Ling Zhang claims she found the inspiration for her novel *Gold Mountain Blues* in the ordeals of real immigrants. A group of four prominent Chinese-Canadian writers aren't convinced—they've launched a $10-million plagiarism suit against her and her publisher. A tale of death threats, tarnished reputations and literary jealousy.
The novel became a bestseller and critical hit in China and won several awards. The TV and film rights were optioned, and foreign rights sold in thirty countries. Its Canadian publishers are hoping it will become the first East-West crossover bestseller. Last October, Lee, Choy and Yee launched a civil claim for almost $10 million in damages against Penguin Canada, Zhang and the book’s translator, Nicky Harman, which also demands that the book be pulled from the shelves and pulped.

Whatever happens, it’s difficult to imagine a positive outcome for Zhang. Plagiarism is the most serious professional allegation a writer can face, an accusation that produces an instant and lingering stain on even the most sterling literary reputation.

Zhang was born in 1957 and grew up in Wenzhou, a port city on the East China Sea, 500 kilometres south of Shanghai. By Chinese standards it was a small metropolis (today the population hovers at just over nine million). Back then, it was a culturally isolated city, accessible only by sea, with no trains or bus routes in or out of the surrounding mountainous countryside. Shanghai, the closest major centre, was a 24-hour boat ride away. Zhang has an early childhood memory of staring down the Oujiang River and thinking that wherever it stopped the world must end. “The fact that I couldn’t go anywhere or see anything outside my city helped me to have a vivid imagination,” she says.

Zhang was nine years old when Mao Zedong’s Cultural Revolution swept China. Her parents were both young revolutionaries, and she remembers it as a time of great optimism. Sitting at her kitchen table, Zhang shows me a black and white photo of her parents, a bright-faced young married couple in stiff Leninist clothes. “Look how full of hope their eyes are,” she says. Zhang’s mother was an accountant, and her father became a lawyer for the regime, after being trained by the Russians. His job was to prosecute those apprehended by the state.

Soon, of course, Mao’s utopian dream disintegrated into a nightmare. Paranoia gripped China as suspected traitors were carted off to jail without trial. Zhang’s grandfather was arrested as a spy. Paranoia gripped the regime, after being trained by the Russians. His job was to prosecute those apprehended by the state.

Thus far, the novel has proven Ling Zhang’s personal gold mountain—a financial and reputational game changer in a literary career that had been restricted to China and Taiwan. But as the old Chinese proverb goes, if you go up the mountain too often, you will eventually encounter the tiger. In Zhang’s case, the metaphorical beast is a wave of allegations, which started in the Chinese blogosphere and made its way across the globe, that Gold Mountain Blues plagiarizes Denise Chong, Sky Lee, Wayson Choy and Paul Yee—four of this country’s most established Chinese-Canadian writers. In October, Lee, Choy and Yee launched a civil claim for almost $10 million in damages against Penguin Canada, Zhang and the book’s translator, Nicky Harman, which also demands that the book be pulled from the shelves and pulped.

A sickly child, Zhang was not allowed to play sports or run around with her classmates after school. She describes herself as a lonely kid who preferred the company of adults to children. Most literature was banned by the regime, but secret novels sometimes circulated. Zhang recalls devouring a rudimentary Chinese translation of Guy de Maupassant’s Bel Ami. Another time she copied out a romance novel titled Lady in the Tower word for word before passing it on. “That way, I could read and re-read it as often as I wanted,”

The Streets Near Scarborough’s Confederation Park curve and loop in a vertiginous web. The neighbourhood was built in the 1970s—several blocks of low-lying split-levels and bungalows divided by neatly trimmed hedges and 20-foot pines. The 401 is just a few blocks away, but these houses are quiet and isolated, even prim. Ling Zhang lives here in a large mock Tudor. She answers the door on the first ring, a diminutive woman with full moon cheeks and a bashful smile. At 54, she wears her hair in a wispy, youthful updo and is dressed in a peacock-blue sundress, a simple cardigan and slippers. The house is immaculate. We pass through a large front hall with a formal dining and living room off either side. Matching white leather sofas sprawl across polished cherry floors. Everywhere I look, there are vases filled with flowers in pastel pink and white. They’re all fake, but the effect is cheerful.

In the kitchen, Zhang makes me a cup of tea. Her husband, Ken He, a slight man in a short-sleeved plaid shirt, pops in to say hello—but not much else. Zhang explains his English isn’t great. “Moving to Toronto was a big sacrifice for him,” she says. The couple met in Vancouver, at the church where Zhang, a born-again Christian, was baptized as an adult. They came to Toronto so Zhang could take a job at Scarborough General Hospital as an audiologist. Her husband, who was an ophthalmologist in China, now sells real estate to the GTA’s Chinese immigrant community.

