grassroots movements have emerged. One of the most recognized and respected groups is Creative Commons. Creative Commons' goal, according to the group's website, is to realize the full potential of the Internet through universal access to education, research, and culture. The group developed its own copyright licenses that helps creators retain copyright of a work whilst at the same time "allowing others to copy, distribute, and make some uses of their work" in a non-commercial manner. Movements like this enable those with limited funds to create professional, complete works, such as students developing a documentary as a class project.

The Public Domain remains a pool of inspiration for fledging writers. The public domain is generally defined as consisting of works that are either ineligible for copyright protection or with expired copyrights where no permission is needed to copy or use.<sup>66</sup> When a literary work moves into the public domain, an author is free to use parts or entire chunks from the work without repercussion. A more recent example of this is Gregory Maguire's *Wicked*, a retelling of Lyman Frank Baum's classic *The Wonderful Wizard of Oz* told from the perspective of the Wicked Witch of the West. Upon Baum's copyright expiration, Maguire was able to develop a for-profit work heavily indebted to Baum's novel. Maguire utilizes Baum's characters and universe, but only to leave his own mark as a writer. Even though he borrowed from Baum, Maguire's version of Oz and its characters is very different. Take, for example, their respective descriptions of the Emerald City.

Even with eyes protected by the green spectacles, Dorothy and her friends were at first dazzled by the brilliancy of the wonderful City. The streets were lined with beautiful

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<sup>66</sup> <http://www.universityofcalifornia.edu/copyright/publicdomain.html>

houses all built of green marble and studded everywhere with sparkling emeralds. They walk over a pavement of the same green marble, and where the blocks were joined together were rows of emeralds, set closely, and glittering in the brightness of the sun. The window panes were of green glass; even the sky above the City had a green tint, and the rays of the sun were green.<sup>67</sup>

And McGuire:

The carriage passed through one of the northern gates, and the scramble of life aroused itself again, but in an urban key, less restrained and self-forgiving than that of Shiz. The Emerald City was not amused by itself, nor did it consider amusement a proper attitude for a city. Its high self-regard sprang up in public spaces, ceremonial squares, parks and facades and reflecting pools. 'How juvenile, how devoid of irony,' murmured Glinda. 'The pomp, the pretension!'<sup>68</sup>

The two reactions to the city reflect the different tones of the works. Baum's *Oz* dresses itself up as a children's book (critical analysis however would argue the complexities of the novel far surpass a simple narrative associated with children's books) and the tone reflects its target audience. By contrast, Maguire's *Wicked* focuses on the darker aspects of the world of Oz. Maguire does not simply rehash Baum, he expands the established narrative to reveal potential untouched by the original author. He has since published a number of other novels based on the expansion of others' work in addition to inspiring the Broadway hit *Wicked*. Maguire's success displays the triumph writing mediums such as fan fiction can have in reimagining and transforming ideas. Without the copyright access to recreate Baum's *Oz*, such potential growth and innovation would not have been realized.

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<sup>67</sup> Frank L. Baum, *The Wonderful Wizard of Oz* (New York: Signet, 2006), 116.

<sup>68</sup> Gregory Maguire, *Wicked* (New York: Harper, 2007), 217.

## Plagiarism in Fan Fiction

Despite fan fiction's liberal use of source texts, there are internal fandom norms and regulations that must be adhered to. Cassandra Clare – who went by the name *Cassandra Claire* during her fan fiction days but changed it after signing a publishing contract – was a key player in the Harry Potter fandom in the early 2000's. As a member of a fandom community, authors can be well known (such as Clare and the anonymous authors of the Harry Potter inspired *Shoebox Project*<sup>69</sup>) or remain completely anonymous beyond a popular story. These well-known authors in a fandom, referred to as a *big name fan* or BNF, can develop followings and fans of their own.

Fans have largely denounced Clare for her actions following her subsequent book deal based on her fanfics. Clare became a legend in fandoms and her rise and fall as a BNF has been chronicled online in many retellings. Cassandra Clare came into prominence on Fanfiction.net for her "Draco Trilogy," a series of three novel-length fanfics: *Draco Dormiens*, *Draco Sinister* and *Draco Veritas*. Her fanfic veers from Rowling's plot subsequent to the release of the fifth book, *Harry Potter and the Order of the Phoenix*. Despite being wildly popular among fans, Clare's stories were eventually pulled from FFN for plagiarizing large passages of text.<sup>70</sup> Clay Shirky, in his own meditation on Clare, remarks that "it may seem odd that a group of people publically engaging in wholesale copyright violation are concerned with plagiarism, but they

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<sup>69</sup> <http://shoebox.lomara.org/>

<sup>70</sup> <http://tvtropes.org/pmwiki/pmwiki.php/Fanfic/TheDracoTrilogy>



are, and deeply so.”<sup>71</sup> It was not published authors or their lawyers who went after Clare, but fan fiction readers in the Harry Potter fandom who felt slighted by Clare’s disregard for plagiarism.

A post by user *white\_serpent* in the JournalFen community *bad\_penny* tells of his/her own experience in the Harry Potter fandom during Clare’s reign as the biggest BNF. The poster notes that they:

Enjoyed *Draco Dormiens*. It was amazingly well-written in some sections, while other sections were much rougher. But, well, fanfiction ... you take what you get. What I found oppressive were the television quotations. A long-time fan of *Black Adder*, I was able to find all but one of my favorite quotes from *Black Adder* in *Draco Dormiens*. I was also a fan of *Red Dwarf* and *Buffy the Vampire Slayer*, both of which were quoted heavily. I recognized the book *Epicyclical Elaborations in Sorcery* from Patricia Wrede and Caroline Stevermer's *Sorcery and Cecilia*, and there were other lines (and sometimes scenes) that seemed familiar.<sup>72</sup>

The poster explains that as s/he continued reading the series, the inconsistencies in prose style and tense tipped him/her off that more than what s/he recognized could be plagiarized. Upon other discoveries of more prose lifted from copyright protected work without permission or disclaimers, the poster contacted a member of the FFN board to alert them to the violation of their terms of service, a complaint that was quickly forwarded to the entire FFN board who agreed with *white\_serpent*’s claim and removed Cassandra Clare and her work from the site.

