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TIM RUTTEN: REGARDING MEDIA

Embargoes on 'Harry Potter' boil down to money

July 21, 2007

YOU can't really have a full-blown media event without some sort of knotty media controversy.

Today's release of the seventh and final installment in J.K. Rowling's magically successful series of novels for young people certainly qualifies as the former; let's call the latter: "Harry Potter and the Inevitably Leaky Embargo."

Rowling's publishers — Scholastic in the United States and Bloomsbury elsewhere in the world — have done everything but cast spells and threaten curses to ensure that the contents of the series finale would remain secret until this morning's appointed witching hour — 12:01. (Whatever its literary attributes, the lucrative commercial apparatus that is Harry Pot-ter Inc. never has lacked a sense of drama. Indeed, no Scot since Macbeth has done as much for witches and wizards as Rowling.)

In this case, the controversy arises principally because two

U.S. newspapers — the New York Times and the Baltimore Sun — obtained copies of the book before the official release date and published reviews this week. The New York Times said it purchased its book from a retail outlet, while the Sun reported that its copy was obtained from an individual whose advance mail order somehow was filled early. Fair enough.

There's also a separate — and, frankly, more serious — issue about purported copies of the text that were posted on the Internet.

Oddly, it's the reviews that have kindled a rhetorical goblet of fire.

Shortly after Pulitzer Prize-winning critic Michiko Kakutani's review appeared in the New York Times on Thursday, Rachel Sklar attacked it and the paper on the Huffington Post: "What is your problem, New York Times?" she wrote. "No [weapons of mass destruction] to plaster on the front page, no Jayson Blair to make things up for posterity...? I'm mad so I'm lashing out, but come on: How on earth could you run a review of the last 'Harry Potter'? To do so, you had to break an industry-wide embargo — and not just any embargo, an embargo that is almost tantamount to a public trust at this point, given the worldwide hype about Harry Potter and the excitement and intense emotion generated by — finally — the end to this epic series."

Usually, what the public trusts a newspaper to do is to tell things, not withhold information, but maybe those rules don't apply to "the boy who lived" any more than the laws of nature do.

Lindsay Irvine, who blogs about books for Britain's Guardian, mused that "Kakutani holds the crown as America's most powerful [literary] critic, making and breaking authors ... but Rowling is a pretty powerful adversary — whether even Kakutani can get away with what J.K. Rowling has condemned as 'spoiling it' for her devoted fans is against the odds. So, the question this morning for you, the jury, is whether or not the Times's spoiler is a brilliant exclusive, or reasonable grounds for drawing and quartering."

Any number of people, including Rowling, seemed to come down, if not on the drawing

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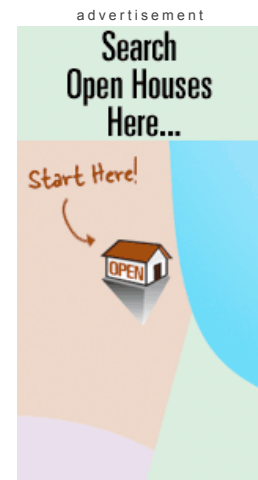
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and quartering side, at least for sending in the Dementors.

She told the British press that she was "staggered that some American newspapers have decided to publish purported spoilers in the form of reviews in complete disregard of the wishes of literally millions of readers, particularly children, who wanted to reach Harry's final destination by themselves, in their own time. I am incredibly grateful to all those newspapers, booksellers and others who have chosen not to attempt to spoil Harry's last adventure for fans."

Fair enough. She's the author, and she's entitled. The fact of the matter is, though, that both Kakutani and the Sun's Mary Carole McCauley are accomplished critics whose reviews scrupulously avoided giving away anything that could be considered a plot spoiler. Even the most passionate Potterites could read their pieces without fear of compromising their pleasure in this new book.

So what's the fuss really about?

Like most these days, it's about money.

Embargo versus crime

Here it's necessary to distinguish between the newspaper critics and the cyber crooks, who may have posted sections of "Harry Potter and the Deathly Hallows" on the Web. That's theft, and if we don't protect the intellectual property of even fabulously wealthy creative people like Rowling, they'll have less and less incentive to produce the things that entertain and delight us. Her publishers are right to go after these looters with laptops with every lawyer they hire.

Embargoes on reviews and discussions are another matter. All the outrage surrounding this particular book notwithstanding, contemporary publishers impose these blackouts not in the interest of readers but to protect the carefully planned publicity campaigns they create for books on which they have advanced large sums of money.

This is the economic imperative that leads publishers to withhold the contents of even nonfiction manuscripts that contain news that the public has a vital interest in knowing.

It's also why newspapers, including this one, routinely break those embargoes without any pang of conscience. Our first and most compelling obligation is to our readers' right to know and not to the commercial interests of publishers.

When it comes to Harry Potter, the brute commerce is beyond impressive. There are 325 million copies of Rowling's novels in print in 90 countries.

The first U.S. printing of "Harry Potter and the Deathly Hallows" is 12 million copies. As of Friday, Amazon.com had received an all-time record 1.8 million advance requests for this book, with an additional order coming in every five seconds.

According to a poll by the Pew Trust, 44% of American adults living with a teenager reported that someone in their household — or someone they knew — planned to purchase the book. One out of every 43 British households pre-ordered the seventh "Potter," which means that by now the Royal Mail has delivered about 600,000 copies.

That's a lot of exhausted owls.

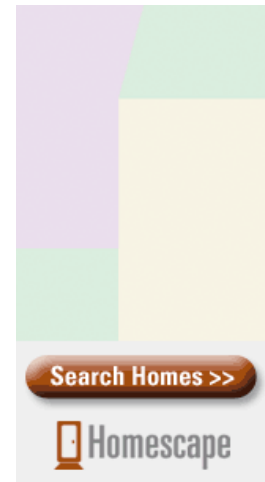
Rowling, God bless her, has reportedly made more than \$1 billion on Harry so far, which may make her richer than Queen Elizabeth. Christopher Little, the one-time Hong Kong shipping agent who was running a tiny London literary agency part time when Rowling plucked his name from a phone directory and sent him her first manuscript, reportedly has made more than \$100 million managing her affairs.

That's what the embargo on reviews really was about — at least for Harry's publishers.

Something else led Rowling to go on her website this week to post her own denunciation of those "sad individuals who get their kicks from ruining other people's fun. I want the readers who have, in many instances, grown up with Harry to embark on the last adventure they will share with him without knowing where they are going."

The reviews that appeared this week clearly were written with that same sentiment in mind, which is itself a kind of magic.

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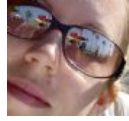
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