



This is a repository copy of *Challenging the Beckett canon: how Godot is a woman interrogates the gender biases of authorial control in copyright*.

White Rose Research Online URL for this paper:

<https://eprints.whiterose.ac.uk/id/eprint/232542/>

Version: Published Version

Article:

Pocock, C. (2024) Challenging the Beckett canon: how Godot is a woman interrogates the gender biases of authorial control in copyright. *Law and Humanities*, 18 (1). pp. 112-122. ISSN: 1752-1483

<https://doi.org/10.1080/17521483.2024.2307091>

Reuse

This article is distributed under the terms of the Creative Commons Attribution-NonCommercial-NoDerivs (CC BY-NC-ND) licence. This licence only allows you to download this work and share it with others as long as you credit the authors, but you can't change the article in any way or use it commercially. More information and the full terms of the licence here: <https://creativecommons.org/licenses/>

Takedown

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing eprints@whiterose.ac.uk including the URL of the record and the reason for the withdrawal request.



eprints@whiterose.ac.uk
<https://eprints.whiterose.ac.uk/>



Challenging the Beckett canon: how *Godot is a Woman* interrogates the gender biases of authorial control in copyright

Catherine Pocock

To cite this article: Catherine Pocock (2024) Challenging the Beckett canon: how *Godot is a Woman* interrogates the gender biases of authorial control in copyright, *Law and Humanities*, 18:1, 112-122, DOI: [10.1080/17521483.2024.2307091](https://doi.org/10.1080/17521483.2024.2307091)

To link to this article: <https://doi.org/10.1080/17521483.2024.2307091>



© 2024 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group



Published online: 25 Jan 2024.



[Submit your article to this journal](#)



Article views: 1640



[View related articles](#)



[View Crossmark data](#)

ESSAY



Challenging the Beckett canon: how *Godot is a Woman* interrogates the gender biases of authorial control in copyright

Catherine Pocock

School of Law, The University of Sheffield, Sheffield, UK

Review Essay: Silent Faces Theatre, Cordelia Stevenson, Josie Underwood and Jack Wakely, *Godot is a Woman* (Renard Press Ltd, 2022) 72 pp

At the King's Head Theatre, London between 9th January until 3rd February 2024 <https://www.silentfaces.uk/godot-is-a-woman>

Introduction

As a copyright scholar, it isn't often that I get to attend a theatre production about my field of study and, as a feminist copyright scholar, that is even less often the case. 'Godot is a Woman' by Cordelia Stevenson, Josie Underwood and Jack Wakely of the Silence Faces theatre company, is one of those rare occasions, and it is also so much more.

The premise for 'Godot is a woman' ('GIAW') is Samuel Beckett's refusal to allow women to perform 'Waiting for Godot' ('WFG'), and his estate's continued enforcement of this rule. That Beckett exercised a high degree of artistic control over productions of all of his works is recognised by many, including himself,¹ but this control was particularly controversial in relation to his reliance on the moral right of integrity² which was relied on to prevent

CONTACT Catherine Pocock  cpocock1@sheffield.ac.uk

¹Eg James Knowlson, *Damned to Fame: The Life of Samuel Beckett* (Bloomsbury 1996), 691: 'He was often represented as a tyrannical figure, an arch-controller of his work, ready to unleash fiery thunderbolts onto the head of any bold, innovative director, unwilling to follow his text and stage directions to the last counted dot and precisely timed pause.' See also letters from Beckett himself, eg writing to Jack MacGowran who was to act in a Roman Polanski adaptation of Beckett's work: 'Please forgive me (...) and don't think of me as a purist bastard' as quoted in Lawrence Graver, *A Student's Guide – Beckett: Waiting for Godot* (2nd edn Cambridge University Press 2004), 82.

