Indian Scholar
ISSN 2350-109X
www.indianscholar.co.in
An International Multidisciplinary Research e-Journal

'LOVINGLY RIPPED-OFF' - COPYRIGHT, CENSORSHIP, AND LEGAL CONSTRAINTS IN LITERARY ADAPTATIONS

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In *A Theory of Adaptations* (2006), Linda Hutcheon observes that film adaptations hold the dual responsibility of adapting another work and making it an autonomous creation. The major danger involved in the motivation to adapt for a wider audience is that more responsibility is placed on the adapters to make the 'substitute' experience 'as good as, or better than (even if different from) that of reading original works' (Wober 10). With regard to the adapter motivation(s), Hutcheon (2006) has a few questions unanswered:

> What motivates adapters, knowing that their efforts will be compared to competing imagined versions in people's heads and inevitably be found wanting? Why would they risk censure for monetary opportunism? (86)

For legal reasons, film-makers choose works that are no longer copyrighted. They adapt the 'tried and tested' works (e.g., Shakespeare, Dickens, and Jane Austen) to avoid legal and financial risks. For economic reasons, they choose popular literary works for adaptation.

Ismail Merchant, in an interview, states that he has spent about two years dealing with V. S. Naipaul's agents, and was not getting anywhere. Finally he has written a letter to him directly and got a positive reply (Williams 2007). *Saving Mr. Banks* portrays Walt Disney's tough fight with Mrs. Travers to get the rights for her book *Mary Poppins*. An adaptation is an original screenplay; it becomes the sole property of the film-maker and thus a source of financial gain (Brady xi). That is why film-makers try doing adaptation though it is difficult in many ways.

Big-ticket collaborative art forms like operas, musicals, and films seek a ready audience. Adaptations help them expand the audience for their 'franchise' (Hutcheon 87). These attract not only the audience but also easy investors. Award-winning novelists get paid in millions as their popularity is used to sell the movie. They also get a great chance to promote their already-popular novels around the world. In contrast, the less-popular writers of the adapted novels or the screenwriters become a decisively secondary or tertiary figure. In the same manner, novelizers of films are considered inferior as working from a script is not seen as creative as inventing and writing a story from one's imagination (88).

Adaptations may have legal consequences. German director F. W. Murnau adapts Bram Stoker's *Dracula* by making many changes in the novel's plot. Though his adaptation *Nosferatu* acts as a catalyst for the evolution of *Dracula*, he is sued by Stoker's widow for copyright infringement. Copies of his adaptation are ordered to be destroyed in England (Hensley 60-64).

Adaptations are not only spawned by the capitalist desire for gain, but also controlled by the same in law, for they constitute a threat to the ownership of cultural and intellectual property. This is why contracts attempt to absolve publishers or studios of any legal consequences of an adaptation. The issues of control and self-protection are foremost from the perspective of those with power; at the other end, there is little of either (Hutcheon 89).

Screenwriter Noel Baker (1997) sorely says: "The contract lets you know where you the writer stand in brutally frank legal language. You can be fired at any time. You are powerless and for the most part anonymous, unless you also happen to direct, produce, and/or act. Your credit can be taken away from you. Once your work is bought, it's like a house you've designed and sold. The new owners can do whatever they want to it, add mock-Tudor beams, Disneyland castle turrets, plastic fountains, pink flamingoes, garden gnomes, things that satisfy desires and contingencies that have nothing at all to do with you and your original intent for your material" (15).

Rajkumar Hirani, one of the three screenplay writers of the movie *3 Idiots* which is an adaptation of Chetan Bhagat's *Five Point of Someone*, remarks: "I was not obligated to narrate the script to him. I have bought the script from him, and I am supposed to use it the way I want to use it. I had changed the script drastically… This came as a shock to me that suddenly he is trying to hog the limelight; suddenly he is trying to take away the credit from the screenwriters who slogged for three years to modify the script. He doesn't understand the difference between book writing and writing for a film" (*Times of India*).

