

The Role of the Agent

A.L. HART

AGENTS ARE MIDDLEMEN (and please let us not do the all-but-obligatory minuet of “middlewomen”/“middlepeople” nonsense). The middleman, throughout recorded history, has had a somewhat unsavory reputation: he performs an often necessary and beneficial function, but his existence is just as often barely tolerated and as a rule not many people come to his funeral. Giraudoux’s opinion of the middleman, as expressed in “The Madwoman of Chaillot,” would, I think, be endorsed by a great many creative artists, businessmen, and other deep thinkers. However, there he is, and there he’ll stay, so we may as well make the best of it.

The most charitable view of the agent’s role might be to regard him as an old-fashioned marriage broker. Very well, we’re back to the sexist problem, because matchmakers have traditionally been women. Never mind. Let’s just press on and if any passions are inflamed we’ll use them to light a cigar with.

Anyway, agents—and throughout this discourse I will use the word to denote *literary* agents: I know nothing of Left Coast movie/TV agents, agents for shortstops, *agents provocateurs* or any other such fat catalyst agents, as I was saying, are constantly trying to marry off their clients to honorable, upright and otherwise eligible publishers, mates capable of paying the amount of money specified in the marriage (publishing) contract.

When this has been successfully accomplished, the client is almost always an enthusiastic bride, perhaps not so much blushing as flushed if

A.L. Hart is an agent, The Fox Chase Agency, New York, New York.

the post-ceremony reception/luncheon involved martinis. The happy lass is only too glad to award her hardworking broker 10 percent of the marriage settlement. In the agent's world, the bride never brings a dowry to the proceedings; the prospective groom foots the bill for everything. But being a canny, much-married and heavily belayered creature, he will exact stipulations in the marriage contract which the client-bride had better be aware of before she signs and leaps into the connubial bed. Her agent is there to point out the drawbacks and pitfalls. And he had better do so in writing because within six months or so the disenchanted wife may be shouting: "Get me out of this! How could you have been so stupid as to have involved me with this cruel, callous, insensitive brute?" (Ah, well, you did have the benefit of my cautionary words and still chose to execute the agreement, my dear....) And just who is the Beast to whom Beauty was so precipitately flung? Another damned middleman!

More sexual confusion now, because the essential role of the editor to whom the client has been wed is that of midwife rather than husband. Editor and client work together to give birth to a viable product. And if it is stillborn, well, that happens sometimes. But by then the midwife is working with other clamorously *enceinte* ladies and will have scant time to deal with the loud laments of a *mama manquée*.

It is all sort of dreary, really. Where *are* those literary marriages made in heaven? Perkins and Wolfe. Perkins and Hemingway. Perkins and Fitzgerald. A minuscule percentage of them can be located on *The New York Times* best-seller list. The rest is silence.

Cynical? Not at all. Between the first motion and the final frustration there is a lot of fun to be had by all—a lot of uplifting talk, healthy hope, and in some cases quite interesting sums of money. Time now to face some hard facts.

Hard Fact #1: Most writers—by which I mean people who have actually written a manuscript—won't succeed in getting an agent.

Hard Fact #2: Many writers who manage to get an agent won't get a publisher.

Hard Fact #3: Many writers who manage to get a publisher will feel that their book never got a fair shake. There was no advertising, or what there was was too little too late, and besides, it misrepresented the author's achievement. The jacket was misleading or vomitous or both. No friend or relative was ever able to find a copy of the book in a local bookstore, even the one around the corner from where the author lives. None of the heady publicity breaks, so airily discussed over *suprême de*

Role of the Agent

volaille early on, ever eventuated once the work was entrusted to the careless custodianship of an indifferent public.

The accomplished agent will have on tap 167 ready explanations for what went wrong and why. True, the publisher did indeed fail to do thus and so, thus breaking his sacred vows; but no, the agent cannot horsewhip the publisher at high noon on the steps of The Century Club because, well, the agent has another project or two cooking at that very moment with that very publisher and....

Which is not to say that a good agent will not fight like a mother tiger for the client; he will, and publishers understand and expect this. To be realistic, however, an agent's effectiveness is pretty much limited to those issues covered by the contract. If a problem arises that was not anticipated by contractual provisions, it is unlikely that the agent's most passionate intercession and protest will carry the day.

The author's best defense is to be a good author—the sort that commands respectful reviews and earns a tidy profit for the house. In short, the sort of property who would be welcomed by any other publisher. With this kind of leverage, authors can usually win the skirmishes that arise from time to time with or without the help of their agents.

It is almost always a tactical error for an author and his agent to confront the publisher together. Whatever the outcome of the meeting, the author-agent team is committed to it if both were present. Divide and conquer is a good rule: let the agent or author go to the mat alone; that way, nothing final can be agreed to without consultation with the absent party. This gives the team time to catch its breath, regroup and come up with new alternatives and better strategy.