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<sup>71</sup> Clay Shirky, *Cognitive Surplus* (New York: Penguin, 2010), 90.

<sup>72</sup> [www.journalfen.net/community/bad\\_penny/8985.html](http://www.journalfen.net/community/bad_penny/8985.html); posted 8.4.2006

However, despite her removal from Fanfiction.net, Clare moved her fanfics on to other sites and many of her readers followed.

Despite Clare's successful movement into the (self-)published sphere of fanfic, the schism created during her time as a fan fiction author can still be felt online. Shirky explains "it doesn't matter whether fan fiction authors understand that what they are doing is illegal. By publically disavowing ownership ... they are demonstrating their respect for the source material that is now integrated into their imagination ... Within that community, purity of motivation inside the community matters more than legality of action outside it."<sup>73</sup> Clare's disregard for the works she plagiarized from, especially well-known and well-loved works like *Buffy the Vampire Slayer*, struck a nerve with readers because it went against what many fans attempt to accomplish in their work.

### **Fan Fiction for Profit**

Fan fiction author "Snowqueens Icedragon," better known now as E.L. James, wrote the fanfic series *Master of the Universe* with characters adopted from Stephanie Meyer's *Twilight* series. While her series exists in an alternative universe where Edward is not a vampire but a dominating, high-powered businessman, Snowqueen maintained much of the personality and physical traits from Meyer's characters. When E.L. James and Vintage Books repackaged her fan fiction and published it as an erotic romance by changing all names related to *Twilight*, it was a massive success. While unsuspecting readers were gleefully consuming the series,

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<sup>73</sup>*Cognitive Surplus*, 92

members of the *Twilight* fandom (and fandoms as a whole) felt slighted by what they perceived to be copyright infringement. While *50 Shades of Grey* does not contain the supernatural elements that set the *Twilight* series apart from other young adult novels, much of the plot remains similar.

For example, take this scene early in *Twilight* when Edward saves Bella from an out of control van:

Then his hands moved so fast they blurred. One was suddenly gripping under the body of the van, and something was dragging me, swinging my legs around like a rag doll's, till they hit the tire of the tan car. A groaning metallic thud hurt my ears, and the van settled, glass popping, onto the asphalt – exactly where, a second ago, my legs had been.

It was absolutely silent for one long second before the screaming began. In the abrupt bedlam, I could hear more than one person shouting my name. but more clearly than all the yelling, I could hear Edward Cullen's low, frantic voice in my ear.

'Bella? Are you all right?'<sup>74</sup>

Here, Edward puts himself between Bella and the van and, using his supernatural abilities, prevents her from being crushed. In *Master of the Universe*, a similar plot device is used early in the text to bring the protagonists together:

'Shit Bella!' Edward cries and he pulls the hand that's he's holding hard so that I fall against him as a cyclist whisks past me, narrowly missing me, riding the wrong way up a one-way street. It happens so fast, one minute I'm falling and then I'm in his arms and he's holding me tightly against his chest and I can smell his clean, vital scent. He smells of fresh laundered linen, and some expensive body-wash ... Oh my, it's intoxicating. I inhale deeply.

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<sup>74</sup> Stephanie Meyer, *Twilight* (New York: Little, Brown, 2005), 56-7.

'Are you okay?' he whispers.<sup>75</sup>

The absence of supernatural elements makes it impossible for this version of Edward to shield Bella from an oncoming vehicle, but James utilizes a cyclist rushing past the unsuspecting Bella to accomplish the same thing: create romantic tension between the meek girl and the reluctant man. While the language is different, the second passage is clearly inspired by the first. This borrowing of plot to enhance AU fanfics is not uncommon. It is an accepted practice in fandom and is seen as the author attempting to remain close to that canon. However, while the obvious borrowing plot devices may be acceptable in fan fiction, such lifting could be considered plagiarism when used in a published work.

When James's AU fan fiction was picked up to be published, she scrubbed it clean of character names (changing Edward Cullen to Christian Grey and Isabella Swan to Anastasia Steele) but the text remained largely unchanged. For example, here is the corresponding scene from the passages above:

'Shit, Ana!' Grey cries. He tugs the hand he's holding so hard that I fall back against him just as a cyclist whips past, narrowly missing me, heading the wrong way up this one-way street.

It all happens so fast – one minute I'm falling, the next I'm in his arms and he's holding me tightly against his chest. I inhale his clean, vital scent. He smells of fresh laundered linen and some expensive body wash. *Oh my*, it's intoxicating. I inhale deeply.

'Are you okay?' he whispers.<sup>76</sup>

Apart from some small grammatical changes and the names, this passage is nearly identical to its fan fiction counterpart: a passage clearly drawn at first from the published work of

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<sup>75</sup> Snowqueens Icedragon, *Master of the Universe*, 32.

<sup>76</sup> E.L. James, *50 Shades of Grey* (New York: Vintage, 2012), 31.

Stephanie Meyer. Furthermore, when *50 Shades of Grey* and the first part of *Master of the Universe* are run through the plagiarism detection tool Turnitin, there is a similarity index of 89%, meaning that much of the text remained unchanged from its fan fiction draft and violates the Doctrine of Fair Use, factor 3.<sup>77</sup>

*50 Shades of Grey* is a derivative work with no formal acknowledgment of its primary inspiration and source material beyond the publicly disseminated knowledge of its fan fiction origins, meaning that though the end product may be just different enough, the record of its conception leaves little question of its place as a plagiarized work. Having this record is a new step in copyright laws. While the completed work is different enough from *Twilight* to avoid copyright infringement, the record that exists thanks to the Internet and automated programs like turnitin.com creates a new challenge for copyright laws because the conception of a story can now be traced so finely that it is obvious what inspired it.<sup>78</sup>

