“Whatever You Do, ‘Don’t Call It “Mommy Porn”’: Fifty Shades of Grey, Fan Culture, and the Limits of Intellectual Property Rights

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What happens when you’re a dedicated fan of romance novels (which I am), and you really hate the most popular romance novel of all time (which I do)? You certainly can’t ignore it: Fifty Shades of Grey is the best-selling book of all time in the UK, and the fastest-selling series in the US, surpassing 70 million copies sold worldwide (in both print and ebook format) within two years after its first commercial publication (Singh 2012, Trachtenberg 2013). E. L. James’ book sold so well that it raised Random House’s operating profit by 75%, year over year in 2012 (Sweney 2012). The Fifty Shades phenomenon was everywhere, with discussions on US morning talk shows like Today and Good Morning, America dissecting the popularity of the book and the rise of so-called “mommy porn.” If you were a woman in the US or UK, Fifty Shades was hard to avoid, and seemingly everyone had at least one friend who adored the series. In this post, I’ll examine some of the reasons behind Fifty Shades’ runaway popularity, the ways its success is changing romance publishing, and how romance fans are grappling with these changes. I’ll also briefly examine some of the issues fans have with the content of the Fifty Shades series.

While a lot of ink has been spilled about the Fifty Shades phenomenon, not as much has been written about how the romance fan community approached the books (at least, not much has been written outside of the communities themselves). In an effort to locate some of the romance community’s reaction to Fifty Shades, I interviewed Sarah Wendell, Jane Litte, and Jenny Trout. All three were kind enough to answer my questions via email, and unless I have indicated otherwise, their quotes originate from these email exchanges. Sarah Wendell runs the blog Smart Bitches, Trashy Books, which began in 2005 as “a community of romance readers eager to talk about which romance novels rocked their worlds, and which ones made them throw the book with as much velocity as possible” (Wendell“About” <http://smartbitchestrashybooks.com/about>). In 2009, Wendell published the book Beyond Heaving Bosoms: The Smart Bitches’ Guide to Romance, which is often used in undergraduate classrooms, and in 2011 she published Everything I Know About Love, I Learned from Romance Novels. Wendell is often used as a go-to expert on romance novels by publications like the New York Times and Salon. Jane Litte (along with Jayne S), runs the blog Dear Author which began in 2006, where “We review romance books, talk about ebooks and digital technology related to ebooks, and post about all the issues surrounding romance novels” (Litte, “ForReaders” <http://dearauthor.com/for-readers/>). Jane writes particularly well about the ways the development of ereader technology are changing reader behaviors and the publishing industry and the implications on intellectual property rights brought about by the growing popularity of the monetization of fan fiction. Jenny Trout is a published romance author (under the names Jennifer Armintrout and Abigail Barnette) and blogger (under the name Jenny Trout) whose critical and hilarious chapter-by-chapter recaps of the Fifty Shades series have become quite popular and spurred her own series of novels in response. All three of these women’s blogs have active, engaged communities of readers who love romance novels but are not afraid to criticize their favorite genre. Because of this, all three can be considered experts on at least part of the romance fan community’s reaction to Fifty Shades of Grey, the rise of the monetization of fan fiction with the attending implications for intellectual property rights, and whether fans of Fifty Shades can – or even want to – become part of the romance fan community.

Whenever something becomes as popular as Fifty Shades, I always have to ask  “why?” What nerve has it hit? What unmet need is it satisfying? Sarah Wendell locates Fifty’s popularity in  its origin as Twilight fan fiction, because both share “deep first person narrative of a very insecure person, fascinating and somewhat threatening hero who may play the role of anti-hero at times, [and a] complete fixation on the heroine from said hero.” Jane agrees, adding the attraction of a narrative that “explored the emotional connection between characters more so than how the characters interacted with the world around them.” This deep first person narrative was something was was fairly unheard of in romance novels up to this point, but was fairly popular in fan fiction — perhaps because it allows the writer and reader to put themselves in the place of the protagonist. Trout believes that Fifty became popular first and foremost because it invited readers to read purely for pleasure, stating “I think to understand the popularity of 50 Shades of Grey, you have to understand the audience. This wasn’t a case of a book being embraced by the reading public, but by the public in general, and by many people who’d either never read romance or never read for pleasure full stop. So you’ve got these readers who were, up until recently, completely unaware that there are books out there that can be read purely for fun. I think that’s what’s driving the popularity of the books.”

