

To Be Perfectly Honest

*Why fiction can be more
truthful than memoirs*

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In the literary world, the line between memoir and novel has always been a blurry one. For centuries now, writers like Henry Miller, Louis-Ferdinand Céline, Philip Roth, Jerzy Kosinski, and hundreds of others have published books that were presented as fiction, but read as autobiography. Nobody seemed to have any problem with it. The reason is simple: As readers, we desperately want to believe that what we're reading—no matter how insane or disgusting—actually happened to a real person. (By the same token, slapping “based on a true story” or “inspired by actual events” on a movie poster will immediately double the box office take.)

Readers are not wholly unjustified in thinking this way. Every author in the world draws upon the events, characters, and observations of his own life as fodder for his work. Some do this more than others, and that's what leads to the confusion—not that the confusion matters much.

But sometime in the past decade an odd thing started happening. From the perspectives of readers and publishers alike, the line between memoir and novel became very sharp. Not just sharp, in fact, but legal in nature.

A strange neurosis seemed to sweep through the literary world, demanding that a clear distinction be made between books that were “true” and those that were “not true.” Failure on the author's or publisher's part to make that distinction could be very expensive, and thus a number of memoir scandals have popped up in the news. Oprah Book Club selectee James Frey's tale of drug addiction and recovery, *A Million Little Pieces*, was revealed to contain some scenes that weren't exactly 100-percent true. It turns out neither Mischa Defonseca nor Binyamin Wilkomirski—both of whom wrote memoirs about surviving Nazi concentration camps—was anywhere near a Nazi concentration camp at the time. Writing under the pseudonym Margaret P. Jones, Margaret Seltzer wrote *Love and*

Consequences, a memoir of her life in a street gang. It took less than a week for it to be discovered that Ms. Seltzer was not in fact a gang-banger, but rather a rich white girl. Author J.T. Leroy, whose memoirs about growing up as a cross-dressing truck-stop hooker made him a celebrity darling, turned out to be as fictional as his stories.

All these revelations seemed to make people very angry. A few readers went so far as to file lawsuits against the various publishers, claiming they had been deceived. A film producer filed suit against Leroy's inventors when he learned that the book he was turning into a movie was no longer "true." (Yet, strangely enough, nobody seemed terribly concerned about Chuck Barris's claim in *Confessions of a Dangerous Mind* that he was a CIA assassin at the same time he was hosting *The Gong Show*. Nor did they seem to much care when Hunter S. Thompson admitted that *Fear and Loathing in Las Vegas* was mostly fiction. But, y'know—they're Chuck Barris and Hunter S. Thompson.)

Beyond all that, academics began returning to the work of long dead writers, gleefully, even maliciously pointing out all the places where reality and fiction diverged in autobiographical novels like *Tropic of Cancer* and *Journey to the End of the Night*. I wouldn't have been surprised to learn that some smarty-pants English professor was combing through Samuel Pepys, looking for embellishments or mistaken dates.

It all left me scratching my head for a number of reasons—especially the James Frey case.

I should clarify something at this point. As I see it, the examples cited above fall into three distinct categories.

The Jones and Leroy cases were money-grubbing and opportunist, but ultimately harmless. More pranks than anything else, as sad and embarrassing for the publishing industry as they were.

The fake Holocaust memoirs, however, were more than merely opportunist—they were cruel manipulations, feeding off the pain of millions in order to make a quick buck. For that reason, they were potentially very harmful to more than the editors and publishers

who released them.

All four are works of pure fiction, plain and simple, and there's no question that they should have been presented as such. That's why they don't intrigue me nearly as much as the Frey case does. Apart from a few questionable scenes, *A Million Little Pieces* was an account of things Frey had actually experienced. Yet it received more outraged press coverage than any of those others.

This is where things get interesting, frustrating, and complicated. It's also where they begin to strike home for me.