Abigail De Kosnik's 2009 essay "Should Fan Fiction Be Free?" argues that fan fiction writers – and female fan fiction writers in particular – will miss opportunities to benefit financially from their work if they do not develop their own commodification processes. De Kosnik notes that "The mainstreaming of an alternative form of cultural production is nearly always synonymous with commercialization," and that the commercialization of fan fiction is

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<sup>77</sup> <http://dearauthor.com/features/industry-news/master-of-the-universe-versus-fifty-shades-by-e-l-james-comparison/>

<sup>78</sup> For new forms of literary "forensics" making use of computing power, see Matthew G. Kirschenbaum, *Mechanisms: New Media and the Forensic Imagination* (Cambridge: MIT Press, 2008).

unavoidable.<sup>79</sup> Even though the essay was written before *50 Shades of Grey* became a global phenomenon, De Kosnik's concern that fan fiction writers will largely be left behind when commercialization happens remains a valid concern. E.L. James' success could in part be attributed to the "built-in" fans the original story already had, to casual *Twilight* fans looking for their next fix, and now that publishers have monetary proof that the fan fiction being produced online has mass marketing potential, it is only a matter of time before fan fiction itself becomes a means to a profitable end.

Fan fiction authors, De Kosnik writes, are in danger of "waiting too long to decide to profit from their innovate art form, and allowing an interloper to package the genre in its first commercially viable format" has already taken some control away from fanfic writers.<sup>80</sup> While these concerns are valid, if fan fiction writers were to simply organize and find a way to profit from their work, it would not diminish the threat of outsiders capitalizing on these works too. Fandom and fan fiction are essentially gift cultures based in "crowdsourcing" networks where people work together to produce something that reflects who they are and what they desire at that particular point in time. Commodifying fan fiction goes against what most fanfic producers and consumers are attempting to do in the first place – to expand on something they love and share it with others who have similar interests. They write because they want to write, not to earn a profit, and if commercialization of the fan fiction is forced onto the genre, it will change how the majority of fanfic writers and consumers interact with it.

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<sup>79</sup> Abigail De Kosnik, "Should Fan Fiction Be Free?," *Cinema Journal* 48 (2009): 119.

<sup>80</sup> *Ibid.* 120

In May 2007, Jon Landau, Jon Moonves, and former Yahoo CEO Anil Singh launched FanLib.com, a fan fiction archive site aimed to profit off these fan produced works. The idea behind the site was to commodify the derivative works by funneling online traffic from other specialized fanfic sites to their site, in the hope they could become home to the best available works. They paired with producers of TV shows like *The L Word* and *The Ghost Whisperer* to encourage fans to upload their work for the chance to win prizes, possible e-publication, or attention from producers.<sup>81</sup> Henry Jenkins notes that FanLib “wasn’t run by people who knew the world of fan fiction from the inside out. It was a business, pure and simple, run by a board of directors which was entirely composed of men.” This created tension with fans considering it is a field thought to be dominated by women.

LiveJournal user icarusancalion published a blog on LiveJournal “summing up FanLib” and fan fiction writers reaction to this outside business. S/he explains that in March 2007 FanLib “emailed hundreds of fanfiction authors in dozens of online communities in LiveJournal, lotrfanfiction, FanFiction.net, and Fiction Alley.” FanLib’s goal was to commodify fan fiction, and the sales pitch attempted to lure popular writers to their site. But FanLib “did little more than ask the writers to hand over the product.” Writers were to receive no compensation for their labor. Furthermore, the FanLib Terms of Services shunted all copyright infringement liability onto the fanfic author, stating:

*You understand that all information, data, text, software, music, sound, photographs, graphics, video, messages or other materials residing on the Website ("Content"), whether publicly posted or privately transmitted, are the sole responsibility of the person from which such Content originated. This means that You, and not FanLib are entirely*

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<sup>81</sup> Hellekson, “A Fannish Field,” 117.

*responsible for any Submissions (defined below) that You post, email, upload, transmit or otherwise make available via Your Account. **FanLib does not control the Content posted by Members on the Website and, as such, does not guarantee the accuracy, integrity, [==>]legality[<==] or quality of such Content.*** (Formatting from original post)

<sup>82</sup>

This website, whose sole reason for existing was to turn a profit, passed all copyright violation liability to the authors they reached out to. Fans feared the FanLib’s business practices would force copyright holders to actively campaign against the usually harmless fan fiction. Fan fiction’s place in copyright law limbo was threatened by FanLib’s overt attempts to capitalize on this cultural phenomenon, and fans recognized that they would not be able to defend themselves and their works if major publishers or studios became involved.

Additionally, icausancalion notes that “FanLib also failed to research the demographic of their writers, with a patronizing tone and site design aimed at teenagers, where many of the fanfiction writers they invited were professionals and university students in their 20s, 30s, and older.”<sup>83</sup> Many fans felt somewhat insulted by FanLib’s lack of understanding of who wrote and read fan fiction, as well as the way FanLib used fanfic authors for their own gain. Karen Hellekson believes that “The FanLib debacle illustrates that attempts to encroach on the meaning of the gift [economy of fan fiction] and to perform a new kind of (commerce-based) transaction with fan-created items will not be tolerated.”<sup>84</sup> Jenkins concurs, noting “To add

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<sup>82</sup> <http://angiepen.livejournal.com/38593.html?format=light> – the original FanLib Terms of Service are no longer available. However, many fan fiction writers and readers preserved pieces of it in personal LiveJournal posts or through commenting on others post. This space was used to examine the Terms of Service and warn other users of the dangers FanLib posed.

<sup>83</sup> Ibid.