When legal constraints are concerned, 'ideas' cannot be intellectually guarded but 'expression of ideas' can be copyrighted. Literary copyright infringement standards of the U.S. law cover only the literal copying of words. Warner Brothers sued Mirchi Movies for using the title *Hari Puttar: A Comedy of Terrors*, claiming it to be a trademark infringement of its *Harry Potter* franchise. The court announced that Hari is a common name in India and *Puttar* means 'son' in Punjabi, and in the local language and dialect *Hari Puttar* is not readily associated with *Harry Potter* (Shah 479).

'Substantial similarity' is harder to prove in court than one might think (Hutcheon 90). That is why most of the Indian movies escape the US copyright laws. Most of the Hollywood-inspired Tamil movies of Kamal Haasan escape copyright infringement just because he lifts only the storyline and makes ample changes by adding localized colour and flavour to the setting, main plot, sub-plots, characters, themes, music, and dance making them exquisite adaptations in 'Ulaga Nayagan' style.

Novelists can argue financial damage through unauthorized or unremunerated appropriation. It cannot be proved right as a film version boosts sales of the novel, and the publishers even release new editions with photos from the film on the cover (Hutcheon 90). During the *3 Idiots* conflict, Rajkumar Hilani accuses Chetan Bhagat of kicking up the controversy just to increase the sale of his book: "I guess there is a motivation to create a controversy so that people read the book and see the film" (*Times of India*).

Margaret Mitchell estate sued Alice Randall's *The Wind Done Gone* (2000) for copyright infringement of *Gone with the Wind* (1936). It was argued that telling the story of Rhett and Scarlett from the point of view of a mixed-race slave constituted a critical commentary and not illegal copying. From the perspective of the law, straightforward adaptation is closer to the work

of postmodern appropriation artists like Hans Haacke and Sherrie Levine, who take the work of others and "re-function" it either by title changes or recontextualizing (Hutcheon 90).

Another motive for adaptation is to gain respectability or increase cultural capital as an adaptation is considered to be upwardly mobile in the perceived hierarchy of arts and cinema (Hutcheon 91). Thakazhi Sivasankara Pillai's *Chemmeen* and Thi. Janakiraman's *Mogamul* are literary masterpieces that have been adapted into movies, demanding respect and increasing the cultural capital of the film-makers.

Teachers and students of literature are very much interested in the cinematic imaginations of the literary texts they teach. Websites for any film or stage adaptation has educational 'pretensions' today: there is now a secondary educational industry devoted to helping students and teachers 'make the most' of the adaptations (Hutcheon 92).

Another important aspect that shapes the broad range of film adaptations is 'censorship'. Literary works are not censored, but Indian movies are compelled to get an A or a U from the censor board. "Hollywood did not have the same kind of freedom accorded book authors and Broadway playwrights to produce artistic works. Reformers feared that screening the 'modernism' that pervaded contemporary literature [through adapting it] would be far more corruptive on the mass audience of moviegoers than it was on readers" (Black 84). Although adaptation remains common nonetheless, the choice of adapted works is more limited.

Though the New Critics, Formalists, or Structuralists reject the relevance of 'artistic intention' to interpretation, Hutcheon claims that adapters have their own personal reasons for deciding first to do an adaptation and then choosing which adapted work and what medium to do it in. They not only interpret that work but in so doing they also take a position on it (92).

Director Mani Ratnam delves deep into Hindu mythology in the contemporary renderings of his movies. He has his own reason for choosing ideas from Indian classics. He feels good to pick something from what he has grown up with. The stories written years and years back are relevant even today. He opines that being replanted into the current situation, emotions are still the same (*bfi.org.uk*). He takes different positions in his adaptations by either representing the story directly or subverting its core idea.