²Copyright law confers two types of rights: economic and moral rights. Generally speaking, economic rights allow the copyright owner to control – and be remunerated for – the reproduction, public performance and, or adaptation of their work (amongst other acts). In the UK, these rights are governed by Part I Chapter II of the Copyright, Designs and Patents Act 1988. The second type of rights, moral rights,

women from performing WFG during his lifetime: successfully in France in 1992,³ and in unsuccessful attempts to do the same in the Netherlands in 1988 and Italy in 2005.⁴ Beckett was so entrenched in his conviction that only men could perform WFG that, according to William Cornish, he included the requirement that WFG must only be performed by men in his will.⁵ GIAW is thus intentionally controversial, and being also published as a script, its message has the potential to reach a wider audience than those fortunate enough to see a live performance. This review proceeds by first summarising and evaluating GIAW as a performance – as performed at The Playhouse, Sheffield Theatres on 13 June 2023 – and its effectiveness in dramatising the tension between artistic freedom and two legal rights conferred by copyright law: the public performance right and the moral right of integrity. The review then turns to a brief consideration of the potential of GIAW as a legal educational tool, in particular as contributing a gender critique of law and copyright. Lastly, it considers the role of copyright law as a prohibitive or productive tool for regulating creativity, and invites reflection on how copyright perpetuates existing – and inequitable – power structures.

Godot is a woman

GIAW is a play in one act. The play opens with the three actors on stage, half-dressed and huddled around what is described as ‘a roadside telephone box’⁶ where they are in a hold queue for the Beckett estate’s phone line. The actors finish getting dressed – in ‘raggedy suits, boots and bowler hats like those worn by the characters in *Waiting for Godot*’⁷ – and as they dress and wait to the sound of the hold music, they begin to dance and perform some clown routines. One might even say they play games to pass the time. They eventually reach the front of the hold queue and leave a message that introduces the actors – in much funnier terms than I can convey here – as being ‘really pushed for time’ for having their request to perform WFG granted. This is an excellent device to introduce to the audience WFG generally, as well as a brief reception

are non-pecuniary rights afforded to the author of a work. These rights include the integrity right, which is a right that enables the author to object to a treatment of their work which they consider to be derogatory or harmful to their reputation. In the UK, these rights are governed by Part I Chapter IV of the Copyright, Designs and Patents Act 1988.

³Godot’, Tribunal de Grande Instance de Paris (The High Court of Paris), 15 October 1992, 155 RIDA 225 (1993).

⁴Rb Haarlem, Pres (District Court, Injunctions Judge, Netherlands), 29 April 1988 [1988] 4 INFORMATIER-ECHT/AMI 83; Tribunale di Roma (Rome District Court), 2 December 2005, *Fondazione Pontedera Teatro v Società Italiana Autori ed Editori and Ditta Paola D’Arborio Sirovich di Paola Perilli (SIAE)*.

⁵William R Cornish ‘Authors in Law’, (1995) 58(1) *The Modern Law Review* 1–16, 10: ‘The proscription was eventually laid upon his estate by his will.’

⁶Silent Faces Theatre, Cordelia Stevenson, Josie Underwood and Jack Wakely, *Godot is a Woman* (Renard Press Ltd 2022) 10.

⁷GIAW (n 6) 10.

history of that play, followed by a survey of the litigation that Beckett, and later his estate, carried out internationally to enforce Beckett's rule that only men should perform WFG.⁸

These first scenes invite the audience to consider whether the GIAW actors should be prevented from peeling and eating carrots on stage, from clowning around wearing 'raggedy suits, boots and bowler hats',⁹ from adjusting bowler hats that don't fit, from dancing and playing games to pass the time as they wait, and from talking in question-and-answer speech patterns – WFG's famous 'crosstalk' routines – all on a relatively bare stage, with a mound and 'a tree-like structure'.¹⁰ Despite these verbal and visual echoes to WFG, the actors of GIAW are not performing WFG and when they decide to 'do what they do',¹¹ the action precipitates into a farcical courtroom drama which sees *Silent Faces* suing the Beckett estate over the right of actors of any gender to perform WFG. There is little need for legal accuracy with this theatrical device, and those interested in 'law in literature' studies might take interest in this production's amusing depictions of the law, of copyright law, and of legal actors. That being so, the production does a surprisingly good job at relaying the crux of the legal issues to a generalist audience, including how copyright and moral rights intersect with freedom of expression, as well as anti-discrimination laws.¹² They also address some of the moral arguments that are often raised by those seeking to justify the exclusion of a group from their space by addressing head on questions such as 'why don't you just perform another one on Beckett's plays?'.¹³ The court scenes culminate with the prosecution's closing arguments presented as a whistle-stop tour of feminist landmark moments from 1989 to the present day,¹⁴ and – spoiler alert – the fictional judge finding that the Beckett estate's refusal to license the performance rights in WFG to actors who are not men is unlawful, ergo actors of all genders should have the right to perform WFG. The actors, as *Silent Faces*, celebrate to Madonna's 'Like a Prayer' and the play's denouement sees actors Cordelia, Jack and Josie considering what to do next. This is a fitting echo to the closing scenes of WFG where, instead of being trapped in their waiting like Vladimir