Until recently, Zhang made her living treating patients for hearing loss, but in 2010 she quit to concentrate full-time on her writing. She is the author of nine Chinese language books, including the bestseller Aftershock, about the 1976 earthquake in Tangshan. A government-sponsored film adaptation of the book brought in $100 million at the box office in China, becoming the highest-grossing Chinese movie ever. This fall, Penguin Canada released an English translation of her sprawling historical epic Gold Mountain Blues. The book is her first novel to be translated. It spans from 1870 to the present and tells the story of five generations of a Chinese family who came to work, live and eventually settle in Canada. At over 500 pages, it’s an ambitious book, both in subject matter and in heft.

The novel became a bestseller and critical hit in China and won a number of awards. The TV and film rights were optioned, and foreign rights sold in twelve countries. Its Canadian publishers are hoping it will become the first East-West crossover bestseller. Last year, a panel discussion devoted to Zhang’s books was held at an international symposium on Chinese-Canadian literature at York University. Xueqing Xu, one of the organizing professors, described Gold Mountain Blues to me as “a milestone in Chinese-Canadian literature in its scope, depth and characterization.”

62 TORONTO LIFE January 2012
she says. In order to avoid being relocated to the countryside and “re-educated” by the state (mandatory practice for all high school graduates at the time), Zhang quit school at age 16 and found a job working as a lathe operator in a factory.

Whenever she could, she would get into bed, wrap herself in a wool blanket and surreptitiously listen to an English language lesson on the shortwave radio service broadcast Voice of America. She would learn a new sentence (“What’s the temperature today?” “Do you have my hat?”) and meditate on it during long hours of hard manual labour. Looking back, Zhang marvels that she even bothered to learn English at all. At the time, higher education was inconceivable and speaking other languages a crime punishable by death. “How was I to know that the abuse would eventually ease off and the universities would reopen?” she says. “I was driven by the pure pursuit of knowledge.”

In 1979, at the age of 22, Zhang was accepted as a student into the department of English literature at Fudan University in Shanghai. “Suddenly, foreign language was the in thing,” she says. She immersed herself in the essays of Francis Bacon and British Victorian classics by Hardy, Eliot and Dickens. She was also especially fond of Jane Austen, Emily Dickinson and Charlotte Brontë. “We used to put on Victorian classics by Hardy, Eliot and Dickens. She was also especially fond of Jane Austen, Emily Dickinson and Charlotte Brontë. "We used to put on plays at school and say, ‘Mr. Rochester, wherever you are is my home!’”

After graduation, Zhang took a government job in Beijing working as an English translator for the Ministry of Coal Industry. “In those days your job was assigned,” she explains. “You couldn’t say no.” Her new occupation brought with it great opportunity. As China began to look outward for the first time in decades, Zhang was on the front line, working on projects with multinationals and travelling whenever she could. In the ’80s, she was able to spend six months in Western Canada, working on a project with CP Rail, which had been contracted to update a rail link in China. She shows me a photo of her younger self, beaming in a hard hat in front of the construction site for Vancover Expo.

In Canada, Zhang was amazed by the abundance of everything. “I was like, ‘Wow, hot water, coming from a tap into the shower 24 hours a day, no way!’ Back home we could only go to the company bathhouse once a week.” Returning to China was a difficult adjustment. Zhang grew restless in her translator job and yearned for the arts and humanities, which had inspired her at school.

Her mother warned her that once she married and had children in China, her life would be over, and she urged her to emigrate to the West. In 1986, at age 29, Zhang accepted a scholarship to pursue a master’s in English literature at the University of Calgary, and she completed a thesis on Katherine Mansfield. She then decided it was time to find a new profession and enrolled in the speech pathology department at the University of Cincinnati. While she was a keen student, her academic advisor gently suggested she switch programs because of her pronounced Chinese accent. This is how Zhang became an audiologist. After graduation, she moved to Vancouver, where she worked in private practice. She soon fell in love with her future husband, and they married in the spring of 1994 in a small church wedding with no family present. She shows me a photo of herself in an off-the-shoulder white bridal gown and a diaphanous veil. Afterward, 20 friends, mostly from their church group, ate dumplings and pink cake at Vancouver’s Fortune House Restaurant. The couple had agreed in advance that they would not have children. “I had a great dream, and I knew being a mother would interfere with that,” Zhang says.