There is a big difference, after all, between writing biography and writing autobiography. Unlike biographers, memoirists rarely spend much time doing archival research, or tracking down kindergarten teachers or former bosses for interviews. Memoirists, for the most part, depend upon sometimes shaky, sometimes booze-fogged memory in order to tell what they feel is an interesting story. Most of us, writers or not, would be in mighty serious trouble if we faced legal action every time we misremembered something. As the years roll on, hell, I have increasing trouble remembering what I did this morning. We aren't writing history, after all, and so perhaps shouldn't be held to those same rigid standards. We're telling a story as best as we can recall, in sometimes fallible human terms.

But that's only a small (and obvious) part of the issue at hand.

See, there's a dirty little secret in the publishing industry that might help explain things. Fact of the matter is, there isn't a memoir on the market today—and there hasn't been one for quite some years now—that's 100 percent true and accurate. You know why? Libel lawyers. Every major publishing house in the country has one on staff, and they're as much a threat to simple honesty as a pharmaceutical company's marketing director.

It's like this. A manuscript goes through many, many stages before being published as a book. First it goes through the editor, who makes his changes and suggestions. Sometimes there are several editorial passes between the author and the editor before the editor sends it up the line. Next it goes to the copyeditor, whose effect on

the manuscript can be just as dramatic as the editor's. The copy-editor not only corrects typos and punctuation, but also suggests changes in wording, sentence structure—even catches contradictions and overused phrases. After the copyeditor, the manuscript goes to the proofreader, who may well make a few more changes along the way. After that, the book designer gets it, and the pages are laid out. In the case of fiction (most fiction, anyway), at that point the manuscript is finished and ready to be printed. In the case of a nonfiction book, however—especially a memoir—the publisher, always wary of potential lawsuits, calls in the libel lawyer.

We are living in absurdly litigious times, so on the one hand it's understandable. But from the author's point of view, the libel lawyer is a far worse and more dangerous enemy than an incompetent editor or a spiteful critic. What the libel lawyer will do, see, is go through the finished manuscript, peering at each word with his beady, paranoid eyes, trying to imagine a reason to sue. Then he makes a list of all the things he feels should be changed "just to be on the safe side." Not just character names, but descriptions, locations, even events. And believe you me, if the author refuses to make those changes, the book will never see the light of day.

Celebrity memoirs get off a little easier than most. If you're a celebrity, you'll often end up writing about other celebrities, who in legal terms are considered public figures. You're free to say damn near anything you want about public figures (except, as Nicolas Cage's winning lawsuit against Kathleen Turner attests, that they stole someone's dog).

But if, like me, you're not a celebrity, and aren't surrounded by celebrities, you're going to be writing about regular people—friends, family, crazy neighbors, monstrous bosses. That's a problem, because nonpublic figures have a much easier time suing. It doesn't matter if what you wrote is true. If it's merely unflattering, they can sue. Unless you can present the libel lawyer with a signed letter of consent from each person you've written about, you will have to start making changes. And if you've written something unflattering about

a complete stranger—someone you saw in a bar or passed on the street, say—look out.

Here's a silly example. In my first book, *Slackjaw*, the lawyer was concerned that the location of one scene might be identifiable. If the location in Minneapolis could be identified, he feared, the other person in the scene could sue. So what did I have to do? Not just make the location utterly vague—it was like I ran into this character in Purgatory—but at the end of the scene, instead of walking back to my apartment (as I had done in real life), the lawyer had me get on a bus and ride aimlessly around Minneapolis for a while. It made no sense whatsoever as far as the story went, but that didn't matter.

In another book, the lawyer was worried that my description of a former professor could be construed as negative. Had I hinted that he was a child molester or an arsonist? No; in the scene we simply have an uncomfortable conversation after he comes to visit me in the hospital. I didn't present him as a bubbling fountain of warmth and comfort, so that was enough to justify a lawsuit. Not only did I need to change his name and physical description, I needed to change his occupation completely. Changing his occupation ruined a whole bunch of jokes, but since the book had already been laid out by this time, I couldn't go back and change them, as it would throw off the page count. (Fortunately no one ever mentioned that the jokes in that scene made no sense.)

Those are just two examples out of dozens I encountered. In the end, the libel lawyers turned two memoirs into novels, though they were still called memoirs when they were published.