<sup>84</sup> Hellekson, “A Fannish Field,” 117.



insult to injury, the company surrounded itself with self-congratulatory rhetoric about taking fan fiction into the ‘major leagues,’ which showed little grasp of why fans might prefer to operate in the more liberated zone[s]” of fan created and moderated spaces like FanFiction.net and LiveJournal.”<sup>85</sup> Jenkins posits that the FanLib fiasco highlights the important debate happening outside of fandom concerning the role of fan fiction within the greater literary sphere. He says:

Some seek to legitimize it by arguing that it is a stepping stone or training ground for professional writers as if commercialization of creative expression was the highest possible step an author could take. Others — myself among them — have argued that fan fiction should be valued within the terms of the community which produces and reads it, that a fan writer who only writes for other fans may still be making a rich contribution to our culture which demands our respect.<sup>86</sup>

Fans recognize the value of fan fiction and how it enriches their fan experience. Outside of such communities, there is very little value on the works produced because it isn’t something that non-members can understand or connect with. Without context, most fan fiction reads as little more than undeveloped fantasy, but within the communities, fan fiction serves the important function of being a creative outlet for fans.

One way fanfic producers are dealing with the onslaught of outside interest is through self-publishing. Self-publishing allows authors to maintain creative control while still allowing them to profit off their work. While the legality is shaky at best, self-publishing facilitates fans’

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<sup>85</sup> Henry Jenkins, “Transforming Fan Culture into User-Generated Content: The Case of FanLib,” posted May 22, 2007, [http://henryjenkins.org/2007/05/transforming\\_fan\\_culture\\_into.html](http://henryjenkins.org/2007/05/transforming_fan_culture_into.html)

<sup>86</sup> Ibid.

willingness to support one another while still preserving the interactive communication that is key for fandom participants.

Besides the high-profile *Fifty Shades of Gray*, another example of a fandom member self-publishing a work is the novel *Second Chances*, available as a paperback and e-book on at Amazon.com. The book was written under the pen name Eliza Lentzski and self-published using the CreateSpace Independent Publishing Platform on March 8, 2013. While it is marketed as an original fiction, *Second Chances* is based on the author's *Glee* fan fiction of the same name. The first chapter was posted by author lizardmm on FanFiction.net December 6, 2012 as a slash future-fic in the *Glee* universe. The fanfic revolves around two of the show's main characters, Rachel Berry and Quinn Fabray, and their lives after graduating from high school. The fanfic draws on the show's established universe to develop the characters and plot, but, as a future and slash fanfic, it deviates or manipulates established facts to reach its own end.

*Second Chances* follows Rachel and Quinn as they become reacquainted after running into each other at a Broadway show and eventually moves into a tangled romantic relationship while trying to work through their troubled past. The published version of the story follows the same trajectory, only changing small details like character names and towns.

Rachel allowed herself a bold moment to regard the blonde as the girl from her past walked toward her table. Although she'd seen Quinn the previous night, she'd been too frazzled to actually *look* at the girl. Her porcelain skin was as flawless as ever and the crisp winter weather had pulled an attractive blush to her chiseled cheekbones. Her blonde hair wetly shimmered from the combination of light snow and sunrays streaming in through the front plate glass windows.

She stopped in front of the table and pulled off the Burberry-print scarf wrapped around her neck and slid out of her fitted wool trench coat. She looked every bit as polished as Rachel remembered.<sup>87</sup>

Compare:

Reagan allowed herself a bold moment to regard the girl from her past as she walked toward her table. Although she'd seen Allison the previous night, she'd been too frazzled to actually *look* at her. Her porcelain skin was as flawless as ever and the crisp winter weather had pulled an attractive blush to her chiseled cheekbones. Her blonde hair wetly shimmered from the combination of light snow and sunrays streaming in through the front plate glass windows. She stopped in front of the table and pulled off the Burberry-print scarf wrapped around her neck and slid out of her fitted wool trench coat. She looked every bit as polished as Reagan remembered.<sup>88</sup>

The author changes Rachel to Reagan and Quinn to Allison, but apart from name changes and a paragraph break, the two passages are identical. In the fan fiction version, the physical description of Quinn is taken from the actress who plays Quinn on the television show and makes sense within the work. Even though the description is vague enough to match any number of blonde, pale women, the middle step of fan fiction in relation the published works clearly shows the author's inspiration and intention.

The fan fiction consists of 21 chapters and an epilogue, and is separated into two sections with ten chapters in each section. For a fan fiction, *Second Chances* is well written, with clean, concise sentences and mostly error free. The author clearly put effort into editing and developing the plot, and managed to avoid many of the criticisms fanfics usually receive.

Rachel stopped walking when she suddenly found herself at the main entrance of the university library, having practically sleepwalked to the front steps.

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<sup>87</sup> lizardmm, *Second Chances*, <http://www.fanfiction.net/s/8770804/2/Second-Chances>

<sup>88</sup> Eliza Lentzski, *Second Chances* (CreateSpace Independent, 2013), 11.

Showing her student ID, she entered the building and found herself a study table in one of the designated quiet areas.

She pulled her hands out of her pockets and the white napkin fluttered out as well. She frowned and bent to pick it up. She thought about throwing it away again. It was in her power; she'd never have to see and talk to Quinn Fabray ever again unless they miraculously bumped into each other again. Instead, she placed the napkin on the study table and smoothed out its edges. She had homework to focus on; she'd make her decision on the fate of Quinn's phone number later.<sup>89</sup>

A closer examination of the above excerpt reveals the simplicity of the writing. The author avoids flourish or dramatic transitions, choosing instead to use short sentences and paragraphs to move the plot along. It is an easy read, as many reviewers on both the Amazon site and Fanfiction.net note.

Reading and comparing the reviews on the two sites highlights the issues many fan fiction authors will face when trying to turn a derivative work into an original stand-alone. As a derivative work, the author has an already developed world to draw from, a world that they can assume their reader has knowledge. Less effort, if any, needs to be put into building backstory or characters because the original author has already done that. One Fanfiction.net reviewer explains that while it was a great story, s/he “was getting seriously frustrated with Quinn, but it felt true to her character at the same time.”<sup>90</sup> This cloning technique used in both *Second Chances* and *50 Shades of Grey* has the potential to fail due to the absence of backstory and the prepackaged characters used in fan fiction. As one Amazon.com reviewer of *Second Chances* noted:

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<sup>89</sup> lizardmm, <http://www.fanfiction.net/s/8770804/3/Second-Chances>

<sup>90</sup> <http://www.fanfiction.net/r/8770804/0/2/>

The story line barely exists. Two girls with a rocky past have a sexually charged on again off again romance. The characters are unbelievable and the dialog is pretty hokey.