⁸GIAW (n 6) 19–25. For a scholarly commentary of this litigation see Matthew Rimmer, 'Waiting for copyright to expire: the legal endgame of Samuel Beckett' (21 April 2023) *Beckett in Central Europe Conference* available at <<http://dx.doi.org/10.2139/ssrn.4422838>>.

⁹GIAW (n 6) 10.

¹⁰GIAW (n 6) 10.

¹¹GIAW (n 6) Jack, 32.

¹²For a legal commentary on the interaction between Beckett's copyright and the freedom of expression see Jonathan Griffiths, 'Not such a "timid thing": the United Kingdom's integrity right and freedom of expression', in Jonathan Griffiths and Uma Suthersanen (eds), *Copyright and Free Speech: Comparative and International Analyses* (Oxford University Press 2005) 211–43. On the playwright's control over their work – including Beckett's over WFG – see generally Luke McDonagh, *Performing Copyright: Law, Theatre and Authorship* (Hart Publishing 2021) 149–79.

¹³GIAW (n 6) 38–39. My paraphrase.

¹⁴GIAW (n 6) 52–55.

and Estragon,¹⁵ in *GIAW* there is a satisfying freedom in the actual departure of Cordelia, Jack and Josie from the stage.¹⁶

A pithy summary of *GIAW* might say that it is intertextuality at its very best. It certainly lived up to the playbill as a 'richly comic',¹⁷ 'cheeky, geeky'¹⁸ production. The performers' bodywork in the clown routines, the lip-synching to excerpts from BBC Radio, the use of lighting, props and other production elements were all well choreographed and astute. The account of the copyright cases is pleasingly accurate, and although the landmarks in the feminist 'megamix' focus on UK and USA events, it correctly attributes the 'Me Too' movement to Tarana Burke in what can be seen as an attempt to decentre white feminism in their discourse.¹⁹ Perhaps my only qualm is the 'acte manqué' of the bowler hat acting as a trigger for Madonna's 'Just like a prayer' when the song is finally played.²⁰ Earlier in the play, this device was used at the end of a hat-swapping sequence, where one of the actors placed a bowler hat on their head which triggered a clip from Madonna's 'Vogue' being played and almost instantly interrupted when they removed the bowler hat in surprise.²¹ Although trite, using this device a second time in *GIAW* would have been a pleasing callback, neatly tying up the loose end of the unfinished 'Vogue' clip, and adding a knowing intentionality to the characters who would have deliberately triggered the music by putting on the bowler hat on the second occasion. That being so, the single use of the device early in the play was sufficient to echo successfully the use of the bowler hat in enabling Lucky's 'Think' in *WFG*.²² It should also be noted that the use of the hat as a trigger for the clip of 'Vogue' is not recorded in those terms in the printed playtext, so it is also possible that its use during the performances varies.

As is often the case, the printed playtext cannot reflect the richness of a performance so clearly rooted in the physicality of the actors' movements or their use of stage effects. For example, reading the stage directions will not create the laughter that resounded in the sold-out theatre I attended (The Playhouse, Sheffield). Consider the following:

¹⁵Samuel Beckett, *Waiting for Godot* (Faber and Faber 2010) 90–91: 'VLADIMIR: Well? Shall we go? ESTRAGON: Yes, let's go. [*They do not move.*]'. On how *WFG* offers no resolution, 'but then, there's no place to go!', see eg Raymond Federman and Lawrence Graver (eds), *Samuel Beckett: The Critical Heritage* (Routledge 1979) 111, 113.

¹⁶*GIAW* (n 6) 61: 'CORDELIA: We're not getting anywhere. JACK: Not going anywhere. (...) JACK: I'm going. (JACK leaves and the others slowly follow (...)).'

¹⁷Julia Rank, 'Godot is a woman', *The Stage* (11 June 2021) at <<https://www.thestage.co.uk/reviews/godot-is-a-woman>>.

