

In Central London Employment Tribunal

BETWEEN:

Seyi Omooba

Claimant

-v-

(1) Michael Garrett Associates Ltd (t/a Global Artists)

(2) Leicester Theatre Trust Ltd.

Respondents

Expert report of David Lloyd Evans

1. I, **David Lloyd Evans**, have been instructed by Seyi Omooba's legal representatives, Christian Legal Centre, to provide an expert opinion in relation to her removal from the cast of *The Color Purple*.
2. I understand my duty to the Tribunal as an independent expert witness, and I have complied with that duty. I am aware of the requirements of Civil Procedure Rules Part 35, Practice Direction 35A, and the Guidance for the Instruction of Experts in Civil Claims 2014.
3. In this report, references in square brackets are to **[volume / pdf page number / bundle page number]** in the agreed trial bundle.
4. In my report I have used the word 'play' to refer to various kinds of dramatic work, including *The Color Purple*. Technically the show is a musical, but that distinction isn't relevant to this report.

Qualifications and relevant experience

5. I am a theatre-maker and a professional theatre critic. I have reviewed plays for *the Spectator* since 2003. I've covered the West End, the London fringe and the Edinburgh festival. In the last 17 years I've seen and reviewed roughly 1600 plays.
6. I have written and produced my own plays in London and at Edinburgh. I've had experience holding auditions, casting actors for roles, and working as an assistant to the director.
7. I have also written drama for Radio Four and BBC TV.
8. At school I studied drama as part of my O- and A-levels in English literature. I took classics at Oxford (Balliol) where I read Aeschylus, Sophocles and Euripides in the original.

My instructions, and material relied on in preparing this report.

9. I am asked by the instructing lawyers (Christian Legal Centre) to address the following issues in this report:
 - (1) How important it is for an actor or actress to agree with the ethical views and/or feelings of (a) the character they are playing, (b) the playwright, and/or (c) the Director?
 - (2) Would you consider Miss Omooba's religious beliefs to make her unsuitable for the role of Celie in *The Colour Purple*?
 - (3) Whether Miss Omooba's involvement in the play would have jeopardised (a) the integrity of the production as a work of art, (b) its commercial success and (c) its overall viability.
10. I have been provided with, and considered, the following material:
 - (1) Particulars of Claim against Leicester Theatre Trust Ltd.;
 - (2) Particulars of Claim against Michael Garrett Associates (t/a Global Artists);
 - (3) Ground of Resistance on behalf of Leicester Theatre Trust Ltd.;
 - (4) Amended Grounds of Resistance on behalf of Michael Garrett Associates;
 - (5) The order of the Employment Tribunal dated 8 January 2020;
 - (6) *The Colour Purple* script;
 - (7) The letter from Alice Walker [G/42/981]

(8) Statement from the authors of the musical [G/48/987]

11. Additionally, I have read reviews of the production of *The Color Purple* at Leicester Curve in the *Guardian* and the *Stage*.
12. I have also read a synopsis of the original novel by Anne Walker, and I watched the film version directed by Steven Spielberg.

Issue 1: How important is it for an actor or actress to agree with the ethical views and/or feelings of (A) the character they are playing and (B) the playwright and/or (C) the director?

13. It is not of any importance for an actor to agree with the ethical views or the feelings of a character in a play. Were that necessary, the art of drama would not exist, and many of the plays we regard as classics would be impossible to stage.
14. Consider one of the corner-stones of dramatic literature, '*The Agamemnon*', by Aeschylus. Briefly, the action is as follows. Agamemnon returns home from the Trojan War with a captive princess, Cassandra. He finds his wife, Clytemnestra, having an affair with a local grandee, Aegisthus. Clytemnestra is enraged by the presence of Cassandra. She kills Agamemnon in his bath with an axe.
15. The characters in this play condone a range of actions and attitudes that we, in the modern age, find repugnant. Agamemnon is a war-monger who keeps a sex-slave. His wife murders him in revenge for his liaison with Cassandra.
16. It would be impossible to produce this work if the actors cast as Agamemnon and Clytemnestra had to embrace the moral universe of their characters. How many actors share Agamemnon's belief that wars of aggression are permissible and that taking a sex-slave as a spoil of war is acceptable? How many actresses would claim that an unfaithful wife is entitled to chop her husband to pieces in the bath if she finds he has been unfaithful to her?
17. Does the same apply to the feelings of the character? In my opinion, it does.
18. Consider Shakespeare's '*Othello*'. Othello is tricked into believing that his faithful wife, Desdemona, is an adulteress. Basing his judgement on flawed evidence, Othello murders her.
19. It would take a superhuman effort to cast Othello in this play if the search were restricted to actors who sympathise with Othello's jealous feelings and who believe that

he is justified in murdering his wife. Even if such an actor could be found, the rest of the cast would probably consider him too dangerous to be allowed into the rehearsal room. And no one, (especially the actress playing Desdemona), would be willing to perform alongside him.