A "truly artistic" adaptation absolutely must "subvert its original, perform a double and paradoxical job of masking and unveiling its source" (Cohen 255). In Hindu mythology, Savithri pleads with Yama (God of Death) to save her husband Sathyavan from death. In the movie *Roja*, the heroine struggles hard in an unknown land to save her husband from the terrorists. In the epic *Ramayana*, Ravanan falls in love with Sita and keeps her under arrest in Lanka. During this period, Sita longs to see her husband Rama and develops anger and wrath towards Ravanan.

In Mani Ratnam's *Ravanan*, the antagonist falls in love with the heroine only after capturing her for blackmailing purpose. She displays anger and hatred towards the antagonist, but becomes sad after hearing the sorrows and sufferings in his past life. The heroine who is a counterpart of mythological Sita who is lauded for chastity becomes empathetic and affectionate towards the antagonist. Mani Ratnam's *Roja* is a direct interpretation of the Savithri-Sathyavan story from Hindu mythology while *Ravanan* is a subversion of the unique theme of the epic *Ramayana*.

An adaptation can obviously be used to engage in a larger social or cultural critique. It can even be used to avoid it (Hutcheon 94). Kamal Haasan's *Avvai Shanmugi* is an adaptation of the Hollywood movie *Mrs Doubtfire* which has been adapted from the American novel *Madame*

Doubtfire. In his movie, Kamal Haasan uses the core idea (of a father going in disguise of an elderly servant-maid to meet his child who is in the house of his divorced wife) to criticise the rich-poor divide, class consciousness, Brahminical hypocrisy and dominance, and religious intolerance in the contemporary Tamil society. In contrast, Anthony Minghella's *The English Patient* which is an adaptation of Michael Ondaatje's novel *The English Patient* avoids the World War politics in the novel by replacing Hiroshima bombing with a less serious bomb in the movie.

Bryant (2002) argues that no text is a fixed thing: it contains a variety of manuscript versions, revisions, and different print editions (1-2). It is true that no adaptation is fixed too. Adaptations are "fluid texts" that exist in more than one version; they are the "material evidence of *shifting* intentions" (Bryant 9). Mani Ratnam's *Ravanan* which is modern re-telling of the Indian epic is intended to portray the problems faced by Maoists, in its backdrop. Due to censorship issues, the director's intention 'shifted' to focusing only on the love-conflict between the antagonist and heroine.

Marcus (1993) rightly says that the adaptive process is a total of the encounters among institutional cultures, signifying systems, personal motivations (adapter's professional agenda at the time of production), and potential / abilities of the adapter (x).

Hutcheon (2006) recalls Barthes and Foucault's idea of anonymity of discourse. She asserts that authorial intent should not be considered as the sole arbiter and guarantee of the meaning and value of a work of art (106). She also remarks: "No one denies that creative artists have intentions; the disagreements have been over how those intentions should be deployed in the interpretation of meaning and the assignment of value" (107).

Creation and reception of adaptations are inevitably intertwined. Pleasures of adaptation lie in the 'repetition' and 'revisiting a theme with variations' (115). Despite commodification and commercialization, the pleasures lie in the audience's tendency to use cultural materials to construct personal meaning and the contemporary relevance of a particular narrative. The desire for the 'ongoing dialogue with the past' creates the 'doubled pleasure of the palimpsest'. Adaptation appeals to the 'intellectual and aesthetic pleasure' of understanding the interplay between works (i.e.) digging out the source's possible meanings to intertextual echoing (117).

Audience will experience the adaptation as any other work if they are unaware of the adapted text. Only if the adapted text is familiar to them, it will oscillate in their memory along with the adaptation (120). Adapters may not be able to show everything in the source text on the screen due to time, space, mode, and media constraints. They consciously or unconsciously depend on the audience's ability to fill in any gaps in the adaptation with information from the adapted text. Sometimes they rely too much, and the resulting adaptation makes no sense without reference to and foreknowledge of the adapted text (121).