In 1996, after the couple moved to Toronto, Zhang began writing her first novel, Sisters From Shanghai. She worked in the evenings and on weekends. In the middle of her first draft, she found an itchy mole on her left leg that was later diagnosed as second-stage melanoma. Instead of falling into despair, Zhang bore down on her writing. Two years later, the cancer was in remission and her first novel was published. “I felt like I’d lived my whole life for other people and was just getting a late start.” Since then, Zhang has published eight more books in China. “I’ve never had writer’s block,” she says. “My problem is that my inspiration flows like an ocean and I have so little time. I have 10,000 ideas right now lined up like a queue of people clamouring to get out.”

By international standards, China has a vibrant literary market. The Chinese Writers’ Association is a government-run arts body that pays many of the country’s writers to produce books. According to Gray Tan, Zhang’s Taipei-based literary agent, books are usually published within a few months of delivery. The editing process is light, and book prices, due to cheap manufacturing costs, are low. Fiction writers generally fall into two categories: older literary writers who chronicle rural life during the Cultural Revolution, and a younger generation of upstarts who are interested in contemporary urban China. Zhang, in Tan’s view, bridges the gap between them with her ability to move across time, place and culture.

Zhang isn’t a member of the Chinese Writers’ Association, and non-members tend to be overlooked. The movie version of Afterschool, directed by Xiaogang Feng (China’s answer to Steven Spielberg), changed all that. The film, which begins with a spectacular and devastating CGI...
earthquake sequence that cost nearly half the movie's budget, was both a critical and a commercial success. The Chinese media warned viewers to "bring a box of tissues" when they went to the theatre.

For Zhang, the success of Aftershock led to an international publishing deal and literary fame in her home country. When she isn't writing, she's often flying around the world to conferences and events to discuss and promote her work. She runs a well-known Chinese language salon, Wings of Knowledge, which includes such prominent Chinese language scholars as John Edward Stowe of Ryerson and Xueqing Xu of York University. (They meet monthly to drink tea and discuss ideas and cultural issues—Zhang recently gave a talk on the history of the Nobel Prize in Literature.) And she's even branching out into screenwriting, having recently been asked to adapt an early novella into a TV script.

**GOLD MOUNTAIN BLUES FIRST COME** to the attention of the international market at the Frankfurt Book Fair in October of 2009. The fair had a focus on Chinese fiction that year, and Zhang's new novel was attracting advance buzz. Adrienne Kerr of Penguin Canada was the second international editor to snap up Gold Mountain Blues, in a pre-emptive five-figure bid (a Dutch publishing house was the first). The move was a leap of faith since there was no translation sample available. "The reviews were excellent, and it had won awards in China, so we decided to go for it," Kerr told me.

At the fair, a rumour circulated that Zhang's novel was strikingly similar to books by some Chinese-Canadian writers. While the original source of the rumour is impossible to trace, it gathered momentum and became public a year later on November 3, 2010, in a blog post on a popular Chinese forum. The anonymous post, written by someone identified only as "A Canadian Scholar," alleged that "native Chinese writers in Canada over the past few decades have written books about the Chinese labourers in English. Zhang's novel Gold Mountain Blues has copied the themes of numerous literary works; many ideas were taken, and most of the plot." The post included a detailed list of similarities between Gold Mountain Blues, Denise Chong's The Concubine's Children, Wayson Choy's The Jade Peony, Sky Lee's Disappearing Moon Cafe and Paul Yee's children's books, Tales From Gold Mountain and The Curses of Third Uncle. A heated discussion ensued, both on the Asian blogosphere and in the Chinese-Canadian scholarly community.

Chong, an Ottawa-based writer and a former special economic advisor to Pierre Trudeau, wasn't alarmed when she first heard the rumours. "My initial reaction was, it's fabulous news if my book is inspiring other authors," she said. She published The Concubine's Children, a non-fiction account of her grandmother's immigration from Canton to Vancouver in 1934. Defly written and historically precise, it's widely regarded as the first work of popular narrative non-fiction to explore the early Chinese immigrant experience. It was also an enormous hit, spending two years on the Globe and Mail bestseller list. Both Chong's and Zhang's books are published in Canada by Penguin. Chong, like many second- and third-generation Chinese-Canadians, speaks a bit of Cantonese, but doesn't read Chinese and therefore hasn't read Zhang's novel in its original language.

Zhang has denied the allegations, insisting Gold Mountain Blues is the result of hands-on research conducted during several trips to China and Western Canada, and that, apart from Chong's memoir, she has not read any of the books in question. In 2010, she told the Global Chinese Press, a Vancouver-based Chinese language newspaper, that she was the victim of "a carefully planned attack" that was, in her view, "rooted in other people's jealousy and grudges." Zhang has never publicly accused anyone of being the "Canadian Scholar." However, Yan Li, a Chinese-born comparative literature professor and director of the University of Waterloo's Confucius Institute, claims that shortly after the Canadian Scholar post appeared, a vicious smear campaign was initiated against her by Zhang's readers. Li says Zhang's fans suspect that even if she isn't the Canadian Scholar, she must be helping the blogger compose the posts.