20. The same principle applies to the ethical views of the playwright. Few of us would agree that a man is entitled to shoot another man dead with a pistol. This is exactly what the Jacobean dramatist, Ben Jonson, did when he killed a colleague, Gabriel Spenser, in a duel. Jonson pleaded guilty to manslaughter. But it would be an eccentric actor who declined a role in a work by Ben Jonson because the playwright was a successful duellist.
21. In relation to the ethical views and feelings of the director, the matter is more complicated. It would be an unwise actor who probed too deeply into the ethical views of a director and turned down work because of a disagreement over some moral issue. Most actors would consider the views of the director as something best ignored.
22. The issue of the director's feelings is as follows. It's not necessary for an actor to agree with the director's feelings unless those feelings are expressed in relation to the actor's performance. In that case it's extremely important for the actor to agree with the director's feelings.

Issue 2: Would you consider Miss Omooba's religious beliefs to make her unsuitable for the role of Celie in *The Color Purple*?

23. I would not.
24. As argued above, it is fallacious to claim that an actor must endorse the moral code of the character they are playing. The fallacy is based on a misunderstanding of the actor's craft and how it differs from the work of other artists.
25. Consider a writer, a painter or a composer. An artist of this kind must be entirely seized by the passions, feelings and thoughts they wish to express in their work. If they are not sincere about their work then it is unlikely to succeed artistically.
26. An actor is under no such obligation.
27. The actor assumes a mask and convinces the audience that the mask, or persona, is real. After leaving the stage, the actor removes the mask and returns to their true personality. The ability to switch between an on-stage and an off-stage self is the essence of the

actor's talent. The more skilful they are, the greater their capacity to disguise their own nature and to inhabit the character they are playing. This leaves actors open to the charge that they are insincere people. However it is exactly this quality of insincerity, (or the power to dissemble, if you like), that enables them to practise their trade. Miss Omooba's accuser, Mr Lambert, unwittingly acknowledges this when he calls her a 'hypocrite'. The word derives from the Greek for 'actor.'

28. *The Color Purple* is set in the American South during the first half of the 20th century where weekly attendance at church was almost universally practised. If Miss Omooba is deemed unsuitable because of her personal beliefs, the same might be said of cast members who are not devout Christians.
29. In coming to my conclusion on this issue, I have taken into account (a) the significance of the lesbian affair between Celie and Shug in the musical and (b) the views of the authors of the novel and of the musical. I discuss those two sub-issues below.

Concerning the role of lesbianism in the story

30. The musical version of *The Colour Purple* gives lesbianism and Celie's affair with Shug much more prominence than they had in Steven Spielberg's film, where it is presented as a short fling. It seems clear from the script of the musical that Celie is a lesbian and that Shug is bisexual. They have an affair but it doesn't become a lifelong romance because Shug has a preference for men. It does not necessarily follow that the show promotes lesbianism. It features lesbianism; it also features jazz and cooking but it doesn't promote them. The story involves scenes of rape, incest and misogynistic violence but, again, it doesn't promote these activities.
31. Another way to look at the question of lesbianism and whether the play promotes it or not is to observe the internal choices made by the authors. It's normal for a dramatist to underline the essence of their work at the two most emphatic moments of the play, namely, at the end of the first act before the interval, and at the conclusion of the play before the curtain falls. At the end of the first act Celie is seen clutching a letter from her sister. 'She's alive. Nettie's alive,' she says. At the end of the play, Celie has the closing line, 'Nettie. My Nettie home.' By making these choices, the authors are sending a strong signal that the play centres around family kinship and the relationship between Celie and her sister. Romance and lesbian love are elements in the play but they are not crucial to it. Anyone claiming that *The Color Purple* 'promotes' lesbian

love would have to explain why the script ignores the two best chances to broadcast this message by omitting any mention of lesbianism at the end of act one and at the end of the play.