Knowing audiences have expectations and demands. But the unknowing audiences are not burdened with affection or nostalgia for the adapted text. Without prior knowledge, they greet a film version simply as a new film, not as an adaptation at all. Even if they read the adapted text after seeing the film, their imagination is influenced by the filmic images as they are permanently colonized by the visual and aural world of the films (121-122). Hutcheon (2006) questions whether the novels become the 'derivative and belated' works as they are experienced 'second and secondarily'. She affirms that for unknowing audiences, adaptations have an inversion of sacrosanct elements like priority and originality (122).

Genre and media 'literacy' is crucial to the understanding of adaptations as adaptations. Unknowing audiences simply experience the adapted work without the palimpsestic doubleness that comes with 'knowing'. From one perspective, this is a loss. From another, it is simply experiencing the work for itself. For an adaptation to be successful in its own right, it must stand on its own; it should satisfy the expectations and demands of both the knowing and the unknowing audience (127).

There are differences in various media's diverse modes of audience involvement and of their degrees and kinds of immersion. Hutcheon (2006) remarks that adaptations across media are experienced more differently than the adaptations within the same medium. For the knowing audience, it involves an interpretive doubling, a conceptual flipping back and forth between the adaptation and the adapted work. The cultural, social, or historical context in which the adaptation is experienced is another important factor in the meaning and significance of adaptations (138).

An adaptation, like the work it adapts, is always framed in a context - a time and a place, a society and a culture; it does not exist in a vacuum. Fashions, not to mention value systems, are context-dependent (142). Mani Ratnam's *Roja* deals with India-Pakistan conflict and terrorism in the context of Sathyavan-Savithri story from Indian Mythology. *Thalapathi* deals with rowdyism and local politics in the context of Duryodhana-Karna story from the epic *Mahabharatha*. *Ravanan* deals with the love conflict and chastity in the context of Sita-Rama-Ravana from the *Ramayana*.

The materiality involved in the adaptation's medium and mode of engagement - kind of print in a book, size of the television screen, platform upon which a game is played - is part of the context of reception and often of creation as well (Hutcheon 143). Context also includes elements of presentation and reception such as the amount and kind of 'hype' an adaptation gets: its advertising, press coverage, and reviews.

Celebrity status of the director or stars is also an important element of its reception context. This proves right as most of the literary adaptations of Merchant-Ivory Production star world famous actors. The larger social and racial issues (incarnated in the particular stars) which are also part of the audience's context condition the work's meaning and impact. For instance, Jonathan Demme's 1998 film adaptation of Toni Morrison's novel *Beloved* (1987), stars Oprah Winfrey who is closely related to racism in the United States (Hutcheon 143).

Adapting from one culture to another is a common phenomenon. 'Cultural globalization' paves way for more attention towards this in the recent years. It also involves a change of language and a change of place or time period (145). Kamal Haasan's *Unnaipol Oruvan* is set in Chennai. It is inspired by the Hindi movie *A Wednesday* which is set in Mumbai. *A Wednesday* has also influenced the American-Srilankan thriller movie *A Common Man* starring Ben Kingsley and Ben Cross which is set in Srilanka.

Akira Kurosawa's *Throne of Blood* (1957) is a famous Japanese film adaptation and major cultural transposition of *Macbeth*, just as *The Magnificent Seven* (1960) is a Hollywood remake of Kurosawa's *Seven Samurai* (1954). Almost always, there is an accompanying shift in the political valence from the adapted text to the "transculturated" adaptation. In short, "Context conditions meaning" (Hutcheon 145).

Changes are made to avoid legal repercussions. The reception context determines the changes in setting and style. In the name of relevance, adapters seek the right resetting or

recontextualizing. For Hollywood, 'transculturating' usually means Americanizing a work (146). In India, Kamal Hassan is very popular for 'transculturation' as he picks up storylines from popular Hollywood movies and changes the context, culture, characters, and themes according to South Indian audience. He resets and recontextualises the stories in a very intelligent manner, avoiding copyright problems.

