

Report

Can directors share authorship with writers?

Max Barton, 15 February 2015

This session was called by Piers Haggard.

Unfortunately I'm not in possession of the list of those attending. I'll write some of the names I remember (forgive me if I miss you off or misspell you or whatever) but please add yourself or others! Me (Max Barton), Jen Toksvig, Melly Still, Piers Haggard, Martin Berry, Alex Brown, Chris Harrison, Tamara Harvey, Ivor Benjamin, plus many others whose names I didn't catch.

This was a fascinating discussion that revealed the existence of a considerable and widespread feeling that directors often have a far bigger creative input than current financial remuneration might suggest when working on new pieces, whether devised or with writers (for more on the devised question see the session specifically dealing with that point). This seems to be the case particularly when looking at a future life for a play.

The session was kicked off by Jen, who works as both writer and director so brought considerable knowledge of the writer's guild and their guidelines. One of her key opening provocations is that perhaps we should stop talking about writers and directors and start talking about writing and directing, so that a person's role is not governed by their title but by their contribution.

In order to define this by writer's guild standards, she pointed out that being defined as

someone who is writing on a project is to do with choice when it comes to content, or more specifically who has the right to insist. I.e. if someone is able to push through a choice over the rest of the team they are actively writing. Whilst very useful as a rule of thumb, there was a shared feeling that this isn't quite enough of a protection, particularly for ideas that are immediately accepted by the appointed 'choice-maker', and so an act of insistence isn't tested.

Also it becomes more complex when no script exists – protection of work in these scenarios becomes fraught.

One of the most crucial things that came up over and over again was to have agreement prior to beginning. This saves so much heartache and tension later on in the project. We felt that SDUK could be so helpful for aiding directors in this process at the beginning.

Of course this doesn't protect from parameters changing. Several people described bad experiences here. Melly talked about a project where gradually her involvement became more and more authorial, until her agent had to step in to renegotiate contract – this of course put major strain on the director/writer relationship.

Jen did point out that often the first draft of a piece has to be a bit shit, and almost should be, so that doesn't mean writers should give up their rights because a director is helping out in a dramaturgical capacity. But the fact is that in this country, and thanks to Ivor Benjamin for providing some great detail, writers are far better protected than directors – their copyright is watertight, whilst directors don't feature at all in the copyright act – their work isn't considered protectable.

We talked a bit here about European models, where the director has much more of a moral right to plays and productions, and of course where the dramaturg is a far more integral role. We suggested that SDUK could help to draw up contracts that recognise dramaturgy as part of the job, and perhaps with a royalty rather than a fee.

Piers expressed a desire to be given details of precedence – a general call-out to share contracts was key to this session. Matthew Warchus was mentioned as a director who has had writing-style royalties on his work. As a member of the board he has already agreed to share material like this, so could be a very valuable resource.

It was here suggested that perhaps SDUK could contact new writing houses and open a conversation about this subject.

Again, I believe this was talked about in another more specific session, but there was considerable shared feeling that directors should be remunerated for their preparatory work, as well as the rehearsals etc. Perhaps dramaturgy could be included in this fee?

Chris Harrison made the point that all the discussion up to this point had been from a fairly narrow perspective of text-based theatre. Here we talked about the devising process. It was mentioned that ITC have created 3 categories for devising types, so there is some precedent there. But a concern was raised that venues sometimes see devising processes as an excuse not to pay a writer.

In Chris's company Rhum & Clay we spoke about a potentially uncomfortable moment – for the first time on their last piece he directed and isn't acting in the piece. Quite rightly, the writing is still attributed to each of them equally, but when the show tours the actors will be paid a fee but he won't necessarily as director, despite the shared

ownership (given that royalties will be fairly negligible).

Conversation returned to the involvement of a specific writer, and Piers raised the fact that things only get awkward when there is a 'pot of gold'. I.e it's all fine to have a casual agreement, but suddenly when there is real money involved it gets ugly.

There is shared feeling that directors working with writers closely and on devising work should be getting a royalty but there is some question about where that comes from. Is it taken away from the writer or else who?

Ivor identified 4 stages to a directing process:

- 1- development
- 2- prep
- 3- production
- 4- exploitation

The feeling is that currently only number 3 is considered payable for directors. Development should cost theatres more, prep should certainly be paid, and future exploitation is crucial.

There was talk of a third party helping to settle debates about writing credit – perhaps this could be the SDUK.

I brought up here that what this represents is a major culture shift for the young. Perhaps it is slightly sweeping but I think it is fair to say that in Britain we have a culture of the playwright, where other countries feature different focuses. This is about

teaching young directors, writers and actors that creation is a more greyscale and open process than that. I propose that SDUK could go into training courses and talk to the next generation about this and help them value their own work. I talked about frequently choosing to not pay myself in order to help others be paid.

Ivor suggested that getting directors recognised in the 1988 copyright act would be a very helpful beginning – even if we are talking about images in a production where a director hasn't had a huge writing impact, these should be protected if future productions go ahead.

Jen brought up the writer's guild and MU guidelines, including 'The working playwright engaging with theatres', as good places to look for advice.

We talked about SDUK bringing these contracts into one easily digested place. We also talked about expanding a trip advisor for theatres, where good and bad venues/producers can be identified.

I suggested that long term perhaps we could have someone to talk to face-to-face for advice at SDUK, but we acknowledged the expense of this. Instead we suggested a Co-op style model of 'Equity depping', where in a peer exchange a member of SDUK will go through a checklist with a director working on a specific production, and then talk to the production company for that director from a neutral position, thus taking the pressure off the director's relationship with the theatre/producer.

So the suggested action points for SDUK are as follows:

- 1 – advise about contracts at the beginning of a process.

- 2 – help arbitrate later on in a process
- 3 – help create contracts that include dramaturgy and perhaps involve more royalties.
- 4 – contact new writing theatres to help open this conversation.
- 5 – campaign to change the copyright act to include directors.
- 6 – SDUK to talk to the next generation of theatre makers/producers/writers etc.
- 7 – compile contracts for directors
- 8 – help put together a trip advisor for venues
- 9 – create an ‘equity dep’ style model with peers.

Tags:

Writing, writing, Directing, directorstogether, SDUK, directing