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What's in a Pseudonym?

Romance Slaves of Harlequin

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For the hundreds of women yearning to burst into print as writers of romance fiction, Harlequin Enterprises thoughtfully supplies guidelines with some helpful hints. One of them is that the plots of these paperback passionaries "should not be too grounded in harsh realities." Before counting their royalties, however, would-be-authors might want to look into the harsh realities of dealing with Harlequin—in particular its insistence that writers use pseudonyms.

Ostensibly, these pen names merely give the romance novel an extra fillip of mystery and titillation, like the titles (*Savage Promise; Creole Fires*) and the covers depicting bodice-bursting maidens gazing amorously into the eyes of hunks in various states of dress and undress. In fact, the pseudonym requirement is a Harlequin ploy aimed at keeping its stable of writers strictly tethered to the corporate hitching post. "Today," says Anita Diamant, a New York literary agent who represents some twenty romance writers, "I can't get a contract from [Harlequin] unless the author agrees to select a pseudonym."

Once a writer signs the contract, Harlequin takes the position that the pseudonym belongs to the company, something it could never do if the author wrote under her real name. Harlequin, a subsidiary of Canada's billion-dollar Torstar media conglomerate, has almost 1,000 writers here and

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abroad churning out about sixty novels a month. Since Harlequin Enterprises controls an estimated 80 percent of the romance fiction market, these women challenge the company at considerable risk.

Not long ago, one agent pressed Harlequin on what in recent months has become the most contentious aspect of the pseudonym issue: reversion of rights. Most publishers, once a book is out of print, routinely allow the rights to revert to the author after a number of months. But, except in a very few cases, Harlequin Enterprises has refused to grant reversion of rights unless the author agrees not to use her pseudonym at another publisher, thus denying her the beginning power the pen name may have gained because of the popularity of her books.

When the agent threatened to complain publicly about Harlequin's tactics, the company said it would cancel all Harlequin books with that agent. When the agent persisted, the company terminated the contracts of several of the agent's authors, whose manuscripts had been accepted and who were due to be paid. Harlequin also told the agent that all other agency authors would be frozen out from then on. The agent "was practically in tears," recalls Maria Pallante, a lawyer and assistant director of The Authors Guild, which is investigating Harlequin's pseudonym practices. Pallante said she has talked with some two dozen romance writers and their agents and "there has been a shocking level of fear."

Such is the climate of fear engendered by Harlequin's clout that no one is willing to talk about the company except on deep background. So pray indulge me, reader, if I invent a composite heroine whose plight, I assure you, is representative of many romance authors. Her real name doesn't matter because it doesn't sell books. Under the pen name Desirée Halston, she has written some fifty successful romances for a publisher that, on advice of counsel, I shall call Slapstick Press. Her *oeuvre* includes such shopping-mall blockbusters as *Hot, Stolen Kisses, Fire and Ice, Desert Lust, Secrets of the Casbah* and *Savage Passion*.

Her career is one of those success stories that inspire hundreds of ambitious writers everywhere. But even a star like Desirée, with her considerable bargaining power, learns that she who challenges the company does so at her peril.

Desirée's sin is to request that the rights to twenty-five of her books revert to her. An innocent enough demand, one might think. They're all out of print, so the company's not doing anything with them. But Slapstick adamantly refuses. At first it is avuncular: Why, we know what's best for your career, little lady. But spunky Desirée refuses to back down. So then the company ripples its muscles, like one of her beefy heroes, and launches a series of escalating threats. The message is clear: Unless she knuckles under she will never publish with Slapstick again. Furthermore, if she moves to another publisher, she is forbidden to take her pseudonym with her. The name Desirée Halston would live on—on Slapstick books written by another writer.

Such, at least, is the fate that awaits a Slapstick author who dares cross the street to another publisher. Usually, however, says a source familiar with

other such cases in real life, the company has only to threaten the rebellious writers with termination and they cave in immediately.

Harlequin—like Zebra, Avon, Dell, Bantam and other smaller players in the romance field—pays advances ranging from \$2,000 to \$3,000 to beginners to around \$15,000 for established writers. If a book sells, an author can earn as much as \$40,000 in royalties. But in most cases, that's all. Almost all romance fiction comes off the racks after a month to make way for the next wave of desire. Romance writers who want to bring in a six-figure income must turn out at least three successful books a year, and a few do.

The heroines of this genre are women like Heather Graham, who has written sixty books in the past nine years (most recently, *Damsel in Distress* and *Bride of the Wild*). She uses her own name when writing for Dell, the pseudonym Shannon Drake at Avon and the pen name Heather Graham Pozzessere for Harlequin's Silhouette series. In 1982, when Graham began writing romances, she, her husband and their five small children were jammed into a frame house near the Miami airport. Graham began spending five to eight hours a day at the word processor, and now the family owns a large home in Coral Gables, Florida, and a mansion near Worcester, Massachusetts, a Greek Revival with twelve rooms, woodburning fireplaces and two ballrooms.