32. It's worth looking at the show's publicity material which doesn't mention lesbianism. Audiences are invited to see a drama that 'celebrates life, love and the strength to stand up for who you are.' If that is a reference to homosexuality it's an exceptionally coy one. In addition, play-goers are warned to expect 'themes of rape, abuse and incest, with overt racism and sexism.' This list of themes doesn't include homosexuality nor its negative converse, homophobia.
33. The Guardian's review of the show at Leicester Curve doesn't mention lesbianism or homosexuality. It talks of 'female empowerment' and of Shug Avery as a character 'unapologetically driven by her passions.'
34. Let me address the suggestion that the actor playing Celie would be unsuitable for the role if she disagreed with the interpretation that the character is a lesbian. It seems clear enough that Celie is a lesbian and it's also clear that Ms Omooba sincerely believes that lesbianism is at variance with the precepts of her faith. But it would be bizarre to suggest that an actress would be unsuitable for a role if she disagreed morally with the actions of her character. If that were the case, an actress would have to agree morally with all her character's word and deeds.
35. It's important not to misunderstand the actor's craft. Acting is about imitation, about creating credible resemblances, about appearing to be the thing you are not. And a talented actress can easily present herself as a character whose morality she personally disparages.
36. Celie is more than just a lesbian. She's also a victim of incestuous rape. She states that her father, known as Pa, who has raped many times, has rights over the baby produced as a result of his most recent rape. Celie says, 'He the baby's daddy. It's his to decide, I guess.' I doubt if anyone alive would agree with that moral position.
37. Similar instances occur throughout the story. The leading female characters are strongly for and against Christianity. Celie is a devout believer. 'This life'll soon be over. Heaven lasts always.' Shug is proud of her lack of faith. 'Don't say church to me,' she says. It would be eccentric to insist that the actresses playing Celie and Shug must be Christian and atheist, respectively. And consider Shug's first words to Celie 'You're

ugly.’ This is a monstrously cruel insult given that Shug is having an affair with Celie’s husband. Must the actress playing Shug believe that such unkindness is morally acceptable?

38. Likewise Celie’s father endorses Mister’s right to whip Celie. ‘She gon’ be his wife, he do what he want,’ says Pa. And Mister claims that a beating will be good for Celie. ‘Wives is like chirren. Nothin better for ‘em than a good, sound beating’. It would be impossible to find actors who hold the moral positions of these characters. Pa believes that violence against women is justified. Mister says that women benefit from violence. I think it’s fair to say that virtually all men nowadays profoundly reject that out-of-date moral code. So it seems in all four of these roles, (Celie, Shug, Pa and Mister), the actors must conceal their disapproval of the characters they are playing. If they can’t do so, their performances will fail.

Alice Walker’s letter

39. The author of the novel, Alice Walker, has written a letter about this case [G/42/981]. The producers seem to value her comments highly. But I wasn’t convinced by her argument and I set out a response to it below.

40. Alice Walker, the author, makes her views clear about Miss Omooba’s case:

‘Playing the role of Celie while not believing in her right to be loved, or to express her love in any way she chooses, would be a betrayal of women’s rights to be free.’

41. This is an overstatement. Celie is a fictional creation in a novel that became a film and later a musical. It’s fanciful to suggest that the choices of Celie – who let us remember doesn’t exist – represent ‘women’s rights to be free’.

42. Although Alice Walker speaks with great authority as the writer of the book she is still capable of delivering an erroneous judgement about the actors in a dramatisation of her work. And she makes it clear that she has made a judgement against Ms Omooba by calling her religious beliefs ‘a betrayal.’

43. She goes on:

‘As an elder I urge all of us to think carefully about what I am saying even as you, Oluwaseyi Omooba, sue the theatre for voiding your contract. And

this is just an episode in your life; your life, your work, and your growth will continue in the real world.'

44. The phrase 'your growth will continue in the real world' gives the impression that Miss Omooba's views are not yet fully formed and are likely to undergo further development. It's unclear from what authority Ms Walker makes this assessment of Miss Omooba's beliefs.
45. It's worth considering how Ms Walker's judgement would apply to a play like Shakespeare's 'Julius Caesar'. In this play Brutus murders the tyrant, Caesar, in order to defend the freedom of the Roman people.
46. Is it essential that the actor playing Brutus should believe that killing a dictator is justified? I would say not. And if the actor happens not to believe that the killing of a dictator is justified, would that actor's belief amount to 'a betrayal of men's rights to be free'.
47. Clearly not.
48. Brutus's killing of Caesar is the action of a character in a play. This single act of simulated violence on stage does not represent all men or all men's rights. Likewise, if the actor playing Brutus disapproves of Brutus's actions then that actor is not compromising all men's 'rights to be free'.
49. Yet this is the charge Ms Walker is levelling against Ms Omooba. She is saying that Ms Omooba's religious beliefs are 'a betrayal of women's rights to be free.'
50. This is a musical, not a pivotal moment in the history of feminism.
51. A genuine example of 'a betrayal of women's rights to be free' might be found in the laws that prevented women in Britain from voting until 1918.
52. The religious beliefs of an actor in a musical do not meet the standard Ms Walker wishes to set.
53. However, it's easy to see how Ms Walker might have convinced herself that her hugely successful novel, and the Oscar-nominated film it spawned, have a greater cultural significance than they actually bear.