It is a fast, easy to read, trashy romance novel plain and simple. <sup>91</sup>

Eliza Lentzski's authorial decision to change minor details but otherwise maintain the integrity of her fan fiction when publishing it as an original work can diminish the enjoyment for non-fandom readers. However, the majority of reviews on Amazon.com were positive and expressed readers' enjoyment.

Even though Eliza Lentzski was able to self-publish and sell her work with no legal ramifications to date, the legality of her actions is unclear. Since her fan fiction clearly demonstrates the work's roots as derivate from *Glee*, is she violating copyright laws in self-publishing and selling *Second Chances*? It seems to me the answer is yes. Since much of the published work has not been changed from its fan fiction counterpart, Lentzski's profit from this work violates the Doctrine of Fair Use, factor 3, just like *50 Shades of Grey*. However, the publishing of *50 Shades of Grey* by a major publishing house despite its shaky legality sets a precedent that lessens Letzski's – and other self-publishing authors' - culpability. Furthermore, this precedent that allows fan fiction to self-publish work on their own terms, helps quell De Kosnik's fears that "parties foreign to fandom who do not understand why or for whom the genre works, and who will promote it for purposes it is unsuited for, ignoring the aspects that

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<sup>91</sup>[http://www.amazon.com/review/R2Y757YD6SJ38D/ref=cm\\_cr\\_pr\\_cmt?ie=UTF8&ASIN=B00BR04SM8&linkCode=&nodeID=&tag=#wasThisHelpful](http://www.amazon.com/review/R2Y757YD6SJ38D/ref=cm_cr_pr_cmt?ie=UTF8&ASIN=B00BR04SM8&linkCode=&nodeID=&tag=#wasThisHelpful)

make it attractive and dear to its readers” will not be able to completely co-opt the fan fiction medium.<sup>92</sup> But, that doesn’t mean businesses will not try.

Retail giant Amazon.com recently announced its newest self-publishing platform, Kindle Worlds. Kindle Worlds differs from Amazon’s CreateSpace Independent Publishing Platform in that it is made for fan fiction. It is a place for fanfic writers to “write new stories based on featured Worlds, engage an audience of readers, and earn royalties,” and, perhaps most importantly, “Amazon Publishing has secured licenses from Warner Bros. Television Group's Alloy Entertainment for *Gossip Girl*, *Pretty Little Liars*, and *The Vampire Diaries*, with licenses for more Worlds on the way.” As of June 2013, only fan fictions within these three worlds can be published. However, Amazon claims they will be building their library of licenses in the future. Amazon will pay royalties to the rights holder and authors will pay a share with a percentage of any net revenue going to rights holders (35% for works over 10,000 words; 20% for works between 5,000-10,000). The Organization for Transformative Works (the group that created the fan fiction archive site, Archive of Our Own) posted an informational piece explaining the Kindle World terms of service. They explain that the 35% royalty rate is of the net revenue, meaning that “royalty will not be calculated on the price of the book (so, for a \$1 book, 35 cents a copy), but rather on whatever's left after all of Amazon's costs, which are undefined, are accounted for.” Therefore, “Depending on how aggressively Amazon defines its costs—and

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<sup>92</sup> De Kosnik, 123.

Hollywood, for example, is famous for calculating them very aggressively—that could mean [the author] get[s] little to nothing.”<sup>93</sup>

Furthermore, by signing on with Kindle Worlds, fanfic authors will actually give Amazon the rights and control to their fanfic. The Kindle Worlds page explains that in using the program, “Amazon Publishing will acquire all rights to your new stories, including global publication rights, for the term of copyright,” and will allow other Kindle World authors to produce a work containing original elements from published Kindle World fanfics with no compensation to the original creator. While this sharing culture does draw from online fan fiction communities, it does not take into account the gift culture of fan fiction explained by Karen Hellekson, where fanfic writers and readers give, receive, and reciprocate.<sup>94</sup> With Kindle Worlds, paying for the fanfic is the gift, and while this may work if a fan fiction is published after being produced within the community (where the author is in conversation with readers through reviews and authorial comments at the beginning of chapters or on their Tumblr/blog), there is a chance that the platform will be rejected due Amazon’s obvious intent to commodify and profit off fanfic writers’ work. Additionally, the Terms of Services clearly forbid pornographic writing, which will immediately turn many writers and readers against the platform. Tumblr user serenakenobi remarks that:

While it sounds like a dream, and while I as a major fanfiction writer was excited... this is not good for fanfiction writers. I please advise you, if you create your own characters,

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<sup>93</sup> Organization for Transformative Works, posted on May 29, 2013, <http://transformativeworks.org/news/what-fans-should-know-about-amazons-kindle-worlds-program>

<sup>94</sup> "A Fannish Field," 114.

DO NOT submit your pieces to Kindle Worlds. This is just an excuse for Amazon to make money off of YOU. While I do like Amazon, for them to own your ideas and original characters... it's not in your favor, obviously.

Anyone remember Fanlib? Why they shut down? For this very reason. Because they could steal your ideas.<sup>95</sup>

While the full details of Kindle Worlds have not yet been released, fans recognize that this is Amazon's outside attempt to profit off the work of fanfic writers similar to what FanLib attempted to do six years ago. Even though Hollywood studios see this as a way of profiting off derivative works, it ignores the system of give and take that fans have created and cultivated over years of sharing and gifting fan fiction.