Despite this romantic journey, Graham and others like her remain largely invisible outside their own literary subculture. Romance fiction is sold mostly on newsstands or by mail order, rather than in bookstores, and *The New York Times's* and other best-seller lists disdain the genre, though it accounts for 35 percent of all paperback sales. So the great dream of most women writers in the field is to make the leap to what the publishing trade calls "women's fiction," to write longer, hard-cover books and become the next Danielle Steel, who started out writing romance fiction and now can usually be found near or at the top of the best-seller ladder. "Danielle reportedly pulls down an income of \$25 million," observes *Romantic Times* in its March issue. "She makes this money writing in a little closet of a room, wearing a jogging suit and her diamonds."

Romantic Times is a monthly valentine to the women writing or reading romance fiction, a compendium of advertisements and reviews, interlarded with gossip ("Sylvie Sommerfield had a fire in her living room. . . . By the way, BITTERSWEET, Sylvie's latest Warner release, is selling well") and fanzine profiles of successful authors like Heather Graham, complete with bibliographies and addresses for fan mail. From April 30 through May 4, the faithful will gather in Savannah, Georgia, for *R.T.'s* tenth annual book-lovers' convention. There will be the usual how-to panels ("Indians to Know and Love: The Writing of an Indian Romance"), but given the current controversy, perhaps the most useful session will be on handling legal clauses in contracts.

Harlequin gained its lock on the romance market largely because the antitrust division of the Reagan Justice Department looked the other way in 1985 while the Canadians embraced Simon & Schuster's Silhouette Books. In 1990 Harlequin Enterprises grossed \$302 million in sales and almost \$50 million in operating profits from its two smoothly meshed pulp mills, selling

194 million books in some 100 markets worldwide and in more than twenty languages. This year, the company has launched a twelve-title series aimed at palpitating hearts in Europe's Common Market, with each book set in a different country. ("Yes," *The Economist* was moved to note, "even Belgium.")

But it is not only Harlequin's worldwide reach and near monopoly that give it sway over its authors. The company knows—and so do its writers—that there are plenty of unpublished women (and a few men) breathless for a chance to see their passionate prose in print, to see their pseudonyms on a Harlequin series, whether in the demure Romance line (in which writers are told to avoid "explicit sexual description") or the racier Temptation books ("love scenes should be highly erotic, realistic and fun").

Many of these would-be authors, and some published ones, belong to Romance Writers of America, which has about 4,000 members. The R.W.A. board appears unwilling to challenge Harlequin on the pseudonym issue, in part, possibly, because board members get special treatment from Harlequin's editors. This coziness has angered some state chapters and prompted letters to the board and to The Authors Guild complaining that members' opposition to Harlequin's pseudonym policy is not being represented by the board.

Novelists Inc., which represents about 300 established romance writers and was formed in 1989 because R.W.A. wasn't addressing the needs of the published writers, is squarely behind the guild's investigation of Harlequin's pseudonym tactics. So are two high-profile writers, who have enough courage—and money—at least to hire lawyers to try to protect their pen names, but who nonetheless remain fearful of going public at this stage in the battle.

Harlequin maintains it is the company that promotes and sustains the pseudonyms and that if authors were allowed to take their pen names to another publisher, Harlequin would lose money and its carefully nurtured market would dry up. Whether this is true or not, The Authors Guild's position is essentially, "So what? That's the market in action." Pallante, a guild lawyer, points out that other publishers take the same risk every day with their authors who use pen names. If Stephen King decided to move from Viking to, say, Random House, he doubtless would have no trouble taking his pseudonym, Richard Bachman, with him.

Harlequin has threatened to convert its contracts to "work for hire" if its authors keep making a fuss over pseudonyms. As matters now stand, authors own the copyrights on their books and receive royalties of 6 percent on sales. But under work-for-hire agreements, writers would be paid a flat fee for their manuscripts, would not own the copyright and would get no royalties, however well their books sold. Some romance writers and their agents think that Harlequin has wanted to move to work-for-hire agreements for some time, and that the current hard line on pseudonyms is just part of that larger strategy. Harlequin would not comment on this or any other aspect of the pseudonym controversy. "We are not prepared to use *The Nation* as our method of communication to the author community," explained Bernard Stevenson, vice president for administration and legal affairs.

The Authors Guild has yet to decide on what action, if any, it will take in the Harlequin matter. Among the courses of action it could pursue are: complaining to the Federal Trade Commission that Harlequin is indulging in unfair trade practices made possible by its near monopoly in the marketplace; asking the Justice Department's antitrust division to reexamine the 1985 Silhouette merger that created the romance powerhouse in the first place; or mounting a test case by getting an author whose rights are reverting to sue Harlequin. Any of the approaches is likely to produce a protracted and expensive fight, so a peaceful resolution would seem preferable.

Meanwhile, Harlequin is busily preparing a new line of romance mysteries, to be called Silhouette Shadows. The guidelines sheet suggests they might begin: "In an empty house, the air thick with darkness, a woman waits alone. Her heart beats faster as she hears the creaking of the front door, and then a man's voice, soft with menace, calls out . . ."

Work for hire?