Most of the ardent fans of Fifty are not established romance fans, then. Some may have enjoyed Twilight, but many readers were unaware of Fifty’s fan fiction origins that connected the two narratives. In the end, fans get a lot of pleasure from reading a first-person narrative that invites them to place themselves in the shoes of the protagonist, a young recent college graduate in love with a slightly older but extremely brooding billionaire who loves her — obsessively — back and often demonstrates that love by buying her expensive things and through excessive care about her personal safety. All of these elements can be found in Fifty’s Twilight origins.

**Sex, “Mommy Porn,” and BDSM**

The primary difference between Twilight and Fifty lies in their respective attitudes toward sex. Twilight is often called “abstinence porn” because Bella and Edward, the romantic center of its universe, wait until they’re married to have sex. Fifty Shades, on the other hand, has been called (usually pejoratively) “mommy porn” because Anastasia and Christian have sex early and often in their relationship, and that sex is often tinged with BDSM elements. One of the primary pleasures for fan fiction writers and their readers lies in “fixing” the problems fans have with their favorite texts. While Twilight fans may love the deep emotional nature of the relationship between Bella and Edward, and parents laud its message that “true love waits,” others just want Bella and Edward to get it on, already!

Within the fan fiction community, Fifty Shades (or “Master of the Universe,” as it was then named) was popular because it fixed the “problem” of sexual abstinence within the Twilight universe, and fixed it well. For many readers outside of the fan fiction and romance communities, Fifty Shades is the first piece of erotic fiction they’ve ever read — and this opens up a naughty new world. As Jane states, “Initially I think it spread from the Twilight fan fiction community outward to book clubs who hadn’t ever realized that there were books that contained romance and sex in them. […] For individuals who’ve spent years reading Oprah book club picks, 50 Shades presented an entirely different kind of story and storytelling.” Abigail DeKosnik, author of “Should Fan Fiction Be Free?” notes that the sexual content of fan fiction, which some believe is a sticking point on making it profitable, is actually a selling point to women (2009 123). While mainstream media outlets express shock and surprise that women are interested in such a frankly sexual text, romance fans have long acknowledged women’s pleasure. Trout states that, “I still contend that “mommy porn” is a horrible label and we shouldn’t judge women for wanting to read books with sexual content—we don’t bat an eye, as a society, when it’s revealed that men enjoy porn.” Wendell agrees, writing on her blog that “Romance is not porn for women. Porn is porn for women. There is nothing wrong with either one.” She goes on to say that yes, some romance novels — including Fifty Shades — are erotic. One can make a case that erotica is pornographic. But she rejects calling erotica “porn” because she believes the label is used to shame women. “Politically and culturally we are instructed that we should feel shame for our own sexual curiosity and arousal” (<http://smartbitchestrashybooks.com/blog/romance-arousal-and-condescension>). Romance fans staunchly defend women’s right to not only read for pleasure, but for the pleasure of sexual arousal and fantasy.

The fact that Fifty Shades contains erotic scenes does not faze romance fans. What many can — and do — criticize is the way Fifty defines BDSM. Within Fifty, BDSM is defined as a “problem” Christian has that only Anastasia’s love can solve. If only Ana loves Christian well enough, he’ll be content with “vanilla” (non-BDSM) sex. In her recaps of the novels, Jenny Trout points out how often Christian’s “BDSM” sexual scenes are actually scenes of sexual abuse (and outright rape) that fail to live up to the ideal that BDSM sex should be “safe, sane, and consensual.” As Trout states, “I was so furious when I started reading the first book. I knew from the reviews and descriptions I had read that 50 Shades of Grey was not something that was going to interest me, but I was frustrated by the national conversation about ‘mommy porn’ and what a revelation it was that women are sexual creatures. I felt like I couldn’t accurately defend women’s choice to read the book if I didn’t read it myself, and when I did, it was such a rude awakening.”