E-publishing is not the only way to fulfill fanfic consumers' desire to have fan fiction available on e-reading devices. Archive of Our Own (Ao3) allows users to download PDF, MOBI, EPUB, and HTML versions of a fan fiction that can be read on a number of devices including iPhones, Android phones, and Amazon Kindles. Flagfic.com is an online tool for downloading fan fiction as e-books. It fetches stories from several popular fan fiction websites (using the fics story ID number), compiles the chapters into a single file suitable for reading on an e-book reader, and provides a link for download. Flagfic, like Ao3, provides this service for free, but does also accept donations. While many fan fiction writers and readers do want fan fiction to be legitimized and accepted as a form of writing, online communities have developed their own ways of distributing work that happened outside capitalist boundaries and requires little or no compensation beyond gratitude.

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<sup>95</sup> Serenakenobi, posted on June 2, 2013, <http://serenakenobi.tumblr.com/post/52002106982/amazons-kindle-worlds-published-fanfiction>



## Fan Fiction Authors, Their Writings, and Their Fans

There is no shortage of Harry Potter fan fiction available online. Fanfiction.net hosts over 600,000 *Harry Potter* fanfics and features a variety of different *ships* and storylines. (This is nearly 400,000 more fanfics than the second most popular fandom source, *Twilight*.) One such fanfic is *Harry Potter and the Nightmares of Futures Past* by S'TarKan. This fan fiction is notable for many reasons. First, it has received over 11,000 reviews since it was first published. Even though fanfic readers are known for providing feedback, the number of reviews is staggering. Second, the author's FFN profile (last updated in 2011) reveals that the author is a married man in his thirties named Matthew Schocke (assuming he is self-identifying in an accurate way). While fan fiction is a medium that crosses gender and age lines, there is still an assumption from both inside and outside fan fiction that the majority of writers are teenage girls, an assumption that is not necessarily incorrect. So for a fan fiction writer to be both male and an adult is surprising. Lastly, this fanfic was published in 2005 and remains incomplete, with the author occasionally posting updates. The most recent update was chapter 39, posted October 12, 2012, seven years after the first chapter was posted. It received over 200 reviews in response.

*Harry Potter and the Nightmares of Futures Past* is an AU fanfic that began to appear in the time between the release of the sixth and seventh Harry Potter books. The first chapter begins with the series' hero Harry Potter at age thirty. He has defeated Lord Voldemort but has lost those who were closest to him. In order to save his loved ones, Harry uses magic to send

himself back in time, combining his thirty-year-old spirit with his eleven-year-old body in the hopes that he will be able to “make it right.” While this is clearly a departure from Rowling’s original material, Schocke blends his version of Harry Potter with the established canon, just like Harry blends his present spirit with his past body to change the outcome of his story. Even though Schocke uses scenes from the original Harry Potter books, he adapts them to reflect his changed Harry. One of the most noteworthy scenes in the first book, *Harry Potter and the Sorcerer’s Stone*, is when Harry arrives at King’s Cross Station to travel to Hogwarts but, due to being raised in the non-magical (or “Muggle”) world, does not know how to enter Platform 9¾.

Hagrid must have forgotten to tell him something you had to do, like tapping the third brick on the left to get into Diagon Alley. He wondered if he should get out his wand and start tapping the ticket inspector’s stand between platforms nine and ten.

“—packed with Muggles, of course —“

Harry swung round. The speaker was a plump woman who was talking to four boys, all with flaming red hair. Each of them was pushing a trunk like Harry’s in front of him — and they had an owl.

Heart hammering, Harry pushed his cart after them. They stopped and so did he, just near enough to hear what they were saying.

“Now, what’s the platform number?” said the boys’ mother.

“Nine and three-quarters!” pips a small girl, also red-headed, who was holding her hand, “Mom, can’t I go...”

“You’re not old enough, Ginny, now be quiet. All right, Percy, you go first.”

What looked like the oldest boy marched toward platforms nine and ten. Harry watched, careful not to blink in case he missed it — but just as the boy reached the dividing barrier between the two platforms, a large crowd of tourists came swarming in front of him and by the time that last backpack had cleared away, the boy had vanished.

“Fred, you next,” the plump woman said.

“I’m not Fred, I’m George,” said the boy. “Honestly, woman, you call yourself our mother? Can’t you *tell* I’m George?”

“Sorry, George, dear.”

“Only joking, I am Fred,” said the boy, and off he went. His twin called after him to hurry up, and he must have done so, because a second later, he had gone— but how had he done it?

Now the third brother was walking briskly toward the barrier — he was almost there — and then, quite suddenly, he wasn’t anywhere.

There was nothing else for it.

“Excuse me,” Harry said to the plump woman.

“Hello, dear,” she said. “First time at Hogwarts? Ron’s new, too.”

She pointed at the last and youngest of her sons. He was tall, thin, and gangling, with freckles, big hands and feet, and a long nose.

“Yes,” said Harry. “The thing is — the thing is, I don’t know how to—“

“Not to worry,” she said. “All you have to do is walk straight at the barrier between platforms nine and ten. Don’t stop and don’t be scared you’ll crash into it, that’s very important. Best do it at a bit of a run if you’re nervous. Go on, go now before Ron.”<sup>96</sup>

In this scene, Harry meets his one of his best friends, Ron Weasley, and his future lover, Ginny Weasley. Furthermore, this scene introduces the reader to the Weasley family, a family that is pivotal to the plot of the series, and their main defining feature, their red hair. Taking into account that Schocke’s version of Harry Potter already knows both characters (and he can expect his reader to already have knowledge of the Weasleys) as well as how to enter the platform, Schocke could not replicate the scene as it is in the books. Instead we find:

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<sup>96</sup> J.K. Rowling, *Harry Potter and the Sorcerer’s Stone* (New York: Scholastic, 1999), 91-93.

Harry hung back as the Weasley matriarch directed her older boys through the barrier. Just hearing her voice again was music to his ears. He had to swallow twice before he could speak and Ron was already heading toward the barrier.

"E-excuse me," he said, damning his voice for shaking. "I... was wondering how you get through...?"

Molly, peering worriedly after Ron's progress, hadn't heard him at first. However, a soft voice answered him. "I can show you," it said. He turned and stepping around her mother was Ginny Weasley.