She believes she's being blamed because she is one of the few Chinese-Canadian literary scholars in the country and is devoted to raising the profile of Chinese-Canadian writers in China—something she says Zhang's readers want to discourage, since it potentially introduces competition to the market. Li admits she did participate in private discussions with other scholars about the alleged similarities between Gold Mountain Blues and the other works in question. But she insists she has never posted anything about it online.

The Chinese blogosphere is a surreal world of paranoia, slander and bizarre animal metaphors. In dozens of posts, Li is accused of being a "bisexual whore" and "a dirty dog" and "a headless turtle" who refuses to disclose her true identity as Zhang's attacker. Reading these posts, Li told me, has been "mental torture." Li grew more worried when she received an anonymous phone call at home from a man who threatened the life of her only son, who was away at university at the time. Li reported the call to police and said she was "extremely scared." The following day, she noticed a long anonymous comment posted in response to the Canadian Scholar's latest blog entry. "The bad habit of Chinese fighting Chinese is amplified by Yan Li," the post stated. "She wants to demonize the image of Chinese people at bloody costs." The poster ended with another threat: "Warn you, Yan Li. Do not spread any more rumours on the web. If you insist on doing this, and continue to be the enemy of the Chinese people, what is waiting for you will only be a shameful ending. Watch out!"

Then four anonymous letters were sent to University of Waterloo department heads, calling for Li's resignation on account of her alleged actions in the plagiarism debacle. The letters were written in Chinese, but one was signed with the fake name "Chris Smith." Li’s insistence that she isn't responsible for the controversial blog was given credence when a man named Robert Luo revealed himself on the popular Chinese web forum Sina as the "Canadian Scholar" who had posted the original blog. Since then he has posted dozens of articles on the issue of Zhang's alleged plagiarism, spearheading a brazen public campaign to bring her down. (Zhang says she has stopped reading the "rubbish" Luo posts about her as it depletes her creative faculties.) Other bloggers allege that Zhang's wrongdoing extends beyond Gold Mountain Blues to her 2011 novel Sleep, Flo, Sleep, which they claim was partially cribbed from a work by the Chinese-American author Ruthanne Lum McCunn.

In early 2010, Penguin commissioned Nicky Harman, a respected British translator of Chinese literature, to produce an English version of Gold Mountain Blues. Harman was midway through her translation last December when Adrienne Kerr asked if she'd mind temporarily ceasing work to prepare a report on similarities between the Chinese language edition of Zhang's novel and the allegedly plagiarized books. Over the next few weeks, Harman read the five books and compared them to Zhang's original work. In her view, the allegations snowballing in the Chinese blogosphere were "utterly irrelevant, poisonious and horrible. I didn't understand what they
were on about." Harman does not deny there were incidental plot similarities, but she maintains they were too subtle to be reasonably construed as theft. She said she found doing the assessment "an unwanted distraction." She ended our conversation by advising me to read the report she wrote for Penguin. (Penguin refused to show me—or the other Chinese-Canadian authors—a copy of the report, despite repeated requests.)

With Harman's assessment complete, Penguin believed it had all the assurances it needed to complete the English language translation. According to Yvonne Hunter, the vice-president of publicity at Penguin, "it was a very difficult situation, and we were mindful of the fact that some of the authors alleged to have been plagiarized were also our authors." (In addition to Chong, Wayson Choy has been published by Penguin.)

As Penguin waited for the final translation to be delivered, the story of the allegations, which had already been widely covered in the Chinese media, made its way into the Canadian press. Last February, Bill Schiller, the Toronto Star's Asia bureau chief, published a story under the headline "Literary feud in China puts book in limbo in Canada." Schiller managed to track down the mysterious Robert Luo—or someone purporting to be him—in Shanghai. Luo described himself as "a businessman with a degree from China's Fudan University who came to Canada as a landed immigrant in 2001." Luo claimed to be an avid reader who maintains residences in both Shanghai and Toronto. His stated goal: to defend the intellectual property rights of Canadian writers. He also told the Star he had "the backing and guidance of a number of Chinese academics." When the Star pressed Luo for an in-person interview,
he grew alarmed and hung up. My own repeated efforts to contact him were similarly rebuffed. He agreed to an interview request through a translator by email, then failed to answer my questions despite weeks of pestering.