Trout started writing the recaps of the novels because “after I saw the blatant abuse and poorly researched kink, I felt like I had to speak up and tell people that the books are not representative of a healthy relationship in any way.” In her recaps, Trout does not criticise BDSM, but instead James’ conception of it in the novels. As she writes, “Ana and Christian are not an example of a healthy BDSM relationship, and when 50 Shades defenders- whose only exposure to BDSM has come through this single source- frame it as though it is, they’re actually harming the image of BDSM more. But that’s not something they want to hear. They want to feel like they’re protecting misunderstood and beautiful people, who do sexy things in expensive high rise apartments.”  Ana and Christian are not in an unhealthy relationship because they engage in kink, but because “Ana is never allowed to ask for anything. She isn’t even allowed to say no to things she doesn’t want, because Christian’s needs are paramount” (<http://jennytrout.wordpress.com/2013/04/22/dear-50-shades-fan-bdsm-doesnt-need-or-want-your-defense/>). Trout keeps reading and recapping the books — even though she hates them — because she sees her recaps as a public service. She writes, “I’ve had so many women say, ‘I read 50 Shades of Grey and I loved it, and then I read your recap and I changed my mind.’ Once you can have an interaction with someone and you can say, ‘the way you perceive this thing is contrary to what it actually is,” if they see it, too, they’ll never un-see it. That’s very powerful.’ Trout’s fans agree. Before writing the recaps, Trout felt wonderful to get 50 hits a day on her blog, but “at the height of the 50 Shades of Grey recaps, I would get 50,000. It was a very bizarre experience.” Indeed, her fans have created a community and gift economy of their own, with readers commenting and emailing to suggest anti-abuse resources for women, healthier information for those curious about BDSM, as well as .gifs and fan art that depict scenes from Trout’s recaps.

Eventually, Trout began writing a novel in response to Fifty Shades called The Boss. The novel (which is the first in a series that also includes The Girlfriend and will soon include The Wife and future installments) follows the relationship of Sophie, a 20-something woman who works as an executive assistant at a fashion magazine, and Neil, a 40-something billionaire who buys the magazine and suddenly becomes her boss. The two had met 6 years before and shared an anonymous sexual encounter, and realize they are still attracted to one another. Throughout the series, the two fall in love, negotiate their age and wealth differences, and engage in a mutually satisfying BDSM sexual relationship. I asked Trout if she considered The Boss to be a type of “anti-fan fiction,” and she answered that “I had started writing The Boss in 2011, with the idea that my pen name, Abigail Barnette, might venture into category romance. The protagonists were a lot closer in age, the hero wasn’t exactly super rich, he was just editor-in-chief of a car magazine and the heroine worked in the art department. It was an office romance. But I couldn’t get into it, so I shelved it. Then I was writing these recaps, and one night I was working on one while watching the documentary The September Issue, about Ana Wintour and Vogue magazine, and the whole story just snapped together in my head. At every step of the plotting process, I was influenced by this little voice that would say, ‘If this were 50 Shades of Grey, what would happen next,’ so I suppose it could be classified as starting out as anti-fic, but as I grew to know the characters and their motivations a little better, I think it became its own thing, and I’m very proud of it.”

**Fifty Shades as a “Gateway Drug” to Romance Fandom**

Some readers of Trout’s The Boss began as Fifty Shades fans who are now looking to read more romance and/or erotic fiction. Can a monster hit like Fifty Shades bring more readers into the romance fan community, or will readers who love Fifty dislike other romance narratives? The opinions of the women I interviewed are mixed. Litte believes that Fifty can serve as a gateway to fandom, stating that “I definitely view 50 Shades as a gateway drug to more romance fiction. It’s a matter of those readers finding other romance stories. A year after 50 Shades’s popularity, you are beginning to see readers who were brought into the genre starting to mine the extensive backlists of some popular traditionally published authors.”  She continues, stating Fifty “brought a lot of non-readers into the reading community, which is always a good thing.”

Wendell is less certain that fans of Fifty will enjoy other romance narratives, stating “I don’t think every 50 fan will find romance and think, ‘YES! This is what I wanted!’” Rather than mining the backlists of established authors, Wendell sees Fifty Shades changing the publishing industry and the types of stories that are published. She points to the sheer number of romance book covers that look eerily similar to the cover of Fifty Shades, the increasing use of deep first-person narratives and the popularity of a new genre, called “New Adult,” that features young 20-something female protagonists who are often unsure of themselves and enter into intense sexual and emotional relationships. Unsurprisingly, many (though certainly not all) New Adult titles began as Twilight fan fiction, too. Trout seems the same trends, but is less optimistic, writing “I think a lot of authors had that hope at the beginning of the craze. ‘Okay, this book has its problems, but now the readers will move on to other books in the erotic romance genre and they’ll realize what they were missing.’ Instead, what seems to be happening is this really horrible effect of even more anti-feminist, abusive and grossly misinformed kink fanfic flooding the market.”