Harry had wondered how he'd react to seeing her again for the first time. By 'react' however, he hadn't anticipated massive cardiac arrest. His heart gave such a thump he was amazed he hadn't deafened everyone in the station. Her face was rounder, with a few traces of baby fat, but he could still see the lines of the beauty she'd become. He could feel the trunk handle quivering in his hand and struggled to get his emotions back under control. Hadn't he been practicing Occlumency just a few minutes ago? He grumbled as he felt the blood rushing to his face.

At least her cheeks were a little pink as well, Harry noted. "Er, sure." He swallowed. "I'd really appreciate that," he said in a clearer voice.

"Follow me," she said, taking his free hand and leading him through the crowd. It was an innocent gesture, but it took all of Harry's willpower not to squeeze it like he never wanted to let go.

When they drew near the metal barrier she turned back toward him. "My brothers all told me about this before. You just run toward the wall like it's not there. It helps if you close your eyes first."

Harry made a show of nodding thoughtfully. "Okay, you're the expert here," he acquiesced.

Her face grew a little pinker at the comment, but she turned and walked quickly toward the barrier. Harry didn't follow her advice, but instead watched her as she walked through the wall. He followed her through, and smiled as he saw the Hogwarts Express.<sup>97</sup>

By changing the scene so drastically, Schocke has changed the characterization of one of the main characters, Ginny, at the loss of Harry's interaction with the nurturing Molly Weasley that

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<sup>97</sup> S'TarKan, *Harry Potter and the Nightmares of Futures Past*, errors in original, <http://www.fanfiction.net/s/2636963/2/Harry-Potter-and-the-Nightmares-of-Futures-Past>

foreshadows the role she will play towards Harry through the rest of the series. In Schocke's version of events, Ginny takes on an assertive role that does not happen until much later in the original series. Additionally, this interaction makes much more apparent their future romantic relationship.

Schocke's adaption and expansion of the Harry Potter canon shows one of the most traditional forms of fan fiction: he uses established canon as the base for his fanfic, instead of only using pieces. There is no way that this fanfic could be understood apart from the Harry Potter series. Without prior knowledge of the characters and events being recreated, the story would fall apart. One such example is when Harry first arrives at Hogwarts and is sorted by the Sorting Hat into Gryffindor House. In the book, this scene serves to show the dualistic nature of Harry. He has to choose between Gryffindor, the house of the brave and moral, and Slytherin, a house associated with evil. In this fanfic, however, Harry's discussion with the Sorting Hat takes a different turn:

"Well, well, well, what do we have here?" a small voice asked in his ear. "I can sense you've already been sorted, but that's impossible because I'd remember sorting the last of the Potters."

*I imagine you would*, Harry thought sardonically.

"Yes, yes. So how did you... interesting."

Harry strengthened his mental barriers as much as he could, but whatever the Sorting Hat was doing wasn't interacting with his Occlumency at all.

"It isn't often I run into something I haven't seen before, Mr. Potter. I see another Hogwarts, and another Hat. One you were forced to destroy."

*Sorry, but I didn't have time to do it any other way. I had to do it quickly before Voldemort realized it was a trap,* Harry admitted. He still had some lingering guilt about destroying the hat in his original timeline, even though what he just said was the truth.

"No, I see the other Hogwarts was gone, and so its purpose had fled as well. Your plan is an audacious one; you seek to meddle with the workings of Fate itself."

*Well, I had literally nothing left to lose,* Harry thought bitterly.

"True. I wish you well in this endeavour. Never fear, I will keep your secrets. The more who know the greater the risk."

*Thank you. Er, would it be possible to ask for one small favor?*

"What favor is that?"

*Well, Hermione was already sorted into Gryffindor, and I know you'll put the Ron and his sister there as well. But there is a new student next year named Luna Lovegood. She'll be sorted into Ravenclaw, but she'll have a pretty bad time of it. She'll become a good friend, but I think the harassment from her own house was not a good thing for her. Could you possibly put her in Gryffindor where I can keep an eye on her?<sup>98</sup>*

Again, Schocke, knowing that his readers will have knowledge of original sorting, uses this scene to further expand his plot, as well as moving the secondary character Luna from her canon house, Ravenclaw, to Gryffindor.

Schocke's writing is also stylistically different from Rowling's. As the first excerpt demonstrated, Schocke tends to use more complex words, while Rowling sticks with the basics. Rowling's use of "said," which is invisible to the reader, moves dialogue along and helps keep a steady flow. Schocke's use of more descriptive words in between dialogue stutters the story and highlights the sometimes awkward or poor transitions. In all, for a work that does not have a team of editors combing through its 390,000 words multiple times, it is a triumph.

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<sup>98</sup> S'TarKan, errors in original, <http://www.fanfiction.net/s/2636963/3/Harry-Potter-and-the-Nightmares-of-Futures-Past>

Perhaps the most noteworthy part of Schocke's fan fiction writing is the fandom he has created around himself. In 2006, he started his own website/blog [viridiandreams.net](http://viridiandreams.net) where he posts his work and messages to his fan. The site also has links to more of his fanfic repositories, his original fiction, and a "Tip Jar" where he takes donations from fans. Furthermore, Schocke's website hosts its own forum. With eight subforums on topics ranging from 'Writer's Workshop' to 'Geek Culture,' the forum has close to 1000 members and over 90,000 individual posts -- impressive for a writer who has yet to publish any work in the traditional ways. Surprisingly, despite the donations he accepts, Schocke has not yet self-published any works, though he laments on his FFN bio that his original novels have all been rejected thus far, and that he has not in any obvious way taken advantage of his fans by charging for his work. Perhaps this is a result of being in fandom since the 1970's where there was no room to profit from fan works, but Schocke represents the majority of fan fiction writers who write fanfic because they love the source material.