The law of life that governs most relationships obtains between publisher and writer: whoever holds the better cards can almost always expect to win unless he plays his hand foolishly.

Back for a moment to contract negotiation. This is the area in which the agent will earn at least 8 of his 10 percent commission. Since contracts are drawn up by publishers, it goes without saying that the odds are heavily with the house. It is up to the agent to wrest "concessions," to rewrite the boilerplate so as to safeguard the author's best financial interests. Again, the prestige (brute clout) of the author involved will be the decisive factor in all negotiations. If the publisher needs the author more than the author needs the publisher, the agent will enjoy relatively smooth sailing. He will—and does—present the publisher with certain bottom-line demands that are not subject to

compromise. But this is rare. More often, the author is desperately anxious to have his book published and is willing to sacrifice a good many points rather than risk rejection. The publisher, having correctly sized up the situation, will stand firm despite any amount of eloquence on the part of the agent. Appeals to his better nature will fall upon deaf ears. It will become abundantly clear that the publisher has no better nature. Take it or leave it. That decision is the author's to make after listening carefully to his agent's recital of the pros and cons of the matter and weighing the agent's considered advice.

Most often, however, the cards are evenly distributed, and negotiation becomes just that—a give-and-take proposition with compromises galore and quid pro quo's falling reluctantly into place. I suppose that plea bargaining is much the same.

This brings us to the whole subject of lawyering. Some agents are licensed lawyers—most are not—and all should make it their business to surround the legalities of a publishing contract, which over the years has become a rather sophisticated instrument. Here I must make use of that classic cop-out and say that it is not within the purview of this article to dissect the standard publishing contract, the implication being that if I chose I could comment incisively on the ramifications of this or that clause for a very extended period of time. The Author's League has done and continues to do a thorough and honorable job of just that in their official bulletins, and I commend their findings and advice to any interested party.

In a general, catchall sort of way, however, I would suggest that any author/agent pay particular attention to the terms relating to division of proceeds, royalties affected by discount sales, repayment of monies received, reserves for returns, accounting procedures, options, and obligations in the event of litigation. With the increasing importance of electronic methods of reproduction—cassettes, terminals, floppy disks and God knows what all—contracts will tend to greater and greater complexity. One day the specialized jargon will be intelligible only to the High Priests of the Temple who serve The Great Computer.

One thing I am sure of: No matter how arcane the publishing contract may become, it will still be easier to understand than the average theatrical film/television contract. I am a coward: I use co-agents on the Left Coast to handle dramatic rights on a split-fee basis. They know how to speak the language. By the same token, I have a sturdy London Connection to take care of British and foreign sales. The cost to the client in each case is less than he would pay his publisher for performing (less well in most cases) the same services. Some agents—

Role of the Agent

and among them some of the best—undertake to provide the client with total representation under one roof: books, movies, television, translation rights, United Kingdom deals, magazine serialization, newspaper syndication, and commercial rights involving recordings, T-shirts, dolls, glassware, and wallpaper (mazel tov!).

Did talk of lawyering suggest to you that the normal relationship obtaining between author and publisher might accurately be described as adversarial? Right on, alas. I wish it were not so, but it is, and it will continue to be. Each side is to blame, but because publishers are better organized than authors, I think they must assume the greater responsibility for the situation.

Corporate entities, if not Goliaths, do have the advantages of bureaucratic entrenchment, computerized facelessness, adamantine House Policies, traditional industrial precedents—and money. Authors are corporeal entities, if not Davids, standing pretty much alone, their unique talent their best defense, highly visible and individual and vulnerable—and seldom wealthy. One has to see them as the underdog in an unequal struggle. Writers ply a lonely trade; publishers attend endless meetings and lunch convivially. If powerful publishers must beware of smugness, writers must guard against the arrogance of loners. The two forces would seem to have been specifically designed for collision course confrontation.

Publishing has evolved (I use the word loosely) from a rather genteel cottage industry to a somewhat self-conscious arm of the monolithic entertainment business. The hit-or-flop syndrome of Hollywood, Broadway and Nashville has permeated editorial offices everywhere, and idealistic young men and women entering the wonderful world of letters soon learn to toe the bottom line, in contemplation of which they soon discover that their personal tastes and convictions may not be merely immaterial but downright dangerous. But the young are quick studies, and it is not long before they succeed in absorbing a system of values having very little to do with what they learned to esteem as English majors.

At its inspired best, publishing is a craft. More important though, it is a real business, no longer an occupation for gentlemen—if indeed it ever was. My impression of those legendary heads of houses both in New York and London is that they were successful in direct proportion to their capacities for ruthlessness, cunning, chicanery and general all-around bloodymindedness. But they were fiercely individualistic, and a lot of them had excellent taste.