Issue 3: Would Miss Omooba's involvement in the play have jeopardised (A) the integrity of the production as a work of art, (B) its commercial success and (C) its overall viability?

54. The answer to (A) is no. As outlined above, Miss Omooba's personal beliefs would not have affected her ability to play 'Celie' and would not have jeopardised the integrity of the production. The same answer applies to questions (B) and (C).
55. In a general way, this question seeks to discover if a theatre-maker can contribute successfully to a dramatic work in which the characters and the actions portrayed are at variance with the artist's personal faith. The example of Martin Scorsese is instructive. He's a cradle Catholic who still practises today and yet he has made many films in which the characters deliver speeches and perform actions which are not condoned by the teachings of Catholicism.
56. Two of Martin Scorsese's best known films are *Mean Streets* and *Goodfellas*. Both films involve characters who engage in violence, extortion and drug-dealing which are contrary to the precepts of Catholicism. In neither of those films are those actions – or sins as Catholics would call them – condemned. At the end of *Goodfellas*, the main character is on a witness protection scheme and is unable to operate as a criminal. This might be an opportunity for him to redeem himself morally and atone for his previous wrong-doing. But he seems to feel no sense of salvation or moral relief in his new life. On the contrary, he expresses his frustration that the excitement of gangsterism is no longer part of his experience. It's not surprising then that *Goodfellas* is regarded as a film that glamorises violent crime and makes the lives of gangsters attractive and appealing.
57. As regards the allegation that Miss Ommoba's involvement could have jeopardised commercial success of the production, I am aware that there was a campaign against Miss Omooba on social media, which included threats to boycott the production. However, whether that would have jeopardised its commercial success is a complex question with several imponderables.
58. My first reaction is to state the truism that all publicity is good publicity. Having promoted and produced plays myself, I know how hard it is to get any coverage at all, even on the arts pages of newspapers and websites. And a publicist cannot be satisfied with a single mention, or a single interview, or a single feature. A show needs to be mentioned multiple times in different publications before it will cut through to the public. And the great prize, as far as publicity is concerned, is to get the production off the arts pages and into the news pages where it will gain more attention and perhaps

even become a ‘water-cooler’ topic. My view is that ‘public anger’ would benefit the production from a commercial point of view. And all the publicity derived from the ‘anger’ would have the additional advantage of being free.

59. The question of threats to boycott the production is harder to judge without knowing how successful any boycott would have been. It might easily have backfired. People like to do things they’ve been told they must not do, and a boycott of the show could, perversely, have boosted the box-office. It’s easy to threaten a boycott but harder to make it work in the way the boycotters intend. Because Miss Omooba was removed from the show before a boycott was in place no one can rule on its ability to affect the show’s commercial prospects.
60. Although my reaction, as a producer, would be to welcome any ‘public anger’ about a show, I can’t say with certainty that my attitude would have been shared by the theatre itself or its publicity agents. Theatres know how to promote shows to play-goers but the business of managing a controversy in the news might be beyond their experience. It seems likely that they responded to the threat by acceding to the wishes of the boycotters.
61. It’s worth considering the assumptions made by those threatening a boycott. Miss Omooba did nothing more than express a religious belief which provoked fury among certain actors. The attitude of these actors strikes me as intolerant. And their assumption that play-goers would share their illiberal view seems to me presumptuous and even insulting to the people who support the theatre.

Summary of conclusions

62. It is not of any importance for an actor to agree with the ethical views or the feelings of a character in a play, the playwright, or the director.
63. I do not consider that Miss Omooba’s religious beliefs make her unsuitable for the role of Celie in *The Colour Purple* (despite acknowledging that the lesbian affair between Celie and Shug is made relatively prominent in the musical version).
64. I do not agree with Alice Walker’s comment to the effect that if Celie was played by Miss Omooba, that “would be a betrayal of women’s rights to be free”. For the reasons detailed above, with all due respect, I find that comment bizarre.

65. I do not agree that Miss Omooba's involvement in the play would have jeopardised the integrity of the production as a work of art or its overall viability.

66. I do not agree that Miss Omooba's involvement in the play would have jeopardised the commercial success of the production. However, bearing in mind the threats of a boycott made against the theatre, I acknowledge that the theatre may have had genuine fears about that at the time.

Statement of Truth

67. I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Lloyd Evans

12 May 2020