### **The Economy of Fandom**

Fandoms are much more widespread than they may appear. They exist beyond the relative obscurity of the Internet and large fandoms can become visible – and often profitable – entities, especially when tied to other media of fandom such as "cosplay" (costume play). The Harry Potter fandom, for example, while vastly populated on Internet communities, also has a host of popular and costly fan conventions. One such convention is LeakyCon, a Harry Potter fandom convention whose goal is to "celebrate everything about it [the Harry Potter fandom]

first and foremost, and everything about the pop culture fandoms our community is growing to include.” The majority of the convention consists of panels, discussions, and meet-ups. The 2012 LeakyCon took place in a Chicago area Hilton for four days with four thousand registered participants. Harry Potter fans gathered from all over the globe to celebrate and discuss their much-loved novels, often dressing in black robes or gray sweaters to mimic the Hogwarts uniforms. Tickets for the convention ran at \$200 per person and LeakyCon works with local area hotels to secure discounted rates for participants.<sup>99</sup> Furthermore, online marketplaces such as Etsy.com allow fans to purchase unofficial merchandise like Harry Potter themed scarves or *Twilight* decals from artists who avoid paying licensing fees or developing mass-produced products. The personal connection between an individual buyer and the artist can allow room for personalization or tweaking to offer the buyer a one of a kind product. While fan fiction itself remains a non-commodified art form, fandom’s popularity and presence has expanded in such a way that large fandoms like *Harry Potter* and *Twilight* have their own economies. Not only do publishing houses and Hollywood studios work to ensure fans have a veritable smorgasbord of merchandise to choose from, but individual artists and producers now have platforms to showcase and sell their own unauthorized merchandise.

Some fandoms have become so large and powerful that publishers and studios cannot ignore them if they want to be profitable. The difference between the general audience’s passive participation with a text and a fandoms active participation means that while someone

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<sup>99</sup> <http://www.leakycon.com/about/>; [http://articles.chicagotribune.com/2012-08-12/entertainment/ct-ent-0813-leaky-con-20120812\\_1\\_leakycon-quidditch-hogwarts](http://articles.chicagotribune.com/2012-08-12/entertainment/ct-ent-0813-leaky-con-20120812_1_leakycon-quidditch-hogwarts); <http://www.the-leaky-cauldron.org/2011/11/28/leakycon-2012-registration-open>; <http://www.leakycon.com/faq/>



from the general audience will buy and read the text, his or her willingness to invest any more time and money than that is limited. Alternatively, the active fan desires not only the source text, but also anything else that stems from it. One such example is *The Unofficial Game of Thrones Cookbook*. Drawing from George R. R. Martin's *Song of Ice and Fire* series, this unofficial cookbook allows readers to further immerse themselves in Martin's universe by cooking as Martin's characters might. The success of published extensions of an established text proves the profitability of such undertakings. Fans, while producers of much of their own content, are still willing to spend on products deemed authentic within the established canon. Fandoms have commodified otherwise temporary ventures, providing a longevity that would be otherwise impossible to accomplish.

### **Benefits of Fan Fiction**

The internet has enabled options for consumers, creating an interactive world where they can control their entertainment by searching for and filtering out things that do and do not interest them. Henry Jenkins calls this phenomenon "convergence culture" where "consumers are encouraged to seek out new information and make connections among dispersed media content."<sup>100</sup> Fandom sites and fan fiction afford consumers the opportunity to explore specific interests that would otherwise remain unrealized due to the limiting nature of physical publishing. Furthermore, Jenkins recognizes the benefit of online culture and content creation for children. Through convergence culture, children develop a number of skills, including:

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<sup>100</sup> *Convergence Culture*, 2-3.

The ability to pool knowledge with others in a collaborative enterprise (as in *Survivor* spoiling), the ability to share and compare value systems by evaluating ethical dramas (as occurs when we consume *The Matrix*, 1999, or *Pokémon*, 1998), the ability to express your interpretations and feelings toward popular fictions through your own folk culture (as occurs in *Star Wars* fan cinema), and the ability to circulate what you create via the Internet so that it can be shared with others.<sup>101</sup>

People who participate in this online culture develop a complex appreciation of a work. Not only do they participate in in-depth readings and discussions, but they are also asked to think beyond the bindings of a book and continue developing the narrative with their imaginations. Fandom members learn to read actively and delve into a text, as well as how to communicate and discuss their findings.

Jenkins refers to these “informal learning cultures” as “affinity spaces.” These spaces provide room for fans to actively engage with a narrative; at the same time they

[o]ffer powerful opportunities for learning ... because they are sustained by common endeavors that bridge across differences in age, class, race, gender, and educational levels, because people can participate in various ways according to their skills and interests, because they depend on peer-to-peer teaching with each participant constantly motivated to acquire new knowledge or refine his or her existing skills, and because they allow each participant to feel like an expert while tapping the expertise of others.<sup>102</sup>

Fan fiction is not limiting. The barriers to entry regularly associated with literary activity – from age to education levels – are nonexistent. Fan fiction sites do not require, or expect, writers to

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<sup>101</sup> *Ibid.*, 176.

<sup>102</sup> *Ibid.*, 177.

have an advanced literary education or to have lived long enough to have experiences worth writing about. Readers do not require information about the author. It does not matter to a reader the gender, education level, or sexual orientation of an author so long as what they are producing is interesting. Foucault's modern "author function" tied tightly to copyright seems much less important. Additionally, readers do not need writers to get it right the first time; they are willing to offer constructive criticism or point writers in the right direction instead of writing them off. The ease and freedom of uploading a fanfic keeps any financial losses nonexistent.

While issues of plagiarism are inherently related to fan fiction, fandoms have developed a culture that dictates what is allowed to guide writers and the participatory nature of fan fiction creates an area that can police itself while providing a safe space for amateurs to develop their skills. Even though fan fiction remains firmly in the amateur, lowbrow sphere, the literary practices used to develop it as well as the interpretations and understandings it can produce contribute to the greater fields of writing and cultural studies. Fan fiction's continued growth not only as a form of reading/writing, but as a sort of cultural representation of otherwise subverted voices proves its value as a writing medium. The ease of entry acts as an equalizing force, allowing anyone interested entry, and the established norms of fan fiction help create an environment of learning and growth.

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