¹⁸Claire Armitstead, 'Godot Is a Woman review – cheeky, geeky take on Beckett's men-only rule', *The Guardian* (10 June 2021) at <<https://www.theguardian.com/stage/2021/jun/10/godot-is-a-woman-review-silent-faces-samuel-beckett>>.

¹⁹*GIAW* (n 6) 53.

²⁰*GIAW* (n 6) 58.

²¹*GIAW* (n 6) 24.

²²*WFG* (n 15) 39–42.

They turn away from the audience and apply fake moustaches to their upper lips. 'Boys' by Charlie XCX plays. They dance a comic routine, exploring masculine poses and comically over-sexualised dance moves.²³

Likewise, few will laugh out loud at the court scenes or the (highly inaccurate and offensive)²⁴ depiction of the copyright lawyer, and the comic chaos created by the actors taking turns as judge, claimant, defendant and witnesses is much more engaging on stage than on the page. And so, I would encourage you to seek out a performance of GIAW if you can. Failing that, given the short remaining run of the performances, the playtext provides an opportunity to sit with the written word outside the performance space, and enjoy the clever intertextuality – or dialogue – that GIAW creates with WFG. Indeed, there are myriad echoes and comparisons to be made between WFG and GIAW and a full analysis might for example draw out how the two treat themes of confusion, helplessness, hopefulness and dramatic resolution.²⁵ A comparison could also be made between Jack's 'Tourettic' outburst²⁶ and the objections that Vladimir and Estragon make to Lucky's Think,²⁷ what they reveal of the authors' thinking on the human experience, and what these symbolise in terms of power relations between the characters. Thinking about the characters as an ensemble, where WFG's characters are 'baffled innocents who have little understanding of their roles in a world that is of someone else's making',²⁸ those in GIAW are active participants in challenging the structures of that world. Other parallels could be made between the importance given to clowning in both WFG and GIAW,²⁹ between the oppressive force of Godot's absence in WFG and that of Beckett and his estate in GIAW, or how both might personify the invisible constraints of institutional oppression.

Whilst all interesting avenues of thought, one of the main achievements I would like to credit GIAW with is that it makes accessible to a generalist audience questions about the role of copyright law in perpetuating gender discrimination.³⁰ The Silent Faces production is not the first interpretation to

²³GIAW (n 6) 30.

²⁴Just as the effects of the printed playtext of GIAW may not give the full comedic effect to its words, the sarcasm of my remarks may not have translated to the page.

²⁵On themes of confusion, uncertainty, waiting and hope, see eg Rónán McDonald, 'Waiting for Godot and Beckett's Cultural Impact' in Dirk Van Hulle (ed) *The New Cambridge Companion to Samuel Beckett* (Cambridge University Press 2015) 48–59.

²⁶GIAW (n 6) 27.

²⁷On embodiment and Beckett's coprolalic and Touretic use of language see eg Ulrika Maude, 'Beckett, Body and Mind' in Dirk Van Hulle (ed), *The New Cambridge Companion to Samuel Beckett* (Cambridge University Press 2015) 170–84.

²⁸See Graver (n 1) 92.

²⁹See eg Mary Bryden, 'Preface' in Samuel Beckett, *Waiting for Godot* (Faber and Faber 2010) vii–xviii, ix.

³⁰Note the terms 'generalist audience', as whilst the audience will be likely wider than Beckett-, copyright- and queer scholars, theatre-goers in Britain cannot be said to be fully representative of the general public. See generally Dave O'Brien, 'Class and the Problem of Inequality in Theatre' (2020) 40(3) *Studies in Theatre and Performance* 242–50.

challenge the strict control of WFG performances,³¹ nor is it the first interrogation of the role of gender in WFG.³² What GIAW achieves, however, is to share with a broad audience the story of Beckett's rule that only men must perform WFG, and to popularise an intersectional feminist critique of the ensuing actions taken by Beckett and his estate.³³ This is done in a comedic and thoughtful way, but in a way that makes accessible the arguments for gender equity.

GIAW in the classroom

First, law in literature scholars might enjoy GIAW for its depictions of copyright law, moral rights, authorial control, but also court proceedings (as discussed above), since the perception of copyright law is central to the narrative arc of GIAW.