Adapting across cultures is not simply a matter of translating words. The anthropological term 'indigenization' is used to refer to intercultural encounter and accommodation. Adapters of traveling stories exert power over what they adapt (Hutcheon 150). Steven Spielberg called Akira Kurosawa 'the pictorial Shakespeare of our time'. Kurosawa has transposed *Macbeth* into feudal Japan in his movie *Throne of Blood*, examined the rotten postwar state of his nation using *Hamlet* in *The Bad Sleep Well*, and adapted *King Lear* into the glorious *jidaigeki* epic in his masterpiece *Ran* (Nicholson 2016).

'Indigenising' may lead to hybrid works that are peculiar. *King Lear* has been adapted into a street play in Tamil named *Iruthiattam* written by K. Parthasarathy. The protagonist jumps, somersaults, sings, and dances, transposing the 'English' *Lear* into the Tamil conventions of street play and satirizing the politics and society in Tamilnadu. *King Lear* is also adapted by Australian playwright and director David McRovie along with actor-dancer Annette Leday to the Indian performance tradition of *kathakali*, a classical dance form. In this aesthetic context, conventions of the dance form become significant, not the story in itself. "Only the adapters know the nuances; most of the audiences do not, the result of which is mystification and not admiration or appreciation" (Hutcheon 151).

In contrast, Ketan Mehta's *Maya Memsaab* which is an adaptation of Gustave Flaubert's *Madame Bovary* and Vishal Bhardwaj's *7 Khoon Maaf*, an adaptation of Ruskin Bond's *Susanna's Seven Husbands*, are transposed very effectively across cultures by the fantastic acting of Bollywood actors and the mystic power of Bombay musicals.

Muhammad 'Uthmān Jalāl has transposed Molière's 17th century French play *Tartuffe* into the Arabic poetic genre of *zajal* by 'Egyptianizing' the setting, characters, and language. This work is a deliberate and deliberately selective borrowing from the West, a canonical European work fully indigenized into Arabic culture (Bardenstein 150).

Jean-Claude Carrière has adapted the *Mahabharata* for the screen, indigenizing the Indian ethos into the French culture. It is a 9-hour play with 'blonde Yudhishthira and African Bhima'. Peter Brook has translated the French play into English and brought out a 5-hour film adaptation. He has also come up with the sequel *Battlefield*, focusing on the survivors who try to make sense of the horrors they have experienced during the war (Joshi 2016).

Some adaptations tackle the politics of empire from a decidedly postcolonial perspective, by changing the context considerably while retaining the historical accuracy of time and setting of the adapted work (Hutcheon 152). Patricia Rozema's film adaptation of Jane Austen's *Mansfield Park* carries the aura of a feminist fable about women, power, and money. It criticizes slavery and highlights the sexuality between various characters. In the film adaptation of *Vanity Fair*, Mira Nair has made 'Becky Sharp's sharp tongue blunt' and expanded Thackeray's childhood experience in India into 'a full-blown intercontinental parable of sensuality and sexuality in the service of social ambition' (Sarris 2004).

'Indigenizing' may cause a failure of political nerve or even of 'less correctly' changing the politics of adapted works (Hutcheon 153). Steven Spielberg's film which is an adaptation of

Alice Walker's *The Color Purple* is 'an upbeat, affirmative fable in which optimism, patience, and family loyalty emerge as cardinal virtues, and in which even the wife-beating villain has charm' (Maslin 1985). Spielberg has been criticized to have 'repatriarchized' Alice Walker's feminist novel. John Ford is accused of drifting away from the 'socialist drift of the Steinbeck novel' in his film adaptation of *The Grapes of Wrath* (Stam 73).

Like evolutionary natural selection, cultural selection is a way to account for the adaptive organisation of narratives. Like living beings, stories that adapt better than others (through mutation) to an environment survive: those of Carmen, Don Juan, Don Quijote, Robinson Crusoe, Dracula, Hamlet, and so on (Hutcheon 167).