**Fan Fiction, Legacy Publishing, and the Limits of Intellectual Property Rights**

Fifty Shades of Grey’s popularity has led to a boom in “pulled to publish” or P2P fiction. Legacy publishing houses are using fan fiction communities as places to find emerging new authors. For many female authors (because fan fiction tends to be overwhelmingly written by women), fan fiction serves as a safe place to practice one’s writing skills and find an audience.  Litte states that “writers can definitely hone their craft in fan fiction and can learn a lot from the instant feedback from readers.  One fan fiction author shared with me that she could know almost within an hour of posting whether the piece was a success or a failure.” Traditionally, authors find their voice as an author within the fan fiction community, aspire to become a professional author, then begin to craft their own characters, worlds, and narratives which they would then attempt to have traditionally published. Authors who have followed this path include (but are certainly not limited to) Lois McMaster Bujold, Marion Zimmer Bradley, Mercedes Lackey, Meg Cabot, Cassandra Claire, and even Stephenie Meyer herself. Within the fan fiction and reader community, authors are encouraged to take themselves seriously as writers, and when one of their own becomes a published author based on original characters s/he often brings a built-in fanbase with her.

Problems occur when, as is the case with Fifty Shades of Grey, authors profit off of works that began as fan fiction. For many romance fans, this is where James crossed the line: she published — and profits quite handsomely from — a series that is built upon foundations created by Stephenie Meyer. Is it fair to profit off of someone else’s intellectual property? Most media corporations believe that it is not, and are quick to send cease and desist letters to prove it. Karen Hellekson, author of “A Fannish Field of Value: Online Fan Gift Culture” states that fan fiction communities believe that one should not profit from fan fiction first and foremost to avoid legal troubles, since fan fiction exists in a murky area, legally speaking.  Stephenie Meyer has remained remarkably hands-off about authors profiting from fanfic based on her work, which may explain the boom in Twilight-based fan fiction being published. For works like Fifty Shades, then, legal arguments against publishing fan fiction aren’t an issue, and it seems like Meyer is tacitly giving fans free reign to do what they will.

However, for many fans the requirement to avoid monetizing fan works goes beyond just the legality of the issue. Hellekson states that “Online media fandom is a gift culture in the symbolic realm in which fan gift exchange is performed in complex, even exclusionary symbolic ways that create a stable nexus of giving, receiving, and reciprocity that results in a community occupied with theorizing its own genderedness” (Hellekson 2009 114). Within fan communities, the original text upon which all fan creations are built is considered a “gift,” and on this original gift a reciprocal economy is built, with fan fiction, fan art, videos, and the conversation in the comments section all serve to build, maintain, and strengthen community bonds. Money is usually not exchanged, unless it is to help defray the costs of running the website. Instead, readers of fan fiction narratives participate in a gift economy where payment for favorite stories consists in making artwork or videos that depict favorite scenes, publicizing the story to others who may like it, and offering critique in the comment section. In a very real way, fan fiction readers act as beta readers who help authors shape narrative and character and publicists who spread the news about their favorite stories to others.

As long as fan fiction remains within the gift economy, most (although not all) authors range from benignly ignoring fan fiction based on their work to vocally supporting it. Neil Gaiman, who has himself written fan fiction based upon Sherlock Holmes and H.P. Lovecraft, states that “As long as nobody’s making any money off of it that should be the author or creator’s, I don’t mind it. And I think it does a lot of good.” Jenny Trout agrees, stating “I’ve always been very protective of fan fiction, because that’s the community where I learned how to write. If you’re writing a sexy story about Kirk and Spock solving a little Pon Farr problem, and you post it to fanfiction.net or archiveofourown.org, you’re not getting paid. I don’t feel that’s necessarily unethical; it’s the moment that you decide to monetize that content you’ve made that the line becomes blurred.” Not only authors fight against monetizing fan fiction; much of the community itself rejects the idea. As Wendell states, “There is a sizeable backlash against profiting from sale of fanfic” within fanfic communities. While no one really believes that monetizing fan fiction will destroy the amateur fan fiction community, it does create a certain amount of tension within it. Trout states that “I think there is going to be a lot of suspicion for a while, where people who truly enjoy fic and want to continue enjoying it are going to have this question in the back of their minds, ‘Is this author only in it for a chance at a payday, or does she really love the original work as much as I do?’”