Second, GIAW would make a useful classroom example for any copyright educator. When put in conversation with the Beckett litigation, which is often dismissed in copyright treatises as a mere footnote on the moral rights' regime, GIAW presents an opportunity for a critical engagement with moral rights' protections. The treatment of the moral right of integrity is what creates the perceived problem, as this right grants to authors the right 'to object to any mutilation, deformation or other modification of, or other derogatory action in relation to, the work that would be prejudicial to the author's honor or reputation'.³⁴ Beckett's and his estate's enforcement of the rule that only actors who are men can perform WFG are some of the rare examples of authors successfully enforcing their moral rights – rights that are often portrayed in jurisdictions such as the UK as being less important than copyright's economic rights, and usually less successfully enforced in court.³⁵ As such, it could be expected that authors and their representatives would vehemently celebrate this success.³⁶ But when the successful defence of moral rights' protection perpetuates gender discrimination – inter alia by excluding actors from performing a play on the sole ground of those actors' gender – 'success' does not feel like the appropriate label. GIAW encourages

³¹Dave Hanson, *Waiting For Waiting For Godot* (Oberon Modern Plays 2016).

³²Cobi Bordewijk, 'The Integrity of the Playtext: Disputed Performances of *Waiting for Godot*' (1992) 1(1) *Samuel Beckett Today / Aujourd'hui* 143–57; Ryan Wright, 'Gender and Power in *Waiting for Godot*' (2016) 18 *The Oswald Review: An International Journal of Undergraduate Research and Criticism in the Discipline of English*, Article 3; Elin Diamond, 'Feminist Readings of Beckett' in Lois Oppenheim (ed), *Palgrave Advances in Samuel Beckett Studies* (Palgrave Macmillan 2004) 45–67.

³³For a critique of Beckett's use of moral rights, see Carys Craig and Anupriya Dhonchak, 'Against Integrity: a Feminist Theory of Moral Rights, Creative Agency and Attribution' in Ysolde Gendreau (ed), *Research Handbook on Intellectual Property and Moral Rights* (Edward Elgar 2023) 60–80.

³⁴Article 6bis Berne Convention for the Protection of Literary and Artistic Works 1886.

³⁵As demonstrated by the mixed success of the estate in upholding the rule. See generally Rimmer (n 8).

³⁶As did the French authors' rights organisation, the Société des Auteurs et Compositeurs Dramatiques (SACD), when they provided support for the Beckett estate in 'Godot', Tribunal de Grande Instance de Paris (The High Court of Paris), 15 October 1992, 155 RIDA 225 (1993). See also Rimmer (n 8).

conversations about the appropriate interpretation of the letter of the law: does WFG really lose its integrity when performed by actors who are gender non-conforming, non-binary or women? Is the law fair if it considers such a performance to be prejudicial to Beckett's 'honor or reputation'?³⁷ Is this reliance on the right to integrity any more defensible in the case of an author such as Beckett whose work is deeply interested in the physicality and biological degradation of the human body?³⁸

With these questions in mind, *GIAW* will be useful for discussions by Beckett readers, as well as for gender theorists. Whose rights are really being called into question when there is insistence an actor must have a prostate to perform a particular role?³⁹ Gender is a social construct, and Beckett's 'men only' rule clearly conflates gender and sex based on the belief that only men have a prostate, and the latter being necessary for an actor to perform WFG. This rule and its treatment in copyright law further perpetuate a dimorphic conception of gender as tied to the body, and assumptions that gender is stable as opposed to fluid and situational. This in turn raises the questions of how the rule is enforced in practice, what assumptions are the estate making, and what diagnostic evidence is required by the estate as proof of an actor's gender?⁴⁰ Are these credentials required of all actors to prove their suitability to perform WFG? QED: the personal is political. *GIAW* then invites wider reflection on the role of law, and acts as a useful reminder that the legal system is not a neutral institution. While none of this involves a novel observation, it is rare to find such an accessible and creative resource to introduce the subject matter of gender and intersectionality to law and humanities students.

Reflections on the canon and forcing creative distance

Some early reflections on the play saw me consider the role of copyright in forcing creative distance between WFG and *GIAW*. A characterisation that has long plagued copyright law is that it could become a monopoly and an 'instrument of oppression',⁴¹ and that copyright protection creates

³⁷For a legal comment on these questions see generally Rimmer (n 8). On authorial control and performance see also Toni Lester, 'Questions of Trust, Betrayal, and Authorial Control in the Avant-Garde: the Case of Julius Eastman and John Cage' (Summer 2019) 23(2) *Marquette Intellectual Property Law Review* 175–194.