Today's agent hopes to sell a manuscript to an editor, but in reality he is selling to a committee on which the marketing director may well have the last word. There *are* good, conscientious editors around, people who care about good books, good writing, and who even like authors as a class. Some of them are intuitively gifted and can, with great finesse, help an author to realize his own intentions. I wish there were more of these editors at work today. I also wish that the editor who takes over one of my books would at the same time take over the author—become his friend and confidante as well as a business partner. This does not happen very often. The proof of one pudding usually determines the course of future developments. The concept of continuity is seldom mentioned. Editors move from place to place with astonishing rapidity: the *LMP* (*Literary Market Place*) is never up-to-date. It is not unusual for an author to complain that in getting his one book through the works he had to deal with three or four different editors. So much for continuity. Worse, from the author's point of view, he notices an inexorable diminution of enthusiasm as he is passed from hand to hand. He has been orphaned.

To be fair, authors are as much to blame as publishers for the erosion of the whole idea of continuity. Time was when a house expected to do several books for a given writer before throwing in the towel. It was a given that the author would have to be "brought along," "established," and "nurtured." But in the course of events, a highly successful author would bolt to greener pastures as swiftly as possible, leaving a rancid taste in the mouth of the publisher who had risked his time and money on an unknown commodity—the Frankenstein bit.

Ah, you will say, but this is just the sort of volatility that makes agenting worthwhile, right? Yes, right, to a degree. Shifting a writer from firm to firm generally means more short-term income. There are drawbacks, however. The new imprint, having paid handsomely for a new author, will expect handsome dividends on its investment, failing which it may consign the culprit to outer darkness. Conglomerates aside, publishing remains a small business encompassed by a tightly woven grapevine, and word soon gets around. An author who has succumbed to the blandishments of a rival house only to be discarded later on by that house is sometimes regarded by the rest of the publishing community as damaged goods. Finding another berth may not be easy.

I, for one, would be pleased indeed if 90 percent of my active clients were happily ensconced and stayed that way. Not so exciting, maybe, or not so immediately profitable, but in the long run better in every way including fiscal.

Role of the Agent

But I am a conservative. I no longer believe that change and improvement are synonymous. At one time it was expected that writers of proven worth would submit a completed manuscript for consideration. Today, asking for more than a chapter or two and an outline of the balance is considered an insulting vote of no confidence. Wouldn't it be better in this instance to revert to the way it used to be in the bad old days? With a complete manuscript in hand, there is no nervous guesswork. The agent could say: "I've read it; I know what it's worth; give us that or pass." The publisher could say: "It's better than his last if not quite so good as the one before that. We'll take a chance on it." Or: "Look, Bob, this one isn't going to sell. How about shelving it?" Bob will in that case probably give his agent instructions to withdraw the manuscript and place it elsewhere. But he might surprise us; he might, upon due reflection, decide to put a loser on ice. If the book really is a loser, how much better to acknowledge it sooner rather than later, how much better if there is no advance to be repaid, no embarrassing dialogue to wade through.

Speaking of money, it may be an agent's major preoccupation but it is not and cannot be his only criterion. Ten percent of \$7500 is only \$750—about what a smaller agency spends per month for phone service and postage. And survival is not only important, it is mandatory. But no, there are other satisfactions. Selling a novel you really liked for \$3000 can sometimes be more satisfying than selling a nonfiction how-to for \$30,000. More fulfilling to see a writer you really like and believe in get a break than making a substantial deal for a writer who has all the angles figured, a lively sense of hype and no sense of gratitude. Agents like to have odds-on favorites who predictably gallop on to victory, but our hearts are with the dark horse.

Speaking of horses, we should head into the home stretch of this alarmingly idiosyncratic report on the state of the art. What sort of person becomes an agent? Why? Good questions. No good answers. The current *LMP* lists over two hundred agencies housing a total of perhaps 600-1000 agents, all of whom are individuals, as distinctive as fingerprints or snowflakes—though they might all look alike to the untrained naked eye. I think we are an unusually peculiar breed with highly subjective approaches to our job. You are probably aware that literary agents, unlike, say, real estate agents, are not required to pass any examinations in order to get a license. No license is involved—in the sense of something suitable for framing. We become agents simply by saying that that's what we are. Just print up the stationery and we're in business.

Once self-proclaimed, however, an agent must perform. Good performance depends on a number of qualities, many of them intangible. Optimism tempered by realism, for example. Patience. A flair for innovative lateral thinking, being able to attack a problem from a fresh perspective and achieving a solution to the seemingly insoluble. A knowledge of the marketplace. An acquaintance with a wide range of editors and their predilections. A feel for the written word. A respect for the creative drive and an instinct for curbing and directing that drive. An unswerving belief that books matter and that the writers and publishers of books matter. Flexibility where compromise is called for, and firmness when principle cannot be compromised.

What basically attracts us to the job may be the element of play. If it weren't fun, the game wouldn't be worth the candle.