Point being, in this day and age, all memoirs are novels, thanks to illiterate, paranoid lawyers. And while I don't give a rat's ass about Leroy, Jones, or the Holocaust fakers, I do feel bad for Mr. Frey as a result.

As my girlfriend pointed out many years ago, fiction is much more honest than nonfiction. I once wrote a novel in which everything was true. Character descriptions, events, long stretches of dialogue, locations—everything was as it really happened. The only

thing I changed were the names, and even then I didn't change them much. But because it was called a novel, it never went to a libel lawyer, and was released as truthful as it began.

Let me drive this point into the ground with two more examples.

A few years ago, I saw a tiny item in the newspaper about an improbable man who'd pulled off an improbable heist. I thought it had potential, so I built a story around that 250-word news clipping and wrote a novel. No publisher was interested, however, telling me they felt the heist itself was too, well, improbable.

I guess my mistake was calling it a novel from the get-go.

When I was finally able to convince one publisher that the book was indeed based on actual events, he suggested that instead of a novel, I write a true crime book. That was fine with me. Months of interviews and archival research followed. When I turned in the nonfiction manuscript, the editor suddenly began worrying that the people involved in the case—convicted felons, mind you—would still sue despite the documentary evidence backing up everything in the book. To be safe, he asked me to “fiction it up” while sticking to the same true story. So I did, and we were going to call it (à la Truman Capote) a true crime novel. What could be neater than that?

Then the libel lawyer got a hold of the manuscript. Apoplexy ensued. In the end, the finished book was further away from the true story than my original novel had been—and in retrospect, that original novel, at least in legal terms, would've been just fine.

The sad and funny thing is, for the past twenty years, I've been writing a weekly autobiographical column that appeared in a couple newspapers and now runs online. I don't have a libel lawyer on my staff—in fact, I don't even have a staff—so I'm free to write as honestly as my memory permits. And for all the terrible and cruel things I've written about people, I've never once been threatened with a lawsuit. Things get weird and antsy when you decide to slap a cover on something, though.

To be honest, I don't know Mr. Frey and never saw his original manuscript, so I'm not sure what sort of effect the libel lawyers did or didn't have on the published book. But I think it's entirely possible that the libel lawyer was more responsible for the hubbub than Mr. Frey (it's been reported that he originally submitted the manuscript of *A Million Little Pieces* as a novel). In any case, to single out his book for being less than completely truthful still strikes me as arbitrary and unjustified.

Yes, there is a distinction to be made between the fabrications in Mr. Frey's book and the outright lies told for personal gain by politicians, journalists, and the likes of Leroy and Jones. But we also need to consider the role of the storyteller in any culture.

If it's a good story, if it's written with style and zip, if it makes a point—perhaps even contains an underlying “truth” that can be appreciated by others, what difference does the label of fiction or memoir make? The answer is very simple, sad, and obvious: money.

At some point in the late 1990s, fiction sales began to plummet. Nobody wanted to read made-up stories anymore, it seemed, so publishers stopped putting them out. At the same time, memoirs and other “true” stories began to sell very well. They also tended to receive more publicity, which only helped sales further. So if a publisher can figure out a way to market a first-person narrative as a memoir, or as “true” in any way, they will. That helps explain why it was so easy to pull off the Jones and Leroy shams.

I've tried to explain this to people in the past, but they don't seem very interested. Our illusions can be much more comforting, I guess—and we sure do love clinging to those labels. People desperately need to believe in the label of truth. Make of it what you will. Look at the explosive popularity of reality television. It doesn't matter that those shows are carefully orchestrated, plotted out, and edited—that they're as fraudulent at heart as modern memoirs. People love the label, and accept these shows as unadorned truth. Everybody's happy.

Here in the twenty-first century, such fraudulence has become part of our way of life. The underlying hoax that holds the culture together. People simply don't like being told that the emperor's naked as a jaybird—they have too much invested to accept it. And maybe that's why they get so upset to learn that God's honest truth—as in the case of Mr. Frey—is sometimes a harmless little white lie.