³⁸See eg Maude (n 27).

³⁹See the prostate scene in *GIAW* (n 6) 41–42.

⁴⁰For a comment on the reductive, medicalised and binary perception of gender that the law adopts, see eg Isaac West, *Transforming Citizenships: Transgender Articulations of the Law* (New York University Press 2014). For a proposal on how to render (US) copyright law more inclusive of African American work, including by promoting bodily autonomy, see Tony Lester, 'Treating Creative Black Intellectual Property Ownership as a Human Right' (6 July 2020) at <<http://dx.doi.org/10.2139/ssrn.3644691>>.

⁴¹See eg the warnings in *Hanfstaengl* as quoted in *Hawkes & Son v Paramount Film* (1934) that copyright should not be turned into 'the instrument of oppression or extortion'. See also *Chappell & Co v D C Thompson* (1934). Likewise that copyright should not be a monopoly see eg Sargent J in *Corelli v*

closure around the protected work. In this way, copyright law is a form of policing speech, requiring either compliance with the terms of a licence, or creative distance between the protected work and any future works. Seen in this light, such policing by copyright engages freedom of expression concerns, concerns which have often been raised about Beckett and his estate in enforcing the rule at issue here.⁴² But contrary to the conventional critique of legal overreach by the Beckett estate, during the performance of GIAW, I observed a 'but for' test forming in my mind: but for Beckett's rule that excludes actors who aren't men from performing WFG, it is unlikely that Silent Faces would have devised and produced GIAW. Ergo: the prohibitive effects of copyright and moral rights' protection yield a net positive: GIAW. Another consideration, also informed by my training in copyright law, is the market impact of GIAW on that of WFG – and one could easily conclude that GIAW bolsters the market for WFG as it invites parallel readings of the works – or better yet, parallel viewings of the performances. Again, thank you copyright law.

This highlights an alternative conception of the power of copyright law: rather than leading to a closure of discourse, GIAW demonstrates the possible productive power of this law in how its authors talk back to Beckett's limited interpretation of who should perform WFG. Beckett projected a desire on how his vision of WFG should be managed, and in some states, copyright law has enforced that vision and created a boundary around the work, and a denial of its performance. But this control does not leave a void. Instead, it is a space which the authors of GIAW have populated: with GIAW, they acknowledge the legal framework and the possibility for legal power as a negative force, and they position themselves in relation to that. In so doing, they change the nature of the conversation, revealing – in a productive and interesting way – a legal boundary that otherwise might not be visible. Employing the law as a productive, positive tool to add their own contribution to the discourse, they create a conversation that otherwise might not have occurred.

I am likely not alone in being glad that Silent Faces devised, wrote and performed GIAW. The challenge that they raise to copyright law is an important one. How can we celebrate the benefits of copyright's creative distance arguments when applying it excludes actors of genders other than men from performing the canon? Forcing creative distance in this situation excludes actors who are gender non-conforming, non-binary or women, for example, from participating in the canon. Instead, they are subordinated to only being able to enter into dialogue with WFG. With this rule then, Beckett and his estate, and the copyright regime that upholds the rule, *de facto* relegate

Gray (1912–1913) 29 *Times Law Reports* 570–72 and Warrington J in *Rees v Melville and Others* (1914), *MacGillivray's Copyright Cases 1911–1916* 168–75.

⁴²See eg Matthew Rimmer, 'Damned to Fame: The Moral Rights of the Beckett Estate' (2003) 24(5) *Incite* 10. See also Griffiths (2005) and McDonagh (n 12); and Craig and Dhonchak (n 33).

actors of genders other than men to the periphery of the canon – enforcing a discriminatory ‘othering’.⁴³ Moreover, when the universal message of WFG can only be shared if pronounced by actors who are men, copyright law is complicit in perpetuating the idea that the universal, the ‘neutral’, the default experience and measure, is that laid down by men.⁴⁴ This reinforces a patriarchal hierarchy: to be human, first and foremost, is to be a man. This in turn implies that all other genders must measure themselves against the experiences of men.