Not everyone agrees that making money off of fan fiction is a terrible idea, though. Fifty Shades’ popularity means that publishers not going to stop looking for fan fiction narratives to publish any time soon, and some argue that fan fiction authors deserve to be paid for their work if it becomes popular enough to do so. Indeed, Abigail DeKosnik argues that someone is going to profit off of fan fiction, so shouldn’t it be the fan fiction writers themselves?  “Fan fiction is nearing what I call the “Sugarhill moment”: the moment when an outsider takes up a subculture’s invention and commodifies it for the mainstream before insiders do” (De Kosnik 2009, 119-120). The Sugarhill Gang was a producer-created hip hop group who took the sounds that rappers in the streets of L.A. were creating, created the single “Rappers Delight,” and profited off of them before rap’s inventors could do so. “Fan fiction is nearing what I call the “Sugarhill moment”: the moment when an outsider takes up a subculture’s invention and commodifies it for the mainstream before insiders do” (De Kosnik 2009, 119-120). DeKosnik wonders if fan fiction writers are expected not to profit off of their work because they are mostly women, and points out that fan communities are more than happy to purchase products from male gamers who make “mods” of popular video games or offer financial support to male filmmakers who make fan videos based on their favorite movies (121). While DeKosnik acknowledges that fans are justified in worrying about what will happen to their communities if fan fiction becomes monetized, she believes that this should not be their main area of concern. She states that “although fans have legitimate anxieties about fan fiction being corrupted or deformed by its entry into the commercial sphere, I argue that there is far greater danger of this happening if fan fiction is not commodified by its own producers, but by parties foreign to fandom who do not understand why or for whom the genre works, and who will promote it for purposes it is unsuited for, ignoring the aspects that make it attractive and dear to its readers (De Kosnik 2009, 124). The greatest danger is that no one will make money off of fanfic except for the corporate owners of the original text — since fanfic serves as a commercial for the original (De Kosnik 2009, 125).

If publishers and fan fiction authors are going to keep trying to profit off fan fiction — and it looks like they are– is it possible to do so ethically? What do fan fiction authors owe to the creators of the works upon which their narratives are built, and what do fan fiction authors owe their fellow fans, if anything? In other words, what are the limits of intellectual property rights, here, and what is the place of fan communities? Should we think of fan communities as collaborators with fan fiction authors, or mere consumers? On the subject of intellectual property rights, Litte argues that “I’ve always argued that the farther from the original canon a fan piece drifts, the less likely it is infringing [on intellectual property rights]. In fan fiction, though, the farther from the original canon you get the less appealing the fic. It’s a weird dichotomy.”

What would an ethical model for P2P fiction look like? Litte has suggested a licensing model that somewhat resembles the way covering a song works in music. In music, artists that want to cover an already recorded song pay what’s called a “mechanical licensing fee” for the right to re-record the song, then pay the songwriter a small fee per record sold. Would a similar licensing structure work for fan fiction? Litte suggested the model back in June of 2010, before the Fifty Shades phenomenon hit, and most of her commenters were against the idea, believing that the requirement to purchase a license would install a financial barrier to participating in fan communities, which should be free to all (<http://dearauthor.com/features/letters-of-opinion/could-compulsory-licensing-work-for-fiction/>). However, the popularity of Fifty Shades may have changed people’s minds. Indeed, Amazon has started “Kindle Worlds” with a model that seems fairly close to what is described above. Amazon made licensing agreements with a few authors, who then allow authors to write additional stories within the universe. Authors submit these stories to Amazon, who set the prices (between .99 and $2.99) and pay both the original license holder and the fan fiction author royalties for any stories purchased. For longer works (10,000+ words), Amazon pays authors a royalty of 35%, while shorter works of 5-10,000 words earn royalties of 20%.

(<http://www.amazon.com/gp/feature.html/ref=amb_link_375976362_2?ie=UTF8&docId=1001197431&pf_rd_m=ATVPDKIKX0DER&pf_rd_s=center-3&pf_rd_r=1W3E43JE3FTBA51FJBTT&pf_rd_t=1401&pf_rd_p=1581752802&pf_rd_i=1001197421>).

While it remains to be seen how popular the Kindle Worlds store will be for both authors and readers, it is an interesting experiment that allows both the original authors and fan fiction authors to be paid for their work — and a model that does not require the fan fiction author to pay-up front for the privilege of using another author’s intellectual property.

Regardless of how one feels about the Fifty Shades series, no one can deny its deep impact on romance publishing and fan culture. No doubt we’ll be feeling the effects of Fifty for years to come, for good and for ill, and we ignore that at our peril because if we fail to understand these effects we can’t understand the true state of romance publishing or fan fiction communities.

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