Dawkins (1976) observes that 'some memes are more successful in the meme-pool than others' (194). He relates 'memes' (his cultural parallel to genes) to ideas. The three qualities needed for 'high survival value' in the ecological adaptation is of interest to the theory of cultural adaptation. The first is 'longevity', though it is the least significant. The second is 'fecundity' which is more important. For adaptations, the sheer number of them or the proven appeal across cultures might qualify as evidence of its quality. The third is 'copying-fidelity'; Dawkins admits that in a cultural context 'copying' means changing with each repetition, whether deliberate or not (194 - 95). For an adaptation to be experienced as an adaptation, recognition of the story is necessary: some copying-fidelity is needed, in fact, precisely because of the changes across media and contexts (Hutcheon 167).

Each newly indigenised version of a story competes - as do genes - but this time for audience attention, for time on radio or television or for space on bookshelves. But each adapts to its new environment and exploits it, and the story lives on, through its 'off spring' - the same and yet not (167).

Hutcheon uses both the words 'lovingly' and 'ripped off' to reveal the mixture of affection and sense of transgression or guilt that captures well the 'dichotomy' about adaptation: familiarity and contempt, ubiquity and denigration. According to her, "Multiple versions of a story exist laterally, not vertically: adaptations are derived from, ripped off from, but are not derivative or second-rate" (169).

While answering the question 'What is not an adaptation?' she states that short intertextual allusions to other works or bits of sampled music cannot be considered as adaptations. Parody is an ironic subset of adaptation, whether a change in medium is involved or not. Remakes are invariably adaptations because of changes in context. Not all adaptations necessarily involve a shift of medium or mode of engagement, though many do (170).

Bryant (2002) argues that no text is a fixed thing: there are numerous manuscript versions, revisions, and print editions (2). Live performance works too are not fixed; they are 'fluid' as no two productions of the same play or two performances of the same production will be similar. Production-oriented elements of fluidity are manuscripts, revisions, and editions in the telling mode; different productions of a play or musical in the showing mode; and hyper-textual possibilities created by interactive fiction creators in the participatory mode (Hutcheon 170-171).

In the reception continuum, production focus moves to a re-production one, as receivers begin to refashion the initial works. Fidelity to the prior work is a theoretical ideal, even if a practical impossibility (171).

- Literary translations that are 'refractions' of the aesthetic and ideological expectations of their new audience (Lefevre 17)
- Transcriptions of music which cannot help altering the relationship between the public and the private (Christensen 256)
- Condensations and bowdlerizations in which the changes are obvious and deliberate
- Censorings that are restrictive in nature
- Retellings of familiar tales and revisions of popular ones (Rabinowitz 247-48)
- Parodies that are ironic adaptations

Hutcheon affirms that in the realm of adaptation, stories are both reinterpreted and re-related in the three modes of engagement (171).

"Human desires in every present instance are torn between the replica and the invention, between the desire to return to the known pattern, and the desire to escape it by a new variation" (Kubler 72). Adaptations fulfill both desires at once. They disrupt elements like priority and authority (e.g., if we experience the adapted text after the adaptation). They can also destabilize both formal and cultural identity and thereby shift power relations (Hutcheon 173-174).

Dawkins (1976) argues that because ideas propagate themselves by imitation, they are like either malign or benign parasites. When a fertile idea is planted in someone's mind, it becomes a vehicle for the idea's propagation in just the way that 'a virus parasitizes the genetic mechanism of a host cell' (192).

In Hutcheon's view, an adaptation is not vampiric: it does not draw the life-blood from its source and leave it dying or dead, nor is it paler than the adapted work. It may, on the contrary, keep that prior work alive, giving it an afterlife it would never have had otherwise (176). In the workings of the human imagination, adaptation which is 'lovingly ripped off' is the norm, not the exception (177).

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