There is an obvious critique to be made here of WFG, and the role of a literary canon in general. Certainly, GIAW is not an ‘ad hominem’ attack, nor is it a call for dismissing WFG and other works by Beckett (to infamous calls of ‘cancel culture!’),⁴⁵ yet labelling GIAW as homage⁴⁶ and merely derivative⁴⁷ feels diminutive.⁴⁸ What it presents the audience with is an opportunity to reflect on the role of the canon in literature, the place we afford works and their authors in that canon – and to consider what role copyright law plays in perpetuating these biases in favour of works by men.⁴⁹ Scholars disagree over the most suitable approach to correct this bias, with some undertaking restorative projects which seek to rewrite the canon with a more diverse group of authors and works, achieving retrospective justice for those who have been marginalised. More radical feminists propose to write new canons, presenting the only effective way to defeat the patriarchy as the exclusion of men from the institutions that were built by, and to serve, them. Others call for caution over risks of entrenching artificial and

⁴³For a commentary on power dynamics and interpretive freedom, see eg Lester (n 37) 191: ‘[is] the only way for performers on the margins to have more agency when they perform the work of majority culture creators is to abandon the idea of collaboration altogether and converse with it in the abstract by creating legally contested parodies or other forms of critique against the will of the originators?’. See also generally Anjali Vats, ‘Prince of Intellectual Property: On Creatorship, Ownership, and Black Capitalism in Purple Afterworlds (Prince in/as Blackness)’ (2019) 30 (2) *Howard Journal of Communications* 114–28.

⁴⁴On the supposed universality of WFG see eg Dirk Van Hulle, ‘Introduction: A Beckett Continuum’ in Dirk Van Hulle (ed) *The New Cambridge Companion to Samuel Beckett* (Cambridge University Press 2015) xvii–xxvi. See also McDonald (n 25); and Graver (n 1) 101: ‘For if there is now a common consensus about *Godot*, it is that the play is endlessly open and accessible, not only to interpretation but to understanding.’

⁴⁵See eg The Brooklyn Museum’s exhibition ‘It’s Pablo-matic: Picasso According to Hannah Gadsby’ and its reception.

⁴⁶Rank (n 17).

⁴⁷See in particular Graver (n 1) 87, who claims that ‘The best of his successors do not borrow from Beckett, nor do they write works that are derivative.’

⁴⁸One might also highlight how pitching GIAW as homage to WFG fits a pattern of internalised false belief, where the status and works of men should not be challenged, threatened or undermined, and that one must be submissive to men, dutiful, modest, obedient, and so on. See generally Erika Rackley and Rosemary Auchmuty, ‘Women’s Legal Landmarks: An Introduction’ in Erika Rackley and Rosemary Auchmuty (eds), *Women’s Legal Landmarks: Celebrating 100 Years of Women and Law in the UK and Ireland* (Hart 2018) 1–21.

⁴⁹Other recent projects inviting similar reflection include for example Pauline Harmange (translated by Natasha Lehrer), *I Hate Men* (HarperCollins 2022), and Katy Hessel, *The Story of Art (Without Men)* (Cornerstone 2022).

universalist gender 'difference'. Others still challenge the notion of canon altogether as it symbolises a form of institutional privilege.⁵⁰

Against this context, is GIAW complicit in perpetuating the dominant place that WFG holds in the canon? Is its inherent quality diminished by being a work defined by its relation to the work of a man? In their press tour, the actors are open about their pragmatic choice of subject with GIAW as a mechanism to attract a wider audience and gain more visibility than their previous works had.⁵¹ This adds to the discourse around GIAW and its subject matter, and invites reflection on the practical limitations of radical thought, and on the necessities of working within the confines of the system.

This observation brings me to a comment made by copyright scholar Matthew Rimmer who highlights the irony of the use of copyright notices in the publication of GIAW.⁵² This comment reflects a commonly held binary conception of whether to publish with or without copyright notices. This positioning oversimplifies the available choices.⁵³ An alternative way of considering this issue is to explore how people's intersecting identities confer power, privilege and disadvantage. How institutional and structural inclusion and exclusion intersect is complex and multi-layered; the immediate economic reality of many professionals in the performing arts,⁵⁴ the demands of a commercial publishing company, the level of copyright literacy and negotiating power of all involved are only some of these layers. Moreover, we live in a commodity culture and although many would argue that they should be, not all who are critical of patriarchal structures are critical of neoliberal capitalism. Another consideration to be borne in mind is the timing of some calls to abolish copyright structures which have been seen