Last March, the Literature Press of Shanghai published a report on the controversy by Ning Wang, a professor of literature and director of the academic committee of the department of foreign languages at Tsinghua University in northern China. Wang’s findings were damning for Zhang in all the books he examined. Ning Wang claimed to find “striking similarities” and “infringements.” In his report on Paul Yee’s books, he concluded by stating, “The infringed areas are artistic creations which are protected intellectual properties of the author and are not ‘common materials' freely available to everyone.” Wang’s assessment was picked up in the mainstream Chinese news media and prompted more debate in the Chinese blogosphere.

In the spring, Zhang’s fans created a new blog under the name “Heavenly Horse,” which they used to defend her reputation and malign her attackers—including Ning Wang. Wang refused my interview request, replying by email that he felt the situation was now “too complicated.”

Another document that has been used in the attacks against Zhang is an interview published in August 2010 on the Shanghai Writers’ Association’s official website. In it, Zhang speaks of how small details from other books can inspire her “fragmented style” of writing. In particular, she cites Emily Dickinson, but she says of the other novelists she reads, “What point they gave me on what effect, I cannot tell you, but overall they are my nutrition.” Her critics have used this interview as an admission of guilt. But picking and choosing snippets of inspiration from other works is, as any writer of fiction knows, a common part of the writing process.

The question of when inspiration becomes theft is one that obsesses intellectual property lawyers. And in October, May Cheng, an attorney who specializes in copyright law at the blue chip firm Fasken Martineau DuMoulin, filed a claim against both Penguin and Nicky Harman after Penguin ignored repeated requests to commission a new assessment by a mutually agreed upon third party. Cheng was acting on behalf of Lee, Choy and Yee (Chong decided to sit out the lawsuit, but told me she is watching the case “with interest”). At press time, statements of defence hadn’t been filed.

Wayson Choy, the best-known author involved in the case, told me he’s frustrated with Penguin’s handling of the allegations. “Why not show us the objective evaluation they claim proves there was no plagiarism and get it over with?” he said. “If this were a murder mystery, I’d say some bird-like creature with flippers is hiding the body.”

Choy has a reputation in publishing circles as the kindly godfather of Chinese-Canadian literature. When the allegations first surfaced, Zhang contacted him to express her concern and invited him to read her book. They exchanged friendly emails and even made a lunch date for after the publication of Gold Mountain Blues. But after reading Zhang’s novel, Choy cancelled. “I’m not an expert,” he says. “I’d like someone to compare all this with the original Chinese version to expertly verify matters. As things now stand, what can I say? Well, how about, ‘We won’t be having lunch.’”

May Cheng finds Penguin’s handling of the affair highly objectionable. “For them to say publicly that the accusations have been ‘proven false’ is absolutely outrageous. The reality is, only a court can do that. I’d love to have an opportunity to cross-examine them on the research.”

So why doesn’t Penguin simply put the matter to rest by commissioning a new report, as Cheng and her clients have asked? According to Penguin executives, they already have Harman’s report, which they view as an objective third-party assessment, so they don’t see the point. But presumably it’s also because the stakes are so high. If a new assessment doesn’t find in Zhang’s favour, the results could be disastrous. According to Cheng: “They’d have no choice but to bury the book — and that’s going to cost them big time.”

Cheng believes Zhang’s alleged disregard for her clients’ intellectual property is symptomatic of a widespread acceptance of pirated products in China. A market of knock-offs has been rampant there for decades and is becoming increasingly sophisticated. Many an enterprising emerging capitalist has grown rich by selling imitation Canadian icewine, designer shoes, Duracell batteries and Tylenol. The practice also extends to books—counterfeit versions of bestsellers are available on a Chinese version of eBay. Some Chinese writers are said to create “mash-ups” of English language books and dump them on the Chinese market. But as China’s counterfeit culture grows, so does the opportunity to prosecute the perpetrators. The Internet, combined with the increasingly globalized world of international book publishing, has made literary piracy easier to detect.

Prior to the publication of Gold Mountain Blues, Penguin sent advance copies of the book to Chong, Lee, Choy and Yee. Chong says she found the experience of reading the novel unsettling. “Yes, there are common immigrant experiences,” she told me. “But writers like me and Wayson and Sky and Paul are connected to our grandparents’ generation of immigrants. It’s our grandfathers who paid the head tax. It’s my grandmother who was a concubine. So when we build these characters, it’s moored in real life. These are our ancestral roots.”

Zhang, it must be noted, comes from a different province of China than the
In China, where pirated products are commonplace, writers create “mash-ups” of English books and dump them on the Chinese market.