⁵⁰For a survey of different currents of feminist legal thought, including pragmatic and radical approaches, see Vanessa E Munro and Margaret Davies (eds) *The Ashgate Research Companion to Feminist Legal Theory* (Routledge 2018). See also generally Dorota Gozdecka and Anne Macduff (eds), *Feminism, Postfeminism and Legal Theory: Beyond the Gendered Subject?* (Routledge 2019). On the role of copyright in shaping gendered definitions of 'art', see eg Kathy Bowrey, 'Copyright, the Paternity of Artistic Works and the Challenge Posed by Postmodern Artists' (1994) 8(3) *Intellectual Property Journal* 285–317; Shelley Wright, 'A Feminist Exploration of the Legal Protection of Art' (1994) 7(1) *Canadian Journal of Women and the Law* 59–96.

⁵¹As per the GIAW cast's own admission in their press tour: see eg 'Episode 322. Live from the Edinburgh Fringe with Celya AB, Cordelia Stevenson, Jack Wakely, Josie Underwood' *The Guilty Feminist* (podcast) (5 September 2022) available at <<https://guiltyfeminist.com/episode/?episode=419>>.

⁵²Rimmer (n 8).

⁵³For a feminist exploration of choice and negotiations, see eg Wright (n 50) 85. See also generally Irene Calboli and Srividhya Ragavan (eds), *Diversity in Intellectual Property: Identities, Interests, and Intersections* (Cambridge University Press 2015). See also Carys J Craig, 'Symposium: Reconstructing the Author-Self: Some Feminist Lessons for Copyright Law' (2007) 15(2) *American University Journal of Gender, Social Policy & the Law* 207–68.

⁵⁴See Heidi Ashton, 'Not Here to Help – Equity Members' Experiences of UC and the Minimum Income Floor' (Equity 2023) at <<https://www.equity.org.uk/campaigns-policy/policy-work/universal-credit-report>> which found that 'the average earnings in the cultural and creative industries are £15,270 (after expenses, but before tax). This is less than half of the median pay for UK full time employees of £33,280. 94% of respondents earned less than this amount.' See also Amy Thomas, Michele Battisti and Martin Kretschmer, 'Authors' Earnings and Contracts' (CREATe 2022) which reported median earnings for primary occupation authors from their self-employed writing of only £7,000.

with suspicion.⁵⁵ And so, the other points raised by Rimmer about the inequalities and injustices embedded in copyright law remain important, and many – this author included – share in a desire to reimagine the current system.⁵⁶ As stated by Audre Lorde: ‘the master’s tools will never dismantle the master’s house’.⁵⁷

Parting thoughts

GIAW is a small act of defiance, within the constraints of a neoliberal and patriarchal capitalist system, that invites the audience to reflect on the significance of controls over performing WFG, and by extension on the significance of controls over participating in and shaping the dominant culture. It contributes to the critique of structures that perpetuate gender discrimination in a way that has the potential to get people talking and thinking about fairer, and more inclusive alternatives. There is always more that can, and must, be done, and the onus is on each of us – individually and as a collective – to continue to work towards achieving equity in whatever ways we can.

Acknowledgement

The author would like to thank her critical friends and colleagues, particularly Professor Kathy Bowrey, for providing very helpful advice and comments on earlier drafts.

Disclosure statement

No potential conflict of interest was reported by the author.

⁵⁵See generally Toni Lester, ‘Oprah, Beyoncé, and the Girls Who “Run the World” – Are Black Female Cultural Producers Gaining Ground in Intellectual Property Law?’ (Spring 2015) 15 *Wake Forest Journal of Business and Intellectual Property Law* 537–62, 547.

⁵⁶See generally Elizabeth L. Rosenblatt, ‘Copyright’s One-Way Racial Appropriation Ratchet’ (2019) 53 *UC Davis Law Review* 591–661, 594; Lester (n 40); Craig and Dhonchak (n 33). See more generally Rebecca Giblin and Kimberlee Weatherall (eds), *What if we Could Reimagine Copyright?* (ANU Press 2017).

⁵⁷See Audre Lorde, *The Master’s Tools will Never Dismantle the Master’s House* (Penguin Classics 2018).